



21 February 2022

To Whom It May Concern,

I am writing in opposition to [HB 4131](#), which that aims to weaken restrictions on police use of tear gas and munition weapons in the context of political protest. I come to you as a scholar of protest—both its expression and its repression—who has written three books on political dissent as well as numerous scholarly articles and essays for a general audience on the topic of political repression. Based on my research, as well as my fieldwork experience documenting protest activity in Portland during the summer and autumn of 2020, I view loosening restrictions as the opposite direction that we ought to be moving.

Under the 1993 Chemical Weapons Convention, which went into effect in 1997 and was ratified by the US Senate, it is illegal to use chemical weapons like CS gas, or tear gas. The intellectual tentacles of this restriction stretch back to the 1925 Geneva Protocol. And yet, police officers in Portland use tear gas liberally, including to clear non-violent protesters. If tear gas is banned in international warfare, I can't help but wonder why it is permitted in places like Portland, especially when law enforcement has so many additional means of crowd control at its disposal.

After researching and writing about political activism, police containment strategies, and violence for more than two decades, I believe there are two key contextual elements that ought to be foregrounded in this discussion:

- (1) There is an important difference between violence and vandalism. All too often they are falsely equated, and this typically stunts our collective conversations. This often leads to an oversimplified “good protester/bad protester” dynamic that creates space for the use of tear gas and munition weapons to be exerted against protesters, whether by police or counter-protesters.
- (2) Democracy is messy. Freedom of speech and assembly are enshrined in the US Constitution, and in a way, they encourage this messiness through public engagement. In short, it is fair to say that the protests we've witnessed in Oregon since the summer of 2020, at least on one level, point to a healthy society. To be sure, there is no question that we have a lot of ground for improvement, but as you press ahead to make and to re-make laws, I hope you will keep in mind that democracy is messy and protest can be the mark of a healthy society.

In sum, based on my professional experience and as someone who values the freedoms that are embedded in the US Constitution, I oppose HB 4131. Now is not the time to dilute restrictions on the use of tear gas and munition weapons in the context of political protest. If anything, we ought to be moving toward banning these dangerous chemicals from police use-of-force protocols.

Thank you for your consideration,

A handwritten signature in black ink that reads "J Boykoff".

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