

March 29th, 2023

Members of Senate Committee on Judiciary
Oregon State Senate
900 Court St NE
Salem, OR 97301

Re: **SB 348**

Chair Prozanski, Vice-Chair Thatcher, and Honorable members of the Senate Judiciary Committee

This written testimony supplements my testimony provided March 27th, 2023, during the Public Hearing.

My name is Alisha Overstreet. I am a mother, an advocate, a well-educated black woman with a masters in forensic psychology, a law-abiding gun owner, and I **OPPOSE** SB 348-1.

I am writing this today, as I have come to love this state, yet I am quite exhausted of facing the predicament of having to decide which of my and my family's civil liberties and rights I must fight for next - all depending on political narratives and at the behest of those with the privilege and resources to speak louder than those of us within consistently marginalized communities.

When I openly admit to being a gun owner and gun rights advocate, I am often met with reactions that range from '*But you're Black!*' to being ridiculed with words and phrases including but certainly not limited to - being ***too busy seeking proximity to whiteness; house ni**er; porch monkey; traitor to [my] race; and the female version of an Uncle Tom;*** etc.

Therefore, by providing my testimonies, I am very likely putting my safety, my reputation, as well as current and future opportunities and endeavors at significant risk. However, I will speak up for those of us who are too afraid, too weary, too exhausted, and systematically excluded from these conversations.

As several volunteers of Moms Demand Action have used their socioeconomic status (i.e., attorney, psychiatrist, social worker, mental health therapist, etc.) to

demonstrate their perceived expertise on gun violence, I present my testimony with the following:

I hold a masters in Forensic Psychology and have more than 15 years of individual and systems advocacy and advising experience on the local, state, and federal levels ranging in topics from Diversity, Equity, Inclusion & Acceptance, Public Policy, Public Health, the Intersections of Psychology and Law, Behavioral & Mental Health, Civil Rights and Liberties, Oversight and Accountability, Civil Commitment Proceedings, Veterans and their Families, Individuals with Intellectual and/or Developmental Disabilities and their Families, Rural Communities, as well as BIPOC Communities/Populations.

SB 348, Measure 114's legislative counterpart, perpetuates ***racist anti-black sentiments*** deeply seated within Oregon's history, by criminalizing a constitutional right that since 2020 has, once again, been increasingly exercised by black and disabled populations – with black people being one of the fastest growing first-time gun owners in recent years.

The goal of SB 348 is not about saving lives – at least not in the way groups such as Moms Demand Action and Lift Every Voice Oregon try to portray it to be.

Black people are disproportionately represented in Oregon's correction system. In 2018, the [Black youth incarceration rate was 6 times higher than for white youth in Oregon](#). Overall, [Black Oregonians are incarcerated](#) at almost 4x the rate of White Oregonians. Individuals with Intellectual and/or Developmental Disabilities are suggested to represent anywhere [between 4% to 10% of the prison population](#), although they only represent 2-3% of the general population. The [Council of State Governments Justice Center](#) reports that the criminal justice system often does not understand or know how to best identify and interact with individuals with I/DD. There is a longstanding history of segregating and removing individuals with disabilities, particularly those with cognitive disabilities or mental health disorders, as evidenced by stories documenting the horrors occurring within the walls of [asylums and psychiatric hospitals](#) which led to [deinstitutionalization](#) across the country.

Oregon now [ranks 50th for overall MH](#), down from 46th in 2022. And while tax dollars have been thrown at the Mental Health crisis for several years, Oregon still,

consistently ranks towards the bottom in overall mental health accessibility and availability.

SB 348 addresses neither, and in fact, will only perpetuate the criminalization of rural, poor white folks, disabled people, and black folks while using misleading data to advance a politically advantageous narrative while knowingly and willingly perpetuating systemic harms onto already marginalized populations.

Gun Control Laws, now suggested to be Gun *Safety* Laws, are inherently **racist** and **promote systemic oppression** of marginalized and disenfranchised populations! Such laws were put in place to ensure the prevention of slave insurrections against their white masters before the Civil War, often referred to as [Slave Codes](#); and after the issuance of the 1863 Emancipation Proclamation, these laws were re-invented and referred to as [Black Codes](#). Note: [Chinese Immigrants](#) were also not spared from such exclusion laws and the [restriction of Chinese Americans' civil liberties](#), including the right to bear arms, with the passage of the Chinese Exclusion Act of 1882.

[Oregon had its own series of Black Exclusion Laws](#) from its inception in 1859 which essentially made it unlawful for Black people to merely exist in Oregon – therefore, if Black folks were not allowed to exist in Oregon, they also were not provided the privileges and rights of Oregon's Constitution, including *Article I. Section 27 Right to bear arms; military subordinate to civil power.*

[Black Codes](#) and the [Reconstruction era \(1861 -1900\)](#) were followed by the infamous [Jim Crow era](#) (1870s – 1960s); which placed Black Americans into the status of second-class citizens and inconspicuously gave [White racists government-sanctioned authority](#) to discriminate against, segregate, economically disenfranchise, tyrannize and physically and economically harm Black Americans with the use of law enforcement, the justice system, and most notably, by [way of public lynchings](#).

Looking back further, the [Dred Scott v. Sanford decision](#) in 1856 not only demonstrated that Black people (free or enslaved) were, in fact, **not** equal to Whites and should not be recognized as citizens; as it would give “the negro race”

all the protections and rights White people were entitled to – including “the right to keep and carry arms wherever they went” (Former Chief Justice Roger B. Taney). Additionally, this demonstrates that **if Black people were citizens, we could not be subjected to special laws and police regulations deemed ‘necessary for their own protection’ - insinuating that if Black people had the right to bear arms, it would subject White people to the potential “insubordination” and resulting in the endangerment of “peace and safety of the State.”**

Additionally, SB 348 creates a discriminatory system that places people with disabilities, particularly individuals with mental disorders and intellectual and/or developmental disabilities, at significant risk of being criminalized by a **subjective** permitting scheme.

Although, testimony during the invite-only Informational hearing on March 27th, 2023 suggested that SB 348 creates “shall issue” permitting system, it was expressed that there is “some subjectivity” in the permitting process; which clearly suggests that it is NOT a “shall issue” permitting system.

One of the reasons provided that allows for “some subjectivity” is on page 4 of SB 348, line 9, which directs the permit agent to conduct investigations and determine whether the applicant has a *“pattern of behavior involving unlawful violence or threats of unlawful violence sufficient to clearly establish that the applicant has been or is reasonably likely to be a danger to self or to others.”*

This poses a significant problem and demonstrates the likelihood of inconsistent application of an “investigation” depending on the permit agent’s qualifications in determining a behavioral pattern. Professionals within the psychology field, like me, go through years of education, training, professional and lived experience, as well as continued education and professional development to demonstrate these qualifications to make such determinations when necessary.

SB 348 gives this ability to permit agents, who are either yet to be determined or will fall into the purview of law enforcement, significant systemic power to make such life-altering determinations without showcasing any necessity for qualifications. This creates an ethical dilemma, at best, and at worst, detrimental harm to those most vulnerable to the abuse of a permitting scheme.

The stigma surrounding the causality of mental illness on violent behavior is ironically demonstrated with comments and testimony provided on March 27th, 2023, during the Public Hearing in which it was suggested there may be dire consequences of life and death if additional information cannot be accessed by permit agents – this was solely based on a fictitious person with depression!

At this time, I have yet to see any objective data or information provided whether in public hearings or media segments that would give credence to the idea of denying someone their constitutional right to bear arms based on subjective and highly stigmatized storytelling about people with mental health disorders.

Lastly, I urge you to take a look at the following resources:

[Crime Prevention Research Center](#)

[Gun Control is Just as Racist as Drug Control](#)

[Deacons for Defense and Justice](#)

[Meet ‘The Deacons’: Armed Black Christians Who Protected MLK During the Civil Rights Era](#)

[Deacons for Defense](#)

[Serious Mental Illness Prevalence in Jails and Prisons](#)

[Mental Illness and violence: Debunking myths, addressing realities](#)

[Stigma, Prejudice and Discrimination Against People with Mental Illness](#)

[Negroes and the Gun](#)

Thank you for your time and I hope you reconsider the passing of this bill.

Alisha Overstreet