

May 5<sup>th</sup>, 2023

Members of the House Committee on Rules  
Oregon House of Representatives  
900 Court St NE  
Salem, OR 97301

Chair Fahey, Vice-Chair Breese-Iverson, Vice-Chair Kropf, and Honorable members of the House Committee on Rules

SUBJECT: Oppose - HB-2572 -3 Amendments – Paramilitary Activity

My name is Alisha Overstreet. I am a mother and an avid advocate in several areas. I submit this testimony to **OPPOSE HB-2572**.

As a Black woman, I am deeply appreciative of the idea that this expanded definition of ‘civil disorder’ is supposed to hold accountable groups whose intentions are to physically harm, as well as intimidate and obstruct my ability to exercise other constitutionally protected rights and liberties.

However, several portions of this “clarification” of civil disorder seem quite misleading, slanted towards the targeting of groups with specific ideologies and do not account for the totality of currently proposed bills.

Please understand I do not condone nationalist or extremist activity, but I am concerned this bill will have unintended consequences which **must** be weighed before implementation. With this in mind, please consider the following:

- Civil disorder is already defined under ORS 166.660 and is quite clear in its intention.
  - The expanded definition in this bill, in conjunction with other proposed legislations, risks unintended consequences and undue hardships on Oregonians whose actions would currently be legal and not subject to criminal or civil proceedings. Such as:
    - Peaceful assembly with the constitutionally protected right of open and/or concealed carry by a group of likeminded individuals would likely result in either arrests for violating criminal codes derived from HB-2005 or would be subject to investigational inquiry by the AG due to the expanded and quite vague definition of civil disorder.
- Paramilitary activity is already unlawful per the [Office of Attorney General Statement](#).
  - Paramilitary activity prohibition in Oregon is a relatively recent one with Measure 1 (1962) Oregon Reorganization of the State Militia

- The original version of HB-2572 would have broadened the definition of civil disorder so much that it would have included the practice of “corking” and other group coordination to restrict or block traffic preventing others to engage in the exercising of their constitutional rights – i.e., “proceeding down the street” much like we witnessed in Portland in 2020. – as described in [Legislative Counsel Dexter A. Johnson’s](#) ‘Question concerning House Bill 2572.’ However, this wording was ultimately changed in this amendment and demonstrates a likelihood of certain groups being targeted rather than the protection of all Oregonians’ and their constitutional rights, i.e., freedom of movement.
- Physical harm to another person without their consent is also already unlawful.
  - ORS 161.015 already defines Physical force, Physical Injury, and Serious physical injury.
- Intimidation in the second degree is also already unlawful per ORS 166.155.
- In Oregon, we pride ourselves on having one of most innovative voting processes with our vote by mail system.
  - Could you all please clarify how this legislation would prevent Oregonians from voting by mail?
- *Section 1. Subsection 2(a) and (b)(A)* directly impacts Oregonians’ ability to independently research historical contexts without being part of an “education institution authorized by a state or federal government to teach military science.”
  - Please explain how this bill does not violate Oregonians’ first amendment right?
- Section 1. Subjection 2(B)(c) is a **moot point once SB393** continues to get pushed through, as it gives law enforcement the ability to retain this type of information.
  - HB-2572 -3 gives the AG the authority for investigatory inquiry, which would presume the AG to also have the ability to access law enforcement files relating to these cases.
- Lastly, the notion that this is ‘not’ a gun bill and does not impact anyone’s 1<sup>st</sup> amendment right to peacefully assemble is suspect, as best, as:
  - Even if a group of individuals were to open carry (as suggested by the Chief-Sponsor of the bill) during a protest or otherwise peaceful assembly, the vague definitions within HB-2572 -3 could trigger the investigative process by the AG; for instance, the term ‘intimidation’ is significantly broadened from its already existing definition in statute.

- In conjunction with the passage of HB-2005 which **criminalizes CHL holders from legally carrying on adjacent spaces to certain public buildings**, this legislation risks harming Oregonians and restricting Oregonians' constitutional right to peacefully assemble, as well as creating the risk of **economic disenfranchisement for otherwise constitutionally protected liberties** due to the vague descriptions of 'intimidation' and other 'paramilitary activity' within this bill.
  - Meaning, that even if, for instance, a group of individuals peacefully assemble on the adjacent grounds of state capitol and whose protests are in relation to certain civil liberties, this bill gives the AG the power to begin investigations as a result of having "reasonable cause to believe that a person ... is about to engage in paramilitary activity."
- Lastly, I would like to like to point out, yet again, that these types of legislations and regulations were implemented with Slave Codes, Black Codes, and during the Jim Crow era to prevent and restrict the rights of Black folks to peacefully assemble, vote, and protest discriminatory laws as well as state-sanctioned restrictions to civil liberties!
  - [Mulford Act of 1967](#)
    - "Prohibited public carrying of loaded firearms without a permit ... with the goal of disarming members of the Black Panther Party who were conducting patrols of Oakland neighborhoods, in what would later be termed copwatching."
  - "It shall not be lawful for more than five male slaves, either with or without passes, to assemble together at any place off the proper plantation to which they belong." – [Alabama Slave Code](#), 1833
  - Virginia General Assembly passed "[An act for preventing Negroes Insurrections](#)" (1680) –
    - "it shall not be lawfull for any negroe or other slave to carry or arme himselfe with any club, staffe, gunn, sword or any other weapon of defence or offence, nor to goe or depart from of his masters ground without a certificate from his master, mistris or overseer, and such permission not to be granted but upon perticuler and necessary occasions; and every negroe or slave soe offending not haveing a certificate as aforesaid shalbe sent to the next constable, who is hereby enjoyned and required to give the said negroe twenty lashes on his bare back well layd on, and soe sent home to his said master, mistris or overseer. *And it is further enacted by the authority aforesaid* that if any negroe or other slave

shall presume to lift up his hand in opposition against any christian, shall for every such offence, upon due prooffe made thereof by the oath of the party before a magistrate, have and receive thirty lashes on his bare back well laid on.”

A reminder, Section 1 of the 14<sup>th</sup> Amendment reads, in part:

*All persons born or naturalized in the United States . . . are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens . . . nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.*

I, again, urge you to consider the wording and unintended consequences of HB-2572 before casting your vote.

Thank you for your time and consideration.

Respectfully submitted,

Alisha Overstreet