

Submitter: Beth Jones

On Behalf Of:

Committee: House Committee On Economic Development and Small Business

Measure: HB4041

I am a practicing attorney in Oregon who litigates 42 USC §1983 actions (civil rights actions) on behalf of plaintiffs and in defense of local governments. I have reviewed the provisions of the Economic Equity Investment Program (EEIP) and believe the risk factor of “[e]xperience of discrimination because of race or ethnicity” will be litigated under the Fourteenth Amendment Equal Protection clause if not amended. ORS 285B.760(2)(a). While the text itself invites an argument that the law classifies persons based on their “experience” as a member of a race, not on their race itself, the legislative history shows otherwise.

When plaintiffs prevail on cases such as this, they are entitled to attorney fees under 42 USC §1988. Often, the attorney fees reach tens or hundreds of thousands of dollars, even when the actual damages are much less or even “nominal.” I urge this committee to adopt necessary EEIP amendments now, to comply with the U.S. Constitution and to save Oregonians the expense of litigation.