

TO: Joint Committee on Addiction on Community Safety Response
FROM: Jesse Merrithew
DATE: February 6, 2024
RE: Oppose M110 Recriminalization Bills: HB 4002, HB 4036, SB 1555

Chair Lieber and Chair Kropf and Members of the Committee:

I am a civil rights attorney and former criminal defense attorney and I would like to state my strong opposition to HB 4002, HB 4036, and SB 1555. I have been an advocate for reform of the criminal punishment system in Oregon for nearly 20 years. Throughout those 20 years, I have heard over and over how the legislature had to respect the will of the voters of 1994 who passed Ballot Measure 11. To be blunt, I am furious that when it comes to a ballot measure that passed only four years ago (75% to 25% in Multnomah County, where the sensationalist messaging is now focused), the legislature is even *considering* undermining the central tenet of that law. The text on the ballot that the majority of Oregonians checked the word “yes” next to stated that we were voting to decriminalize drug possession. That is what the majority of Oregonians chose to do after decades of inaction on the part of this body. The justification you are now using to do this only serves to underscore how ignorant you think the voters of this state are.

Justification Number 1: “We need tools to coerce people into treatment.”

There is no treatment to coerce people into! That is the problem—not a lack of tools—it’s a lack of treatment capacity. When Oregon is in a place where we have an excess of treatment beds that people in need are not using, then you can have a serious conversation about why that is happening. That would be a lovely problem to have, but it is not one that Oregon has right now.

Justification Number 2: “The police say...”

The criminal punishment system had 50 years to win their “war on drugs.” They lost. Police and prosecutors should have no credibility when it comes to policy solutions to address a substance abuse crisis. These same people vehemently opposed Measure 110. We as Oregonians rejected their arguments. We saw the history. We decided that doing the same thing over and over and expecting to see a different result was the definition of insanity and we chose sanity. We chose to listen to experts in addiction and public health, not experts in locking people up.

Justification Number 3: “If we do not do ‘something,’ conservative billionaires and their allies are going to put a worse measure on the ballot.”

Bring it on. You fell for this same sorry trap with Ballot Measure 57. We remember. You were wrong then and you are wrong now. If the voters choose to flip flop on this issue then so be it, but it should be up to us, not you. I for one am confident that Oregon’s voters are not stupid, we were not mistaken in what we voted for, and we are committed to a public health response to a public health crisis. Ramming a bill unwinding a ballot measure through in the short session with little public input is anti-democratic and cowardly.