

SB 1563 SUPPORT Constitutional Rights

Chair Prozanski, Vice Chair Thatcher, and members of the committee,

My name is Ed Diehl. I represent House District 17, East Salem through the majestic Santiam Canyon. Thanks for the opportunity to testify in support of SB1563. I think at its core, this bill is about individual rights, and it asks a simple question. When the government violates someone's constitutional rights, are those rights actually enforceable - or are they only enforceable if you're wealthy enough to hire a lawyer? For nearly fifty years, federal law has answered that question clearly. In 1976, Congress enacted the federal civil rights attorney fee statute.

It was bipartisan, practical, and rooted in a simple reality. Constitutional rights are meaningless if only the wealthy can afford to enforce them. That law has endured across changing courts and political majorities. It has been applied across the ideological spectrum. The federal statute has not bankrupted governments or triggered a flood of frivolous lawsuits.

And it's important to note that the attorneys only get paid if they win the case. They will not get paid if they lose the case. Instead, it has worked exactly as intended as a narrow accountability tool when government clearly violates constitutional limits. This matters here in Oregon because Oregon's constitution is not the mirror image of the federal one. It is independent, it's broader in many areas, and includes protections that have no federal equivalent at all, including our Free Expression Clause and our Privileges and Immunities protections.

When those uniquely Oregon rights are violated, federal court is not an option. State court is the only forum. And right now, even when a person proves a clear constitutional violation, there is no realistic way to recover the cost of enforcing those rights.

This bill does **not** create new rights.

It does **not** expand liability.

It does **not** lower legal standards.

People can already bring these cases today.

What SB1563 does is ensure that when an individual proves a clear violation of the Oregon Constitution, the victory is real rather than hollow. Thank you.

And I do want to make a note:

I am aware that law enforcement has some concerns about this bill. I want to tell you that I'm a supporter of law enforcement. They are not a target of this bill. My son works in law enforcement. So I take those concerns seriously.

I do want to hear them out more and understand exactly what those concerns are. Thank you.