



OREGON STATE SENATE
900 COURT STREET ST NE
SALEM, OREGON 97301

March 1, 2024

Vote Explanation – HB 4002 A

Secretary Rutledge,

I am submitting my full drafted remarks as a vote explanation. I had to cut down these remarks when I spoke on the floor due to time constraints.

I ask that you pay close attention to my next few words: The War on Drugs worked. It was successful. It did exactly, spectacularly, what it was supposed to do.

Didn't expect me to say that, did you? But the War on Drugs was not launched to stop the sales or the impact of drugs on the health of Americans. That was just the sales pitch, the smoke screen if you'll pardon the pun.

As a reporter, I got a chance to spend a day with one of the architects of that War. And he told me, as President Nixon's Chief of Staff, that the targets in the war were not the dealers of heroin, cocaine, meth, or cannabis. It wasn't some compassionate concern about the physical state of the youth or poverty-stricken communities. Know the war, as John Ehrlichman told me in that limo as I rode with him from interview to interview, the war was designed to attack Nixon's political enemies. In particular the rising, powerful movements of Blacks in civil rights and anti-Vietnam War young people.

Ehrlichman mapped it out for me and later wrote about it in his memoir. The basic strategy was to discredit and incidentally jail people in those groups, bringing as much attention to drugs in those communities as possible – labeling them with a stigma that would weaken the credibility of their message while striking fear of further aggression by government-sanctioned agencies. Added to that, felony convictions meant voting rights gone, employment restricted, business loans refused, education limited, and housing difficult for individuals and families.

Gosh, this sounds familiar: create a criminal underclass, blame it on a set of moral failures, and give legal and extralegal authorities the license to treat anyone resembling or associating with that underclass with contempt or threat of violence, providing sparse mental health care or negative environments adds to a level of trauma.

For 50 years the War on Drugs has been underway. For 50 years it has been nurtured. For 50 years it has been mislabeled. In our cultural narrative, it has as a base: punishment. Like much of our legal system. Combining a punishment message with a political revenge message for 50 years is a potent branding system.

The plan by supporters of Measure 110 was to break that message, to create another narrative, and acknowledge the failure of the 50 years of punishment strategy.

But there was another failure. This time on the other end of the spectrum. Not enough thought was given to the immediate capacity of the treatment programs, coordination of funding, and just getting money out the door

after the passage of 110. That was not due to the people in the communities wanting the compassionate approach to work. It was a significant flaw in the ballot measure assuming everything could be ramped up quickly and that we had enough people and facilities on hand to be effective immediately. It also did not take into account the impact and deadly aspect of cheap fentanyl on the streets. There were and are flaws all around.

But I must speak to an important flaw in this bill that I frankly cannot move around. It is no surprise that I consider the past anti-drug enforcement, the “War” not only a bust, but overly damaging to people of color, because of the intentional enforcement by some authorities. So, will 4002 give those already inclined to profile and use physical or legal force on Black people once again a pass to harass people of color and criminalize them in numbers disproportionate to their presence in Oregon’s population or percentage of addiction?

When television news crews had a story on the cocaine issues in the 1980s and 1990s, they went to the Black community for visuals on the streets ignoring the cocaine use in the white middle-class basements and in some newsrooms. When possession of small amounts of controlled substances moved from a felony to a misdemeanor I heard from friends in law enforcement that the numbers of those charged dropped immediately because arresting someone for the lower charge did not bring as much prestige. That drop was especially true when it came to Black folks arrested.

But this is personal. A family member ended up in extreme pain in the ICU with an E. coli infection from contaminated food. When the doctor saw that they were years into recovery from addiction, he said, “Oh. An addict. You deserve it.” And stormed out, clearly dismissing her, planning to leave her in pain for the next five days in the ICU.

That stigma is part of an overall issue that surrounds this bill. And it informs my decision on the bill.

The team working on this bill had a difficult task with an overarching reality: something must be done.

While acknowledging that effort, I will be voting no. There are too many flaws for me to say yes. I simply cannot have faith that there will be equal compassionate treatment given the history of these official anti-drug efforts. While I understand there is good movement getting facilities and staff treating people, we are still woefully behind in capacity and I expect there to be little help available throughout the state if the metro area remains deficient.

We need a scheduled re-evaluation – a sunset of this bill if things are not going well.

So I will track how this is going, who is affected, and be pushing for a true understanding of what is needed by those struggling with addiction and the cloud of issues that surround them: mental health care, housing, education, economic security and more.

I hope this bill has a positive impact. I’m concerned it will attempt to use the same tactics of the past and fail, only to reinforce the punishment narrative that has failed for 50 years – that it will provide more people into the justice system rather than making more people healthy.

I am not expecting a miracle. I am simply hoping for a better Oregon for ALL of us.