

ANNA WILLIAMS
STATE REPRESENTATIVE
DISTRICT 52



HOUSE OF REPRESENTATIVES

June 26, 2020

Timothy G. Sekerak
Chief Clerk of the House
State Capitol Building, H271
Salem, OR 97301

Re: Vote Explanation on House Bill 4208

Dear Chief Clerk Sekerak,

I was proud to stand in solidarity with my colleagues on the People of Color Caucus when they first proposed House Bill 4208, a bill to ban the use of tear gas in Oregon. In international law, deployment of those chemicals in war has been impermissible since shortly after World War I, and rightly so. I was also proud to cast my vote in favor of this symbolic measure, despite the fact that it falls short of the bill I hoped would pass.

With certain requirements about advanced notice, House Bill 4208 permits the use of tear gas during a riot. My concern, though, is that the statutory definition of a "riot" is so broad that House Bill 4208 does not meaningfully address the problem it sought to solve. According to the definition of a riot, as set forth in ORS 166.015, the misbehavior of a single person in a crowd of thousands of peaceful protesters would justify the lawful deployment of tear gas. While I would hope we could rely on police to refrain from such indiscriminate uses of these chemicals, recent history has shown that some officers have abused their discretion by deploying tear gas even into crowds where no behavior appears to be occurring that would justify categorizing the gathering as a riot.

Separately, I feel that the definition of "tear gas" in the bill is somewhat arbitrary, in that the same chemical compounds used in some tear gas canisters are also used as pepper spray. Because HB 4208 only limits the use of such chemicals in "shell[s], cartridge[s], or bomb[s]," and not expressly in spray canisters, it only marginally reduces the likelihood that protesters will be exposed to the chemicals in protests that do not meet the statutory definition of a "riot."

I look forward to continuing this work behind the leadership of the POC Caucus and the BIPOC communities of Oregon in future legislative sessions.

Sincerely,

A handwritten signature in blue ink that reads "Anna Williams".

Representative Anna Williams

