



April 1, 2021

Secretary Brocker:

I would like to submit a Vote Explanation for SB 398 A.

I voted against the bill because, in my opinion, the bill falls short of accomplishing its purported goals. I recognize the merit of the bill's goals. The first is straightforward: The bill creates a new crime of intimidation for the purposeful display of a noose. The next goal of the bill is prevention and deterrence through defined financial sanctions or jail time for displaying a noose with the intent to intimidate.

However, these are not the ultimate goals. Rather, SB 398 A seeks to provide Oregonians with bold assurances that peace and harmony are within our grasp by providing people with legal reminders that innumerable forms of intimidation are entirely unacceptable.

Yet, on the technical level, I believe this legislative effort falls short. The difficulties associated with proving the "intent to intimidate," is difficult. Enormous problems associated with conflated denials, accusations, social media explosions, and other political pressures and realities derail the focus and goal of this legislative ideal. I think this bill instead provides enormous potential to fan the flames of discord that are pulsating below the surface.

Like the carriers, Sens. Burdick and Manning, I applaud the Legislature's attempt at making laws that promote universal standards with regard to treating our neighbors, friends, and acquaintances with equal respect and dignity. This is indeed an admirable goal for our entire legislative body.

My no-vote should not be interpreted as meaning that I support the insidious display of nooses for the purposes of intimidation. Also, my vote must not be construed as advocating for, or promoting the use of nooses or any other forms of intimidation. I am well aware of the historical context of the symbol and the fear and harm they conjure. My problem is not with the spirit of the law, but with its technical implementation in our modern world where mass media is constantly intruding on our ability to provide just, appropriate, and principled solutions in our fragmented world.

Respectfully submitted into the Senate Floor record,

A handwritten signature in black ink, appearing to read "Dennis Linthicum". The signature is fluid and cursive.

Dennis Linthicum
Oregon State Senator
District 28