



OREGON SENATE DEMOCRATS

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Senate Democrats Approve Penalties for Displaying a Noose – An Act of Hate and Deliberate Intimidation

SALEM – Senate Democrats passed Senate Bill 398 which categorizes the act of displaying a noose as a crime of intimidation. The bill passed out of committee on party lines and passed off the Senate Floor with a 27-1 vote. Senate Bill 398 parallels Oregon’s bias crime statute which was passed in 2019.

“Displaying a noose is a hateful act. It is meant to intimidate and harass,” said Senator Ginny Burdick, who carried Senate Bill 398 to passage. “Hate crimes are disturbingly on the rise in Oregon, including in my district. A noose is a racist symbol, it is intimidating to our neighbors of color and it needs to be banned,” she added.

Oregon case law has held that to legally restrict speech, in any form, the speech must amount to a communication that “instills in the addressee a fear of imminent and serious personal violence from the speaker, is unequivocal, and is objectively likely to be followed by unlawful acts.” Both the Oregon Supreme Court and U.S. Supreme Court have concluded that preventing the type of harm that results from those types of communication justify a narrowly tailored restriction on speech and do not violate the U.S. Constitution or the Oregon Constitution.

“The display of a noose should have been a crime long ago. It’s not okay. Louisiana, Virginia, California, New York, Maryland and Connecticut have criminalized the display of nooses because they all know exactly what that noose implies,” said Senator James I. Manning Jr. (D-Eugene) who also chief sponsored Senate Bill 398. “The noose is a racist relic. Its roots lie in fear and hate. It reminds us of the 4,400 documented lynchings of African Americans between 1800 to 1950. A noose doesn’t mean the same thing to everyone, it means something much more imminent, terrifying and unacceptable to BIPOC communities. It’s not okay. I am glad we passed this bill today. This should have been a law much sooner,” added Senator Manning.

Senate Bill 398 will now go to the House of Representatives for consideration.

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