



**Written Submission of Oregon organizations and individuals
To the Office of the United Nations High Commissioner for Human Rights (OHCHR)**

Pursuant to Human Rights Council Resolution 43/1 on the “Promotion and protection of human rights and fundamental freedoms of Africans and of people of African descent against excessive force and other human rights violations by law enforcement officers”

February 26, 2021

We, the undersigned organizations and individuals in the State of Oregon, submit this written supplement to and support of [the American Civil Liberties Union submission to the UNHCR \(December 15, 2020\)](#). We thank OHCHR for engaging in consultation with civil society organizations and for centering the voices and experiences of people of African descent in that consultation.

Oregon, as a state, was founded as a white utopia, a state that adopted Black exclusion as a founding policy.¹ In the early 1900s, there were 35,000 active Ku Klux Klan members throughout the state. White supremacist leaders from these hate groups infiltrated every level of government and institutional power, and members continue to infiltrate police departments.²

Police in Oregon are rooted in white supremacy, anti-Blackness, and remain systemically racist. The Portland Police have a sordid history of killing Black residents, including recent killings of Quanice Hayes, Christopher Kalonji, Aaron Campbell, Kendra James, and Keaton Otis. In 2017, in West Linn, Oregon, the police chief organized his officers to conduct unwarranted, racially motivated “investigations” of Black Oregonians.³ In 2015, in Clatskanie, Oregon, the police chief debased Black people and repeatedly used racial epithets.⁴ These are just a few of the long

¹ Tiffani Camhi, *A racist history shows why Oregon is still so white*, Oregon Public Broadcasting (Jun 9, 2020), <https://www.opb.org/news/article/oregon-white-history-racist-foundations-black-exclusion-laws/>. It wasn’t until 2002, that Oregon voted to remove racist language from the state’s constitution. *Id.*

² *Id.*; see also Michael German, *White Supremacist Links to Law Enforcement are an Urgent Concern*, The Brennan Center for Justice (September 1, 2020), <https://www.brennancenter.org/our-work/analysis-opinion/white-supremacist-links-law-enforcement-are-urgent-concern>.

³ See, e.g., *The Wrongful Arrest of Michael Fesser*, The Oregonian, available at <https://projects.oregonlive.com/michael-fesser/>.

⁴ Catherine E. Shoichet and Artemis Moshtagian, *Oregon officers turn in police chief, allege racism*, CNN (Sept. 9, 2015), <https://www.cnn.com/2015/09/08/us/oregon-clatskanie-police-chief-racism-allegations/index.html>.

list of reasons Oregonians across the state are protesting the police and calling for the police to be defunded.

Black leaders in Oregon are envisioning a better, a safer way for Oregonians to be in community with each other.⁵ A new vision has been and is being charted that ensures racial justice includes not just formal rights but necessary cultural and structural shifts that build environmental justice, true public safety, educational justice, access to health care, economic justice, and so much more. Defunding the police will allow our communities to target our resources at efforts that reimagine a community where everyone is free and can thrive.

We must make immediate changes to policing, especially in the protest context, to ensure Black futures are protected while we continue to dissent from old systems of power and determine our path to liberation. We urge the Office of the U.N. High Commissioner for Human Rights to include the following recommendations to the United States as part of its Resolution 43/1 report:

- Divest from policing and reinvest funding into community-based, Black-led public safety and public health efforts.
- Ban the use of militarized tactics and weapons, especially indiscriminate weapons like tear gas, smoke grenades, chemical irritants, flash bangs, and rubber ball blast grenades.⁶
- Re-examine and eliminate low-level crimes that police rely on to criminalize Black voices, Black existence, and poverty.⁷

⁵ See, e.g., the Reimagine Oregon project (<https://www.reimagineoregon.org/about>); Imagine Black (<https://www.imagineblack.org/>).

⁶ In 2020, the ACLU of Oregon filed a suit on behalf of several individuals and organizations who federal officers subjected to excessive force. *Black Millennial Movement v. Trump*, ACLU of Oregon, <https://www.aclu-or.org/en/cases/black-millennial-movement-et-al-v-trump>. In 2020, the ACLU of Oregon also filed a case on behalf of several environmental justice organizations seeking to require the federal government to consider human and environmental health impacts prior to approving the use of tear gas in crowd control operations. ACLU of Oregon, *Broad Coalition Sues Feds for Use of Chemical Weapons in Portland* (October 20, 2020), <https://www.aclu-or.org/en/press-releases/broad-coalition-sues-feds-use-chemical-weapons-portland>.

⁷ For example, in the current 2021 Oregon legislative session, the Oregon House of Reps are considering removing “refusing to obey,” a crime that was severely disproportionately wielded against Black and houseless Oregonians. See Jonathan Levinson, *Oregon lawmakers seek changes to law used against unhoused, protesters*, Oregon Public Broadcasting (Feb. 24, 2021), <https://www.opb.org/article/2021/02/25/oregon-lawmakers-unhoused-protesters-portland-police/>. Similarly, the ACLU of Oregon has criticized the ways in which disorderly conduct laws have been used to silence those protesting racist police violence, including filing an amicus brief in 2015 on behalf of a Black organizer. See Amicus Brief *Amicus Curiae* of American Civil Liberties Foundation of Oregon, *State v. Raiford*, Case no. 15-CR-33805, available at https://aclu-or.org/sites/default/files/State_v_Raiford_ACLUOR_Amicus_Brief.PDF.

- Ensure press, legal observers, medics and other community mutual-aid efforts have safe access to protests and protesters, especially when police are using force against protesters.⁸
- Investigate law enforcement and government connections to and bias toward white supremacist and other hate groups.
- Prohibit “dark ops” policing, including prohibiting anonymous policing and requiring transparency when law enforcement uses surveillance technology and engages in inter-agency enforcement efforts.
- Pay to Black Americans reparations for slavery.

Sincerely,

Candace Avalos
Co-Founder, Black Millennial Movement
Civic Leader

Cameron Whitten
Founder and CEO, Brown Hope

Mac Smiff
Editor-in-chief, We Out Here Magazine
Activist

Andrea Valderrama
Policy Director, ACLU of Oregon

Kelly Simon
Interim Legal Director, ACLU of Oregon

⁸ The ACLU of Oregon filed two cases against local and federal police for targeting journalists, legal observers and medics. *Wise v. Portland*, ACLU of Oregon, <https://www.aclu-or.org/en/cases/wise-v-portland>; *Index Newspapers LLC v. City of Portland*, ACLU of Oregon, <https://www.aclu-or.org/en/cases/index-newspapers-llc-v-city-portland>. Physicians for Human Rights also conducted an investigation that concluded that police in Portland engaged in a pattern of excessive force against medics. *Portland Police and Federal Agents Misused Crowd-Control Weapons, Obstructed Medical Care at Oregon Protests: PHR Investigation*, Physicians for Human Rights (October 8, 2020), <https://phr.org/news/portland-police-and-federal-agents-misused-crowd-control-weapons-obstructed-medical-care-at-oregon-protests-phr-investigation/>.