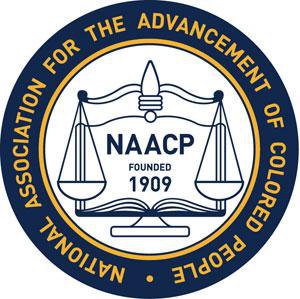
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September 9, 2022

[ORLawEnfCommission@doj.state.or.us](mailto:ORLawEnfCommission@doj.state.or.us).

The [Commission on Law Enforcement Standards of Conduct and Discipline](https://justice.oregon.gov/lesc/) has proposed a set of standards for Oregon law enforcement agencies. The proposed standards include disciplinary measures for officers who use excessive force, commit sexual assault or target a person of color or someone from a protected class. The proposed standards DO NOT include disciplinary or corrective action for officers who are members of hate groups.

We at the Salem-Keizer NAACP wish to express our strongest objection to the commission’s decision to exclude hate group membership from the proposed standards. To us, anyone who serves the public and who is paid from public funds must be held to a standard that does not include open antagonism toward certain groups of people based on racial or other bias. Membership or affiliation in a hate group signals that the follower subscribes to or even espouses the vile hate philosophy of the group. How can law enforcement agencies build community trust when officers of the agency subscribe to hate groups? They cannot. How can the public believe that law enforcement is impartial and trustworthy? They cannot. With hate group members in the ranks, law enforcement cannot make the crucial case for communities to embrace or even accept their authority. By turning a blind eye to hate group membership, the proposed standards have undermined the legitimacy of law enforcement in our communities and have tacitly sanctioned hateful belief systems.

Further, the standards, by failing to include a ban on hate group membership, risk poisoning the culture of community service within law enforcement. If hate group followers are in positions of leadership or authority, or are even individual highly respected officers, their world views are more likely to permeate the culture. The philosophy of hate can spread in a tight-knit organization like a cancer. By not removing people who believe strongly enough to join a hate group from their posts, agencies normalize the behavior and feed the contagion.

We recognize the argument that group membership is related to free speech. The right to free speech is not without limits. First, employers have a right to require standards of behavior, and not all behaviors outside the workplace have to be tolerated by an employer. Outside activity that tarnishes an employer’s image or that bleeds into or affects the professionalism of the employee while at work are often grounds for termination. When the employer is the taxpayer, how much more inappropriate it is that the “outside” activities of an employee target some of the same people who pay the salaries? Second, the veracity of an officer’s testimony will be tainted if the officer is a hate group member. If officer testimony in criminal cases can be suspect or even disqualified, hate group membership can and will undermine the ability of law enforcement to protect the diverse communities they are sworn to serve.

Third, from a legal perspective, free speech has a complicated history, but the law has shifted over the years to the government having the ability to place restrictions on employment in law enforcement.[[1]](#footnote-1)  A 2006 FBI assessment of the free speech issue supports this analysis.[[2]](#footnote-2)  And considering the dozens of examples of officers being fired for membership in these groups and participating in these activities, it makes sense that the law should allow the government to prevent these people from being hired in the first place.

In closing, we can only ask: How is blending the power of the state with a gun and open hatred acceptable to any of our citizens? The exclusion of hate group membership in this proposal has betrayed the people of Oregon and especially people of color. The Commission has abdicated its duty to the people of Oregon.

We strongly request that the Commission rectify this error and send a message to the people of Oregon and our law enforcement agencies that hate does not stand here.

1. See, e.g., Pick­er­ing v. Board of Educa­tion, 391 U.S. 563 (1968); and Garcetti v. Cebal­los, 547 U.S. 410, 417 (2006). [↑](#footnote-ref-1)
2. Federal Bureau of Invest­ig­a­tion, Coun­terter­ror­ism Divi­sion, Intel­li­gence Assess­ment, *White Suprem­acist Infilt­ra­tion of Law Enforce­ment*, Octo­ber 17, 2006, 4, [http://s3.docu­mentcloud.org/docu­ments/402521/doc-26-white-suprem­acist-infilt­ra­tion.pdf](http://s3.documentcloud.org/documents/402521/doc-26-white-supremacist-infiltration.pdf). [↑](#footnote-ref-2)