SENATE BILL 218
REDUNDANT, PERHAPS WORSE: IS THIS THE ED JOHNSTON PREVENTION ACT?

SB 218 would allow a public servant or his/her employer to get an injunction against a person who criminally obstructs government or judicial administration, or assaults, menaces, trespasses, conducts himself in disorderly manner, harasses or telephone harasses that servant. And it would allow contempt punishment for violating that order.

All of these acts are already illegal. Indeed, the bill refers to "the following crimes."

- If a person, say, myself, obstructs judicial administration by asking too many questions or making impolite comments, the court can have the sergeant at arms escort me out or arrest me.
- If I obstruct governmental administration the same way, the county commissioner or mayor can have me removed or arrested for disorderly conduct;
- If I assault or menace someone, he or she can have me arrested and charged with assault or menacing;
- If I trespass on someone's property, I can be arrested for doing that. (But can I really be arrested for trespassing in a county commissioner's hearing room or city council chambers when they are public property?)
- If I engage in disorderly conduct, I have, by definition, as with the assault or menace or trespass, broken the law, and can be arrested.
- If I harass or telephonically harass somebody, that, too is a crime.

Since all these actions are already illegal, there must be some other point to this bill. And there is: For a crime to be proved, it must be proved "beyond a reasonable doubt." Here, the proof is by "a preponderance of the evidence." That means, whose word do you believe, not do they have proof?

Ed: Mr. King George, you have no clothes on.
King: I do, too.
Ed: No you don't.
King: I do, and they're beautiful robes
Ed: No you don't and your legs are skinny.
King: Yes I do and my legs aren't skinny.
Ed: No you don't and your (bleep) is short.
King: Arrest that man: he is obstructing my administrative functions.

When trial on the matter arrives, who will the judge believe (accept as having the "preponderance of the evidence") - the King or Ed, when, after all the King's word is of higher value and more credible, and is therefore "preponderant."

Perhaps this bill is not aimed at me personally. Perhaps there are other citizen activists who are a pain in the butt and sometimes make life unpleasant for mayors, commissioners and other officials. Perhaps, like me, they are sometimes right and sometimes wrong. If we have 'em, good. We should thank them, not arrest them and toss them in jail for contempt.

SENATE BILL 220
WHY WOULD THE STATE BOARD OF HIGHER EDUCATION NOT TRUST THE ATTORNEY GENERAL TO REPRESENT IT?

This bill would enable the State Board of Higher Education, the Chancellor of the Oregon University System, and the presidents of state institutions of higher learning to hire their own attorneys for legal services - at taxpayer, or tuition-payer, expense.

Let us not make a Ph.D. thesis out of this. The question is simple. What is the State Board of Higher Education and/or the other institutions mentioned, doing that the Attorney General could not represent them about in a lawsuit? Is there something that would put the AG in a conflict of interest? Something so blatantly illegal not even a top-flight attorney at the state's highest legal office could find a way to justify defending it?

Well, maybe the AG is just too busy to do a good job of representing all those government agencies. But haven't we read in the papers that our state higher education system is in financial trouble, struggling to pay salaries and obligations, raise tuition, and not lose students? Where did they get the money for their own legal representation? And why do they need to spend money this way? Something just doesn't smell right. Quoth the Great Bard: there's something rotten in Denmark.

SENATE BILL 221
A BILL PRETENDING TO BE THE OPPOSITE OF WHAT IT REALLY IS

Purporting to enhance confidentiality and confidentiality-like measures for the protection of individuals, SB 221 would actually further hide government errors and, potentially, worse. It seems like a civil libertarian-sort of thing. It makes "not discoverable and inadmissible in court" and exempt from the state public records laws (ORS 192.410 to 192.505) "all information procured by or furnished to the Department of Human Services, any federal public health agency or any nonprofit health agency exempt from (state) taxation or procured by any agency, organization or person acting jointly with or at the request of the department, in connection with special morbidity and mortality studies." This actually does nothing for confidentiality - but it would kill accountability of DHS.

Several members of this legislature recently reviewed, as a joint interim committee, allegations of misbehavior by DHS in regard to a young boy named Trenton Aue. Trenton did no damage of bodily injury or financial harm to the state corporation or anyone else; he merely wanted to stay with the surrogate parents he had been with, and not get shipped across the state to ones DHS deemed more worthy than the replacement parents he'd come to love and trust. At key points in the hearing, when the questioning got too tough for the DHS representatives to handle, they called in the

DHS lawyer, an articulate blonde lady. She explained to the legislators that her clients could not answer their questions, because doing so would violate laws the legislature had passed regarding confidentiality of information the agency possesses. She was using, in part, former Senate Bill 449, which I warned everybody in the legislature about. I had said it would block access to information for everybody except DHS and other state agencies the bill allowed DHS to share confidential information with. Here it was, at the April 12, 2003 hearing, that 449 came back to haunt the legislators. A law, purportedly created to protect kids like Trenton, was used by this attorney - to the visible surprise of the legislators - to deny legislative access to information needed to fulfill their legislative oversight function.

We mention the fact that the legislature got conned once by DHS not to say "I told you so," but because SB 221 would take us even further down the road SB 449 pioneered: a purported confidentiality that does not protect the individual because there's a loophole for DHS and other state agencies, but protects the agency instead, through disclosure restrictions that keep information DHS possesses away from parents seeking redress and legislators performing their oversight function. The "confidentiality" in 449 made redress of the harm to Aue - one of those supposedly to benefit from that confidentiality - impossible. SB 221, like SB 449, is a shield for agency wrongdoing.

Under SB 449, "We can't tell you," DHS has said, "even if we wanted to." With 221, they could add, "And you couldn't use it, even if we told you." But DHS can use the information, garnered in many cases from what we believe are unconstitutionally intrusive student surveys (does your mom smoke pot; does your dad own a gun?), to bolster the agency's claims for yet more money.

Who is hiding what with this bill? Hint: the statute is "in connection with special morbidity and mortality studies." How many more children will DHS fail to protect from genuine killers and abusers while busy doing other things, before the legislature removes - rather than expands - the agency's cloak of invisibility? When will the legislature accept responsibility for allowing something to go badly wrong at DHS Child Protective Services? A bill like this screams that something is wrong. Will the legislature fail to hear it, the way DHS failed to hear the screams of Ashley Pond and the other recent child victims who went unprotected by Child Protective Services? This bill will further legalize cover-ups into "child mortality," and block parents' redress through the courts as well as legislative oversight. Read it. That's what it does.

SENATE BILL 246
TOO MANY MANDATORY REPORTERS

SB 246 would make each "public or private official" into a mandatory reporter for animal abuse. Now, we love our dog as much as the next guy, and we hate people who abuse animals. We do think it appropriate that a veterinarian who encounters evidence of animal abuse should be required to report it to the authorities.

But not every “public or private official.” The definition is given at ORS 419B.005. That says:

“(3) ‘Public or private official’ means:
(a) Physician, including any intern or resident.
(b) Dentist.
(c) School employee.
(d) Licensed practical nurse or registered nurse.
(e) Employee of the Department of Human Services, State Commission on Children and Families, Child Care Division of the Employment Department, the Oregon Youth Authority, a county health department, a community mental health and developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.
(f) Peace officer.
(g) Psychologist.
(h) Member of the clergy.” (We must intrude: Huh? - clergy deal in human souls, not animals.)
“(i) Licensed clinical social worker.
(j) Optometrist.
(k) Chiropractor.
(L) Certified provider of foster care, or an employee thereof.
(m) Attorney.
(n) Naturopathic physician.
(o) Licensed professional counselor.
(p) Licensed marriage and family therapist.
(q) Firefighter or emergency medical technician.
(r) A court appointed special advocate, as defined in ORS 419A.004.
(s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
(t) Member of the Legislative Assembly.” (We intrude again: hello, that’s you!)

When everybody has been made a mandatory reporter for all bad things, the result will not be an end to crime or bad acts. It will be an end to social activity. When everybody has to report everybody for doing anything bad, as the roster of reportable bad things multiplies in an ever-expanding effort to protect us from each other, eventually everybody becomes an informer. Everybody becomes an agent of the state. Everybody becomes someone to be feared. Someone not to be invited into one’s home, not to chat with on the street, not to go fishing with. Is this the society we want?

SENATE BILL 254
TO ESTABLISH STANDARDS FOR STATE COURT RECORDING
YES, BUT CAN WE TAKE IT FURTHER?

This bill would direct the State Court Administrator to establish uniform standards for recording proceedings in circuit court. That is no doubt good, so long as the standards thus set are good.

We well recall the financial difficulties that recently led Oregon courts to close their doors one day per week to save money. Still, if the money can somehow be found, we would prefer this bill to mandate the uniform recording - in fact, audio and videotaping - of all state, and for that matter, local, court proceedings, rather than just compel the setting of standards for what is clearly audio recording only, in state courts only. We think automatic videotaping would have a salutary effect on all concerned - criminals and police officers, plaintiffs and defendants, judges and bailiffs, etc. - knowing that any misbehavior they might make is recorded for posterity, and review by a higher court, if necessary. The cost of automatic recording and tape storage might be made up for by the decrease in cases brought to appeal, as the prospective appellants, reviewing what they and the others in court had said and done, realize that the videotape (unlike their emotions) shows no basis for an appeal.

And, like uniform videotaping of police arrests on highways, which is becoming ever more common across the country, such videotaping would also ensure good behavior by those whose good behavior we generally assume - but whose bad behavior can be most devastating to society - our police, lawyers and judges.

SB 259

Lets Make Goliath Stronger

SB 259 would require a person who is suing a public body, when he seeks to inspect a public record for information, to notify the attorney for that public body of his request for the information. The law already requires such notice by a person who is suing the state. This would expand that mandated notice to a person who is suing any public body. We think this a dubious idea. The opposing attorney will receive in discovery all the information the plaintiff has found of relevance to the case, so this bill would not prevent surprises in the court. But that government attorney may be able to pressure the custodian of the record to withhold, in whole or part, with or without good cause, the requested public records. In short, the bill does no good, but invites abuse. And it is abuse against David in a David and Goliath type situation.

The bill invites abuses of power, could weaken our open records laws, and arms Goliath with another weapon against David. Do we need this?

SENATE BILL 260
A TIMELY AND VALUABLE BILL, WITH ONE BIG FLAW

We, like the authors of SB 260, have seen the stories in the media about police officers killing someone whom they stop or try to arrest. We know these situations are often complex, unclear and fast-moving, and we do not pre-judge whether the use of deadly force in any given case was justified or not. We were not there. But we can review bills like this and, in a spirit of supportive assistance, say we think the bill is a timely and valuable one, but still has one big flaw.

SB 260 sets out a detailed and well-thought out structure for handling investigations into the use of deadly force by law enforcement officers. The structure it creates is precise, clear and, we think, wise. However, the bill gives the job of conducting the investigation under its precise, clear and otherwise wise terms to the local District Attorney. We do not think this wise at all.

It is true that D.A.s will, at times, tell police officers that they erred. District Attorneys must be able to convince a judge and jury that a crime was committed, that the defendant did it, that the defendant was lawfully apprehended, and that the evidence against him was lawfully obtained. Sometimes one or more of these conditions is not met, and the D.A. has to tell the police to go back and try again - or drop the case. Nonetheless, the D.A. is a person who, by office, ideology and physical proximity, usually is very close to law enforcement. There is - and should be - a close working relationship between the D.A.'s office and sheriff, county and police officers. But when the problem is that a law enforcement officer may himself have committed a mistake or crime - a deadly mistake or crime - it should not be the local D.A. who looks into it. Even he is human, too, and subject to the pressure of local ties, local friendships and long-standing relations. This bill asks too much of our D.A.s. It asks them to stop being coach to one side and become, for one crucial play, an impartial umpire. For all the good provisions in this bill, that won't work. Deadly force investigations will, under SB 260, remain political footballs, with cries of foul from all sides This bill won't get us past the goal posts, despite its good intentions and good drafting.

Why can't we give it to the Attorney General's office to investigate these cases? If we truly want fairness and independence of judgment - and all the rest of this bill evidences that goal - then giving the investigation to an office and a person who, by his place in the structure of things can be fair and independent, would make sense.

SB 284: Disguised Attack on Unemployment Compensation

I guess we can't really blame Associated Oregon Industries for sponsoring this bill. What better way to cut the costs their members face in paying for unemployment compensation in a time when jobs are being lost due to a severe recession? Why not take away unemployment benefits from a person who has been caught drunk driving, or possessing marijuana or cocaine, or refusing a drug test? After all, all those things are illegal, and some, at least, are downright dangerous, not just to the offender but to others, too.

Why not indeed? The answer is this: because unemployment compensation is intended to help people who lost a job, through no fault of their own, to make it through the rough period while job hunting - especially in a difficult recession. The person's virtues or vices are irrelevant: the purpose of unemployment comp is to help individuals and their families at the time when they most need it. If you want to punish people who do bad things, fine, punish them. If you think Measure 11 was too severe, fine, repeal it. If you want the death penalty for importing narcotics, pass such a law. I have my views on those things, doubtless you do, too. None of them are

relevant to whether somebody needs or should get unemployment compensation. This bill mixes apples and Johnny Walker Red. Find some other way to punish law-breakers, some way that isn't an attack on poor working stiffs who lose their job (which just might be why they had too much to drink or retreated to some drug for solace). This is Prohibition dressed up in modern moral frills and financed by businesses looking to avoid paying unemployment compensation. Unemployment comp is a good idea, and its time has not yet gone. Lets not put on our Sunday best and subvert it.

SB 314: A bill for decency and fairness

SB 314 prohibits insurers from using a person's credit history or a score reached in whole or in part through mathematical formulas applied to that credit history, when deciding if the person is eligible for insurance.

I recognize that there may be some remote connection between a person's credit history and his insurance risk - although I think that connection unlikely in most cases. Perhaps, if someone is down on his luck, he is more likely to go crazy and kill himself. Perhaps, perhaps, if someone is in financial distress, he is more likely to not notice a stop sign while driving - but so, too is the guy who just won a raise (or the lottery). There is really very little connection between a person's credit rating and his or her need for car, home, life or other insurance. If he can't pay for it, he probably won't go and buy it (except for car insurance; one hopes he'll get that at any cost in foregone other expenditures).

The insurance industry practice of deciding on, and declining, insurance based upon irrelevant factors serves more to harm the individual and society than it can ever help the insurer. Pass this bill.

SENATE BILL 315
TAX LAW IS SO TAXING

Okay, so the taxation of citizens of one state, buying something in another, is a fairly complex little gnarl on the great tree of American tax law. Perhaps there is a need for this bill. Perhaps there is a Streamlining Sales and Use Tax Agreement that has been written or is being written, or is going to be written if enough states pass legislation like SB 315. So long as, by adopting this bill, Oregon is not assuming an obligation to institute a sales tax - rejected several times by the voters - we can live with it.

But some passages make us wonder.

"The department (of Revenue) is further authorized to take other actions reasonably required to implement the provisions (of this bill)." The text specifies examples thereof, but such actions are "not limited to" those specified. What else might be

reasonably required to implement SB 315? A state sales tax? Naw, probably not. That's a stretch. But one wonders…

"Adoption of the agreement by this state does not amend or modify any law of this state." - which presumably also means it does not create new law, either, though that is not said.

"The agreement must require signatory states to develop and adopt uniform definitions of sales and use tax sales. The definitions must enable a signatory state to preserve its ability to make policy choices not inconsistent with the uniform definitions." Again, ….. Hmmmm. Can we define into existence an Oregon sales tax?

Maybe - probably - we're just over-worrying. But why doesn't this bill simply state that nothing in it or in any agreement this state may sign onto under this bill, shall be construed to create or require creation of an Oregon sales tax?

Hey - that would be a piece of tax law not so difficult, not so (dare we say it) …. taxing to understand. Or live with. But do we really need this at all, if we don't have a sales tax?

SB 332 Piling On, on top of the little guy

SB 332 would allow an employer to collect a $1.00 processing fee for each week when payment is made under writ of garnishment, with the fee taken from the wages of the unfortunate employee.

When I was a kid, I remember there was a violation in football that we called "piling on." It said that once the guy was down, all the other fellows could not just go and jump on top of him. Why does this remind me of that violation?

Once the withholding process is set in place, there is no added expense to the employer of any calculable amount. It takes a bit to set the garnishment withdrawal process in place, but after that, it rolls forward on its own. The actual cost to the employer, under a garnishment that might last for years, is minimal. The cost to the garnished employee, is $104 per every two years; and for a poor guy, that is not insignificant.

Don't let this ugly bill make it to the finish line, please. Somebody intercept this pass. It's a foul ball.

SB 333: A Little Fiscal Restraint

SB 333 prohibits state government and school districts from signing collective bargaining agreements before funds have been appropriated to the Department of Education for the State School Fund for the biennium relevant to the agreement.

Somehow, this doesn't seem very radical or threatening to us, although it is possible that some school districts, or school teachers unions, might disagree. To us, it seems simply a minor imposition of sanity and responsibility - fiscal restraint - on a process that has gotten out of hand over the years. Happily, several powerful legislators are sponsors for this bill, and we hope that they will bring along a majority of others with them. To allow local districts to enter binding contracts to pay wages and benefits before they know what level their chief source of funds is going to be at puts the cart before the horse. SB 333 puts the horse before the cart. What's wrong with that?

SB 334: … and then there were none

This bill shrinks the number of members on the Workers Compensation Board that oversees the W.C. program. Perhaps it may save some money by doing so, perhaps not. But it sets us on a slippery slope, going from the present five-person board to a three-person board. Who knows what's next? Two people could easily deadlock in voting, so if we want to streamline the board further, lets just make it a one-person post. Of course, if that person were less than an angel, possessed of human bias, his word would be gospel. What view might his bias tend to? Well, the future is hard to predict, as Mark Twain said, but a guess might be had from the party that requested the bill. It is Liberty Northwest Companies, parent, I believe, of Liberty Mutual Insurance. And if Liberty's client companies have to pay less in workers compensation expenditures, then we at the insurance carrier can have a bigger margin of profit without anyone knowing or suffering the loss for it. Except, perhaps, the injured worker. But what does he matter?

SENATE BILL 424

STRENGTHENING LEGAL GENDER BIAS

For centuries, women were discriminated against: up into the 19th century they could not vote; even further back, they could not own property; up till the 1980s, if a female was the victim of a "family dispute"--legalese for a husband kicking the stuffing out of his wife--the law would not protect the female. In the past couple decades, though, the shoe has been on the other foot, and now it is men who complain of receiving the short end of the legal stick.

Oregon family law statutes include a small "gender neutral" section that states that the

husband in a divorce proceeding is not presumed to be the worse parent, nor the wife inherently more capable of raising the child or children, by virtue of gender. Men across the state, if they knew about this section of ORS would doubtless be thankful for it, for men love their children as much as women, and as more and more women take jobs and pursue careers, there is less and less basis for automatically assuming the female to be the spouse with the greater time and ability to handle the demands of a child's custody.

This bill, we think, would reverse the effect of that "gender neutral" statute--to the extent it has been effective, which many men would say is but slight. Courts already have discretion in awarding custody when the court issues a restraining order under the Family Abuse Prevention Act. Obviously, the exercise of that discretion will usually give custody to the parent alleged to have been the victim, not the abuser, and hence, not to the husband, who is usually alleged to be, and in fact usually is, the physically abusive parent (the question of emotional abuse may be another thing entirely). Thus, the child is already ordinarily already given into the custody of the "petitioner"--the mom--in most cases.

This bill would not just write that into stone. It would write the father out--also in the stone tablets of the law. It allows the court to exercise its discretion to award the custody to the petitioner, "or, at the request of the petitioner, to the respondent." It does not give the respondent any statutory basis for requesting custody of the child or children. We recognize that whoever the alleged abuser is, he (or she) will seldom be awarded custody now, and that is not unreasonable. Yet there may be circumstances where the respondent (i.e., the husband)--for reasons of closer ties to the children, for instance, or the lack of a drug or alcohol problem the petitioner may have in her record--can be and should be the custodial parent. This bill would make that virtually impossible. In disguise of giving a discretion to the court, it actually reduces the court's discretion. In the guise of granting a new (but actually long-established) power to the petitioner (mom) it would destroy a weak, but still extant, power of the respondent (dad).

With or without this bill the courts will likely, in most cases, customarily award custody in the manner in which custody is already ordinarily awarded, i.e., to the mom. But SB 424 would, by its silence as to any right of the respondent to seek custody, eliminate the ability of the father to request that custody. It might even eliminate the power of the court to give him that custody on its own. To the extent the court already has such authority, if it is independent from statute, that power might remain; or it might die. That death would be consistent with the intent of the bill. At the very least, SB 424 would give an argument for those who would disempower men entirely in family court.

If this passes, where do we go from here? Do we next take away the father's right to vote? His right to hold property? How far must the pendulum swing into the realm of injustice against men, before we admit that the goal should not be statutory gender revenge, but equal justice for both genders--men and women?

SENATE BILL 844
BILL BITES MAN

In SB 844, so far as we can see--and at 6 1/2 pages the bill is not so long as to cross our eyes--the only reference to new criminal punishments for the owner of a dog that bites a person comes in Section 8 of the bill. It adds subsections 5 and 6 to existing law, and 5 and 6 deal with class A and class C misdemeanors. Presumably--we are not criminal law lawyers--these misdemeanors impose the possible "30 days imprisonment, $1,250 fine, or both" that the bill Summary refers to. Assuming that summary is correct, we think this legislation is a case of bill bites man.

We do not dispute that a dog that bites a person is a dangerous thing. As those of you who have seen my right hand recently know, I just tangled with a dog and my hand lost. It was my fault; I behaved stupidly with the animal. Even so, the animal is now clearly a danger, and I do not oppose some form of restraint or restriction placed on it, and on its owner, to keep other people safe--including, potentially, even being put to death. (The dog, that is.) What I do oppose is the possibility of disrupting the owner's life. Thirty days in jail for most people means the loss of their job. That can mean the loss of the home or rental space, especially if the person takes more than a few weeks to find a new job--and since the person is now somebody who just left jail, he is not going to find work easily. At the worst, the bill could add to the roster of people who re hungry, on welfare, or even homeless, in Oregon. According to the existing law, the owner can already be fined $500; that, plus the death of the guy's dog, is probably enough punishment for the guy who owned, and failed to restrain, the animal.

Section 8 of this bill takes a harm to one person (the person bit by the dog) and multiplies it to harm another person, his wife and his kids. Is this bright? Make the owner put the dog to death if we must--he can buy another dog, say a poodle or schnauzer, or something equally innocuous. But do not, simply because one dog somewhere wrecked one person's leg or hand, go and legislatively wreck the lives of others. Lets take a bite out of this legislation and put section 8 to sleep.

HOUSE BILL 2101
A CONSOLIDATION OF GOVERNMENT POWER

HB 2101 would merge several existing departments or parts of departments into a new Oregon Homeland Security Department .It’s goal is to streamline and improve Oregon’s ability to respond to the ongoing threat of terrorism, or an actual attack. It may or may not do that. What it will do is further empower government, creating a new agency that centralizes various government powers and authorities within itself.

America was constructed upon a great debate about the central powers of the government. It is a debate that the centralizers - the Federalists - won, yet the Federalist victory was built upon a perhaps even more profound victory for those who feared government power. It is this mix that has defined American national government, and has defined the governments of the states, as well. The Founding Fathers created a separate Executive, Legislature and Judiciary, and set them against each other; they retained great power and authority in the states; and they allowed the states to devolve power further back, closer to the people, by the chartering of cities and counties. They separated church from state. They built a system of checks and balances, precisely to reign in governmental power. They wrote a Bill of Rights that limited the powers of the federal government, and the states, against the individual citizen. The states, following the same practical and philosophical imperatives, did the same. This created a structure that has survived 200 years, a structure that sacrifices some amount of probable efficiency to better insure liberty. HB 2101 will not end that structure. But the entirety of that structure warns against HB 2101.

HB 2101 ends the Oregon Office of Emergency Management and transfers its powers to the new Oregon Homeland Security Department, including the power to bring proceedings against any local emergency agency. It abolishes the Interagency Hazard Communication Council and transfers its powers, including those over the non-emergency management and clean-up of such wastes, to the new Department. It makes the Fire Marshall's office a branch of the new Department. It takes the search and rescue functions from both the Emergency Management Department and the Oregon Department of Aviation, and brings them, too, into this new Department.

And it takes the State Police office that administers federal grants for fighting drug use and violent crime and puts that power in this new Department, too, making the new Department the arbiter of the financial survival of every police, fire and emergency services agency of every county and city in Oregon. Every city and county should fear this bill.

So, too, should all who understand that liberty is threatened from within as often as from without, and that this bill, by consolidating so many powers under one hand, is a threat more immediate and more likely, even if less explosive, than that of the terrorists. We in Oregon probably will not suffer an attack by the Jihadists; but we will suffer an erosion of our liberty if we create this new department through our fear of the terrorists.