

November 10, 2015

Attorney General Ellen Rosenblum
Oregon Department of Justice
955 Center Street NE,
Salem, OR 97301

Attorney General Rosenblum:

We, the undersigned, have been notified that the Oregon Department of Justice has conducted digital surveillance on Oregonians because of their use of the Black Lives Matter hashtag on social media.

As recounted by our colleague, Urban League of Portland President Nkenge Harmon Johnson, and other sources, two weeks ago, her husband, the Director of Civil Rights for Oregon Department of Justice, Erious Johnson, was called to your office. At that meeting, it was revealed that the Oregon Department of Justice Criminal Justice Division has been using software to conduct "threat assessments." The division searched the Twitter feeds of Oregonians who have used the hashtag "Black Lives Matter." We do not know how many Oregonians were investigated by the Department of Justice. We do know, however, that Director Johnson was one of them. Because he had posted tweets using that hashtag, he was identified under the Oregon Department of Justice's threat assessment process.

It is improper, and potentially unlawful, for the Oregon Department of Justice to conduct surveillance and investigations on an Oregonian merely for expressing a viewpoint, or for being a part of a social movement. We are concerned that such unwarranted investigations are racially motivated, and create a chilling effect on social justice advocates, political activists and others who wish to engage in discourse about the issues of our time. Furthermore, during a time when you, as attorney general, are chairing the Law Enforcement Profiling Task Force mandated by House Bill 2002, we are particularly concerned that the Oregon Department of Justice is conducting investigations such as this.

Certainly, we do not know all of the facts and look forward to hearing from you. More information is needed about the scope, breadth and purpose of the Department of Justice's activities related to Black Lives Matter, and other social justice movements. As a result, we call for:

- An immediate halt to digital and other surveillance of Black Lives Matter, related topics, and those individuals using that hashtag.
- An independent audit, conducted by an entity accepted by the undersigned, to determine who at the Oregon Department of Justice created and authorized this threat assessment practice; when it began; whether the investigations included email, browser history, phone, and other online and off-line activity; what were the department's intentions; and what has been done with this information.
- Said independent audit to review whether the Criminal Justice Division was properly supervised or trained to avoid racial bias.
- An apology and disclosure to all Oregonians ensnared in this surveillance.
- Direct contact from your office to each person who was surveilled, including providing those individuals with a copy of all of the information about them that was reviewed by the Department of Justice.
- A public meeting held by you, Attorney General Rosenblum, during this month to explain the information that is currently known about the use of this software to investigate Oregonians, and your response to the situation.
- Your commitment to address digital surveillance as part of the Law Enforcement Profiling Task Force recommendations.
- Audit results to be shared with the public by December 31, 2015.



Urban League
of Portland

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It is startling that Oregon taxpayers' dollars were spent in this way. We are copying this correspondence to members of the executive and legislative branches in hopes that they will commit to ensuring an effective and transparent process going forward. We seek answers and accountability about the existence of a digital surveillance program in our Department of Justice that appears to target civil, racial and human rights activities in Oregon. We request your immediate response and remediation.

Sincerely,

Nkenge Harmon Johnson, Urban League of Portland
Tom Chamberlain, AFL-CIO
Joseph Santos-Lyons, Asian Pacific American Network of Oregon
Kayse Jama, Center for Intercultural Organizing
Eric Richardson, NAACP Eugene/Springfield Branch
David Rogers, ACLU of Oregon
Jo Ann Hardesty, NAACP Portland Branch
Ken Allen, Oregon AFSCME Council 75

CC: Governor Kate Brown
Secretary of State Jeanne Atkins
Bureau of Labor and Industries Commissioner Brad Avakian
House Speaker Tina Kotek
Senate President Peter Courtney