

April 21, 2015

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House Rules Committee:

Chair House Democratic Leader Val Hoyle  
Vice-Chair Representative Barbara Smith Warner  
Vice-Chair Representative Vic Gilliam  
Representative Bill Kennemer  
Representative Phil Barnhart  
Member House Republican Leader Mike McLane  
Member Representative Rob Nosse  
Member Representative Dan Rayfield  
Member Representative Carl Wilson

Dear Representatives,

SB 941 will infringe on my activities, participation in several firearms related events and infringe on my ability to swap and borrow firearms which is done on a somewhat regular basis. For these and other reasons I am in total opposition to SB 941 as it is currently written. I feel it is a bad bill, ill conceived, concentrating on some special interests of some people located in a couple of relatively condensed geographical areas of the state.

Senate Bill 941 is not a Universal Background Check Bill. SB 941 is a flat out ban on private intrastate sales of firearms with the one exception of gun shows. By requiring all private party sales to be completed by a licensed dealer, firearms surrendered to a dealer, your firearm entered into his inventory to complete the transaction, you have turned all of these sales into commissioned sales by the requirement to hire an FFL dealer and especially the requirement that he enter it into his inventory. Any time you have to involve a dealer for the sale of anything from HIS inventory, it is no longer "private"! What have we come to that *we have to pay consultation, consignment, handling, or legal fees just to handle what was once a simple private transaction?*

#### SB 941

(2) ..... a transferor may not transfer a firearm to a transferee unless the transfer is completed through a gun dealer as described in subsection (3) of this section.

**(3)(a)** A transferor may transfer a firearm to a transferee only as provided in this section.

Except as provided in paragraph (b) of this subsection, **prior to the transfer both the transferor and the transferee must appear in person before a gun dealer, with the firearm, and request that the gun dealer perform a criminal background check on the transferee.**

**(b)** If the transferor and the transferee reside over 40 miles...

**(c)** A gun dealer who agrees to complete a transfer of a firearm under this section shall **request a criminal history record check on the transferee as described in ORS 166.412 and shall comply with all requirements of federal law.**

**(d)** If, upon completion of a criminal background check, the gun dealer:

**(A)** Receives a unique approval number from the Department of State Police indicating

that the transferee is qualified to complete the transfer, the gun dealer shall notify the transferor, **enter the firearm into the gun dealer's inventory and transfer the firearm to the transferee.** (If there was any doubt before this, this last line absolutely confirms that this is a **BAN ON THE PRIVATE SALES OF FIREARMS** in the State of Oregon.)

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As I read the current version of SB 941, and having had an informal discussion with a couple of attorneys and members of Law Enforcement, and as I pointed out in written testimony to the Senate Judiciary, it is my opinion that any person or business or nonprofit would be violating the law as established by SB 941 and commit a criminal offense should any of the following occur without going to an FFL dealer for a background check for each individual firearm

- 1) Transfers of Firearms to a Museum or equivalent for display,  
*I currently have 11 firearms on loan to Museums. These do not meet the federal definition for Antique Firearms and are therefore not exempt from SB 941 Restrictions. They are Spanish American War pieces, WWII and Korea era pieces and a rare 1900 era "American Eagle" .30 caliber German Luger.*
  - a) The opinion and position is that under the provisions of SB 941, all 11 firearms would have to be taken to an FFL dealer.
  - b) The museum curator or his authorized designee would have to meet me at the FFL Dealer.
  - c) A background check would have to be run on the curator for all 11 firearms as they do not meet the federal definition of "antique" firearms.
  - d) A unique approval number from the Department of State Police will have to be obtained for and attached to the paperwork of each firearm transferred.
  - e) As long as the curator "passed" the background check, all 11 firearms would then have to be transferred to the **dealers inventory**.
  - f) After all of this the firearms could then be transferred to me after additional ATF paperwork is completed to transfer MY firearms from the dealers inventory to the museum.
- 2) The Museum transfer of **MY** firearms back to me
  - a) Again, the opinion and position is that under the provisions of SB 941, all 11 firearms would have to be taken to an FFL dealer.
  - b) The museum curator or his authorized designee would have to meet me at the FFL Dealer.
  - c) A background check would have to be run on ME for all 11 firearms as they do not meet the federal definition of "antique" firearms.
  - d) A unique approval number from the Department of State Police will have to be obtained for and attached to the paperwork of each firearm transferred.
  - e) As long as I "passed" the background check, all 11 firearms would then have to be transferred to the **dealers inventory**.
  - f) After all of this the firearms could then be transferred to me after additional ATF paperwork is completed to transfer MY firearms from the dealers inventory to me.
- 3) In my shooting activities it is nothing unusual for me to meet with a fellow member of our Sportsman's Association and trade a firearm from a day up to a month or more. This is to facilitate competition shooting, trying out a firearm I might be thinking of purchasing or just because he has one I want to shoot and I have one he wants to shoot. Our Sportsman's Association meets once a month so, this activity and the monthly "swap meets" would be illegal under SB 941 without having to hire an FFL dealer and paying for background checks for each and every swap.
- 4) Repairing a Firearm for a friend when it is nothing more than a hobby and not a licensed business. No provisions for non-business/non-commercial made in SB 941. So, we would have to go to the FFL dealer and go through the above procedures just so I could keep my buddies hunting rifle long enough to put a new finish on the stock.
- 5) Transfer to a friend for hunting when that friend will keep the firearm to hunt on multiple days

throughout the season. While SB 941 provides limited exemption, it does not provide exemption for hunting trips where something other than hunting is going on, such as keeping that firearm for an entire season or a long trip to Eastern Oregon, Lincoln County or Tillamook County or Diamond Lake for a 2 week hunt combined with a fishing trip, which some of us do often, and fishing is not an activity “related to hunting”.

- 6) Neighbor or friend leaving firearms with another for safekeeping when going on vacation.  
I currently have the vast majority of my firearms collection at a longtime friends. He has a walk in climate controlled vault with special electronic security provisions. He has kept my firearms collection safe for many years. SB 941 will force a cessation of this activity unless we want to go through multiple background checks on each other. I do not consider it near as safe to keep the guns at my residence. Part of the SECURITY is that people DO NOT KNOW where I keep my firearms other than the vast majority them ARE NOT KEPT IN MY HOME, a very few are, and are therefore not the targets nor impetus for a home invasion.
- 7) Neighbor keeping firearms with another for safekeeping while undergoing short or long term medical care. I am currently keeping 7 firearms for a person that will be transferred to my friends walk in vault later this week. Again no provisions made in SB 941 that will require background checks for this type of “transfer”.
- 8) Firearms left with a friend or relative not covered by 941 exemptions while the owner is away from home for work or any of the reasons listed above. Loggers, contractors and many other job descriptions. I currently have a firearm in my gun safe that I am keeping for a neighbor who is temporarily out of the area.
- 9) A friend leaving a firearm with me for me to add or change sites on it or make repairs, where this is just a hobby for me and not a business.

I currently have a pistol and a rifle belonging to a neighbor that I am in possession of for safe keeping since he is away from home for extended periods of time so we would be criminals under SB 941.

There are many other very reasonable and common situations that would run afoul of SB 941. SB 941 is not a good nor well thought out bill.

I would also like to point out that Senator Doug Whitsett from Klamath Falls obtained a Legislative Council Report stating that he would be in violation of SB 941 for leaving his firearms with a neighbor for safe keeping while he is in Salem. Senator Olsen from District 10 likewise testified that he (his estate) would have to run a background check on the Oregon Military Museum in order to leave some of his historic firearms collection to the Museum.

When asked about the above “transfer” violations, the Carrier / Sponsor essentially said the prosecutor COULD choose not to prosecute. Something, that in my experience and professional life was called “prosecutorial discretion”. Something that is O.K. for one but not the other. Something that gets the average person prosecuted, but the Mayor or the Senator or one of their sons gets a pass? Senator Whitsett and others thought this to be totally inappropriate and I agree with them. I also see it as a very dangerous game to be playing.

I would really like the Carrier / Sponsor to explain how “prosecutorial discretion” worked a few years ago in Florence when the Oregon State Police said “no violation” and refused to arrest, ODFW said no violation and refused to take any action and the Lane County prosecutor said “no violation of state law” and declined to prosecute. How did “prosecutorial discretion” fit into a City Attorney telling everyone else he was going to prove a delusional point and filed city ordinance charges in Municipal Court against the young man that ODFW, OSP and the Lane County D.A.’s office refused to file?

This bill is being pushed mostly by out of state big money and interests who have spent at least \$600,000 on the fall 2014 elections and have now launched a 6 figure television ad campaign. The chair of the Senate Judiciary Committee placed unrealistic time constraints on the hearing. He allowed people from out of state (Dan Gross of the Brady Campaign – gun dealer & citizens from California) during the time for residents to testify while people FROM OREGON were denied the same opportunity. 84 people signed up against this bill and only 18 in support. More than one Senator have stated they have over 1000 letters and emails against this bill to only one in support. There is no Emergency, there are no time constraints. I see no reason why each citizen cannot be given a minimum of at least five (5) minutes to testify. If it takes two days, so be it. That is what the committee and our legislators are being paid to do. Listen to all of the people.

The Television ads that I have seen being promoted by one of these groups really have little to nothing to do with SB 941.

Clackamas Town Center Shooting: Nothing in SB 941 would have stopped it, but the inference of these adds are that it would have.

Thurston High School, Kip Kinkel would still have happened. Nothing in SB 941 would have prevented him from killing his parents and taking the guns to school.

04-01-15 Senate Judiciary Committee Hearing at 25 min. 40 seconds, Retired Chief Mike Reese, one of Bloomberg's "Celebrities", deliberately testified in front of the Senate Judiciary Committee *"If I want to sell one of my firearms there is no mechanism in place for me to ensure right now that the person I'm selling to is not a felon"*. How could Mike Reese not be aware of current Oregon State Law?

**166.436 Firearm transfers by persons other than gun dealers; criminal background checks authorized; liability.** (1) The Department of State Police shall make the telephone number established under ORS 166.412 (5) available for requests from persons other than gun dealers for criminal background checks under this section.....This wasn't a simple mistake on his part. This wasn't a simple lack of knowledge on his part. We are talking about professional law enforcement official with oversight and income from Mayor Bloomberg.

Mayor Hales inferring that SB 941 would prevent 14 year olds from obtaining firearms. Now, please explain to me where in Oregon Law, or in the United States Code, is it legal for anyone to sell a handgun, let alone any firearm, to a 14 or 16 year old juvenile?

Speaking of Mayor Hales and Multnomah County:

Multnomah County passed laws in 2013 that are very strict firearms laws and yet violent crimes have been reported to be up 31+% so far this year alone. There have been a number of shootings in just the last several days. So, I would have to ask, How are those new and amended tough firearms laws working out Portland?

#### **§ 15.064 POSSESSION OF A LOADED FIREARM IN A PUBLIC PLACE.**

(A) It is unlawful for any person in a public place, to carry a firearm upon the person, or while in a vehicle in a public place, unless all ammunition has been removed from the chamber and from the cylinder, clip, or magazine. A person who violates this section is subject to penalty even if the person did not know that ammunition was in the cylinder, chamber, clip or magazine.

#### **§ 15.065 DISCHARGE OF A FIREARM.**

(A) It is unlawful for any person to fire or discharge a firearm within the boundaries of the County.

See Multnomah County Codes Chapter 15 for additional restrictions and laws.

They have the toughest restrictions on firearms in the State of Oregon. The tightened them up in 2013, (without a CHL) no loaded firearms, no loaded magazines...Simply put, because the felons, the gang members the "outlaws" pay no attention to these laws and buy their firearms on the BLACK MARKET where "loose lips" truly do sink ships. No witnesses, period.

Please take a look at ATF Form 4473 Instructions, (<http://www.atf.gov/files/forms/download/atf-f-4473-1.pdf>), specifically 11e. People who currently smoke marijuana are not allowed, under federal law to purchase firearms. Those who participate in Oregon's Medical Marijuana Law cannot legally purchase a firearm. Those who will participate in Oregon's Recreational Marijuana Law as of July 1, 2015 will not be able to legally purchase a firearm.

With the passage of SB 941 into law, you will have banned any of these marijuana folks from purchasing a firearm, UNLESS, they lie on 4473 11e, in which case that have committed a Federal FELONY! While Marijuana may be legal in Oregon, Federally it is still illegal and you are talking about a federal form and Federal Laws. Remember "prosecutorial discretion". It is already illegal for a medical marijuana user to purchase a firearm from an FFL dealer. They have to lie to do it, and in the case of traceable medical marijuana cards it is only a matter of time before a Politician, Everytown, Ceasefire or other groups push into that realm.

I have checked with the only gun shop close to me, 17 miles away. The standard service fee they charge for a background check alone is \$25.00. The standard fee for an FFL transfer is \$45.00. That would be **\$70.00** (another gun shop a little farther to the South of me charges **\$75.00**) to enact a firearm sale. There is nothing "private" about it. You have to pay a commission to a gun dealer, that gun dealer has to take your firearm away from you, that gun dealer has to enter that firearm into his inventory. If I want to loan a firearm to my hunting partner or his son for the deer and elk season in Oregon, they will have to make a 104 mile round trip to my gun dealer and we would have to pay \$70 per gun to do this loan. (We only live 35 miles apart so the 40 mile shipping rule wouldn't apply and I don't sell to them anyway, I just loan them what they need for big game and bird seasons.) Using the \$70.00 figure, if this law had been in effect over the last year, it would have cost me roughly \$700.00.

With all due respect to Senator Prozanski, Mr. Kemp, Mr. Yuille and others, they are not the only ones to lose a family member to firearms. I was 14 years old when my brother died, 2 years younger the Senator Prozanski has professed to be when he lost his sister in 1973.

*In August of 2003 just a couple of days after a very best friend (surrogate brother) dropped my daughter off at the completion of a 2 month trip to the Dakota's and Yellowstone and after we had spent a couple of days fishing on my boat out of Newport, he and his wife were shot in our elk camp. He was killed instantly and she was critically wounded and will be forever partially disabled from her wound.*

Neither of these incidents would have been prevented by a background check. In the case of my very dear friend, the rifle was stolen.

*I have every right and motive to be staunchly opposed to firearms and / or demanding background checks beyond the current system, **but I am not. In fact, quite the opposite.** I chose to go the other way and spent a career enforcing the existing laws and teaching people how to safely handle and shoot firearms.*

There has been so much mention about the number of suicides and women killed in domestic violence incidents. What Cease Fire Oregon, Everytown for Gun Safety, Brady Campaign and the rest won't tell you is how many of those people owned the firearms well before the act of domestic violence or suicide. In a lot of cases, those people passed a background check at the time they bought the firearm. This bill will do nothing to stop that.

Remember, the State of Oregon supports and condones Suicide through the Death with Dignity Act. 155 people died under the Death with Dignity Act in 2014. How many of the other suicides would have fully qualified for Death with Dignity, but the people just didn't want to go through the red tape or couldn't find a doctor to assist them? "As in previous years, the three most frequently mentioned end-of-life concerns were: loss of autonomy (91.4%), decreasing ability to participate in activities that made life enjoyable (86.7%),

and loss of dignity (71.4%).”

As an ironic side note to the domestic violence issue, one of the first homicides I was involved with in Law Enforcement, was a women who shot her husband. She came home, found her Marine Recruiter husband in bed with another woman and shot him several times in the back with a .22 caliber pistol as he fled naked across the front lawn of their house.

I have been personally involved in shooting incidents where, in all cases, background checks would have done nothing to stop them. The perpetrators had either stolen the guns or legally purchased them including background checks and (in some earlier cases) waiting periods. This includes a double homicide plus suicide. An ex-boyfriend went to former girlfriend’s apartment with a legally purchased, background check proofed (including a waiting period that was in effect in this era) Winchester Model 94 30-30 Rifle. He shot the ex-girlfriend when she walked into the apartment. He stepped outside and shot the new boyfriend on the sidewalk. A few minutes later, when confronted by Law Enforcement, he shot himself.

According to the Centers for Disease Control and Prevention, drug overdoses were the leading cause of injury death in 2013. Among people 25 to 64 years old, drug overdoses caused more deaths than motor vehicle crashes.

Of the 43,982 overdose deaths in 2013, over half of them were related to prescription drugs, a vastly larger number of deaths than caused by minors’ access to firearms. In 2011 gun deaths were dwarfed by the number of deaths caused by doctor prescribed drugs.

### **A two-decade-long decline in firearm deaths and other gun crimes**

**State Sen. Doug Whitsett** last August warned Oregonians that the Legislature was within a single vote of passing legislation that he said would have eroded the Second Amendment right to bear arms. Among his claims on the issue was this: “Over the past twenty years, the number of homicides committed with a firearm in the United States has decreased by nearly 40 percent. The number of other crimes involving the use of a firearm has also plummeted, declining by nearly 70 percent.”

**The fact-check showed that the Republican state senator from Klamath Falls pulled his statistics straight from the Centers for Disease Control. The Pew Research Center, which is nonpartisan, used the same statistics. Whitsett waltzed off with a rating of True (The Oregonian)**

An Oregon 2 year total 2378 denials (99.0833 per month average, but that doesn’t sound as imposing or as impressive), many of those were proven to be improper denials. Delays and system failures are common place. According to the FBI / DOJ the numbers of rejections are less than 1%. I believe the actual total for Oregon is .7% (7/10<sup>th</sup> of 1 percent). A lot of those are warrant’s for persons arrests, the charges of which would not necessarily have been a deniable offense. Things like FTA on a Traffic Violation.

Two of those denials belong to my son. One and a half years ago my step son’s purchase of a pistol was denied and he had to fight to get it approved. A felon, originally from the Seattle Washington area had the same name and either the same or close to the same date of birth. This person was a felon and in the Washington State Penitentiary in Walla Walla, Wa. *Now, just exactly what does it take to figure out that if a person does not have the same DOB, does not have the same Social Security Number and is in prison, he probably is not in Oregon purchasing a firearm?* They told him that they added information so that he wouldn’t be delayed again. Last year, during the purchase of a rifle, he went through the exact same thing again! The lists goes on and on and on.

If you believe you absolutely feel you must modify the Oregon Background Check Law, I have a proposal: The statutes should be amended as follows:

1. Any person who is **ineligible** to purchase a firearm and attempts to do so shall be guilty of a Class A Misdemeanor, unless their ineligibility is due to any conviction of a felony violation in which case they shall be guilty of a Class C Felony.
2. Any employee of the Oregon State Police FICS who fails to notify the Patrol Office, Sheriff's Office or the Municipal Police Department of the Jurisdiction for any person illegally attempting to purchase a firearm immediately upon making a determination of a "stop of sale" shall be guilty of a Class A Misdemeanor.
3. Any person who is charged with the responsibility of enforcing the laws of the state of Oregon and any person who is responsible for prosecuting violations of the laws of the State of Oregon, who fails to enforce or prosecute any verified attempt at the illegal purchase of the firearm is guilty of a Class A Misdemeanor.

Why don't we try these modifications for a couple of years before we get into banning private sales?

Just as a refresher, six (6) out of the seven (7) mass shootings of the last few years were committed by people who passed background checks.

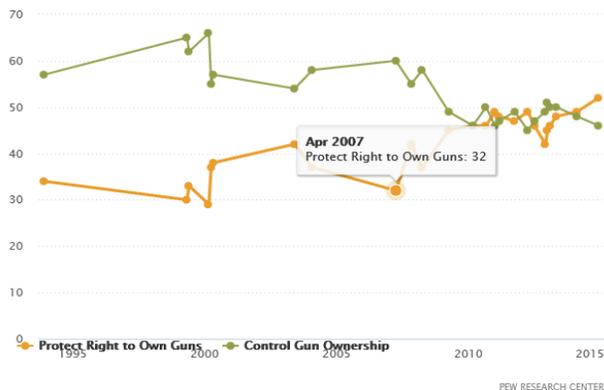
5 of the 7 passed background checks before they purchased their weapons.

- Seung-hui Cho (Virginia Tech) – Mental Case not reported - passed background check
- Maj. Nidal Hasan (Ft. Hood) - Radical Muslim- Passed background check, emails to radical cleric ignored.
- Jared Loughner (Tucson) - Mental Case not reported - passed background check
- James Holmes (Aurora) - Mental Case not reported - passed background check
- Wade Michael Page (Sikh Temple) - Mental Case not reported - passed background check
- Adam Lanza (Sandy Hook Elementary) - Mental Case – weapons stolen from his mother and he killed her with one of them – No background check, how could there be? Thieves have no requirement for background checks whether or not you are related to them.
- Jacob Tyler Roberts, Clackamas Town Center – Stolen Weapon –Thieves have no requirement for background checks.

Background checks would not have stopped the Clackamas Town Center nor would it have stopped Kip Kinkel at Thurston High School, both of which have been used as examples by supporters of SB 941. Would background checks stop a crime? Not if the potential shooter is determined. If a person is denied and he wants a gun bad enough, he will have one inside 2 hours if he is in Portland or Eugene and has the money. Will lightning strike. Undoubtedly, and there is nothing these bills are going to do to prevent it. Senator Prozanski said it himself, "If a bad guy wants a gun, he is going to get it!"

People in support of these bills know (or should know) this and yet they seem willing to be less than honest in their portrayal that they will prevent the above tragedies. I feel I have been insulted and I feel my intelligence had been impugned once again.

According to a Pew Poll, for the first time in more than two decades, there is more support for gun rights than gun control. Currently, 52% say it is more important to protect the right of Americans to own guns, while 46% say it is more important to control gun ownership.



Guns are not necessarily made for killing, contrary to statements made last year on a radio interview. Can they be? Absolutely. A car is not necessarily made for killing. Can a car be used for killing? Absolutely. As you can see, guns have a multitude of purposes.

I own several competition pieces that were made to do nothing more than shoot competition targets. They are not for self-defense nor are they suitable for that for a host of reasons.

Have you ever watched the Olympic Biathlon or similar events? There is a very public example of firearms not made for killing. The Olympic, local, national and international or other gallery completions where the firearms used were in no way shape or form made for killing.

Oregon Revised Statutes, Chapter 166 lists sixty-three laws (63) that deal directly with firearms.

- It is against the law for the interstate purchase of a firearm via the internet, newspaper or any other means, from a dealer or a private party, without going through an FFL Dealer for the shipment, receiving and background check. (166.490(2))
- It is against the law to ship a handgun via US Mail by private parties from any location to any location.
- It is against the law for a felon and certain others to purchase a firearm.
- It is against the law for a felon and certain others to be in possession of a firearm.
- It is against the law for anyone killing or injuring another with a firearm (intentionally, with malice, or by negligence) (ORS 166.300)
- It is against the law to use a firearm in the commission of a crime.
- It is against the law to commit murder, Assault, etc...There are books full of laws that ARE NOT being enforced, but we are going to fix that by adding yet one more law.

Please see addendums for additional information.

Sincerely,

Jim Mischel

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Sheridan, Oregon

Perrydale/Ballston, Oregon

## Addendum 1

Firearms that actively traded, bought or sold in our private, 200 member Sportsman's Club. A club where a lot of the members are Law Enforcement (current or retired), Firemen (current or retired) and Military Veterans.

### LONG GUNS

Lone Star Arms /Legion USA Inc. Saiga-12 12Ga  
Rock River Arms LAR-15 5.56 Pistol  
Kel Tec PLR-16 5.56  
Kel Tec Sub2000 9 MM Luger (Glock magazine)  
Kel Tec Sub2000 9 MM Luger (Baretta magazine)  
Ruger Gunsite Scout 308 Win  
H.Koon Snake Charmer 410Ga  
S & W M & P 15-22 22LR  
Walther G22 22LR (Left Hand)  
Walther G22 22LR (Right Hand)  
Ruger 10-22 Takedown w/ backpack

### HANDGUNS

Springfield XDs .45 3.33"  
Springfield XDs 9mm 3.33"  
Sig Sauer 1911 .45  
Sig Sauer P220R Carry Elite Dark (Nitron) .45 (220R3-45-DSE)  
Sig Sauer P220 Stainless Elite .45 (P220R-45-SSE)  
Sig Sauer P226R Elite, Nitron, SigLite, Short Reset Trigger (SRT) SN:U845286  
Sig Sauer P229R SCT (Super Cap Tactical – came with 4 hi-cap 17 round //.mags),  
Nitron, SigLite Rear, TruGlo Tritium Fiber Optic front 9mm  
Sig Sauer P238 2-Tone, SigLite .380 (238-380-TL) with laser & holster  
Sig Sauer P238 .380  
Kimber Super Carry Pro .45 SN: KR116554 (on consignment at G&C)  
Glock P26 9mm  
Glock 36 .45  
Kahr TP45 .45  
Kahr PM9 9mm (safety, laser)  
Kahr PM9 9mm (laser, no safety)  
Ruger LCR .38 Spcl  
Ruger LCR .22  
S&W Bodyguard .38 Spcl  
S&W .22 revolver  
Hi Point 9mm  
Taurus PT109 "Slim" 9mm  
Walther P22 .22 semi auto

## Addendum 2

Operation Kraken, the “long” term 8 month **sting** that ATF / DOJ conducted in Portland. SB941 would have had no effect on any of those purchases.

In 8 months they were able to only make 59 firearms purchases. (7.375 firearms per month, a very far cry from a “large loop hole” in the background check laws). Some people, are even screaming foul over the “suggestive” tactics they used to get even that small number of guns. “defense attorneys say Operation Kraken employed outrageous tactics that tricked small-time offenders into felony conduct.”

When combined with additional arrests, searches subsequent to arrest and search warrants, an additional 21 firearms were seized / recovered. (2.625 per month). Ten (10) of the 80 firearms were stolen from what appears to be 3 burglaries. Two burglaries in Battle Ground Washington area and one burglary (4 guns) in Reedsport, Oregon. Again, outside of the parameters of SB 941. Are the thief’s going to run a background check on themselves?

"Drugs and guns move inter and intrastate just as criminals do." the ATF wrote. "**Many of the guns recovered in Northeast Portland and Gresham *did not originate there.*** To limit this case because the targets did not live locally would be doing a disservice to the greater Portland metro area.

Out of the 80 firearms, none are known to have been used in a crime.

SB 941 would not have had any effect on these firearms transfers. Eighteen (18) of the firearms (please see chart below) were black market firearms that would never have gone anywhere near a background or serial number check.<sup>1</sup>

Remember, we are talking about a Federal drug and firearms purchase program in a purported heavy traffic area of Portland Metro they were only able to accomplish 59 purchases in eight (8) months!

### The ATF sting

80 firearms recovered in Operation Kraken

Total firearms purchased through the storefront: **59**



Total firearms seized during search warrant and arrest take-down operations: **21**



Source: U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives

#### Weapons illegally modified or prohibited:

- Shotguns**
  - 3 Shortened barrels,
  - 2 Obliterated serial numbers
- 1 Revolver**
  - Obliterated serial number
- 1 Pistol**
  - Obliterated serial number
- 1 Machine gun**

#### Firearms listed as stolen:

- 4 Rifles**
- 4 Pistols**
- 2 Revolvers**

DAN AGUAYO/THE OREGONIAN

<sup>1</sup> [Les Zaitz](#) January 25, 2014 at 8:50 AM, updated January 25, 2014 at 5:20 PM

### Addendum 3

The blog of a former gang member and “armorer” for the gang.

**Caution: Contains gang terminology and foul language.**

\* by BenjaminWebb1611x3

Disclaimer: I am a former gangmember. I have no convictions, and am not a prohibited person. All my firearms are legally owned. This is just an expose.on how some sets work, but not all are alike.

Now, lets get straight into it. Amongst the lower ranks of sets, the footsoldiers/YGs/other youngins; there are 3 ways to acquire guns.

1) from other gangmembers. This is fairly straightforward. Sometimes they'll sell 'em, other times they'll trade 'em, and sometimes they'll loan 'em out.

2) from pawn shops. Why pawn shops? They tend to be more discreet and less likely to kick you out if they think you bang. So send a young kid with a clean record to buy a new gun or two. Or get one of the girls to do it.

3) steal 'em. This is either done when you know a house has unsecured guns, or if you stumble upon them during a knock-over. Usually stolen from extended family if you know they're there.

But, there's always exceptions. For some of the bigger sets (and I mean huge sets, like the Stone Bloods), they work out deals with whoever they need to so that they can source firearms from other places, but the one Stone I know won't share how. Sorry, will hopefully edit if I can get it out of him.

Now I'm sure most of you have seen the idiot with snapcaps saying they're paralyzer bullets. Yeah, people like him exist, and they're too common. But a lot of sets will have an “armorer” who's responsible for telling the youngins what guns to buy, buying ammo, and keeping shit working. That was my job. In a set of ~100 people, I was responsible for about ~60 guns. Not fun.

Anyway, the smarter ones of us would try to consolidate calibers. Didn't always work, but it brings us to the next point:

What the fuck is with the Hi-Points?

Well, we had two categories: cheap and reliable. Huge shocker, ain't it. Well, say what you will, but Hi-Points are fairly reliable. And when you're dealing with dumb people, they're easy to teach how they work. Same with Kel Tecs, Rugers, and Kahrs. So we'd try to equip the YGs, Jack boys, and runners with them. But there's a divide in gangmembers. One side likes small and concealable. One side likes big, “powerful”, intimidating guns.

That's why you see a weird mix of Charter Arms Bulldogs, Hi-Points, and Kel Tecs. So where we might want to just have 9 mils, we have to source an 8” .44 for one guy, a pocket .380 for another, and a full-size .45 for another. It sucks. Plus, any guns that get stolen get added to the mix. The amount.of old .22s and hunting rifles we got was astonishing. But we made do.

And that leads to another problem. We needed rifles for our jack boys. They were the ones kicking in doors and riding on people. They wanted the coolest looking rifles possible. So that meant Mak-90s and M4-geries, and the occasional shotgun. Even more complex and irritating.

And to completely counteract the “paralyzer” bullet guy, some sets will have former combat soldiers and Marines. These guys will do a couple tours, come back, and share their knowledge. Room clearing, fire and maneuver, proper maintenance, and reloading under stress. They help make gangs even more dangerous.

I know somebody asked about street prices, so here's my rough summary: ~15% below.market value for friends to ~20% above it for guys you know have no other option.

I'm rambling, so here's me trying to wrap it up: gangmembers are dumb, but sometimes they have a good support and supply team. Stolen guns get used or sold. Pawn shops are great. Ask questions if you have 'em. Sorry for the rambling, will keep editing for cohesiveness.