Oregon State Legislature
Senate committee on judiciary

Regarding PROPOSED AMENDMENTS TO SENATE BILL 978

An argument against, a call to eliminate this amendment and a citizen call to Cease and Desist

The language of the amendment is disturbing in a multitude of ways. I shall cover 4 of them in this communication.

1. Amendment section titled "CONCEALED HANDGUN LICENSE FEES" See Section 24 under this heading. The concealed carry permit changes will effectively limit the ability of Oregon citizens to obtain such a permit to only those of greater financial means. The increase in individual cost will render many in the greatest need to be unlikely to avail themselves of the permit due to fiduciary harm via financial burden. See Section 24 under this heading.

    a. Higher crime area residents are more often those of limited means; thus, the enactment of this provision will discriminate again those of lesser means from being able to avail themselves of this protection.

    b. Senior citizens are often limited to fixed income situations which are financially stressful. Seniors are a group more often targeted by human predators because they are perceived by these predators as being less able to defend themselves. Easy targets as it were. This amendment's financial burden will serve to make this population more susceptible to predator targeting.

    c. Young women, and, in particular, single women with children, are easier targets for predatory acts. These actors may include abusive husbands and boyfriends, stalkers, general criminals, sexually driven criminals, etc. As a group, these women are more likely to have limited financial resources. This amendment results in a de facto elimination of their ability to self-protect via undue financial burden and a fiduciary harm.

    This is ill-advised, in particular, as concealed carry permit holders for firearms have been demonstrated to be more law abiding than the general population and in one study, law enforcement. Further, it flies in the face of the Oregon Constitution, Article one, Section 27 to wit: "Right to bear arms; military subordinate to civil power. **The people shall have the right to bear arms for the defence [sic] of themselves**, and the State, but the Military shall be kept in strict sub-ordination to the civil power[.] (emphasis mine)

2. Amendment section titled "LOCAL AUTHORITY TO REGULATE FIREARMS IN PUBLIC BUILDINGS" The language is nearly indecipherable in many sections, poorly defined in others and in some instances creates a situation where there is a defacto firearm ban that can be violated without knowledge of a citizen who is not imminently familiar with geographical placement of public building and may reasonably be unaware that such a restriction has been issued.

a. The language regarding public buildings criminalizes anyone with a firearm or specifically, anyone with a concealed carry permit duly issued by the Oregon county of their residence. The language expands the definition of a public building to include "The grounds adjacent to a building described in paragraph (a)of this subsection". The parking lot? The street? ???? May I remind you that numerous public facilities, e.g. SAIF in Medford, exist within commercial parking areas. Some courts in small jurisdictions may exist directly contiguous to commercial properties, the sidewalk or a public thoroughfare. This directly conflicts with the U.S. Constitutional 4th Amendment right to "bear arms" and Article one Section 27 of the Oregon State Constitution.

b. The ability of an entity to declare itself (or as the language may imply) and other "public facilities" an area where licensed concealed carry holders are subject to a class C felony charge is ambiguous and subject to selective enforcement. E.g. the person exiting a vehicle in the adjacent area that has an NRA or Oregon Firearms Federation, sticker or decal with that person's 1st Amendment right being exercised. The law enforcement rights defiler would perhaps use the sticker as probable cause to search the vehicle and person therein to achieve an arrest. The potential for tyranny via selective enforcement is legion. This also would apply to an individual who is merely picking up or dropping off a passenger at an airport and never enters the premises.

3. Re: "MINIMUM AGE FOR FIREARM SALES": The age restriction on purchase of firearms by individuals is nonsensical and a pander to retailers who, for whatever reason, attempt to "virtue signal". An 18 year old Oregon citizen has, by Oregon and U.S. law, achieved the age of "majority" and must not be subject to age discrimination. Thus, they are able to vote in State and Federal elections, own property, enter into legally binding contracts and otherwise be subject to requirements and privileges of majority (other than use and purchase of alcohol or cannabis which should be available to non-minors). Further, this amendment could restrict military veterans, and as I read it, active military from purchase, etc. I suppose it could be argued that recent scientific studies show that the full development of the reasoning portions of the brain are not finished until the age of 25. Based on these studies one could argue that the age of majority should be raised - hence, Oregonians under the age of 25 should be restricted from entering into contracts, joining the military without parental permission, voting, etc. Should business be available to decide with whom they wish to do business? Yes. However, recent Oregon actions have shown us that the businesses here do not have this right, even based on religious convictions. This is only an appeal for consistency.

4. The use of the "Emergency Designation" for this bill is specious. A canard that is now frequently used to strip the citizenry of Oregon of their guaranteed right of over-riding unreasonable, ill-advised, and frankly, tyrannical, legislative actions that cause the citizenry harm.

Finally, I refer you to the cease and desist demand following

To the Oregon State legislature

Notice and Demand to Cease and Desist

This Notice and Demand to Cease and Desist limits in no way the extent to the scope of the subject matter covered. This Notice and Demand does not limit any summary and plenary remedies available to anyone but serves as the beginning of the lawful process necessary by the acts and omission to act of the various principles or those accessory, in an effort to arrest the irreparable and immeasurable

harm to the actual Public or People of the State of Oregon in acts committed by The Oregon State Legislature and other third part interest.
By this Notice and Demand to Cease and Desist you are made aware and in knowledge of the wrongs and continuing wrongs of which you have a sworn Duty, Obligation, and Responsibility to protect the Public or "the people".
For the Public record, as Preparatory to and Requisite of remedies, and for other purposes
To the Oregon State legislature in the Consideration of SB 978 and Dash 1 Amendment
Greetings:
"Some of the worst things imaginable have begun with the best of intentions"
The Fiduciary Obligation and Duty of The Oregon State Legislature is to assure the People of the perpetuity of a constitutionally mandated "Republican Form of Government". The proof of this is the constitutionally mandated "Oath of Office" that each Representative of both House and Senate is required to take. The following passage is from the Constitution of the State of Oregon, specifically referred to as "**Section 31 Oath of Members**. The members of the Legislative Assembly shall before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation; I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of Senator (or Representative as the case may be) according to the best of my Ability, And such oath may be administered by the Governor [sic], Secretary of State, or a judge of the Supreme Court.----" The pathway for purpose and need for this "Oath " is in the 1859 Admissions Act which in its preamble states "Whereas the people of Oregon have framed, ratified, and adopted a constitution of State government which is republican in form, and in conformity with the Constitution of the United States, and have applied for admission into the Union on an equal footing with the other States; Therefore---" As the Oregon Constitutionally mandated "Oath of Office" lists an order of priority of support for the Constitution of the United States, and the Constitution of the State of Oregon it is clear to "the people" that our elected Representatives cannot make war on the Constitution and Laws of the United States.
You are further informed of this concept by examination of "**U.S. Constitution, Article IV, sec4** The United States shall guarantee to every state in the Union a republican form of government...." and "**Amendment IX U.S. Constitution**" which states "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.". There are in this time in history many frivolous arguments against the 2nd Amendment of the Constitution of the United States. Here only the rulings of the Supreme Court of the United States are considered. In the study of these rulings there is no real argument that anyone can mount and only the proofs that the Oregon State legislature is making war on "the people" by trying to fast track and hide from public input, attempts at incremental infringements of granted 2nd Amendment Rights.

The Supreme Court of the United States has reached the same conclusion in each instance of challenge and ruled consistently that the protections of the 2nd Amendment Rights are held. It is suggested that the actual findings of the Supreme Court of the United States be read by the legislative bodies for verification of this fact.

The law mandates a Public Input Process that is well defined though willfully ignored by the the Oregon Legislature. Instead a falsified public input process has been substituted to create a false history of public acceptance.

Involvement by NGO organizations that are financially supported by organizations outside our State is an unrealistic intrusion by a few overreaching into the lives of the entire population threatening granted rights that is in direct conflict of both Federal and State law.

It can only be concluded that the entire process that has been used, constitutes a broad based scheme of artifice that does not give the actual consent of or allow the ability of "the people" of the State of Oregon to give legitimate public input. Any Consensus based Public Input Process involvement by third party beneficiaries or "Stakeholders" and documented as "Consent" to proceed is hereby rejected.

The falsified historical record of NGO organizations funded by national groups and wealthy individuals that provide undue influence upon the Public Input Process is also rejected as no true public consent has been given nor sought. This plan in its conception and further implementation constitute an unlawful infringement and harm besides having no lawful authority to proceed.

This letter provides notice to the State of Oregon. Your decisions cause great concern to "the people" as from all aspects and appearances the attempts at implementing laws that have clear violations of the laws of the United States and the State of Oregon. I will first refer you to "**ORS 192.620 Policy.** The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c 172 1}". Official replies and responses that "concerns will be part of the public record" are deceptive and a clear violation of the protections granted all citizens by the Constitution of the United States as well as the Constitution of the State of Oregon.

The lack of public notice and involvement, lead to a strong public perception of an appearance of impropriety. This is pointed out after discovery of drafts of legislation that have been submitted, approved, circulated and efforts undertaken to fast track these attempts (gut and stuff), these actions combined with no protective response from any part of the legislative bodies is an unacceptable breach of your fiduciary duty to the people of the State of Oregon. The fact that a direction and attempts to infringe 2nd Amendment Granted Rights has already been made while "the people" were kept out of the Public Input Process and NGO organizations were allowed input. As the public becomes more aware of these intrusions and responds in horror is absolute evidence of gross malfeasance or illustrative of a constitutional due process violation.

The following passage from the beginning of **Oregon Revised Statute 183.502** explains the actual illegal usage of any "Consensus Process" to make war on "the people" by attacking constitutionally protected granted rights. "**ORS 183.502** Authority of agencies to use alternative means of dispute resolution; model rules; amendment of agreements and forms; agency alternative dispute resolution programs. **(1) Unless otherwise prohibited by law,**"

The **Oregon Administrative Procedures Act section 183.400 (4) (a)** specifically addresses the invalidity of any rule by stating "(4) The court shall declare the rule invalid only if it finds that the rule: **(a) Violates constitutional provisions**;". Very simply if the "court shall" why must we pursue this matter further than noticing the Oregon State Legislature.

The limitations of impositions and the possibility of potential harms are why laws exist. The Constitution of the State of Oregon states that every man has a remedy. "The people" seek such remedy and thus inform you that if necessary accrued evidences shall be forwarded to appropriate Federal Agencies that exist to protect "the people" from such overt disregards and infringements of constitutionally protected granted rights.

The following is from a recent Supreme Court of the United States decision it is found here:
McDonald v. City of Chicago, Ill., 561 US 742 - Supreme Court 2010

*3050 Third, Justice BREYER is correct that incorporation of the Second Amendment right will to some extent limit the legislative freedom of the States, but this is always true when a Bill of Rights provision is incorporated. Incorporation always restricts experimentation and local variations, but that has not stopped the Court from incorporating virtually every other provision of the Bill of Rights. "[T]he enshrinement of constitutional rights necessarily takes certain policy choices off the table." *Heller,* 554 U.S., at 636, 128 S.Ct., at 2822. This conclusion is no more remarkable with respect to the Second Amendment than it is with respect to all the other limitations on state power found in the Constitution

The above statement is not from a fringe source, it is from a Supreme Court Justice of the United States and may allow you to reflect upon the current direction of the Oregon State Legislature, "policy is not law" and a current legislative disparity in numbers does not allow for the destruction of our way of life and infringement of granted rights.

In closing it is respectfully demanded that the bill SB 978 and Dash 1 Amendment not be considered further.

See attached comments

The concern over the Umpqua C.C. shooting expressed as justification for the implementation of the amendments to SB 978 is belied by the realities of much of the amendment(s).
The age restriction would have had ZERO effect on the perpetrator at Umpqua C.C. as he was 26.
Likewise, the lockup programs would have had no effect on the incident as the shooter owned the guns and would had control over the locks. (Also it is interesting to note that this was argued as a suicide preventative when it is well documented that there are numerous countries with higher suicide rates than the US that are highly restrictive on firearms in the populace, e.g. Japan)
The restrictions on having the guns in proximity to the numerous and confusing array of “public places” would have been useless since it is already against the law to indiscriminately shoot people. Therefore, the likelihood that this sort of law would have interdicted the actions of the perpetrator is nil.
Remembering that over 90 of mass shooting have occurred in “gun free” zones this action will only increase Oregonian susceptibility to a mass shooting – a boon to the effectiveness or even an invitation to those who would carry out such an action.
The reality of the onerous language of this ill-advised bill is that it would have done NOTHING to interdict the events at Umpqua C. C. The bill is a nefarious harm to the liberty of people of Oregon which the legislature is supposed to protect.
One must ask if the proponents of this bill, including the Governor, are so irrational as to believe that it would have had any effect on the slaughter at Umpqua CC at all. Granting that this lack of rationality is unlikely, the reason for pushing this bill becomes an excuse to fulfill an immoral desire for power and control by governmental officials and billionaire proponents who wish to make Oregonians subjects rather than citizens.
Perhaps the legislature should take an honest look at the recommendations of a panel studying the Marjorie Stoneman High School shooting, the recommendations were expressed as “Polk County Sheriff Grady Judd, a member of the Marjory Stoneman Douglas High School Public Safety Commission, said that program needs to be expanded to allow teachers to carry guns.” -South Florida Sun Sentinel
But that would allow more freedom than it seems statists such as yourselves can stomach despite its potential effectiveness. I encourage you to prove me wrong by withdrawing this travesty.
R. G. Howell
Jackson County, OR