

Comment for SB 978

I was hoping that I could be there on Tuesday, April 2, to give testimony regarding SB 978 but living 4 hours away precluded me from attending. So, I am submitting my testimony electronically.

I want to address some of the issues stated in SB 978. I will not address all the sections in this email due to time constraints. However, I feel the entire bill is overreaching and flies in the face of the second amendment and should be dropped.

First, it is wrong to hold gun owners responsible for crimes committed with firearms which were stolen from them. It is onerous to make it a crime to have to report your firearm stolen within 72 hours or holding the gun owner responsible if the stolen fire arm was used in a crime for 2 years after the fact. This is dual victimization. Also, these storage requirements are so stringent they will render the firearms unavailable for self-defense.

The increased cost of obtaining a CHL is discriminatory against those of lesser means and those on a fixed income such as senior citizens, those who are the most vulnerable to criminal elements. Not to mention it is an assault against those who wish to follow their second amendment rights as provided in the US and Oregon Constitutions. The Oregon Constitution, Article 1, section 27 says that "people have the right to bear arms for the defense of themselves". By making the attainment of a CHL so expensive you will be restricting people's ability to exercise their second amendment right of defending themselves. A study by John Lott says, "that for each \$10 increase in fees cause a half a percentage point decrease in the proportion of adults with permits."

Another assault against the second amendment is your restriction of CHL holders which allows cities, counties, metropolitan service districts, airports, school, colleges and universities to ban CHL from public buildings. It is so restrictive, it essentially precludes a law abiding CHL holder from carrying because the person will not even know when they are in a restricted area. It is unrealistic for a person to know the variance between each municipality or other entity. The result of the way this is written will be chaos. The change in the definition of "Public Buildings" and the provisions that would allow virtually any public entity to create rules about firearms in "public buildings". Under the amendments, a school district could create a policy that could make you a felon simply for being NEAR a public building. You don't even have to be on their property. You are making felons out of law-abiding citizens. Again, referring to the Oregon Constitution, Article 1, section 27, by restricting where a person can carry to defend themselves you are restricting a person's right to bear arms to defend themselves. To make a criminal out of a person who just goes to pick up someone from the airport (not even leave your car) is utterly ridiculous. You state no rationale for these absurd, nebulous restrictions. If your fear is that law abiding citizens will be in a position to commit crimes if they are armed, you have it wrong. A report from Crime Prevention and Research Center, says that CHL holders are far less

likely to commit crimes than police not to mention the general population.¹ In fact, you will be creating more “gun free” zones in which real criminals will be emboldened to commit more crimes. Law abiding citizens will be left defenseless against criminals who ignore such arbitrary boundaries. The facts are mass shootings tend to occur in “gun free” zones. The FBI reports that the occurrence of mass shooting occur in “gun free” zones approximately 98% of the time.

You take an oath, Section 31 Oath of Members, to uphold the constitution. Your job is to protect all citizens even those who believe in that pesky second amendment. As I see it, this law assaults both the US and Oregon Constitutions. By proposing and supporting it you are in direct violation of your oath. If you feel this law is right, you should resign.

Pat Krikorian

Medford, Oregon

1. Report from Crime, Prevention and Research Center: Concealed Carry Permit Holders Across the United States. 2016

Letter 2 SB 978

After watching the testimony yesterday regarding SB 978 I have several points to make.

First of all, Governor Brown stated that the impetus of this law was the horrible shooting at Umpqua College 5 years ago. However, there is not one provision in the law that would have prevented this shooting. Not to sound trite but the best way to "stop a bad guy with a gun is a good guy with a gun". There is a reason why over 90% of mass shootings occur in 'gun free' zones. The Marjory Stoneman Douglas High School Public Safety Commission voted 13-1 to recommend the Legislature allow the arming of teachers, saying it's not enough to have one or two police officers or armed guards on campus.

If you take a look at the recent shootings of the Mosques in New Zealand, the shooter fled the second Mosque after a worshiper, Abdul Aziz, confronted the shooter with a firearm the assailant had dropped. The loss of any life is horrific, but I don't think it is a coincidence that almost 30 worshipers died at the first Mosque and only 2 at the second Mosque where the brave worshiper confronted the shooter with a gun. Another incident of a 'good guy with a gun' is the Sutherland Springs, Texas shooting in which the shooter was shot as he left the church. Just think if someone in either the church or the first Mosque had been armed. They may not have prevented loss of life, but they surely could have reduced it. There are many more of these types of incidents which we do not see in the news.

I heard several proponents of this bill give their statistics. Here are a few stats that illustrate that disarming law-abiding citizens and restricting them from access to firearms is a very bad idea. These stats are taken from: <http://www.gunfacts.info/gun-control-myths/crime-and-guns/>:

60% of convicted felons admitted that they avoided committing crimes when they knew the victim was armed. 40% of convicted felons admitted that they avoided committing crimes when they thought the victim might be armed. ¹⁰

59% of the burglaries in Britain, which has tough gun control laws, are "hot burglaries" ¹² which are burglaries committed while the home is occupied by the owner/renter. By contrast, the U.S., with more lenient gun control laws, has a "hot burglary" rate of only 13%. ¹³

Washington DC has essentially banned gun ownership since 1976 ¹⁴ and has a murder rate of 56.9 per 100,000. Across the river in Arlington, Virginia, gun ownership is less restricted. There, the murder rate is just 1.6 per 100,000, less than three percent of the Washington, DC rate. ¹⁵

In 1982, Kennesaw, GA passed a law requiring heads of households to keep at least one firearm in the house. The residential burglary rate dropped 89% the following year. ¹⁷

If these stats don't contradict the erroneous argument of "common sense" gun laws, I don't know what does.

In closing, I was particularly struck by the comment regarding how tyranny rules once guns are confiscated. During the testimony period, a gentleman listed several countries in which once guns were confiscated, the people were attacked or massacred by their government. The first country the commenter referred to was Armenia in the early 1900's. Being of Armenian descent and old enough to hear the firsthand accounts from survivors of this attempted total genocide of a people by the Ottoman Turks, I am particularly sensitive and respectful of our rights to bear arms. The founder's creation of the second amendment is not about hunting, or sport shooting. It is about the right to self-defense and keep a tyrannical government in check. As Jefferson said, "when the government fears the people, there is

liberty, when the people fear the government there is tyranny". There was a time when I thought that gun confiscation could never happen here in our country. However, sadly, I see tyranny is alive and well. This law has nothing to do with your so called 'common sense' laws which are the antithesis of common sense. Most of these bills are onerous and can be the precursor to eventual confiscation. Your true colors (red) are showing when you add the "emergency clause" to your tyrannical bills. How on earth can most of these bills you pass be an emergency? It is obvious that you are trying to deny the people their right to reject your ideas by abuse of this clause. For example, in 2014, the people voted down by measure 88 a law to grant driver's licenses to illegals. You have decided to introduce HB 2015 which resurrects the granting of driver's licenses to illegals. Then to add insult to injury, you add an 'emergency' clause so it cannot be rescinded by the residents of this state. If that is not tyranny, I don't know what is. Prove me wrong. Get rid of this travesty. THROW IT ALL OUT.

Pat Krikorian

Medford, Oregon

10 • *Armed and Considered Dangerous: A Survey of Felons and Their Firearms*, James Wright and Peter Rossi, Aldine, 1986
↪12 • A "hot burglary" is when the burglar enters a home while the residents are there ↪13 • Dr. Gary Kleck, Criminologist, Florida State University (1997) and Kopel (1992 and 1999) ↪14 • The Supreme Court invalidated the D.C. handgun ban in the Heller case (2008), but the city has made obtaining a handgun very difficult via local legislation ↪15 • *Crime in the United States*, FBI, 1998 ↪ 15 • *Crime in the United States*, FBI, 1998 ↪17 • *Crime Control Through the Private Use of Armed Force*, Dr. Gary Kleck, *Social Problems*, February 1988 ↪

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.