

I'm sure this will be controversial... However, I think that it's worth taking a look at, especially with the law already on the books, plus what the Oregon State Legislature is attempting to get through for firearm laws.

I believe that the 2nd Amendment provides the necessary indemnifying clause to support my claim.

"A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

Before I go on, I want to go another step here... We are going to look at the qualifications for a background check.

ORS 166.470 & 18 USC 925(c) gives the prerequisites of what can be denied.
(<http://www.oregon.gov/osp/programs/cjis/pages/firearms-instant-check-system.aspx>)

When performing a background check, which you pay for, creates a contractual agreement between you and the state for the purposes of ensuring that you are legally able to purchase a firearm. That contact does not end, but can be renewed each time you go to purchase a firearm, and can be revoked if a crime has been committed in which you have broken.

Denton Bramwell¹, Aug 6, 2007 said 'The clear meaning of the term in earlier texts was closer to "properly operating" or "in its ideal state".'

George Washington also said 'A well regulated militia, composed of the body of the people, trained to arms.' He also said 'The ultimate authority, wherever the derivative may be found, resides in the people alone.'

I could go on quoting our founding fathers, but that will not stop those who just do not care about our Constitution.

Here's the indemnifying part of the 2nd Amendment... 'the right of the people shall not be infringed.'

The 4th Amendment clause applies here as well...

"The right of the people to be secure in their person, houses, and effects, against unreasonable searches and seizures, shall not be violated..."

Here is another indemnifying point "secure in their person, house and effects".

To suggest that firearm owners are not secure is ludicrous and is based on emotions of an irrational fear.

The 5th Amendment applies...

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a Grand Jury..."

The 10th Amendment applies...

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The 8th Amendment applies...

"...nor cruel and unusual punishment."

To consider this, how can the state punish a truly innocent person, who is also a victim, of a crime? Would that not be cruel and unusual? I would believe it does.

14th Amendment applies...

"...equal protection of the laws."

Combined with the 8th, this would indemnify an innocent person who has not committed a crime.

The bills before the state legislature, both senate and house, are hereby null and void upon their inception, and are in direct contrast to the federal and state constitutions. If any such bill were to make it to the governor's desk and signed into law, shall be held in violation of their oath of office and should be prosecuted to the fullest extent of law.

Laws based on emotion is an attempt legislate mortality. Morality cannot be legislated. Emotions are not laws. And laws that do not protect the victim are heinous.

People who are firearm owners are responsible, law abiding, and take safety very seriously and personal. HB2510 seeks to insert the state into the private affairs of Oregon citizens and does nothing to address the greater issue of mentally ill, criminally insane and criminals.

¹ - "Well Regulated" Doesn't Mean What Most People Think It Does" ~Denton Bramwell, Aug 6, 2007