

RE: Opposition to SB 554

This bill is an outrageous violation of our constitutional rights and must not be passed.

What part of "shall not be infringed" as set forth in the Second Amendment to the US Constitution is difficult to understand?

What part of Article I, Section 27 of the Oregon Constitution is unclear to the sponsors and supporters of this bill? - "Section 27. 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 subordination to the civil power[.]"

Any legislator that votes in favor of this bill must be immediately removed from office for taking actions in direct violation of the solemn oath they took pursuant to Article IV, Section 31 of the Oregon Constitution -

"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. —"

"A law repugnant to the Constitution is void. An act of Congress repugnant to the Constitution cannot become a law. The Constitution supersedes all other laws and the individual's rights shall be liberally enforced in favor of him, the clearly intended and expressly designated beneficiary." —Marbury v. Madison, 5 U.S. 137 (1803)

"An unconstitutional law is void and is as no law. An offense created by it is not crime. A conviction under it is not merely erroneous but is illegal and void and cannot be used as a legal cause of imprisonment." — Ex parte Siebold, 100 U.S. 371 (1879)

"An unconstitutional act is not law. It confers no rights; it imposes no duties; affords no protection; it creates no office. It is, in legal contemplation, as inoperative as though it had never been passed." — Norton v. Shelby County, 118 U.S. 425 (1886)

"Where rights secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them." —Miranda v. Arizona, 384 U.S. 436 (1966)

"The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution and the Oregon Constitution set forth the supreme law of the land, and any statute, rule, or executive order to be valid, must be in agreement.

"No one is bound to obey an unconstitutional law, and no courts are bound to enforce it. The general rule is that an unconstitutional statute, whether federal or state, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose, since unconstitutionality

dates from the time of its enactment, and not merely from the date of the decision so branding it. AN UNCONSTITUTIONAL LAW, in legal contemplation, IS AS INOPERATIVE AS IF IT HAD NEVER BEEN PASSED.” – 16 American Jurisprudence 2d, Sec. 256.

Respectfully,
Kim Rice