

House Bill 2007 unconstitutionally denies the equal right to the protection self-defense and uses the unconstitutionally vague terms, "adjacent grounds" and "school grounds."

House Bill 2007, Sponsored by Representatives REYNOLDS, GRAYBER, EVANS, KROPF, Senator MANNING JR; Senators FREDERICK, SOLLMAN states:

*Be It Enacted by the People of the State of Oregon:*

*SECTION 4. ORS 166.262 is amended to read:*

*166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or*

*(b) or 166.370 (1)(a) if the person has in the person's immediate possession:*

*(1) A valid license to carry a firearm as provided in ORS 166.291 and 166.292, unless the person*

*possesses a firearm within the Capitol, within the passenger terminal of a commercial service airport with over one million passenger boardings per year or within a building or adjacent grounds*

*or on school grounds subject to a policy described in ORS 166.377;*

*(2) Proof that the person is a law enforcement officer; or*

*(3) Proof that the person is an honorably retired law enforcement officer, unless the person has*

*been convicted of an offense that would make the person ineligible to obtain a concealed handgun*

*license under ORS 166.291 and 166.292.*

**UNCONSTITUTIONAL DENIAL OF EQUAL RIGHT OF THE PROTECTION OF SELF-DEFENSE:**

The nation's historic tradition of firearms regulation did not prohibit possession for self-defense in the capital or public places.

Such a prohibition violates the inalienable natural right to self-defense of the innocent, public safety, and national security.

Other than prohibiting hunting in public places from the birth of the oldest member of the Congress of the 1791 Bill of Rights to the death of the last.

New York State Rifle & Pistol Association, Inc. v. Bruen

"The constitutional right to bear arms in public for self-defense is not 'a second-class right, subject to an entirely different body of rules than the other Bill of Rights guarantees. We know of no other constitutional right that an individual may exercise only after demonstrating to government officers some special need.. When the Second Amendment's plain text covers an *individual's conduct* [here the right to bear arms], the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation. Only then may a court conclude that the individual's conduct falls outside the Second Amendment's 'unqualified command.'"

That holding by the Supreme Court made clear the scope of the holdings in Heller and McDonald have a higher standard of "justification of text and history" of the Bill of Rights required rather than being "substantially related to the achievement of an important governmental interest."

With the US Supreme Court review of New York's law in NYSRPA V BRUIN the Court held their law [like your bill/ law would be]:

*"...violates the Fourteenth Amendment by preventing law-abiding citizens with ordinary self-defense needs from exercising their Second Amendment right to keep and bear arms in public for self-defense..."*

The Courts of Appeals have developed a "two-step" framework for analyzing Second Amendment challenges that combines history with means-end scrutiny. The Supreme Court rejected that two-part approach as having one step too many.

Step one is broadly consistent with *Heller*, which demands a test rooted in the Second Amendment's text, as informed by history.

But *Heller* and *McDonald* do not support a second step that applies means-end scrutiny in the Second Amendment context. *Heller*'s methodology centered on constitutional text and history.

*It did not invoke any means-end test such as strict or intermediate scrutiny, and it expressly rejected any interest-balancing inquiry akin to intermediate scrutiny.* The Supreme Court's reference to "law-abiding citizens" reasonably includes all who pass a criminal record check.

In DISTRICT OF COLUMBIA v. HELLER the Court held, "The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home."

The home is an example, not a limitation, on what is a right, like free speech and freedom of assembly; not a privilege limited to the home.

It is a right of the people; not the agents of the government like the military, first appropriated for in September 29, 1789. Is a power granted first granted to organized, publicly funded professional full-time police services established in Boston in 1838; not a right. ***NOTE: Powers are not equal to rights. Every citizen has the inalienable natural right to self-defense.***

In McDonald v. Chicago, the Supreme Court reversed the Seventh Circuit, holding the Fourteenth Amendment makes the Second Amendment right to keep and bear arms for the purpose of self-defense applicable to the states because:

***All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.***

Our own Oregon Constitution, Bill of Rights, Article 1, Section 20., states: "*No law shall be passed granting to any citizen or class of citizens privileges, or immunities, which, upon the same terms, shall not equally belong to all citizens.—*"

There is, however, as the Supreme Court said, "*an unqualified command*" of the US Constitution's Second Amendment for that protection. The Oregon Constitution, Bill of Rights, Article 1, Section 27:

**"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..."**

***NOTE: The Oregon Constitution gives the legislature a civil power, but not the right make law. SEE ARTICLE 1.***

***SECTION 1. Natural rights inherent in people.***

If the government arms the police and military to protect themselves, then all citizens have an equal right to be armed for protection of themselves.

You may have falsely assumed they are armed for our protection, but they have no civil or criminal liability for a failure to protect citizens. The following two cases are graphic proof to which only adults should be exposed:

## ***Warren v. District of Columbia***

***(444 A.2d. 1, D.C. Ct. of Ap. 1981),***

In our nation's capital, the District of Columbia Court of Appeals case that held that the police do not owe a specific duty to provide police services to specific citizens based on the public duty doctrine.

In the early morning hours of March 16, 1975, appellants Carolyn Warren, Joan Taliaferro, and Miriam Douglas were asleep in their rooming house at 1112 Lamont Street, N.W. Warren and Taliaferro shared a room on the third floor of the house; Douglas shared a room on the second floor with her four-year-old daughter.

The women were awakened by the sound of the back door being broken down by two men later identified as Marvin Kent and James Morse. The men entered Douglas' second floor room, where Kent forced Douglas to sodomize him, and Morse raped her.

## ***Lozito v. New York City***

In the spring of 2012, Joseph Lozito, who was brutally stabbed and "grievously wounded, deeply slashed around the head and neck", sued police for negligence in failing to render assistance to him as he was being attacked by Gelman. Lozito told reporters that he decided to file the lawsuit after allegedly learning from "*a grand-jury member*" that NYPD officer Terrance Howell testified that he hid from Gelman before and while Lozito was being attacked because Howell thought Gelman had a gun.

The City of New York argued police had no duty to protect Lozito, or any other person, from Gelman.

On July 25, 2013, Judge Margaret Chan dismissed Lozito's suit, stating that while Lozito's account of the attack rang true and appeared "highly credible", Chan agreed that police had "no special duty" to protect Lozito.

### **UNCONSTITUTIONALLY VAGUE TERMS:**

U.S. Supreme Court in *Connally v. General Construction Co.* (1926), a law is unconstitutionally vague when people "*of common intelligence must necessarily guess at its meaning.*"

All previous history of law enforcement has shown police discretion fails to follow the intent of the a law about named locations like "school grounds." Is a nail treatment school a school in this case?

**What follows is proof police are allowed to be ignorant.**

### ***IGNORANCE OF THE LAW FOR***

### ***POLICE IS AN EXCUSE CASE:***

In *Nicholas Brady HEIEN, Petitioner v. NORTH CAROLINA*, police officer claimed he made a legal stop when the brake lights were broken. The stop, and therefore search, was not legal because the law only requires one to be working. Chief Justice John G. Roberts, Jr. delivered the opinion for the 8-1 majority. **The Supreme Court held that a search or seizure is reasonable under the Fourth Amendment when an officer has made a reasonable factual or legal mistake.**

## ***GROUNDS AND ADJACENT VAGUE TERMS:***

What are "grounds" and what is "adjacent" when there are no markings of boundaries? If I pass by on the city sidewalk of the Oregon State Capital building, am I in the building or adjacent to its grounds? What distance would be reasonable?

Even the most conservative estimate of self-defense distances is 21 feet. The lethal distance for a .22 long rifle is at least 440 feet, even though professionals do not trust it for self-defense even within six feet.

On 10 May 1953, Bella Twin, 63, used a .22 Long 29 grain bullet rated at 1240fps for 99 foot-pounds to take the 1953 World Record for a Grizzly. This bear's skull was 16 9/16" long and 9 14/16" wide, for a total score of 26 7/16. Weight estimated at over 1000 pounds. She shot the side of the bears head halfway on a line from the center of the eye to the ear hole. She used a Cooley Ace 1 Bolt Action Youth version with a 17-inch barrel made prior to 1935.

Like a 12" screwdriver, her bullets lethality was determined by precision/penetration; not caliber. "Adjacent" to the skin for the FBI is when contact with a bullet penetrates through heavy clothe into 12-18" of pork gel.

The lethal distance of a 9mm is at least 2400 feet. A five shot .460 S&W Revolver has the muzzle energy of a .450 Bushmaster Rifle. The Bushmaster .450's effective range is 250 to 300 yards, but its lethal range is far beyond that, just like the .460 S&W revolver.



If an officer can make a "*reasonable factual or legal mistake*," then adjacent distance for a McMillan TAC-50 is then over two miles for an effective distance of a lethal shot. The average distance for police snipers is 57 yards to hit the two-inch medulla oblongata behind 0.3 inches of bone which is like a bathroom floor tile. Is *adjacent* 2 miles or 57 yards?

On the other hand, when the evidence must be "beyond a reasonable doubt" at least one in a jury of 12 may have a reasonable doubt a location of a school or airport is within effective range a .22 long rifle 1967 revolver.

*While I realize the following is offensive, this legislature even considering this absurd, arbitrary, ambiguous, and abusive bill without due diligence and rigorous attention to details is revolting:*

If I were your political party leader, in this civil matter, this bill would be part of a preponderance of evidence the writer and sponsors of this bill are incompetent to write or make law without testing for intoxicating substances. It is why I am terrified of every legislative session.

Beyond a reasonable doubt, this bill, should it become law, it would be a *clear and present danger* to sane law-abiding citizens engaged in the lawful purposes of defense of themselves, the innocent, the public safety, or national security. Because of the receipt of this information, you have no longer have "*qualified immunity*".

The Government and taxpayers have no immunity to civil liability for a wrongful death even if an individual acts outside the scope of their position. Lacking immunity, everyday citizens are unequally held to account by mandating them to be more responsible than fully trained professionals.