

Submitter: Donnie Hedlind
On Behalf Of: Citizens of Oregon
Committee: House Committee On Judiciary
Measure: HB2005

A federal judge in West Virginia has ruled that a federal ban on possessing a gun with its serial number removed is unconstitutional, the first such ruling since the U.S. Supreme Court dramatically expanded gun rights in June. U.S. District Judge Joseph Goodwin in Charleston on Wednesday found that the law was not consistent with the United States' "historical tradition of firearm regulation," the new standard laid out by the Supreme Court in its landmark ruling. He held that gun laws that are made by state legislatures that involve whether or not a gun has a serial number are unconstitutional in light of the Supreme Court's June 24 ruling in *New York State Rifle & Pistol Association Inc v. Bruen*. That ruling held that under the Second Amendment of the U.S. Constitution, the government cannot restrict the right to possess firearms unless the restriction is consistent with historical tradition.

Bruen said serial numbers were not required when the Second Amendment was adopted in 1791, and were not widely used until 1968, putting them outside that tradition. Supreme Court Justice Thomas wrote, to prevail now, the government must prove that the challenged regulation is consistent with the nation's historical tradition of firearm regulation. In making this historical inquiry, he explained, courts often must use reasoning by analogy to determine whether a historical regulation is a proper analogue for a distinctly modern firearm regulation, but through the lens of Bruen, they added, the federal ban on possession of firearms is an "outlier that our ancestors would never have accepted."

As citizens of Oregon, we hold that if it is not written in the text of the Second Amendment, then you (as Legislators, Government) do not have the right to make laws to take away our rights. We are "law abiding" citizens and you do not have the right to put your proverbial foot down upon our heads and remove our ability to protect and defend ourselves. You do not have the right to enact bills that "stamp on our rights" and make us felons if we possess a firearm you do not approve of. It is imperative as a Legislative Body, that you understand this going forward, the next bill that comes up that removes any of the rights enshrined in our Constitution and Bill of Rights, you need to stop it. The People will not allow, nor put up with any Governmental, Judicial or Legislative body that declares they know better, King George thought he did as well and look how that turned out. It is the right of the people to have "redress of grievances." You think since you are exempting firearms prior to 1968, you will pass constitutional muster? There is no text in the Constitution that supports this and you think you can avoid the "Bruen test" if you exempt firearms prior to 1968. You should sit down and read the Bruen and Heller decisions. It would also be smart and political expedient for you to understand that the Supreme Court of the United States overrides any lower court or State court decision that impedes Oregonians "right to bear arms." As enshrined in the "bill of rights" and the US

Constitution. I suggest you read both documents as well.

The test that the Court set forth in Heller and applies today requires courts to assess whether modern firearms regulations are consistent with the Second Amendment's text and historical understanding. The Bruen decision has now established a new legal precedent in law and now the Bruen Test is the "law of the land." I noticed you didn't take up Measure 114 in your legislative body, you left it to the voters. That's another story and of course "under the lens of Bruen" it is also unconstitutional and cannot be implemented against the "People of Oregon." What part of "shall not be infringed" do you not get?

https://www.supremecourt.gov/opinions/21pdf/20-843_7j80.pdf

Sincerely

Donnie Hedlind

Eagle Creek