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On Behalf Of:
Committee: Senate Committee On Judiciary
Measure: SB348

Senate Bill 348, Oregon considers a “poll tax” to buy a gun

In response to the 15th amendment to the constitution, granting voting rights to African Americans, southern states enacted poll taxes in an attempt to prevent African Americans from exercising their right to vote. Unequal in impact, due to the increased likelihood that African Americans could not afford the tax and that the right for whites was often grandfathered in, poll taxes are racist. Poll taxes were declared unconstitutional by the Supreme Court in 1966.

Oregonian’s Legislature is now considering SB 348. SB 348 will impose a class, to include a fee which is a deterrent to exercising a right, as part of the process for buying a gun. The longstanding, and recently upheld, individual right to keep and bear arms could be subjected to the same unequal treatment as voting was.

SB 348 requires a permit to purchase a firearm that is to be issued by the police chief or county sheriff for the area in which the applicant resides. Additionally, instructors for the classes specified by 348 are required to be approved by law enforcement. Any apprehension a potential gun buyer may have about the police is a source of disparate impact, as would be the bias of an instructor or permitting officer. These classes will require access to a shooting range, primarily located in our less diverse rural areas, and a gun to use during the class. Inability to access a shooting range or a gun for the class, even shooting ranges that rent guns require that you bring at least one of your own, is a source of unequal impact. Just as in a poll tax the numerous costs associated with the permitting process will have a disparate impact. Like the poll tax this measure provides for grandfathering to those that already exercise their rights.

Oregon already has a background check to borrow or purchase a firearm. The last time I checked this system, referred to as “instant” when being advocated for, had a backlog of approximately 30,000 people waiting either approval or denial. This is apparently the best the state can do. Imagine the timeline to implement all that is called for by SB 348, I believe the timeline specified by the legislature is optimistic. SB 348 allows for 60 days for a permit to buy a gun to be processed. If not completed within 60 days an applicant’s only recourse is to “seek review”, presumably at additional cost to them. On top of all of that the bill also requires a 72 hour wait to take possession of a purchased gun. As Martin Luther King Jr. said, “A right delayed is a right denied.”

In addition to discriminating on the bases of race and financial means SB 348 overtly discriminates against young Oregonians by requiring permit applicants to be at least 21 years old. If SB 348 passes young men will be in a position where the state can force them to use firearms for our collective defense while simultaneously denying them a permit to purchase a gun for their own defense and the defense of their loved ones.

Senate Bill 348 is an attempt to turn a right for all into a privilege for few. Our government is a remarkable system of checks and balances, established in an attempt to prevent the consolidation of power and its ensuing abuse. Foundational to this system are our individual rights, protection down to the smallest minority of a single person. The establishment of these rights required tremendous sacrifice, as did the shamefully late legal recognition that these rights belong to all Americans. It would be a pity if Oregon's Legislature voted to throw this away for an empty promise of increasing safety.