

Submitter: DAVID DOBROWOLSKI
On Behalf Of:
Committee: Senate Committee On Judiciary
Measure: SB348

As an Oregon resident, a conceal carry permit holder, part owner of a small Pawnshop/Gun Store, I strongly oppose the implementation of the clearly unconstitutional Measure 114, or any similar legislation. Once again it falls on the shoulders of the average citizen to remind the elected officials of their oath to uphold the Constitution, even the parts of it they may disagree with.

Regarding the "permit to purchase" requirement of Measure 114, I cannot fathom how an unconstitutional provision can even be written into a bill when the Supreme Court has already ruled against such things. I refer you to the 1943 case, *Murdock Vs. Pennsylvania*, where the court ruled that, "A state may not impose a charge for the enjoyment of a right granted by the federal Constitution. The power to impose such a license tax on the exercise of these freedoms is indeed as potent as the power of censorship, which this court has repeatedly struck down. A person cannot be compelled to purchase through a license fee or license tax, a privilege freely granted by the Constitution."

Regarding the limitations on magazine capacity imposed by Measure 114, if the state acknowledges the fact that more ammunition contained within a magazine provides a distinct advantage for the shooter, then why deprive law abiding citizens of such an advantage? Are legislators foolish enough to believe that a criminal with a stolen firearm, intent on robbing or harming others would obey such a restriction whilst committing other crimes and felonies? Would a thief who has broken into a home, and has opened a locked container to steal a pistol, then leave behind the fifteen round capacity magazines (which under measure 114 would still be able to be lawfully stored inside a home) or would he take them as well? Which one is the most likely outcome? Only those who are aware of the law and choose to abide by it, would be deprived of an advantage which could potentially save their life or the lives of loved ones.

If you seek proof that the Second Amendment was intended to give the citizens the same protection and advantages as those in our state militias and military, you need only read the Declaration of Independence. Many judges, lawyers, and legislators neglect or forget about the Declaration of Independence when interpreting the constitutionality of a law, though this document and the U.S. Constitution are not mutually exclusive; Together they form the foundation of a new nation. The Constitution is the "how" and the Declaration of Independence is the "why." Essentially, the Declaration of Independence is a list of grievances against the King of England outlining why we rebelled against English rule. One of those grievances

is; "He has affected to render the Military independent of and superior to the Civil power."

Look where we are today. The military certainly is independent of and superior to the Civil Power once again, clearly in defiance of the words of our founding fathers. Remember, this is listed as one of the reasons why we rebelled against our original rulers, therefore it stands to reason that the Civil Power was never intended to be rendered inferior to the military, especially by those elected officials who have sworn an oath to uphold and defend the Constitution.

The state determining how many bullets a magazine may hold, is akin to declaring how many words a person may speak. The state might as well declare, "Your right to free speech is not infringed, as you can say whatever you want, as long as it is in ten words or less." Placing such a restriction on free speech would be considered absurd, and such restrictions on other rights is therefore just as ludicrous.

Thank your for your time and consideration.