

BOARD OF
COUNTY COMMISSIONERS

1990 MAR -8 AM 11:38

MULTNOMAH COUNTY
OREGON

March 7, 1990
9700 S. W. Tualatin Road
Tualatin, Oregon 97062

(A member of the Portland, Oregon
Chapter of the Sons of the
American Revolution)

Multnomah County Board of Commissioners
1120 S. W. 4th Avenue
Portland, Oregon 97204

Dear Multnomah County Commissioners:

I noticed by the March 6, 1990 Oregonian newspaper that the County Board of Commissioners are again considering unconstitutional so called gun control ordinances for Multnomah County, Oregon. The news article is by Elizabeth Moore, the Oregonian Staff. Evidently Rick Bauman and Gladys McCoy have set themselves up as "experts?" on Constitutional law. Just where were Gladys McCoy and Rick Bauman with their expert knowledge on constitutional law when 98 Senators never recognized the Gulf of Tonkin Resolution as a full declaration of war? I am sure 98 Senators would have appreciated this information from McCoy and Bauman and look how many thousands of lives it would have saved and there would not have been a Vietnam war. Even Senator Morse and Senator Gruening did not recognize the Gulf of Tonkin Resolution as a full declaration of war and voted against it. Let me add to the above list and include Vera Katz as she does not know what she is doing also.

Just where were the "U.S. Constitutional experts" when the unconstitutional so called Panama Canal payaway treaties were unconstitutionally passed by the Congress and the Senate? Why was it that McCoy and Bauman did not write the senators and congressmen in Washington, D. C. and inform the senators and congressmen in Washington, D. C. that under our Constitution U. S. territory can not be alienated to a foreign nation? Right at present in Washington, D. C. is a bill to unconstitutionally "nationalized" U. S. elections. Why is this unconstitutional and what part has to do with this in the U. S. Constitution and what is its true constitutional interpretation? Certainly the senators and congressmen in Washington, D.C. will get no "expert" help on this subject from Bauman and McCoy. Evidently McCoy and Bauman sold the Panama Canal away to the Wall Street bankers. Just whose side are Bauman and McCoy on in the first place?

3. If Bauman and McCoy know such much about constitutional law what is a constitutional declaration of war? On what page will be found the Gulf of Tonkin Resolution in the Congressional Record? Who wrote up the Gulf of Tonkin Resolution? What do we mean by "perfect and imperfect war"? What Supreme Court wrote up these interpretations of war and when? What is public war? Where does "public war" have anything to do with "perfect and imperfect war? What historical event was the cause of these decisions by the U. S. Supreme Court? On what pages or page in the Congressional Records will be found the declarations of war for the Spanish American war, World War I, and World War II? The U. S. declared war on North Vietnam. Is this constitutional declaration of war? Now Bauman and McCoy being "experts" on constitutional law should at least know what is a constitutional declaration of war. Instead they are working on "small potatoes" considering unconstitutional so called gun control legislation for Multnomah County. What we need is "people control" of tyrants Bauman and McCoy in law. The best ordinance is to control McCoy and Bauman.

4. Why was the privileges and immunities clause put in the 1st section of the

14th Amendment? Give the full history on this subject. Did the 15th Amendment give the Negro the right to hold public office and if not what were the congressional details by the House and Senate on this subject?

5. When President Lincoln and Congress instituted writ of habeas corpus in the Civil war what constitutional rights were lost by citizens in the Union. Be specific to each right? This is found in Article 1, Section 9, Part 2 of the U. S. Constitution.

6. What famous law case best interprets Article 1, Section 9, Part 3 as to a bill of attainder? What is a bill of attainder and ex post facto law and where in the Congressional Records will we find the above pages and explanations?

7. What famous law case elevated John Marshall to Chief Justice of the U. S. Supreme Court when John Marshall was only an attorney? Give all the details and where is this found in the Congressional Record or pages?

8. On what pages in the Congressional Record will one find out about perfect and imperfect war and who were the judges in these explanations? Name at least three non-federal constitutional writers in the last century. What book on constitutional law was taught at West Point before the Civil war? What did this book have to do with the Civil war?

9. Why is the U. S. Supreme Court decision on one man one vote unconstitutional?

10. What are the defects of the U. S. Supreme Court on the unconstitutional abortion decision of Roe v. Wade? In the interpretation of the U. S. Constitution what is meant by incidental powers?

11. What are the "communist cases" which are unconstitutional all about by the U. S. Supreme Court and what U. S. Supreme Court judges or secular humanists were responsible for these decisions? Go into detail in every law case involved here.

12. By what part of the U. S. Constitution do U.S. veterans of wars in this country derive their rights? What is expressly implied law called?

13. There is only one definition in the U.S. Constitution and where is it in the U. S. Constitution? Who first defined this definition? How long did the French spoiliations cases last in Congress or the last time they were considered? Who was the best known judge in this case?

14. Can you tell me in detail what the specific debate was on in Congress and the Senate on pages 3558--3571 of the Congressional Globe, May 18, 1870? What about pages 3800-3809, Congressional Globe, May 25, 1870? What information would I find on pages 441--780 (History of Congress or the Annals of Congress) on June 8, 1879? McCoy and Bauman being "experts" on unconstitutional law should know exactly what information is on these not even looking the pages up.

15. Go into detail in the exact steps that are needed to find the constitutionality of a proposed law or ordinance from the U. S. and the State Constitutions? What is the connection between the McCordle case of the U. S. Supreme Court and the 14th Amendment? Go into detail and why is it that the 14th Amendment was never constitutionally ratified by the States? What pages in the Congressional Records and Congressional Globes will all of these details be found? Was the Civil rights bill of 1866 by Congress constitutional and if not why? What group was mostly involved in the Civil Rights act of 1870 and why did the U. S. Supreme Court declare it unconstitutional? From what bill

by Congress was taken the 13th, 14th, and 15th Amendments? For whose benefit was the "equal protection of the laws" put in the 14th Amendment and it is now what one would think it is?

16. What State is mostly responsible for the placing of the 9th and 10th Amendments in the Bill of Rights in the U. S. Constitution?

17. What do we really mean by the 9th Amendment to the U. S. Constitution and what branch of the government was it aimed at during this time?

18. Is the Preamble of the U. S. Constitution a part of the body of the U. S. Constitution for interpretation of the U. S. Constitution? Which comes first in the U. S. Constitution, the constitution or sovereignty? In Article 1, Section 4, Part 4 of the U. S. Constitution what is meant by the word, "manner"? What part of the U. S. Constitution gives Congress the right to overrule a decision by the U. S. Supreme Court and gives the specific words involved and how many times has Congress overruled the U. S. Supreme Court by these words in the last 200 years?

18. What Founding Father in our history or not long after the Founding Fathers was a constitutional authority of declaration of war on the U. S. Constitution? Under the U. S. Constitution there are only two classifications of rights and what are they?

These are just a few questions on constitutional law I have asked and if McCoy and Bauman cannot instantaneously answer all these questions with a perfect score, they should immediately resign and let a couple of competent commissioners be on the board. Now if they cannot get a perfect score on the above questions how are they to know anything about the 2nd Amendment to the U. S. Constitution or Article 1, Section 27 of the Oregon State Constitution which unequivocally states at 5th grade level that anyone can understand the following:

"The Right to bear arms; Military subordinated to civil power. The people shall have the right (note the word, shall) the right to bear arms for the defence (sic) of themselves, and the State (in time of war), but the Military shall be kept in strict subordination to civil power." "As to military and civil power this comes from the Declaration of Independence by Thomas Jefferson on "inalienable rights" * * * "He (the King or King George the V) has affected to render the military independent of, superior to, the civil power." Also the Militia Act of 1795 is still the law of the land and is the constitutional basis for the draft in time of war or peace time. The National Guard was not formed in this country until after 1900 and much more is on the Militia act of 1795; can be had by reading pages 1392-1394, Annals of Congress, May 8, 1792; Pages 4120-4125 on the Militia, April 20, 1898; House; Pages 6209-6210, on the Militia, Senate, April 15, 1916; Pages 5283-5288, on the Militia, April 1, 1916, Senate; Pages 3570-3588, House, on the Militia, May 20, 1878. The last four References are found in the Congressional Record.

One of the main problems in local government, State government, and national government we have ignorant, stupid, superficial, uninformed, unlearned, and right down feeble minded in government. Both McCoy and Bauman should be placed in the home for the feeble minded or send them both to communist Russia where they have so called gun control laws. Of all the people I have studied in government over the years none can be more stupid than Bauman and McCoy. It is my opinion that McCoy and Bauman follow the communist line or nothing more than a couple of commies. Just to look at both McCoy and Bauman one can tell they are both ignorant.

 Sincerely,
Thomas Youngblood

BOARD OF
COUNTY COMMISSIONERS

MR REUBEN LENSKE
7315 SE 82ND MANIFOLD BUSINESS
PORTLAND OR 97266



Bce

1990 MAR -7 PM 5:02

March 5, 1990

MULTNOMAH COUNTY
OREGON To each of Multnomah County Commissioners:

The Reverend

Martin Niemoller was a Protestant minister in Germany during the notorious period of Adolf Hitler. you are probably aware of his experiences. He wrote the following:

In Germany the Nazis came for the Communists
and I did not speak up because I was not a Communist.

Then they came for the Jews
and I did not speak up because I was not a Jew.

Then they came for the Trade Unionists.
and I did not Speak up because I was not a Trade Unionist.

And then they came for the Catholics
and I was a Protestant so I did not speak up.

Then they came for me....
by that time there was no one to speak up for anyone.

What reminded me of this notable person is the current effort being made to recall Commissioner Rick Bauman, who is one of you.

It does not take too much brains to sense that The National Rifle Association is behind the effort to remove Rick Bauman because of his sponsorship of gun control legislation. The implied threat towards that end was evident in a letter to the Oregonian some weeks ago that bore a fake name.

Although most voters are for gun control this method of picking off one legislator at a time pits a well heeled national organization against a lone individual and the net effect is that it is difficult to get legislation to be passed that is in the public interest. You are, of course, aware of the two recent incidents when sophisticated weaponry was used to mow down innocent people and children on a mass basis. If the pickoff system used by the National Rifle Association had not prevented such legislation those war weapons would not have been available

to the perpetrators of those murders.

Taking my cue from The Reverend Niemoller I am not waiting till I am a commissioner to speak up. Each of you is a commissioner. Now it is a gun control bill. Another commissioner may introduce a boat control bill or a bill regulating safety ladders used by the electric company to cut tall branches of trees; or anything else within the powers of commissioners. In other words, any one of you may be next if you are conscientious enough to propose what you believe is legislation of importance to your constituency.

It matters not whether you favor Rick Bauman's gun control legislation. What is at stake is the integrity of a commissioner's elected office; in other words, should an elected commissioner acting honestly, whether or not mistakenly, be subject to the whim and caprice of a special interest with money and political power?

If all the commissioners, publicly and with vigor, take the stand that no one of them will be permitted to attack any of you by a recall movement without the concerted action of the whole commission in protection of the individual attacked; then you will be acting in the spirit of Rev. Niemoller. Don't wait till you are the culprit. It matters not what your other relation is to the commissioner attacked. You may disagree with him or her on that measure and on many others. If you act in concert to protect one commissioner at one time you will be sending a message to special interests of any kind that political power improperly wielded in the manner being fostered against Rick Bauman will not be tolerated by the commission as a whole.

Respectfully,

A handwritten signature in cursive script that reads "Reuben Lenzke". The signature is written in dark ink and is positioned below the typed name "Reuben Lenzke".

ST. VINCENT HOSPITAL & MEDICAL CENTER
9205 SOUTHWEST BARNES ROAD
PORTLAND, OREGON 97225
PHONE: (503) 297-4411



SISTERS OF
PROVIDENCE

SERVING IN THE WEST SINCE 1856

BCC

3-2-90

Dear Board Members,

I am writing in support of safe streets and the licensing of guns. I believe it is time to regulate guns & limit access as people are not universally responsible & safe in their use of guns. I believe by limiting access & regulating use, people will be safe and those who are capable of responsible use will continue to have the right to carry arms.

I appreciate your efforts to provide leadership in this area.

Sincerely,

Kathleen B. Goldberg LCSW

SISTERS OF PROVIDENCE INSTITUTIONS—ALASKA: PROVIDENCE HOSPITAL, ANCHORAGE—OUR LADY OF COMPASSION CARE CENTER, ANCHORAGE—WASHINGTON: PROVIDENCE CENTRAL MEMORIAL HOSPITAL, TOPPENISH—PROVIDENCE HOSPITAL, EVERETT—PROVIDENCE MEDICAL CENTER, SEATTLE—MOUNT ST. VINCENT NURSING CENTER & RETIREMENT APARTMENTS, SEATTLE—ST. ELIZABETH MEDICAL CENTER, YAKIMA—ST. PETER HOSPITAL, OLYMPIA—PROVIDENCE CHEHALIS, CHEHALIS—PROVIDENCE HOSPITAL, CENTRALIA—OREGON: PROVIDENCE CHILD CENTER, PORTLAND—PROVIDENCE MEDICAL CENTER, PORTLAND—ST. VINCENT HOSPITAL AND MEDICAL CENTER, PORTLAND—SEASIDE GENERAL HOSPITAL, SEASIDE—PROVIDENCE HOSPITAL, MEDFORD—PROVIDENCE MILWAUKIE HOSPITAL, MILWAUKIE—CALIFORNIA: PROVIDENCE HOSPITAL, OAKLAND—PROVIDENCE HIGH SCHOOL, BURBANK—SAINT JOSEPH MEDICAL CENTER, BURBANK.



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
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GM
C: J. K.

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GRETCHEN KAFOURY

M E M O R A N D U M

TO: Gladys McCoy
Multnomah County Chair

FROM: Larry Kressel *LK*
County Counsel (106/1530)

DATE: December 20, 1989

RE: Draft Ordinance on Loaded Firearms

COUNTY COUNSEL
LAURENCE KRESSEL

CHIEF ASSISTANT
ARMINDA J. BROWN

ASSISTANTS
JOHN L. DU BAY
SANDRA N. DUFFY
J. MICHAEL DOYLE
H. H. LAZENBY, JR.
PAUL G. MACKEY
MARK B. WILLIAMS

As you requested earlier this week, I have drafted a gun control ordinance (attached) modeled on Portland's law. The ordinance also imposes certain fees.

This draft has the following salient features:

1. With exceptions required by state law, makes it unlawful to carry a firearm, loaded or unloaded in a park or school. (Guns are banned in public buildings by state law already, although the ban doesn't apply to concealed handgun licensees.)
2. With exceptions required by state law, makes it unlawful to carry a firearm in a public place unless it is unloaded.
3. With exceptions required by state law, makes it unlawful to discharge a firearm.

(The last-mentioned provision is part of Portland's code, but it may be too broad-sweeping when applied to unincorporated Multnomah County. As worded, it

Gladys McCoy, Chair
December 20, 1989
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outlaws hunting for game. Should an exception be added for hunting? I suggest you consult with the sheriff.)

4. Imposes the state-required fee (\$38) for a concealed handgun license and a new fee (\$40) for the background check required by the "Katz Bill."

There are listed exceptions in the ordinance. The bans listed in points 1-3 would not apply to peace officers or persons having concealed handgun licenses. In addition, the ban on discharging a firearm (point 3) would not apply in various situations (e.g. target practice in licensed organization).

Note that Portland's code goes beyond firearms to deal with other types of weapons (e.g. knives, bombs). This draft deals only with firearms.

This type of ordinance should pass legal muster. The model for it (Portland) was upheld by the Court of Appeals on constitutional grounds. I believe the "Katz Bill" also leaves room for such a local measure. Let me know if you want further assistance.

cc. Grant Nelson
Fred Neal

ATTY1.28/mw

DRAFT

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. ____

An ordinance prohibiting possession of a loaded firearm and discharge of a firearm in a public place, and imposing fees for concealed handgun licenses and background security checks required by state law.

Multnomah County ordains as follows:

Section I. Findings

A. The proliferation of firearms poses a present and serious threat to the health, safety and security of the residents of Multnomah County.

B. Nationally, approximately 1,200 people are killed each year in accidental shootings, including 365 children. For every child killed through the negligent use of firearms, 10 are injured.

C. In Multnomah County, approximately two persons per week are killed from the intentional or accidental use of firearms.

D. The Oregon Courts have recognized that the constitutional right to bear arms is not absolute; the constitution allows government to enact reasonable regulations, such as regulations over the manner of possessing firearms.

E. The Oregon Court of Appeals specifically upheld

Page

1 the constitutionality of Portland's ordinance making it
2 unlawful for any person to carry a loaded firearm in a public
3 place (State v. Boyce, 61 Or App 662, 658 P2d 577 (1983) rev
4 den 295 Or 122).

5 F. The 1989 Oregon Legislature enacted laws (1989
6 Oregon Laws, Chapter 839) to restrict access to firearms and
7 authorized local governments to regulate the possession of
8 firearms and ammunition in public places.

9 G. Although the City of Portland presently bans
10 possession of loaded firearms in public places and the
11 discharge of firearms in public, those restrictions do not
12 apply in unincorporated parts of Multnomah County. The
13 restrictions are reasonable and should apply in the
14 unincorporated area.

15 H. The Board has considered public testimony
16 concerning the need to restrict assault weapons and other
17 firearms and has determined that the subject calls for a
18 coordinated approach supported by all municipalities in the
19 County. Developing such a coordinated approach will take
20 time. Pending development of a consensus among local
21 governments, the more limited measures reflected in this
22 ordinance should be adopted.

23 I. The 1989 legislature also imposed the following
24 administrative responsibilities on the Multnomah County
25 Sheriff's Department:

26 (1) Conduct criminal and mental health

Page

1 background checks on purchasers of handguns from federally
2 licensed dealers.

3 (2) Notify dealers by certified mail of
4 disqualified handgun purchasers.

5 (3) Conduct background checks of purchasers of
6 long guns for study purposes.

7 (4) Submit monthly reports to the Oregon State
8 Police regarding concealed weapons permits issued and denied;
9 notify Oregon State Police of disqualifications for handgun and
10 long gun purchases.

11 (5) Review an increased number of applications
12 for concealed weapons permits; document reasons for denial.

13 J. It is in the best interest of the citizens of the
14 County that the costs of performing these responsibilities be
15 borne largely by purchasers of guns in the County.

16

17 Section II. Definitions

18 A. "Concealed handgun license" is as defined in ORS
19 166.290.

20 B. "Firearm" is as defined in ORS 166.210 and means a
21 weapon, by whatever name known, which is designed to expel a
22 projectile by the action of smokeless powder and which is
23 readily capable of use as a weapon.

24 C. "Public place" is as defined in ORS 161.015(9) and
25 means a place to which the general public has access and
26 includes, but is not limited to, hallways, lobbies, and other

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1 parts of apartment houses and hotels not constituting rooms or
2 apartments designed for actual residence, and highways,
3 streets, schools, places of amusement, parks, playgrounds and
4 premises used in connection with public passenger
5 transportation.

6
7 Section III. Carrying and Discharge of Firearms

8 A. It is unlawful for any person to carry a firearm,
9 loaded or unloaded, in a park or school.

10 B. It is unlawful for any person in a public place to
11 carry a firearm upon his person, or in a vehicle under his
12 control or in which he is an occupant, unless all ammunition
13 has been removed from the chamber and from the cylinder, clip,
14 or magazine.

15 C. It is unlawful for any person to fire or discharge
16 a firearm.

17 D. In a public place, it is unlawful for any person
18 carrying a firearm upon his person, or in a vehicle under his
19 control or in which he is an occupant, to refuse to permit a
20 peace officer to inspect that firearm after the peace officer
21 has identified himself as such.

22 E. The prohibitions in Subsections (A), (B), and (C)
23 of this Section do not apply to a peace officer acting within
24 the scope of duty; to any government employee authorized or
25 required by his employment or office to carry or use firearms;
26 or to any person having a valid concealed handgun license

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issued to him by lawful authority.

F. The prohibition in Subsection (C) of this section does not apply to:

(1) Any person justified in using deadly physical force under the provisions of ORS 161.195 to 161.275;

(2) The member or guest of any licensed organization who, for the purpose of shooting practice, discharges a firearm at a target upon an established target range of that organization;

(3) A person conducting an athletic contest who fires blank ammunition toward the sky;

(4) Members of the armed forces firing blank ammunition at military ceremonies;

(5) Persons authorized by permit of the Sheriff to discharge blank ammunition for a lawful purpose; or

(6) Hunter safety instructors of the Oregon State Game Commission or their pupils who are engaged in hunter safety training classes sponsored by the Commission.

Section IV. Fees

MCC 5.10.420 (M) is amended to read as follows:

- (M) (1) Concealed handgun license [weapon permit] [10.00] \$38.00
- (2) Duplication of concealed handgun license. \$10.00
- (3) Renewal of concealed handgun license . . . \$25.00

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(4) Fee for background check of purchaser
of a firearm. \$40.00

(5) Failure to submit the appropriate background check fee under Subsection (M)(4) will result in the application being returned to the dealer.

Section V. Penalties

A. Violation of Section III of this ordinance shall be punishable by a fine up to \$1,000 and forfeiture of the weapon.

B. If, after investigation or adjudication, it is determined the weapon was not possessed, carried or used unlawfully, it shall be released to the owner if the owner files a written claim with the Multnomah County Sheriff's Office.

C. If there is a question as to ownership or right to possession, the weapon shall be released as ordered by the court in a proceeding initiated under ORS 133.633 to 133.663 by any person claiming ownership or right to possession.

Section VI. Severability Clause

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, that portion shall be considered a separate, distinct and independent provision, and the holdings shall not affect the validity of the remaining portions of this ordinance.

Page

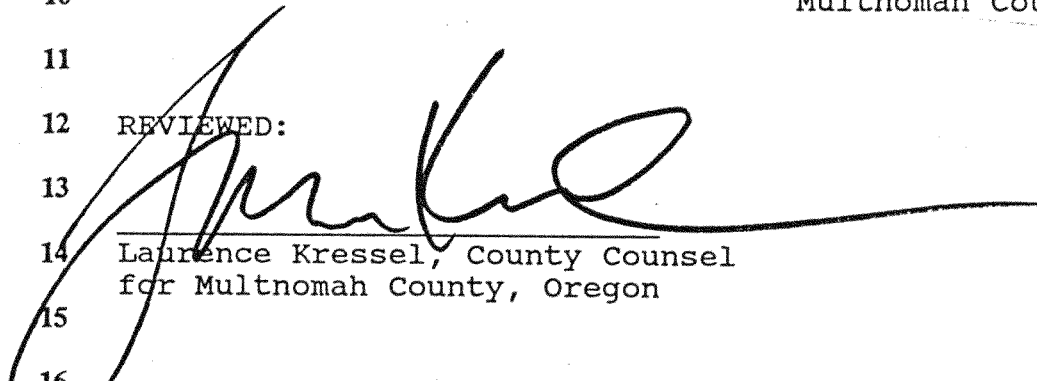
Section VII. Adoption

Adopted this ____ day of _____, 19____, being
the date of its _____ reading before the Board of County
Commissioners of Multnomah County, Oregon.

(SEAL)

By _____
Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED:



Laurence Kressel, County Counsel
for Multnomah County, Oregon

6637R/mc

Page

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

DRAFT

An ordinance to regulate the possession of firearms in public places, to require the Multnomah County Sheriff's Office to make available to the public a firearms safety training course, and to impose fees.

Multnomah County ordains as follows:

Section I. Section Title.

This ordinance shall be known as the Safe Streets Ordinance and shall be added to and made a part of Title 7 of the Multnomah County Code regarding Public Safety.

Section II. Findings.

(A) Assault weapons are identified as such herein because their design, high rate of fire and capacity to cause injury render them a substantial danger to human life and safety, outweighing any function as a legitimate sports or recreational firearm.

(B) The proliferation and use of assault weapons pose a present and serious threat to the health, safety and security of the residents of Multnomah County.

(C) While assault weapons account for one million of the estimated 200 million firearms in America, they were used in one of every ten crimes that resulted in a firearms trace last year. The increasing and disproportionate use of assault weapons for criminal purposes endangers both the public and law enforcement personnel.

(D) Recognizing that assault weapons pose a threat to public safety, and with the recommendation from the Bureau of Alcohol, Tobacco and Firearms that assault weapons serve no legitimate sporting or recreational purpose, President Bush stopped the importation of certain assault weapons.

(E) Law enforcement organizations including The National Sheriffs' Association, the International Association of Chiefs of Police, the National Association of Police Organizations, the Police Executive Research Forum, and the Fraternal Order of Police have called for a national ban on the production and sale of assault weapons.

12 8 20
(F) There is a need for firearms training to ensure safe and informed firearms use and storage.

(G) Nationally, approximately 1,200 people are killed each year in accidental shootings, including 365 children. For every child killed through the negligent use of firearms, 10 are injured.

(H) In Multnomah County, approximately two persons per week are killed from the intentional or accidental use of firearms.

(I) Education in safe use of firearms may reduce the occurrences of accidental shootings.

(J) Oregon Laws _____ and this County Ordinance will create the following responsibilities for the Multnomah County Sheriff's Department:

(1) Conduct criminal and mental health background checks of purchasers of handguns from federally licensed dealers.

(2) Notify dealers by certified mail of disqualified handgun purchasers.

(3) Conduct background checks of purchasers of long guns for study purposes.

(4) Submit monthly reports to the Oregon State Police regarding concealed weapons permits issued and denied; notify the Oregon State Police of disqualifications for handgun and long gun purchases.

(5) Review an increased number of applications for concealed weapons permits; document reasons for denial.

(6) Review applications for permits to possess an assault weapon.

(7) Develop a safety training course and certification process; approve private organizations offering such courses. After January 1, 1991, offer this course to all gun purchasers.

(K) Because these responsibilities exist as a result of the large private ownership of guns in this County and because enforcing these regulations should enable gun owners to possess their weapons in a safer, more responsible manner, it is in the best interest of the citizens of the County that the costs of performing these responsibilities be borne largely by purchasers of guns in the County.

(L) Because of the increasing costs to Multnomah County of providing services to the public and of discharging the legal responsibilities of the County, and because of the decreased availability of general County revenue to defray costs, it is in the best interests of the people of the County to impose and collect a fee from the persons directly served or affected by these laws.

(M) The fee should reflect, as much as reasonably possible, the average actual costs of administration of these laws.

Section III. Definitions.

(A) As used in this ordinance, "assault weapon" means:

(1) All of the following semi-automatic rifles:

- AK47 type
- AK47S
- AK74 type
- AKS type
- AKM type
- AKMS type
- 84S type
- ARM type
- 84S1 type
- 84S3 type
- HK91 type
- HK93 type
- HK94 type
- G3SA type
- K1 type
- K2 type
- AR100 type
- M14S type
- MAS223 type
- SIG 550SP type
- SIG 551SP type
- SKS type with detachable magazine
- 86S type
- 86S7 type
- 87S type
- Galil type
- Type 56 type
- Type 56S type
- Valmet M76 type
- Valmet M78 type
- M76 counter sniper type
- FAL type
- L1A1A type
- SAR 48 type

AUG type
FNC type
Uzi carbine
Algimec AGMI type
AR180 type
Australian Automatic Arms SAR type
Beretta AR70 type
Beretta BM59 type
CIS SR88 type
Colt AR-15 type

(2) All of the following semi-automatic pistols:

Calico 100-P
Encom MK-IV,
Homes MP-83,
Intratec TEC-9,
Iver Johnson Enforcer,
MAC-10 and MAC-11,
Scarab Skorpion,
Sterling MK-7,
Uzi pistol,

(3) All of the following shotguns:

Franchi SPAS-12 and LAW-12,
Striker-12 and Street Sweeper

(4) Any copy of a firearm listed in subsections (1), (2) or (3) by the same or other manufacturers, including, but not limited to, commercial manufacturers and private individuals, which is identical or has slight modifications or enhancements such as a folding or retractable stock, different sights, case deflector for left-handed shooters, shorter barrel, stock of different composition, larger ammunition capacity, different caliber, or bayonet mount.

(B) "Assault weapon", as used in this chapter, does not include any of the following:

(1) Any firearm modified to render it permanently inoperative.

(2) Any rifle or pistol designed or modified to render it permanently not a semi-automatic firearm.

(3) Any handgun that is a revolver or conventional 18-shot semi-automatic pistol.

(4) Any weapons which do not use fixed ammunition, weapons which were manufactured in or prior to 1898, manually operated bolt action weapons, lever action weapons, slide action weapons, single-shot weapons, multiple-barrel weapons,

revolving cylinder weapons, semi-automatic weapons which use exclusively Mannlicher-style clips, semi-automatic weapons manufactured prior to 1954, rim-fire weapons that employ a tubular magazine.

(C) "Assault weapon permit" means a permit issued by the Multnomah County Sheriff authorizing the permit holder to possess an assault weapon in a public place.

(D) "Handgun" is as defined in ORS 166.210 and means any conventional pistol or revolver using a fixed cartridge containing a propellant charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder and which fires a single shot for each pressure on the trigger device.

(E) "Firearm" is as defined in ORS 166.210 and means a weapon, by whatever name known, which is designed to expel a projectile by the action of smokeless powder and which is readily capable of use as a weapon.

(F) "Public place" is as defined in ORS 161.015 (9) and means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds and premises used in connection with public passenger transportation.

(G) Annually, the Multnomah County Sheriff shall review this section and recommend to the Board of County Commissioners whether any weapons should be added to or deleted from this section.

Section IV. Assault Weapons.

(A) Restrictions.

(1) Except as provided herein, no person shall possess an assault weapon in a public place, except with a permit as provided herein and for the purposes permitted herein.

(2) No person under the age of 21 years may obtain a permit or possess an assault weapon in a public place.

(B) Permits for Assault Weapons.

(1) The Sheriff shall charge a fee of \$25.00 for issuance of this permit.

(2) Failure of a person who possesses an assault weapon in a public place also to carry an assault weapon permit is prima facie evidence that the person does not have such a permit.

(C) Permit Process.

(1) An applicant may be considered for an assault weapon permit if the applicant:

- (a) Is at least 21 years of age;
- (b) Has no outstanding warrants for arrest;
- (c) Demonstrates competence in the safe use and storage of assault weapons in testing devised by the Sheriff and demonstrates understanding of the limitations on assault weapons possession contained in this ordinance.
- (d) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony;
- (e) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor within the four years prior to the application;
- (f) Has not been committed to the Mental Health Division under ORS 426.130;
- (g) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that the person be prohibited from purchasing or possessing a firearm as a result of that mental illness; and

(2) A person who has been granted relief under state law (Oregon Laws _____) or 18 USC 925(c) or has had the person's record expunged under the laws of this state or equivalent laws of other jurisdictions shall not be prohibited from applying for a permit.

(3) An application for an assault weapon permit shall:

(a) state the applicant's legal name, current address and telephone number, date and place of birth and height and weight. The application shall also list the applicant's residence address for the previous three years. The application shall contain a statement by the applicant that the applicant meets the requirements of paragraphs (a) through (g) of subsection (1). The application shall be signed by the applicant.

(b) At the time application is made the Sheriff shall fingerprint and photograph the applicant and shall conduct an investigation necessary to corroborate that the applicant is qualified under subsection (E) of this section.

(4) The Sheriff may grant an assault weapon permit if:

(a) The applicant is not disqualified under the criteria listed in subsection (1) of this section, and;

(b) After investigation, the Sheriff finds that the applicant does not pose a danger of harm self, others or to the community at large.

(5) The Sheriff may deny an assault weapon permit if the Sheriff has reasonable grounds to believe that the applicant has been or is reasonably likely to be a danger to self or others or to the community at large, as a result of the applicant's mental or psychological state, as demonstrated by a past pattern of behavior or participation in incidents involving unlawful violence or threats of unlawful violence.

(6) If the application for the permit is approved, the Sheriff shall issue and mail or otherwise deliver to the applicant at the address shown on the application, within 45 days of the application, a wallet sized permit bearing the photograph of the permit holder. The permit must be signed by the permit holder and carried whenever the permit holder possesses the assault weapon in a public place.

(7) If the application for a permit is denied, the Sheriff shall set forth in writing the reasons for the denial. The denial shall be sent to the applicant by certified mail within 45 days after the application was made. If no decision is issued within 45 days, or if the application is denied, the person may seek review under the procedures set forth in state law (Oregon Laws _____).

(8) Any act or condition that would prevent the issuance of a permit under this section shall be cause for revoking an assault weapon permit. The Sheriff may revoke a permit by serving upon the permit holder a notice of revocation. The notice must contain the grounds for the revocation and must be served either personally or by certified mail, restricted delivery. The notice and return of service shall be attached to the file copy of the permit holder's permit. The revocation is effective upon the permit holder's receipt of the notice.

(9) An assault weapon permit is valid for one year from the date of issuance and is renewable by repeating the procedures set out in this section. The fee for renewal shall be \$25.00.

(10) The Sheriff shall keep a record of each permit issued, renewed or revoked under this ordinance.

(11) Application forms for assault weapon permits shall be developed by the Sheriff and supplied upon request.

(D) Permitted purposes for which assault weapons may be possessed in a public place by permit holders.

A person who has a permit for the possession of an assault weapon in a public place may possess the weapon in a public place only:

(1) While en route to that person's residence, place of business, or other property owned by that person, or to property owned by another with the owner's express permission.

(2) While on or en route to a target range of a public or private club or association organized for the purpose of practicing shooting at targets.

(3) While on or en route to a target range or shooting gallery which holds a regulatory or business license for the purpose of practicing shooting at targets.

(4) While en route to or attending any exhibition, display, or educational project which is about firearms and which is sponsored by, conducted under the auspices of or approved by a law enforcement agency or a nationally or state recognized entity that fosters proficiency in, or promotes education about, firearms.

(E) Possession for the purpose of sale prohibited.

No person shall possess for purposes of sale an assault weapon in a public place.

Section V. Safety Training Course.

(A) The Multnomah County Sheriff shall develop a firearms safety training course to be available to any person at no charge. The Sheriff may develop the course in conjunction with nationally or state recognized entities that foster education about firearms.

(B) The course shall emphasize safe firearm use and storage; laws regarding gun possession, use and transfer; the gravity of harms guns may cause; methods of protecting firearms from theft; and other topics as the Sheriff deems appropriate. The course shall reasonably accommodate citizens who do not speak English, and handicapped citizens.

(C) A person who successfully completes the course shall receive a training certificate. The Multnomah County gun purchase fee shall be reduced to \$15 for a person holding a valid training certificate.

(D) The Sheriff may certify firearms safety and training courses offered by other organizations and may issue training certificates to course participants.

(E) The certificate shall be issued only by the Multnomah County Sheriff's Office. It shall contain a photo identification and signature of the participant, a notation of the type of gun for which the participant was trained, and other information as the Sheriff deems pertinent.

Section VI. Fees.

(A) MCC 5.10.420 is amended to read as follows:

(M)	Concealed weapon permit	[10.00] <u>\$50 first 2 years</u> <u>\$25.00 renewals</u>
(N)	<u>Duplication of concealed weapon permit</u>	<u>\$10.00</u>
(O)	<u>Permit to possess assault weapon</u>	<u>\$25.00</u> <u>\$25.00 renewals</u>
(P)	<u>Fee for background check of purchaser of a firearm</u>	<u>see 5.10</u>

(B) MCC 5.10.425 is adopted to read as follows:

5.10.425. Fees for the background check for buyer of a firearm.

(A) Prior to January 1, 1990, the licensed dealer shall collect a \$40 fee from the applicant/purchaser for the Sheriff's Office background check required by Oregon Laws _____. If, at the time of purchase, the applicant presents a training certificate issued by the Multnomah County Sheriff's Office, the fee shall be \$15. If, after the purchase, the applicant presents the training certificate and the proof of payment of the \$40 fee, the Sheriff shall refund \$25 of the fee.

(B) Beginning January 1, 1991, the Multnomah County Sheriff's Office training certificate shall be required before a person can possess any firearm in a public place and the fee shall be \$40 for all purchasers.

(C) Failure to submit the appropriate background check fee will result in the application being returned to the dealer.

(C) MCC 5.10.426 is adopted to read as follows:

5.10.426. Fees for permit to possess an assault weapon in a public place.

A person who possesses an assault weapon in a public place must apply for a permit to the Sheriff's Office in accordance with MCC _____. The fee for the permit shall be \$25. The permit shall be valid for one year. The renewal fee is \$25.

Section VII. Regulation of firearms in public places.

(A) No person shall possess any firearm in a public place unless:

(1) The firearm is unloaded; and

(2) The person in possession of the firearm carries:

(a) A valid certificate of participation in a firearms safety training course offered or approved by the Multnomah County Sheriff's Office; and

(b) For firearms purchased on or after the effective date of this section, January 1, 1991, proof of purchase of the firearm from a federally licensed dealer. The Multnomah County Sheriff's Office shall develop and make available a proof of purchase form to federally licensed dealers.

(B) If the firearm possessed in a public place is a concealed handgun, the person in possession of the handgun must also carry a concealed weapon permit.

(C) If the firearm possessed in a public place is an assault weapon, as defined in Section IV of this ordinance, the person must also carry a permit for such weapon.

(D) Failure of a person who possesses a firearm in a public place also to carry the required documentation is prima facie evidence that the person does not have such documentation.

Section VIII. Penalties.

(A) Violation of this ordinance shall be punishable by a fine up to \$1,000 and forfeiture of the weapon.

(B) If, after investigation or adjudication, the weapon was not possessed, carried or used unlawfully, it shall be released to the owner if the owner files a written claim with the Multnomah County Sheriff's Office.

(C) If there is a question as to ownership or right to possession, the weapon shall be released as ordered by the court in a proceeding initiated under ORS 133.633 to 133.663 by any person claiming ownership or right to possession.

(D) This ordinance does not apply to law enforcement personnel, members of the Armed Forces of the United States, or the organized Militia or National Guard of this or any other state, to the extent that any such person is authorized to possess a weapon and is acting within the scope of his or her duties.

Section IX. Severability Clause.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, that portion shall be considered a separate, distinct and independent provision, and the holdings shall not affect the validity of the remaining portions of this ordinance.

Section X. Effective date of ordinance.

(A) Section IV regarding Assault Weapons, section V regarding training and section VI regarding fees shall become effective February 1, 1990.

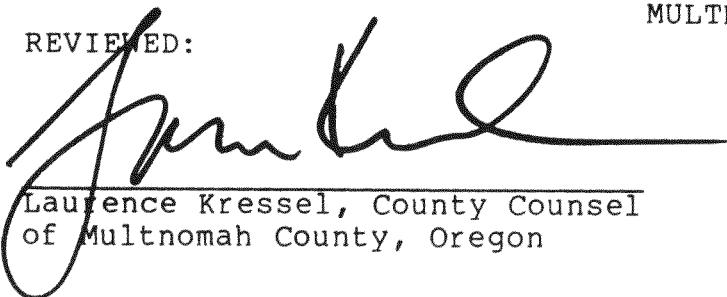
(B) Section VII regarding documentation for firearms in a public place shall become effective January 1, 1991.

Adopted this _____ day of _____, 19____
being the date of its _____ reading before the Board of
County Commissioners of Multnomah County, Oregon.

(SEAL)

By _____
COMMISSIONER GLADYS McCOY
MULTNOMAH COUNTY, OREGON

REVIEWED:



Laurence Kressel, County Counsel
of Multnomah County, Oregon

DRAFT

Amendment to Section III (A) (1) - Definitions of "assault weapon".

Section III (A) (1) should be rewritten as follows:

(1) All of the following semi-automatic rifles:

Avtomat Kalashnikov (AK), all models,
Beretta AR-70 and BM-59,
Calico M 100 and M 900,
Colt AR-15 and CAR-15,
Daewoo Max-1 and Max-2,
Fabrique Nationale FN-FAL, FN-LAR and FNC,
FAMAS MAS-223,
Galil AR and ARM,
Heckler & Koch HK-91, HK-93, HK-94 and PSG-1,
Sigarms 57 AMT and 500 Series,
Springfield Armory G-3, SAR-48 and BM-59 Alpine,
Sterling MK-6,
Steyr AUG,
Uzi Carbine and Mini Carbine,
Valmet M-76 and M-78

Explanation:

This amendment consolidates the list in the first draft. It adds manufacturer's names to the model numbers. It is not intended to deviate significantly from the original list.

TRA 90

Amendments to Section VII. Regulation of firearms in public places.

Rephrase Section VII, paragraphs (B) and (C) as follows:

(B) No person shall possess a concealed handgun in a public place without possessing the documentation required in this section in addition to a concealed weapon permit as required by state law.

(C) No person shall possess an assault weapon in a public place without possessing the documentation required in this section in addition to an assault weapon permit as required by this ordinance.

Explanation:

These changes come at the recommendation of Sandy Duffy, assistant county counsel, and Wayne Pearson, deputy district attorney. By using clear prohibitory language, the D.A. can more easily draft indictments. These changes do not alter the intent or requirements set forth in the first draft.

Amendment to Section VII - Regulation of firearms in public places.

Following paragraph (D) of Section VII, add new paragraph (E) as follows:

(E) This section does not apply to transfers of firearms among family members, including transfers by gift, loan or bequest.

Explanation:

This amendment will allow transfers of firearms from parents to children and among spouses without the requirement that the transferring party be a licensed firearms dealer. The amendment is intended as a matter of convenience for family firearms transfers.

Work Session
January 2, 1990

DRAFT

ASSAULT WEAPONS

1st draft

Proposed 2nd draft

permit criteria:

21 years
statutory exclusions for purchase
danger to community

permit criteria:

drop to 18 years
same
same

permitted purposes:

en route to home, target range, etc.

prohibited uses:

omit and substitute Portland
carry and discharge ordinances
for all guns (See McCoy draft)

permit cost:

\$25/year

permit cost:

same

sales:

prohibited in public places

sales:

prohibited in Expo Center by
resolution & lease agreement
(See Kafoury resolution on
alcohol)

penalty:

\$1000 fine and forfeiture

penalty:

\$500 fine and forfeiture; make
explicit that these are civil
penalties

Work Session
January 2, 1990

REVENUE

1st draft

Proposed 2nd draft

Fees:

\$40 on purchase of any gun

reduced to \$15 with training

\$25 refund for training administered
by MCSO

imposed in unincorporated county;

city consent required for application
inside cities

Taxes:

tax on sales of guns and
ammunition; percentage of value
of goods with maximum tax amount
(See hotel and car rental tax)

inducements (tax break) for
training?

imposed throughout county

no city consent required

Work Session
January 2, 1990

TRAINING

1st draft

Proposed 2nd draft

training course:

to be developed by MCSO;
emphasis areas listed;
MCSO may certify other courses

training course:

same;
same;
same;
add: persons who completed
approved courses before
effective date of law or are
themselves firearms instructors
may qualify without further
coursework for training
certificate

voluntary/ mandatory:

voluntary training for 1st year;
becomes mandatory thereafter

voluntary/ mandatory:

leave voluntary; structure
financial inducements for
compliance

Work Session
January 2, 1990

1991 DOCUMENTATION REQUIREMENTS/ USE LIMITATIONS

<u>1st draft</u>	<u>Proposed 2nd draft</u>
<u>required documentation:</u> training certificate proof of purchase from FFD	<u>required documentation:</u> omit; training remains voluntary omit and substitute 6 month study group to present options for: - regulation of all firearms in public; - application of state law to as many gun sales as possible; - other? insurance; safety lock devices, 1991 legislative agenda, etc.
<u>prohibition on loaded firearms:</u> no loaded firearms in public places	<u>prohibited carry/ discharge:</u> substitute Portland carry/ discharge ordinances (See McCoy draft) add: prohibitions on all firearms in parks, schools, public buildings, hospitals, places of amusement (See ORS prohibitions)
effective date 1/1/91	move effective date to normal time of ordinance enactment
<u>penalty:</u> \$1000 fine and forfeiture	<u>penalty:</u> \$500 fine and forfeiture; make explicit that these are civil penalties

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. ____

An ordinance prohibiting possession of a loaded firearm and discharge of a firearm in a public place, and imposing fees for concealed handgun licenses and background security checks required by state law.

Multnomah County ordains as follows:

Section I. Findings

A. The proliferation of firearms poses a present and serious threat to the health, safety and security of the residents of Multnomah County.

B. Nationally, approximately 1,200 people are killed each year in accidental shootings, including 365 children. For every child killed through the negligent use of firearms, 10 are injured.

C. In Multnomah County, approximately two persons per week are killed from the intentional or accidental use of firearms.

D. The Oregon Courts have recognized that the constitutional right to bear arms is not absolute; the constitution allows government to enact reasonable regulations, such as regulations over the manner of possessing firearms.

E. The Oregon Court of Appeals specifically upheld

1 the constitutionality of Portland's ordinance making it
2 unlawful for any person to carry a loaded firearm in a public
3 place (State v. Boyce, 61 Or App 662, 658 P2d 577 (1983) rev
4 den 295 Or 122).

5 F. The 1989 Oregon Legislature enacted laws (1989
6 Oregon Laws, Chapter 839) to restrict access to firearms and
7 authorized local governments to regulate the possession of
8 firearms and ammunition in public places.

9 G. Although the City of Portland presently bans
10 possession of loaded firearms in public places and the
11 discharge of firearms in public, those restrictions do not
12 apply in unincorporated parts of Multnomah County. The
13 restrictions are reasonable and should apply in the
14 unincorporated area.

15 H. The Board has considered public testimony
16 concerning the need to restrict assault weapons and other
17 firearms and has determined that the subject calls for a
18 coordinated approach supported by all municipalities in the
19 County. Developing such a coordinated approach will take
20 time. Pending development of a consensus among local
21 governments, the more limited measures reflected in this
22 ordinance should be adopted.

23 I. The 1989 legislature also imposed the following
24 administrative responsibilities on the Multnomah County
25 Sheriff's Department:

26 (1) Conduct criminal and mental health

1 background checks on purchasers of handguns from federally
2 licensed dealers.

3 (2) Notify dealers by certified mail of
4 disqualified handgun purchasers.

5 (3) Conduct background checks of purchasers of
6 long guns for study purposes.

7 (4) Submit monthly reports to the Oregon State
8 Police regarding concealed weapons permits issued and denied;
9 notify Oregon State Police of disqualifications for handgun and
10 long gun purchases.

11 (5) Review an increased number of applications
12 for concealed weapons permits; document reasons for denial.

13 J. It is in the best interest of the citizens of the
14 County that the costs of performing these responsibilities be
15 borne largely by purchasers of guns in the County.

16
17 Section II. Definitions

18 A. "Concealed handgun license" is as defined in ORS
19 166.290.

20 B. "Firearm" is as defined in ORS 166.210 and means a
21 weapon, by whatever name known, which is designed to expel a
22 projectile by the action of smokeless powder and which is
23 readily capable of use as a weapon.

24 C. "Public place" is as defined in ORS 161.015(9) and
25 means a place to which the general public has access and
26 includes, but is not limited to, hallways, lobbies, and other

Page

1 parts of apartment houses and hotels not constituting rooms or
2 apartments designed for actual residence, and highways,
3 streets, schools, places of amusement, parks, playgrounds and
4 premises used in connection with public passenger
5 transportation.

6
7 Section III. Carrying and Discharge of Firearms

8 A. It is unlawful for any person to carry a firearm,
9 loaded or unloaded, in a park, playground or school or
10 within feet of a park, playground or school.

11 B. It is unlawful for any person in a public place to
12 carry a firearm upon his person, or in a vehicle under his
13 control or in which he is an occupant, unless all ammunition
14 has been removed from the chamber and from the cylinder, clip,
15 or magazine. A person who violates this section is subject to
16 penalty even if the person did not know that ammunition was in
17 the chamber, clip or magazine.

18 C. It is unlawful for any person to fire or discharge
19 a firearm in a public place.

20 D. In a public place, it is unlawful for any person
21 carrying a firearm upon his person, or in a vehicle under his
22 control or in which he is an occupant, to refuse to permit a
23 peace officer to inspect that firearm after the peace officer
24 has identified himself as such.

25 E. The prohibitions in Subsections (A), (B), and (C)
26 of this Section do not apply to a peace officer acting within

1 the scope of duty; to any government employee authorized or
2 required by his employment or office to carry or use firearms;
3 or to any person having a valid concealed handgun license
4 issued to him by lawful authority.

5 F. The prohibition in Subsection (C) of this section
6 does not apply to:

7 (1) Any person justified in using deadly
8 physical force under the provisions of ORS 161.195 to 161.275;

9 (2) The member or guest of any licensed
10 organization who, for the purpose of shooting practice,
11 discharges a firearm at a target upon an established target
12 range of that organization;

13 (3) A person conducting an athletic contest who
14 fires blank ammunition toward the sky;

15 (4) Members of the armed forces firing blank
16 ammunition at military ceremonies;

17 (5) Persons authorized by permit of the Sheriff
18 to discharge blank ammunition for a lawful purpose; or

19 (6) Hunter safety instructors of the Oregon
20 State Game Commission or their pupils who are engaged in hunter
21 safety training classes sponsored by the Commission.

22 (7) Any person who discharges a firearm while
23 hunting on public lands in accord with state law;

24 (8) Any person who, on land owned by that person
25 or with the landowner's consent, discharges a firearm outside
26 the urban growth boundary for hunting purposes or shooting

practice, when such activity would not endanger persons or property.

Section IV. Fees

MCC 5.10.420 (M) is amended to read as follows:

- (M) (1) Concealed handgun license [weapon permit] [10.00] \$38.00
- (2) Duplication of concealed handgun license. \$10.00
- (3) Renewal of concealed handgun license . . . \$25.00
- (4) Fee for background check of purchaser of a firearm. \$_____
- (5) Failure to submit the appropriate background check fee under Subsection (M)(4) will result in the application being returned to the dealer.

Section V. Penalties

A. Violation of Section III of this ordinance shall be punishable by a fine up to \$1,000 and forfeiture of the weapon.

B. If, after investigation or adjudication, it is determined the weapon was not possessed, carried or used unlawfully, it shall be released to the owner if the owner files a written claim with the Multnomah County Sheriff's Office.

C. If there is a question as to ownership or right to

possession, the weapon shall be released as ordered by the court in a proceeding initiated under ORS 133.633 to 133.663 by any person claiming ownership or right to possession.

Section VI. Severability Clause

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, that portion shall be considered a separate, distinct and independent provision, and the holdings shall not affect the validity of the remaining portions of this ordinance.

Section VII. Adoption

Adopted this _____ day of _____, 19____, being the date of its _____ reading before the Board of County Commissioners of Multnomah County, Oregon.

(SEAL)

By _____
Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

1ATTY.68/mw
(02/02/90)

DRAFT

PAULINE ANDERSON
Multnomah County Commissioner
District 1



605 County Courthouse
Portland, Oregon 97204
(503) 248-5220

February 15, 1990

To: Board of County Commissioners
Bob Skipper
From: Pauline Anderson
Re: Safety Training Course

In response to a request for clarification from the Sheriff's office regarding the Safety Training Course, I am requesting an informal discussion of this aspect of the Gun Safety Ordinance on Tuesday afternoon, February 27th.

To help structure the discussion, I will try to outline what I think Commissioner Bauman and I had in mind when we included this in the original ordinance and attempt to address some of the questions from the Sheriff's office.

Section V of the ordinance is attached for your information.

ISSUES

1. Who should offer the course?

I wanted a deputy from the Sheriff's office to offer the course because of the knowledge and credibility of an experienced law enforcement officer. I wanted the deputy to convey the seriousness of purpose involved in owning a weapon. (The Sheriff can also certify other courses which meet the approved course requirements).

2. Why should it be free?

I wanted to encourage people to take the course because we believe accidental shootings are the most preventable gun killings and that good training programs can make a difference.

3. Should we include a shooting facility?

Ideally, we should have a sheriff's operated public shooting range to encourage safe use of weapons. However, I would not want to wait on offering the course until we develop a range. Perhaps in time, we could offer a public shooting range that could be a source of additional revenue for county wide law enforcement programs.

4. What would be included in the course?

Section V. (B) of the ordinance outlines the basic elements.

(B) The course shall emphasize safe firearm use and storage; laws regarding gun possession, use and transfer; the gravity of harms guns may cause; methods of protecting firearms from theft; and other topics as the Sheriff deems appropriate. The course shall reasonably accommodate citizens who do not speak English, and handicapped citizens.

A memo from the Sheriff's office outlined the following minimum components:

- a. course introduction, description, and objectives
- b. explanation of types of firearms, functioning of their parts, and ammunition identification
- c. rules regarding safe gun handling, proper storage, and demonstrations,
- d. loading and unloading
- e. care and cleaning
- f. firearms possession and the law

5. Won't the Sheriff's course be in competition with those offered by the NRA and private gun shops?

Yes and No. Yes, in that the Sheriff's course will be offered for free. Again, we feel the substance of the course is crucial enough to justify offering it for free.

No, in that the Sheriff can certify other courses that meet its minimum requirements. Citizens are free to take any certified course to meet the mandated requirement.

6. How much will it cost?

We were assuming that we would need a deputy and an OA2 and materials and services and estimated the cost at \$90,000. This will be one of the programs that could be paid for out of a Gun Safety Dedicated Fund (funded by the fees and the concealed weapons permit fee).

7. How will it be implemented?

The latest plan being discussed would ask the Sheriff to have a course in place by July 1, 1990. Taking the course would be voluntary during the first year. There would be no provision for a waived or reduced purchase fee upon completion of the training.

After July 1, 1991, the course would be mandatory and we would have to take another look at how to provide adequate resources to deal with the greater numbers of people who would take the course. This approach would allow a year to fine tune the operation of the course.

BOARD OF
COUNTY COMMISSIONERS
1990 JAN -4 PM 12:12
MULTNOMAH COUNTY
OREGON

December 28, 1989
9700 S. W. Tualatin Road
Tualatin, Oregon 97062

A member of the Portland, Oregon
Chapter of the Sons of the
American Revolution

There is a total of 14 pages in
this letter including the
bibliography.

Multnomah County Board of Commissioners
1120 S. W. 4th Avenue
Portland, Oregon 97204

Dear Sir:

Page 3M, Oregonian newspaper, December 22, 1989, Caption--"Voices raised for Gun Control" and page C9 continued * * * "Chairwoman Gladdys McCoy said. However, McCoy promised the crowd that despite the strong opposition to gun control, "we will have an ordinance." What makes her think that her and those in favor of this unconstitutional so called gun control legislation have the State of Oregon Constitutional and the U. S. Constitutional authority to pass this unconstitutional ordinance? I want to know how her and those on the County Board of Commissioners in favor of this unconstitutional so called gun legislation can run rough shod over the Oregon State Constitution in violation of taking the oath to support and uphold not only the Oregon State Constitution but also the Federal Constitution?

No where is there constitutional authority for this unconstitutional so called gun control legislation. It is treason and sedition to violate one's oath to support the Oregon State Constitution and the Federal Constitution. This was the intent of the Founding Fathers in the violation of the U. S. Constitution. Treason is a crime against the President and sedition is a crime against the whole nation.

Article V, Section 3, U. S. Constitution as to oath of office is as follows: "The senators and representatives before mentioned, and the members of the Several State Legislatures, all executive and judicial officers, both of the United States, the several State legislatures, shall be bound by oath or affirmation to support this Constitution, but no religious test shall ever be require, as a qualification to any office or public trust under the United States."

At this point let me explain municipal law and how it differs from U. S. Constitutional law. In fact there is an excellent article on this subject, "The Need to Review Virginia's Local Government Structure" from Newsletter,

Center for Public Service, University of Virginia, 2015 Ivy Road, Charlottesville, Virginia, 22903-1795. I have been on their mailing list for a few years. There is an identical relationship between the Federal Government and the States as there is between the Oregon State Constitutional and the various municipalities of county, local governments and cities within counties. The Federal U. S. Constitution is an instrument of delegated powers. State Constitutions are based on the Federal Constitution but State constitutions vary from the Federal Constitution in that they have a little more flexibility because of weather, topography, etc. Now the same relationship is between the State Government and municipalities in that the municipalities have some flexibility over the State Constitution for building county roads, building of bridges, etc. However, the local governments cannot violate the Oregon State Constitution as in this case so called gun control laws which are unconstitutional. Then municipalities have further burden in that they also have to adhere not only to the Oregon State Constitution but the Federal Constitution.

The authority for this is Article IV, Section which is as follows: "The United States shall guarantee to every State in this Union a Republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislative cannot be convened) against domestic violence." meaning of course here anarchy or attempts to overthrow the Federal government by violence or unconstitutional laws. There is also the same relationship between the State Governments and municipalities that the State Governments give to local governments or municipalities a republican form of government. A republican form of government is not a democracy but representative Government. The U. S. is a Constitutional Republic or one of Representative government. George Washington called this nation a Confederated Republic but this term has lost favor because of the Civil war. The United States is not a democracy but communists or "liberals" love to refer to our government as a democracy to overthrow it. For example, Jewish democracy is communism.

Article 1, Section 27 of the Oregon State Constitution states: Right to bear arms; military subordinated to civil power. The people (citizens of Oregon) shall have the right to bear arms for the defense (sic) of themselves, and the State, but the Military shall be kept in strict subordination to the civil power." The "liberals" of Oregon better known as communists will not like to hear this or what I state here. All Oregon so called gun control laws are unconstitutional and have no force of law even those passed by Oregon State legislatures or local governments. Let me define the differences between expressed law, expressly implied law, and implied law. Expressly implied law is statutory law. I will give an example. Article 11, Section 3, * * * "The (the President) shall receive ambassadors and other public ministers; etc." From this statement it is expressly implied that the President is the head of or in charge of foreign affairs except where it expressly states the Senate has some powers here. Implied law from the Constitution is the same as making the U. S. Constitution a meaningless blank piece of paper as just by implying one can imply anything. The highest form of constitutional law is of course expressed law which is the case in Article 1, Section 27 of the Oregon Constitution. Section 27 unequivocally states that citizens of Oregon have a right to keep and bear arms for their personal protection and this goes back to the common law of England that the right of self-defense is the first law of nature. Remember there is no chance here in Article 1, Section 27 of the Oregon Constitution of misunderstanding from expressly implied law as happens at times in judicial decisions. When a judge, legislator or municipal government goes outside the pale of the Oregon State Constitution or the Federal Government as in the case of the planned unconstitutional gun legislation or so called ruling, the supposed law has no force of law.

At this point I want to explain the difference between an inhibition of a power and the prohibition of a power. When a judge or legislator goes outside of the pale of the U. S. Constitution or where the U. S. Constitution is silent, this is a prohibition of power. Chief Justice Marshall in the last century and many other judges were fond of using the term, inhibition of power. This means simply that in wisdom of interpretation of a State, or Federal Constitution, or statutory law that one is not to use the full power given the legislator or judge or in other words interpretation up to the demarcation of constitutional power where errors can be made. Now suppose a judge's decision is only partly constitutional. In this case the decision stands until another judicial decision is made to correct the decision constitutionally.

Now let us go back to Article 1, Section 27 of the Oregon State Constitution and we find the words, "and the State". This is a separate provision and refers to clauses 10, 11, 12, 14, 15, and 16 of Article 1, Section 8 of the U. S. Constitution. These powers have to do directly or indirectly in calling up the militia. I will quote only one of them here or clause 15, "(To provide for calling forth the militia to execute the laws of the Union, suppress insurrection and repel invasion)". Also this provision also refers to Militia act of 1792 which defined the militia (citizen soldier not in active military duty) as "every free, white, able bodied male between the ages of 17 and 45". This Militia act is still the law of the land and is part of the U. S. Code and is the basis of our drafting of civilians in time of war or national emergency for the armed services. It would take too much space for this letter to quote the full text of this law but it can be found on pages 1392--1396, Appendix, Annals of Congress, May 8, 1792, "An act more effectively to provide for the National defense, by establishing an uniform Militia throughout the United States." The essence of this law is that the citizen soldier or civilian furnish and paid for his own gun and accessories. If he belonged to the troop of the horse (cavalry), he paid for his own horse. It was a cheap way to fight a war and the War of 1812 was practically all Militia. Going back to Article 1, Section 27 of the Oregon State Constitution which prevents the State of Oregon from passing so called gun control laws and we find the words, but the Military shall be kept in strict subordination to civil power." What is the meaning or interpretation of these words or clause? This simply means that the Founding Fathers were against standing armies. The Founding Fathers considered soldiers in a standing army as idlers, ne'erdo wells, loafers, no initiative, etc. In war they wanted to depend on the initiative and industry of the citizen soldier or the Militia. Remember the word, militia, in the 2nd Amendment to the U. S. Constitution does not refer to the National Guard as the National Guard was not formed by Congress until after 1900. The word, people, in Article 1, Section 27 refers to individual citizens of Oregon and is also found in Article 11 of the Bill of Rights, "A well regulated militia, being necessary to the security of the State, the right of the people to keep and bear arms shall not be infringed." A person here in this context is a citizen of a State. In Article 1V of the Bill of Rights we find, "The right of the people to be secure in their persons, houses, etc." states again that person and citizen are the same. This goes back to the U. S. Supreme Court case of the Dred Scott decision or Dred Scott v. Sandford, Howard, page 404, "The words 'people' of the United States and 'citizens' are synonymous terms and mean the same thing. The both describe the political body who, according to our Republican institutions, form the sovereignty, and hold the power and the conduct of Government through their representatives. They are commonly called the 'sovereign people' and every citizen is one of these people, and a constituent member of this sovereignty, etc."

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(From the Congressional Records)

Proof that the Founding Fathers believed in small standing Army, Page 3580 of pages 3579- 3588, May 20, 1878, The Militia, 1789--The Army of the United States consisted of 840 men at a cost of \$137,000; 1790--The Army was increased to 1,216 men; 1791--One regiment was added, 912 men with a cost of \$1,171,719; 1794--Total army, 3,120, etc.; 1795 --All former acts repealed and an act passed to increase the Army to 5,793 of all arms; 1796-- An act reorganized the Army so that it consisted of 3,620 men all in arms, etc. Now we know meaning of the clause, "but the Military shall be kept in strict subordination to civil power." in Article 1, Section 21 of the Oregon State Constitution on unconstitutional gun laws in Oregon. Page 3583, what Founding Father, John Randolph had to say of the dread of standing armies in 1809: "I believe that the people of the United States are not content and never would be content to see a standing army, fully equipped, armed and disciplined which the militia, our defense against internal enemies, remained unarmed and defenseless * * * The people who will consent to remain unarmed while arms are not in the hands of standing army, governed by martial law, are time for a master." I guess the people of Chinese Jewish communism and Bulgarian Jewish communism found they were under Jewish Zionist masters when they were shot by standing armies and run over by tanks when the civilian population was unarmed. Page 3583 and what did Mr. Madison have to say about standing armies, "A standing army is one of the greatest mischiefs that can possibly happen * * * The Constitution does not say a standing army shall be called out to execute the laws * * * The militia (citizen's army) ought to be called out to suppress smugglers. Will this be denied? If riot should happen the militia are proper to quell it, to prevent resort to another mode, (2 Elliot, 2870). What did Alexander Hamilton have to say on the same subject ibid. "It is said standing armies are not provided against in the Constitution, hence it is inferred they would exist under it. This inference, from the very form at the proposition be at best but uncertain and problematic. * * * The attention of the Government ought particularly to be directed to the formation of a select corps of militia of moderate size, upon principles as would fit it for service in time of need. This, it appears to me is the only possible substitute for a standing army and the best possible strategy against it if it should exist, Federalist"; More on militia, Senate pages 5283--5388, Congressional Record, April 1, 1916; Pages 6209--6210, Congressional Record, Senate, April 15, 1916; Pages 4120--4125, Congressional Record, April 20, 1898, House.

Criminal law part of common law is mentioned only in one place in the U. S. Constitution and the Bill of Rights in Article VII of the Bill of Rights. Of course treason is mentioned but this is just a specific case. Article VII of the Bill of Rights states: "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of a trial by jury shall be otherwise reexamined in any court of the United States, than according to the rules of common law." "Note--The common law in the States at the time the Constitution was adopted this 7th section takes away from the citizen of the U. S. the right to vote or hold public office before conviction by his peers in any crime." The U. S. Constitution is an immutable instrument to last through the ages except as George Washington stated in his Farewell Address if the the instrument or Constitution needs a further a amendment or amendments it is to be done through Constitutional amendments as in Article V. Let us take Article 1, Section 8, Clause 13 which states: "To provide for a navy." The fact that at the time of the U. S. Constitution we had sailing ships does not make steam powered or diesel ships unconstitutional. In the 2nd Amendment to the U. S. Constitution the U. S. Constitution it states "* * * * the right of the people to bear arms shall not be infringed." Note the word the general word "arms" which everyone knows includes guns. Now the general word "arms" does not state "assault rifles"

using a communist or Zionist term used at present. Just as steam or diesel ships in our Navy are not unconstitutional so it is with so called "assult rifles". Under the 2nd Amendment to the U. S. Constitution and Article 1, Section 27 of the Oregon Constitution which also uses the term "arms" the right of the American people to keep and use so called "assult rifles" cannot be infringed and this nation is not going back to flint lock guns and in the future guns will continue to be more sophisticated just as in our cars or automobiles. The Zionists, communists, or "liberals" are trying to use an unconstitutional ban as the camel with his nose in the tent to destroy the 2nd Amendment of the U. S. Constitution for a communist-Zionist Trojan horse to take this nation over and unarm U. S. citizens and have another Jewish-communist Bulgaria massacre of U.S. citizens. As was pointed out by the late Rep. John Ashbrook in the 13th century the cross bow was banned by several nations as it endangered the age of Knights and their armor. An arrow from a cross bow could penetrate the armour of Knights. The so called "assult rifles" are only the cross bows of 20th century. What will guns be like a thousand years from now? Then the Zionists, communists or "liberals" will use the term "assult rifles" for an excuse to ban the hunting repeating rifles and this has already been tried by Comrade Howard Metzenbaum, another traitor to this country. Read pages 10-11, Spotlight newspaper, Oct. 3, 1989, "Gun Grabbers in Washington and State Capitals Swarm Again".

A gun used in a crime such as murder, robbery, and other crimes are too common to mentioned and is not to be singled out as an excuse to violate the 2nd Amendment to the U. S. Constitution and Article 1, Section 27 of the Oregon State Constitution. Remember a gun in crime comes under criminal law in common law. Let us take methods of murder in a crime which can be poisoning, strangulation, smothering, drowning, knifing, shooting by a gun, etc. Death can be had many ways besides a gun. However we see no ban on kitchen knives which can also kill. However, the Zionists, or better known as communists and "liberals" in order to try to destroy the U. S. Constitution through the 2nd Amendment to the U. S. Constitution or subversion of the 1st Amendment to the U. S. Constitution and the "general welfare clause" of Article 1, Section 8, Clause 1 try to use the 2nd Amendment as a scapegoat for more unconstitutional gun laws or using one part of the Constitution to try to destroy the other parts. We find no ban on neck ties, ropes, wires to strangle a person. We find no ban on pillows that can be used to smother a person, or a ban on stones to be put in a bag to be tied by a wire to a person to be drowned. Any bathroom is full of chemicals that can poison a person. The Zionists or communists are silent to the fact that millions of Americans are protected by guns. It is unconstitutional to pass so called gun laws or use crimes in common law in case of guns to penalized law abiding citizens. Why is it these so called "liberals" Zionists, or better known as traitors to this nation have not used their influence to pass laws in banning pillows or neck ties in smothering and strangulation?

The Law is Clear that so Called Gun Laws are Unconstitutional and Have No Force of Law as in the State of Oregon

St. George Tucker, one of the Founding Fathers of this fought in the American Revolution and was a professor of law in the University of William and Mary and was one of the judges of the General Court in Virginia. St. John Tucker published in 1803 a book which included Constitutional law in the volumes, "Blackstones Commentaries with Notes of Reference, The Constitution and Laws, of the Federal Government of the United States and of the Commonwealth of Virginia in five Volumes, etc." St. John Tucker is quoted many times in the Congressional Records and Congressional Globes as an authority on the U. S. Constitution and was known as a non-Federalist Judge. He had a half-brother, George Randolph Tucker, who wrote in the last century on the U. S. Constitution and can be found in any large law library. Read

Page 300, St. George Tucker writes on the 2nd Amendment to the U. S. Constitution or "A well trained regulated militia being necessary to the security of a free nation, the right of the people to keep and bear arms, shall not be infringed. Amendment to C. U. S. Art. 1 which it was numbered then.

"It may be considered as the palladium of liberty* * * * The right of self-defense is the first law of nature: in most governments it has been the study of rulers to confine the right within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is under any colour or pretext whatsoever, prohibited, liberty(as in Oregon with its unconstitutional gun laws) if not already annihilated, is in the brink of destruction. In England, the people have been disarmed, generally under the pretext of preserving the game: a never failing lure to bring over the landed aristocrats to support any measure under the mask, through calculated for very different purposes. True it is, their bill of rights at first view to counteract this policy: but the right of bearing arms is confined to protestants, and the words suitable to their condition and degree, have been interpreted to authorize the prohibition of keeping a gun or other engine for the destruction of game, to any farmer, or inferior tradesman, or other person not qualified to kill game. So that not one man in five hundred can keep a gun in his house without being subject to penalty."

Mind you this is England and it is still that way but under the U. S. Constitution in the 2nd Amendment the citizens have a right to keep and bear arms as stated by St. George Tucker. However, in Oregon the communist or Zionist pretext for unconstitutional gun laws is to cut down or eliminate crime. No place in the United States have so called gun control laws cut down or eliminated crime. It has been the other way to increase crime. However, there will always be communists or Zionists who will try to lie with statistics. The same is true with "liberals" or better known as communists.

Pages 322-323, Appendix--* * * "The United States will continue as at present, the nurse of a hardy, independent yeomanry. A strong barrier between the United States and the countries which abound in the precious metals is devoutly to be wished by all, who can appreciate, property, the blessings of liberty and peace. Whilst the ambition of America is limited to the cultivation of the arts of peace, and the science of free government; to their improvement instead of the extension of her territory, and to the fortifying herself against enemies from within, as well as from without, by fostering, and encouraging the principles of genuine liberty; local influence can never be so formidable as to endanger the peace or happiness to the union, on any occasion. But whenever our evil genius (imbecile Franklin Roosevelt) shall prompt us to aspire to the character of a military republic and invite us to the field of glory; when rapacity, under less odious name of ambition shall lead us to conquest; when a bold, through raw, militia shall be exchanged for a well trained, well disciplined and well appointed army; ready to take to the field at the nod of an ambitious president, and to believe that the finger of heaven points to the course which he directs; then, we may regard the day of our happiness as past, or as hastening rapidly to its decline, etc."

Also read pages 315 and 316 enclosed.

Enclosed is a two page bibliography from the Congressional Records and if there is any doubt about Oregon's so called gun control laws being unconstitutional these references should be read and for nothing else to be informed. Then especially should be read are the 11 pages from the Congressional Record, 99th Congress, Monday, June 24, 1985, Senate, First Session, Vol. 131, No. 85 which I have in front of me on the 2nd Amendment to the U. S. Constitution, Senator Orrin Hatch.

Page H9866 of pages H9864--H9866, Congressional Record, Oct. 8, 1975, "Where Has a Gun Control Law Reduced Crime?", Rep Steiger of Arizona. This was 1975 but things have not changed that much since 1975 as to crime. * * * "Unfortunately, other ethnic groups identified in the FBI arrest tables are not so adverse to violent crimes. For a recent five year period, the murder arrest rate for Japanese-Americans was 0.4 per 100,000, the murder arrest rate per 100,000 for Chinese was 2.2; for American Indians it was 11.3; for blacks it was 32.7; for whites and all other categories the rate was 2.7, etc." Here we can see that murder as a crime is mostly a black problem or crime problem. Page H9865, * * * "On a per capita basis, the robbery rates in those 'gun control' cities ranged from 232.6--747 per 100,000 residents, while the robbery rate in Phoenix was a relatively low 187.-- closely matching the national average of 182.4. Again why should Phoenix adopt the gun laws of cities such as Chicago, Detroit, New York, Philadelphia and Washington, D. C. ? There is too much to quote here but where cities have so called gun control laws the criminals have a field day and know they have a good chance of carrying out a crime against a home or person without reprisal. Then criminals can steal all the guns they need.

Oregon with its provision of Article 1, Section 27 on the right to bear and keep arms has the strictest State anti-gun legislation provision in the nation as far as the States are concerned in their constitutions. Oregon's Constitutional provision, Article 1, Section 25 is in consonance with Article 11 of the Bill of Rights of the U. S. Constitution. To make so called gun control laws constitutional another amendment would have to be put before the citizens of the United States or Article V of the U.S. Constitution. Those who want so called gun control laws should work to have another amendment to the U. S. Constitution which would void the 2nd Amendment to the U. S. Constitution. However we have our law-breakers in this country who insist on so called gun control laws which makes them common criminals or in the same category as common murderers and those in robbery of homes.

To understand the Zionist Portland, Oregon Trojan Horse lobby in breaking the laws of the land by trying to ramrod through so called gun legislation or ordinances one needs to read a personal letter sent to me about six months before the late patriotic Jew, Haviv Schieber, of the U.S. A. Holy Land Committee, Fairfax, Virginia. I have his signature in front me and copies of letters sent to me. I sent copies of these letters to the Spotlight newspaper. Going back to the Dec. 22, 1989 Oregonian newspaper we have Rabbi Emanuel Rose also trying to break the laws of the land. "While opponents to the ordinance may be well organized Rabbi Emanuel Rose told the commissioners Thursday he believed that most people wanted some gun control." Then in my opinion we have another Zionist gun grabber in the article, "Gun Appointments May Face Delays", Dec. 22, 1989 in Comrade Vera Katz. In my opinion Comrade Vera Katz wants to disarm Oregon Christians so she can get in an Army tank and run over Christians as recently in Communist China and now in Romania. Then we have another in my opinion gun grabber in Comrade Rick Bauman. When approximately 40,000 Jews in the New York City area financed the Russian Revolution, the first thing they did was to disarm Christians. Remember what Rabbi Stephen S. Wise said about communism which is Jewish. "Rabbi S. Wise said, "Some call it Communism. I call it Judaism." Anyway to understand the Portland, Oregon Zionists one has to read some of the letters of patriotic Jew, Haviv Schieber, and one of them I have is a letter he wrote to Attorney General Edwin Meese, "U. S. Zionists are contributing directly to the terrorism that has produced the catastrophes in the Middle East today. The United States will lose the Middle East and Europe tomorrow between Zionist terrorism and communist terrorism, unless you take immediate action." ** * "All acts of terror in the United States, all acts of terror in this country and throughout the world against Muslims and Arabs and even against Jews (anti-Zionist) are directed from Israel by Zionist organizations that are in charge of all Jewish philanthropic and religious institutions, etc." Remember Haviv Schieber was one of the first

founders of the State of Israel and he knew what was going on as to terroristic Zionism. Reading copies of these letters is a real education and there is too much to quote. In a letter to Dr. Falwell, Nov. 3, 1983 he writes, * * * "Today, the State of Israel is following false Messiahs--Marx, Trotsky, Ben Gurion and Begin--Shamir." Haviv Schieber also contributed some articles to the Spotlight newspaper. From the letters of patriotic Jew, Haviv Schieber, there is no doubt in my mind that there is a Zionist conspiracy to grab the gun of every Oregon citizen. We have heard the expression Zionism is racism but in my opinion Zionism is treason and sedition.

Sincerely,

Thomas Youngblood
Thomas Youngblood

P. S. Read Thomas Jefferson's Declaration of Independence on in inalienable rights. Article 1, Sec. 27 of the Oregon State Constitution in part comes directly from the Declaration of Independence * * * "He has kept among us, in time of peace, standing armies, without the consent of the legislatures." * * * "He has affected to render the military independent of, and superior to the civil power." Who do you think civil power is? Civil power is the citizen-person in peace time who has the right to keep and bear arms for his protection as the right to self-defense is the first law of nature. Now if so called gun control laws had been constitutional the Union would have imposed so called gun control laws on the Confederate States after the Civil war.

If the so called Multnomah County Board of Commissioners really want to do something about cutting down or eliminating crime why don't they tackle the difficult issues or stopping every citizen of Multnomah County, Oregon from using drugs such as crack and other harmful drugs and put a stop to every criminal peddling dope or harmful drugs in the county of Multnomah. For example, Multnomah County Commissioners could spend all their weekends and vacations in Northeast Portland tracking down black and white dope peddlers spreading dope to Multnomah County school children.

A Six Page Bibliography on pages 8--11 on the Horrors of Zionist Communism

Remember Zionist communism is nothing more than another form of tribalism or the most simple form of terroristic government.

1. Pages 12776-12778, Congressional Record, Extension of Remarks, Thursday, May 15, 1969, "The Communist Technique", Rep. John Rarick.
2. Pages 13440--13443, Congressional Record, Extension of Remarks, Wed. May 21, 1969, "V. I. Lenin--UNESCO Idol", Rep. John Rarick.
3. Pages 12771--12773, Congressional Record, Extension of Remarks, Thursday, May 15, 1969 "Fortas Story Folds", Rep. Gross. Fortas was a Zionist traitor to the U. S.
4. Pages 9501--9502, Con. Record, Extension of Remarks, Thursday, April 17, 1979, "Liquor and Morality", Rep. Rarick. This has to do with the Zionist owned Samuel Bronfman Whiskey Foundation and the break down of morality causing crime from the corrupt ADL working for the destruction of morality from lecherous and salacious publications as Playboy, etc. To help stop crime the Multnomah County Commissioners could close down the Samuel Bronfman Whiskey Foundation and the Israeli spy organization, the ADL.
5. Pages 45287--45294, Con. Record, Extension of Remarks, Tuesday, Dec. 7, 1971, "What is the Anti-Defamation League?"--More the ADL Israeli Spy organization in the U. S., Rep. Rarick.
6. Pages E1458--E1459, Con. Record, Monday, April 2, 1979, Extension of Remarks, Marxism's 143 Million Murders, Rep. Larry McDonald. Remember Stalin, a Jew, murdered at least 50 million himself with his Zionist henchmen.

7. Pages E7928--E7932, Congressional Record, Sept. 29, 1969, Battle of the Bulge and the Henry Morgenthau Plan. Stalin had a German traitor, "Lucy" by the name of Roessler on the German general staff and knew ahead of time of the German plans for the Battle of the Bulge but Jew, Stalin, wanted the Americans and the British to lose thousands of American and British lives in that battle. It was the treachery of the German traitor to Communist Russia and Stalin, Jew, Stalin, was supposed to have been an ally to the U. S. and Britain. Traitors Elizabeth Bentley and Harry Dexter White were responsible for the Morgenthau plan and this supporting evidence is found in the "Morgenthau Diaries". The war in Europe could have been shortened by one year except for the Morgenthau plan which called for the dismantling of German industry after an allied victory. Remember, Elizabeth Bentley, was tied up with traitor, Alger Hiss.
8. More on this treason and sedition of the Henry Morgenthau plan can be read on pages S4007--S4013, March 22, 1976 Congressional Record, "The Alger Hiss Case".
9. Pages E3037--E3038, Wed., June 27, 1984. Congressional Record, Extension of Remarks, "SWAPO and the Soviets: Terrorists Threat to South Africa"
10. Pages 1215--1222, House, Congressional Record, "Is it Conceivable That we Wish Close Relations with Russia" This has to do with the traitorous and seditious A. C. L. U. better known as the UnAmerican Criminal License Union, Dec. 19, 1925. This seditious A. C. L. U. was investigated by the New York State legislature in the 4000 page Lusk Report and had such anarchists (now we call them terrorists) as Felix Frankfurter, white slaver, Joseph Goldberg, Alexander Berkman, Emma Goldman, Rodger N. Baldwin, Miss. Addams and personal friend of Eleanor Roosevelt, Womens International League for Peace and Freedom, now the National Organization of Women or mostly as Zionist women, Rose Schneiderman, Rabbi Judah L. Magnes, Rabbi Hirsch, etc. The last I read in the Congressional Record the A. C. L. U. is about half-financed by Jews.
11. Pages 33219--33239, Congressional Record, Tuesday, Sept. 22, 1970, "The Views of Dr. Stefan T. Possony on Various National Issues", Rep. John Ashbrook. This has mostly to do with exposing dangerous Zionist communism. Page 33230, "Lenin said that communist dictatorship is unrestricted by any laws." This certainly happened in Bulgaria. Anyone interested in reading up in detail on Zionist communism and its treason and sedition should read these pages in detail.
12. Pages 24269--24279, Tuesday, July 14, 1970, Congressional Record, Extension of Remarks, "The Peril of Ignorance", Rep. William G. Bray, More on detail on Zionist communist treason and sedition and is well worth reading. This goes into communist anarchy and terrorism. Remember it was the Zionists who invented the letter bomb and the car or automobile bomb. Some of the Zionists anarchists named were Tom Hayden age 29, Jerry Rubin age 31, Rennie Davis age 29, Abbie Hoffman age 31, Mark Rudd age 22, Bernadine Boudin age 26, William Ayers age 29, Kathy Boudin age 26, Howard Machinger age 23, and John Jacobs age 22."
12. Pages 21523--21526, Tuesday, June 22, 1971, Congressional Record, Extension of Remarks, "Red China Policy--A Reward for Murder."
13. Pages 9246--9247, Saturday Dec. 20, 1919, Congressional Record, Appendix to Congressional Record, Hon. Albert Johnson of Washington. Here again we are dealing with Zionist terrorists for deportation as Emma Goldman, Alexander Berkman, Tom Mooney, etc.
14. Pages 25459--25475, Friday, Congressional Record, Extension of Remarks, "Violence Caused of Agitation and Design". This has to do with not only Zionist communist treason and sedition but Black terrorism and anarchism. A good example is page 25472, * * * "Here is how Tom Hayden, who stated in July, 1967 that 'urban guerrillas are the only realistic alternatives at this time to electoral politics or mass armed resistance,' distorted the Rutledge case in his book, "Rebellion in Newark."

15. Pages 7024 of pages 7018--7064, Congressional Record, April 24, 1924, "Conditions In Russia", Mass murder of Christians in Communist Russia by the Zionists only back then they were called "Cheka." * * * "One of the darkest pages in the history of the Bolsheevik Government relates to the extraordinary commission of what is known throughout the land as the 'Cheka'. This was a political organization or agency which spread terror (Zionism) throughout Russia, arrested, imprisoned, and executed tens and, indeed, hundreds of thousands of persons, and ruthlessly reduced the Russian people to a condition of terror (political Zionism) and slavery. It had most perfect system of espionage and executed the orders of leaders pitilessly, silently, and effectively. Men women and children disappeared and no one knows whither they have gone; many never returned. Relatives and friends were afraid to make inquiry. They were the victims of the Cheka (the Zionists). No one will ever know the number of victims. The figures published by the London Times and other newspapers--European and American--state the official figures of the Cheka show executions up to Feb. 22, 1922 to have been 1,766,168. Of these were professors and teachers, 6,675; 8,800 were doctors, 355,280 were other intellectuals, 1,243 priests; 54,860 officers, 260,000 soldiers, 50,000 policemen, 12,550 landowners, 192,360 workmen, and 815,000 peasants, etc."

16. "Faces, Faces, Faces, Western Front. Some of these Zionists were Rodomilsky Zinoview Apfelbaum, Leiba-Trosky Bronstein, Lenin, Uljanov, Steklov-Nachhamkes, Abraresov Stuchanov-Gimer, Moische Uritzky, Markov Zederbaum, Victor Kop, Parfus Helfant, Adolf Joffe, Jonkel Yurofsky, Runkin, Bela Kun-Kohn, Samuel Bergman, Radek Sobelsohn, Emma Goldmenn also known as Rosa Luxemburg, Kamenev Rosefeld, Jefremoff Kaimovitch, Levime Nisen, Tobias Axelrad, Proschman, Chaim Schreiser, Kamgoff Katz, Schleime Levin, Wolodarsky Koches, Karachan, Tomskey Honigberg, Stein berg, and Max Levin.

17. Page 4165 of pages 4154--4171, Congressional Record, Feb. 21, 1923, "Policy Regarding Russia", * * * Trotski himself in his book, called "The Defense of Terrorism", London, 1921, states, 'We are destroying the press of the counter-revolution just as we destroyed its fortified positions, its stores, communications, and its intelligence system, (Brasol, P. 161) Note, to hear the Zionist controlled press and television today it is the Arabs who are the terrorists. The father of terrorism comes from Zionism.'

18. The real parent of Zionist terrorism or anarchy is Sergey Nechajew and Marxism. "Socialism plus Nechayjewism equals communism." Lenin looked around for a terrorist cutting edge for communism. "Nechajew's contribution to Marxims-Leninism was his advocacy of self-destruction as a fundamental principle of revolution." Of course this Nechayjewism terrorist cutting edge is known as World Zionism. From one of Dr. Steuart McBirnie's pamphlets exposing communism, "The Revlutionary Catechism, by Nechajew--1847--1882". On this principle the Zionists have butchered millions of Christians. More on Zionist terrorism or anarchy can be found on pages 143--148, Senate, Congressional Record, Dec. 5, 1901, "Criminal Anarchists" and had to do with the assassination of President McKimley at the Buffalo, N. Y. Exposition.

19. Pages E6852--E6854, Tuesday, Nov. 26, 1974, "The Repeating Pattern: Communists in Coalition Governments", Rep. John Ashbrook, Con. Record, Extension of Remarks.

20. Pages E839--E841, Friday, Feb. 26, 1980, "The Disarming of America", Rep. John Ashbrook., Congressional Record, Extension of Remarks,

21. Pages 25211--25214, Con. Record, Extension of Remarks, Thursday, Sept. 11, 1969, "The Louis M. Rabinowitz Foundation", Rep. John Ashbrook, a communist front foundation.

22. More on the corrupt Zionists, Pages 5087--5092, Congressional Record, Extension of Remarks, Monday, March 3, 1969, "Ford Foundation--Representation Without Taxation" Rep. John Rarick.

23. Pages E3322--E3324, Con. Record, Tuesday, June 30, 1983, "The Templeton Address of Alexander Solzhenitsyn", Extension of Remarks, Rep. Larry McDonald. Note there are several of Alexamder Solzhenitsyn's contributions to the Congressional Records on the savage butchery of Christians in the Soviet Union for me to list here. Millions of Christians were butchered in these atrocities. by the Zionists.

24. Pages 21452--21458, Congressional Record, Senate, July 8, 1875, "Alexander Spolzenitsyn". In the Soviet Union under communism all government level jobs at the intermediate and high level or echelons were held by Jews or Zionists. In the U. S. about half of the Jewish population is made up of Zionists. Page 21454 * * "At the height of Stalin's terror in 1937-38, if we divide the number of persons executed, we get more than 40,000 persons shot a month! Here are the figures: 17 a year, 10 a month, more than 1,000 a month, more than 40,000 a month, etc." Jew, Stalin, is the biggest butcher of Western Civilization with the murder of approximately fifty million Christians!

25. Pages A3439--A3442, Con. Record, Extension of Remarks, Wednesday, June 12, 1946, "Communism in the United States", Hon. Roy Woodruff.

26. Pages 9832 of pages 9832--9837, Senate, Congressional Record, Roosevelt Director, Zionist, Franklin Roosevelt before he became Governor of New York State was Director of the International Bankers Association a position he in actually never resigned but in name. We know whose side he was on or the Shylock international bankers.

27. The late patriot, Rep. Larry McDonald of Georgia contributed hundreds of articles to the Congressional Records exposing the traitorous and Zionist National Lawyer's Guild, A. C. L. U. and too many for me to list in this bibliography. Pages E5245--E5247, Congressional Record, Extension of Remarks, Thursday, Sept. 23, 1976, "Trotskyism and Terrorism: Part XII--Socialist Workers Party Fronts". Just a few of the communists or Zionists mentioned are Abe Fineglass, Prof. David Roseberg, Harvard law school, Dr. Linus Pauling, Ramsey Clark, Rep. John Conyers of Mich., Ossie Davis, Ruby Dee, David Dillenger, Daniel Ellsberg, Jane Fonda, Rev. Stephen Fritchman, Tom Hayden, Dick Gregory, David Hoffman, Rabbi Robert J. Marx, Rep. Charles Rangel of N. Y., Susan Sontag, Benjamin Spock a Zionist, Rep. Louis Stokes, Rabbi Joseph Weizenbaum, Rep. Andrew Young, etc." Then traitor, William Kunstler, is mention in many of his contributions.

28. Pages E5631--E5639, Con. Record, Exstension of Remarks, Monday, Dec. 7, 1981, "The Terrorist Lawyer's Part 1 and the National Lawyer's Guild and the Weather Underground" Rep. Larry McDonald. There are too many commies for me to list here but some of them are Victor Rabinowitz, Michael Krinsky, John Apt, Alan Dranitzke, Mark Rudd, Louis Katz, Earnest Goodman, Ann Fagan Ginger, Ned. Smokier, etc."

29. Pages 1, Oct. 9, 1989 Spotlight Newspaper, "War Time Atrocity: Revealed", "Deliberate Murder of German POWs; Page 13, POWs Victims of Genocide; Pages 14-15, Eisenhower Made Decision to Send Anti-Reds to Their Deaths, U.S. Condemned for War Crimes; Pages 16--17, "Questions of Eisenhower Remained Unanswered Today", etc. The real so called war criminal was no other than Treasury Sec. Henry Morgenthau in his insidious plan of genocide against the German people. Another Zionist war criminal was of course Lord Beaverbrook. Remember the Zionists controlled the Soviet Union and it was the Zionists who made the vital decisions not the Russian people. Eisenhower was nothing more than a stooge for Henry Morgenthau Jr. and Franklin Roosevelt whose real Zionist name was Rosenvelt. At the time of World War II Franklin Roosevelt was regarded by Jewish organizations as the "New Moses." * * "all 3,500 or so German officers were exterminated in the Morgenthau plan, "Over a million German prisoners of World War II in American and French prisoner of war camps were purposely starved to death in the Morgenthau plan." * * * over 300,000 German civilians were shipped by force and shipped to USSR slave camps to be worked and starved to death, etc. The Spotlight newspaper has to be read in full to get the grisly details of Jewish Zionism. Where was the Zionist owned Oregonian newspaper on this news" or the Zionist Newhouse newspaper with its Zionist controlled news????

29. Pages 1--4, Western Front, "Roosevelt's Jewish Ancestry," Genealogical Chart prepared in the Carnegie Institution, Washington, D. C. by Dr. H.H. Laughlin, per Associated Press March 7, 1934 in the Daily Citizen of Tucson, Arizona. A similar chart was published by the Washington, D. C. Star of Feb. 29, 1936. "Anyway there is too much information for me to cover here except that Franklin Roosevelt was a Jew both on his Mother's side of the family or the Delanos and the Rosenvelts side. Just to read this information is the equivalent to a chamber of horrors. They were traitors from the start." "Franklin Roosevelt in a National Convention of the DAR said he was of revolutionary ancestry but not one Roosevelt was in the Colonial Army. They were Tories entertaining British officers, etc." No wonder Franklin Roosevelt sold out the U. S. to two Jews, Lord Beaverbrook and Joseph Stalin in World War II. This is especially true at Yalta with traitor, Alger Hiss. Remember the best student of traitor, Felix Frankfurter, was Alger Hiss. Page 2, "of the Moscow Dictatorship set up in Russia in 1917 of the 545 leaders 447 of them were Jews, etc."

30. Pages 1-- and 13, Dec. 18, 1989 Spotlight newspaper, "Americans (Prisoners of War in Germany in World War II) Abandoned to Soviet Enslavement" Remember again the Zionists controlled all middle positions and high positions in the Soviet Union and were responsible for the massacre of 25,000 U. S. prisoners by having them sent to Russian prisoners of war camps to be worked and starved to death. Then we find out further who were the real war criminals or World Zionism. Pages 12--13, "Historian Vows to Continue Battle to Reveal Atrocities", "Genocide Survivors Gagged by Court", "American G. I.s Abandoned to the Soviets". Then this country sends approximately three billion dollars a year depending how much is in the pipeline to these traitors who stabbed this nation in the back in World War II. Is this so called foreign aid black mail or is it so called foreign aid? (The Zionists are living in Israel)

31. Pages 16--17, Dec. 11, 1989 Spotlight Newspaper, "Thousands of Deaths at Pearl Harbor a 'Failed Ploy'" Even I in the Navy in World War II knew that the Franklin Roosevelt Administration had broken the Japanese Code and this news spread through the Navy like wild fire and all Navy men knew of Roosevelt's sedition here which resulted in the death of over 2,000 of our servicemen at Pearl Harbor. Before the Japanese hit Pearl Harbor Roosevelt sent the newer ships to sea and left old ships at Pearl Harbor to be hit by the Japanese to get us in World War II. There is a huge amount of information on this subject since World War II and many books have been written on the sedition of Franklin Roosevelt in World War II.

31. Pages 24--25, Dec. 27, 1989 Spotlight newspaper, "Roosevelt Handed Stalin the Shirt Off of Uncle Sam's Back" Of course Franklin Roosevelt was a Jew first and an American citizen last or sold the U. S. out to international Zionism and the Shylock International bankers as he was formerly a director in the American Bankers Association. Franklin Roosevelt, and I remember this, put embargoes on U. S. steel and oil to force Japan into World War II. Roosevelt plotted World War II from the start as director of the International bankers association. There have been hundred of books published on this subject since World War II and it was not the so called "Nazis" that were the so called war criminals. A good book to read on this subject was the book, "Treason in America From Aaron Burr to Averall Harriman" written by a Jew, Anton Chaitkin. Another good book, "The New Dark Ages" by Carol White. The real so called war criminals were of course the British and the Rothchilds and both World War I and World War II were planned at least ten years ahead. World Wars I and II were fought because of German inroads on British trade and as far as being a war criminal Franklin Roosevelt is at the top. Then of course everyone has read the book, "The Rockefeller File" by Gary Allen. There are too many books on this subject to list. I was in high school in New York State when Franklin Roosevelt was Gov. of New York State.

32. Pages E3042--E3044, Congressional Record, Extension of Remarks, Tuesday, June 10, 1979, "Cover-up", Ron Paul of Texas. This is more in detail of the sedition of Franklin Roosevelt in plowing under over two thousand U. S. Servicemen in Pearl Harbor* * * page E3043 * *" Roosevelt got his war at last, perhaps not exactly the way he would have preferred---only a madman would have wanted to buy a war with virtual annihilation of our battle fleet as occurred at Pearl Harbor. Still, who can say what mental steps Roosevelt was in? He had just just been elected a third term, the first and last President honored, etc." Of course everyone knows now that Roosevelt was dying of cancer of the brain when he was elected to a third term. This information has been out several years now from Roosevelt's doctor. Years ago I can recall Franklin Roosevelt said, "No American boys or servicemen will die on foreign soil." in Reference to the war going on in Europe and of course everyone my age will remember Roosevelt saying, "I hate war, Eleanor hates war, and James hates war." Like many other Americans I heard Franklin Roosevelt's last two so called 'fireside chats' and anyone who heard them knew Franklin Roosevelt's mind was gone then.

33. Pages E5767--E5770,-- Congressional Record, Extension of Remarks, Thursday, Dec. 10, 1981, "Robert W. Lee on Pearl Harbor--Part 1.", Rep. Larry McDonald and pages E5919--E5921, Extension of Remarks, Congressional Record, Wed., Dec. 16, 1981 or more on the sedition of Franklin Roosevelt at Pearl Harbor. Page E5767 * * * 3,303 of our servicemen were killed at Pearl Harbor." Franklin Roosevelt is better known as the mad butcher from Hyde Park.

34. There are just too many of these to list by Percy L. Greaves and I will just list one of them from the Congressional Record or more on Franklin Roosevelt plowing under U. S. Servicemen at Pearl Harbor. Pages E5607-- E5609, Congressional Record, Extension of Remarks, "Percy Greaves, Jr. on the Day of Infamy--Part 11 and of course reference to infamy is of course Franklin Roosevelt in his sedition to this country. Anyone interested can read the other references in the Congressional Records by Percy L. Greaves submitted by the late Larry McDonald. There is an old maxim "that everything comes out in the wash." and this has certainly been the case in butcher, Franklin Roosevelt.

35. Pages S10802--S10805, Congressional Record, Senate, Aug. 5, 1980, "The Truth About Collectivization of Agriculture in the U.S.S.R." This is more on the murder of Christians on Jew, Joseph Stalin. Page S10802 * * * "According to statistics compiled by Mr. Dyadkin, who has considerable experience in applied mathematics, the "unnatural deaths" (murders by Stalin and his Zionist gangs) in the period 1927 to 1958 totaled 43--52 million." Anyone interested can read the full details.

36. More on this subject the book, "The Conquest of the World by the Jews", by Major Osman'bey written about 1878 and is in the Library of Congress.

37. "The Lurkin Shadow" Western Front which contains the CAHILLA UNMASKED by Co. Edwin Marshall Hadley first printed in 1934 and is very educational to read. It further exposes the treason and sedition of Zionists.

38. "Who Brought the Slaves to America", Western Front. This book gives the names of Jewish ships in the slave trade in bringing Negro slave to America. Not only are the ships named but the names of Jews in the slave trade. At least 96% of the slave ships in the slaves being brought to America were owned by Jews. Of interest in this publication on pages 20--21 is the Appendix, ("Confidential Notice to All Jews, (Orthodox, Reform, Non-Religious and 'Christians')") Jews in America --These are your final instructions. Signed by Central Conference of American Rabbis, Dated 1956 (Note this document was supposed to have been camera or secret)
"We are about to reach our goal. World War II furthered our plans greatly. We succeeded in having millions of Christians kill each other and returning other

millions in such condition that they can do us no harm. There remains little to be done to complete our control of the stupid Goyim.(Christians)

1. Continue to enlarge our control over radio, TV, newspapers, movies magazines.
2. Educate our sons and crowd the Gentiles out of the practice of law, medicine, pharmacy, and all the retail trades.
3. Make their schools and colleges training camps of our Red revolution.
4. Bring ridicule upon their Christian faith, divide their people, weaken their churches.
5. Demoralize their women and children.
6. Corrupt their courts and bring them into contempt(A.C. L.U. and National Lawyers Guild)
7. Turn class against class. The Negro against White..
8. Buy politicians and continue to corrupt their local, state, and national governments.
(note this process is already going on in Oregon)
9. "Get" the Facist anti-Semites, one way or another.
10. Use willing tools like Truman, Eisenhower, Stevenson, and Warren; they will do our bidding. (Yes even Johnson and Nixon.
11. Plan unlimited immigration of our persecuted people without restriction.
12. Continue our control of their money through the Federal Reserve System.
13. Continue to place Jews in key positions in government, Army, and Navy.
14. We will destroy the Republic and replace it with a Democracy--Jewish-governed state socialism.
15. Continue our control over labor, agitate unrest, strikes, and violence by any means or schemes. ---- Especially through these methods we plunge this country into destitution, demoralization, bankruptcy, and civil war, further lessing the numbers of our enemies.

The Bolshevik Revolution made us masters of Russia.

The last war(World War II) made us rulers of all Europe except Spain.

For the preservation of our race, you are warned to renounce, abjure, repudiate and deny any of this information if questioned by Gentiles, even under oath, as directed by the Talmud. It is needless to caution you of the terrible consequences that might follow if these instructions should fall into Goyim hands.

Signed THE CENTRAL CONFERENCE OF AMERICAN RABBIS, Dated --1956.

Since the above, millions of Christians have already read the above. What the Rabbis did not contemplate that so called Jews are not a monolithic people and there are patriotic Jews who blew the whistle on the traitorous Zionists. There is literally tons of information floating around this nation where patriotic Jews are exposing the traitorous Zionists. Reading the above one knows why the Zionists were for abortion or another method to exterminate Christians. I have many more opinions to express but this letter is already too long with the Bibliography.

Sincerely,

Thomas Youngblood
Thomas Youngblood

On Zionist treason and sedition I only touched or scratched the surface. Patriotic Jews have inundated or flooded the nation with this information for everyone read exposing the Zionists.

A BIBLIOGRAPHY TO THE SECOND AMENDMENT TO THE U.S. CONSTITUTION

(More proof that Oregon's so called gun control laws are unconstitutional)

1. Pages 1--9, Congressional Record, Monday, June 24, 1985, Senate, Vol. 131, No 85 Senator Hatch on the Second Amendment to the U. S. Constitution.
2. Pages E4557--E4559, Congressional Record, Extension of Remarks, Monday, Aug. 23, 1976, Gun Control Hon. Ron Paul of Texas.
3. Pages E4761--E4763, Congressional Record, Extension of Remarks, Tuesday, Aug. 31, 1976, "Gun Control: Government Interference in the Market Place, Rep Ron Paul of Texas
4. Pages E212--E213, Congressional Record, Extension of Remarks, Tuesday, Jan. 27, 1976, Law Enforcement Officers Poll Shows Opposition to Registration of Firearms, Hon. John Ashbrook of Ohio.
5. Pages E6459--E6460, Congressional Record, Extension of Remarks, Thursday, Dec. 4, 1975, Possible Tyranny of Federal Gun Control Laws, Thursday, Dec. 4, 1975, Hon. Steven Symms of Idaho. Dec 4, 1975
6. Pages E1138--E1140, Congressional Record, Extension of Remarks, Tuesday, March 9, 1976, "A Libertarian Look at Gun Control", Hon. Steven D. Symms of Idaho.
7. Pages E4242--E4245, Congressional Record, Extension of Remarks, Military Appropriations Stop Gun Control Over Civilian Marksmanship Program, Tuesday, Aug. 1, 1978.
8. Pages H73362--H7338, House, Congressional Record, Sept. 10, 1979, Gun Decentral Act of 1979, Rep. Volkmer.
9. Pages E1111--E1112, Congressional Record, Extension of Remarks, Monday, April 21, 1975, "Gun Control", Rep Philip Crane
10. Pages E2979--E2980, Congressional Record, Extension of Remarks, Friday, June 2, 1978, "Extending Gun Control Act", Rep. Billy Lee Evans of Georgia (that is the extending of the Gun Control Act of 1968)
11. Pages S16547--16548, Senate, Congressional Record, "Legal Opinion on Power of the D. C. Council to Enact Gun Control Law", Senator Eagleton.
12. Pages E717--E718, Congressional Record, Extension of Remarks, Wednesday, Feb. 9, 1977, "The Case Against Comprehensive Gun Control", Rep. Steven Symms of Idaho
13. Pages E4914--E4917, Congressional Record, Extension of Remarks, Wednesday, Sept. 8, 1976, "The Right to Bear Arms", Hon. H. John Heinz of Illinois.
14. Pages H2729--H2731, Congressional Record, Extension of Remarks, House, "The Man on the Frontline in the Battle Against Crime Speaks Out", Rep. John Ashbrook.
15. Pages E500 --E502, Congressional Record, Thursday, Feb. 9, 1978, "Gun Control is Not Crime Control", Rep. George Hansen of Idaho.
16. Pages E3846--E3847, Congressional Record, Extension of Remarks, Wednesday, July 16, 1975, "The Second Amendment--Its Meaning today", Rep. John Ashbrook.
17. Pages H8092--H8094, Congressional Record, House, July 30, 1976, "Gun Control" Rep. Ron Paul.
18. Pages E5322, Congressional Record, Extension of Remarks, Wednesday, Oct. 8, 1975, "Guns in the Hands of the People: A Right, A Responsibility, and a Political Insurance Policy", Rep. McDonald of Georgia.

A BIBLIOGRAPHY ON THE SECOND AMENDMENT TO THE U. S. CONSTITUTION

- This is more proof that Oregon's so called gun control laws are unconstitutional. Anyone wanting to be informed on the 2nd Amendment should read these references.
19. Pages E2176--E2178, Congressional Record, Extension of Remarks, Wednesday, May 6, 1981, "Gun Control--Myths and Realities", Rep. Larry McDonald, of Georgia
 20. (the best one), Pages H9864--E9866, Congressional Record, Extension of Remarks, House, Oct. 8, 1975, "Where Has Gun Control Reduced Crime?", Rep. Steiger of Arizona.
 21. Page H7666, Congressional Record, --, July 22, 1976, House, "New Evidence That Gun Control Laws Do Not Reduce Crime", Rep. Steiger of Arizona
 22. Pages H2713--H2715, House, Congressional Record, April 1, 1976, "Law Enforcement Officers Poll Show Opposition to Registration of Firearms"
 23. Pages E6550--E6552, Tuesday, Oct. 25, 1977, Congressional Record, Extension of Remarks, "Facts About Gun Control Legislation", Hon. Max Bacus of Montana.
 24. Pages S20963--S20965, Congressional Record, Senate, Dec. 1975, "Gun Control" Senator Fanning of Arizona
 25. Pages H12413--H12414, Congressional Record, House, "Handgun Control", Dec. 13, 1980, Mrs. Fendwick.
 26. Pages H5092--H5094, Congressional Record, House, BAFF and Gun Control Laws.
 27. Blackstone's Commentaries With Reference to The Constitution and Laws, Federal Government of the United States: and the Commonwealth of Virginia in Five Volumes With Appendix. St. George Tucker, one of the Founding Fathers and fought in the American Revolution. He taught college Constitutional law. As to the Second Amendment to the U. S. Constitution, Page 183, pages 322-323, page 315, Page 300.
 28. By Senator Orrin Hatch, eight pages, on Second Amendment to the U. S. Constitution, Congressional Record, Monday, June 14, 1985, Senate, Vol 131, No. 85
 29. "The Second Amendment and Gun Ownership" by Donald A Feder, March 23, 1980 Seattle Times Newspaper.
 30. Pages 1-- 9, Congressional Record, Monday, June 24, 1985, Vol. 131, No. 85, Senate, Proceedings of the 99th Congress, First Session. Note the reference already stated in # 28 above was sent to me by Senator Hatch and I do not have the page number in the Congressional Record.
 31. I recommend reasing pages 389--443, "Rules on Interpretation of the U. S. Constitution" from the three volumes on the U. S. Constitution by Judge Joseph Story found in an fairly large law library.

References Pages 300,
322-323, 315-316 and a
March 23, 1980 Seattle Times newspaper
article, "The Second Amendment and Gun
Ownership" by Donald A Feder

BLACKSTONE'S COMMENTARIES:

WITH

NOTES OF REFERENCE,

TO

THE CONSTITUTION AND LAWS,

OF THE

FEDERAL GOVERNMENT OF THE UNITED STATES;

AND OF THE

COMMONWEALTH OF VIRGINIA.

IN FIVE VOLUMES.

WITH AN APPENDIX TO EACH VOLUME,

CONTAINING

SHORT TRACTS UPON SUCH SUBJECTS AS APPEARED NECESSARY
TO FORM A CONNECTED

VIEW OF THE LAWS OF VIRGINIA.

AS A MEMBER OF THE FEDERAL UNION.

BY ST. GEORGE TUCKER,

PROFESSOR OF LAW, IN THE UNIVERSITY OF WILLIAM AND MARY, AND
ONE OF THE JUDGES OF THE GENERAL COURT IN VIRGINIA.

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APPENDIX.

country; nor be presented by more than ten persons. In America, there is no such restraint.

8. A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed. Amendments to C. U. S. Art. 4.

This may be considered as the true palladium of liberty... The right of self defence is the first law of nature: in most governments it has been the study of rulers to confine this right within the narrowest limits possible. Wherever standing armies are kept up, and the right of the people to keep and bear arms is, under any colour or pretext whatsoever, prohibited, liberty, if not already annihilated, is on the brink of destruction. In England, the people have been disarmed, generally, under the specious pretext of preserving the game: a never failing lure to bring over the landed aristocracy to support any measure, under that mask, though calculated for very different purposes. True it is, their bill of rights seems at first view to counteract this policy: but the right of bearing arms is confined to protestants, and the words suitable to their condition and degree, have been interpreted to authorise the prohibition of keeping a gun or other engine for the destruction of game, to any farmer, or inferior tradesman, or other person not qualified to kill game. So that not one man in five hundred can keep a gun in his house without being subject to a penalty.

9. No soldier shall in time of peace be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law. Amendments to C. U. S. Art. 5.

Our state bill of rights, conforming to the experience of all nations, declares, that standing armies in time of peace, should be avoided as dangerous to liberty; this article of the constitution, seems by a kind of side wind, to countenance, or at least, not to prohibit them. The billeting of soldiers upon the citizens of a state, has been generally found burthensome to the people,

and so far as this article may prevent that evil it may be deemed valuable; but it certainly adds nothing to the national security.

10. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue, but upon probable cause supported by oath, or affirmation, and particularly describing the place to be searched, and the person or things to be seized. Amendments to C. U. S. Art. 6, and herewith agrees the tenth article of our state bill of rights.

The case of general warrants, under which term all warrants not comprehended within the description of the preceding article may be included, was warmly contested in England about thirty or thirty-five years ago, and after much altercation they were finally pronounced to be illegal by the common law*. The constitutional sanction here given to the same doctrine, and the test which it affords for trying the legality of any warrant by which a man may be deprived of his liberty, or disturbed in the enjoyment of his property, can not be too highly valued by a free people.

But, notwithstanding this constitutional sanction, and the security which it promises to all persons, an act passed during the second session of the fifth congress, entitled an act concerning aliens, which was supposed to violate this article of the constitution, in the most flagrant and unjustifiable degree: by authorising the president of the United States to order all such aliens as he should judge dangerous to the peace and safety of the United States, or have reasonable grounds to suspect of any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States within a limited time; and in case of disobedience, every alien so ordered was liable on conviction to be imprisoned for any term not exceeding three years. And any alien so ordered to depart, and remaining in the United States without a licence from

* See 3 Burrows Rep. 1743. 1 Blacks. Reports, 355. 4 Blacks. Com. 291

But, the tumult of popular elections, and the danger in elective monarchies, will be insisted on, as counterbalancing the advantage which we claim in behalf of the constitution of the executive magistrate in the United States. With regard to the latter, something will be said hereafter, when we examine the mode of electing a president of the United States. As to the former: if the sovereignty of the people of the United States, like that of the Roman and Grecian republics, resided in the inhabitants of a single city, or a small territory, the influence of men of popular talents would doubtless produce in certain conjunctures, similar events to those recorded in the annals of those republics. But nature herself seems to be enlisted on the side of the liberty and independence of the citizens of United America. Our cities are few; the population inconsiderable, compared with many of the capitals of ancient, or modern Europe: that population (from the unfavorable influence of climate for some years past) seems not likely to be extended very far beyond its present bounds, and probably will never bear any great proportion to the population of the country at large. This circumstance alone, would probably defeat any attempt to establish an undue influence in any part of the union. Agriculture is, and probably will for ages continue to be, the principal object of pursuit in the United States; and the period seems to be yet very far removed, when their population will be equal to the extent, and fertility of the soil. Europe has so far got the start of us in manufactures, that it is also probable, our population will not depend upon, nor derive any great increase from, them, until it does, our towns will be principally confined to the sea coast, and, the interior of the United States will continue, as at present, the nurse of a hardy, independent yeomanry. A strong barrier between the United States and the countries which abound in the precious metals is devoutly to be wished by all, who can appreciate, properly, the blessings of liberty and peace. Whilst the ambition of America is limited to the cultivation of the arts of peace, and the science of free government; to the improvement, instead of the extension of her territory, and to the fortifying herself against enemies from within, as well as from without, by fostering and encouraging the principles of genuine liberty; local influence can never be so formidable as to

U.S. will always
continue in opposition
to monarchy

endanger the peace or happiness of the union, on any occasion. But, whenever our evil genius shall prompt us to aspire to the character of a military republic, and invite us to the field of glory: when rapacity, under the less odious name of ambition, shall lead us on to conquest; when a bold, though raw, militia shall be exchanged for a well trained, well disciplined and well appointed army; ready to take the field at the nod of an ambitious president, and to believe that the finger of heaven points to that course which he directs; then, may we regard the day of our happiness as past, or as hastening rapidly to its decline.

That provision in the constitution which requires that the president shall be a native-born citizen (unless he were a citizen of the United States when the constitution was adopted,) is a happy means of security against foreign influence; which, wherever it is capable of being exerted, is to be dreaded more than the plague. The admission of foreigners into our councils, consequently, cannot be too much guarded against; their total exclusion from a station to which foreign nations have been accustomed to, attach ideas of sovereign power, sacredness of character, and hereditary right, is a measure of the most consummate policy and wisdom. It was by means of foreign connections that the stadtholder of Holland, whose powers at first were probably not equal to those of a president of the United States, became a sovereign hereditary prince before the late revolution in that country. Nor is it with levity that I remark, that the very title of our first magistrate, in some measure exempts us from the danger of those calamities by which European nations are almost perpetually visited. The title of king, prince, emperor, or czar, without the smallest addition to his powers, would have rendered him a member of the fraternity of crowned heads: their common cause has more than once threatened the desolation of Europe. To have added a member to this sacred family in America, would have invited and perpetuated among us all the evils of Pandora's Box.

The personal independence of the president is secured by that clause, which provides that he shall receive a compensation at stated periods, which shall not be diminished during his continu-

codes, according to the constitutions and laws of each state, respectively.

Here let us again pause, and reflect, how admirably this division, and distribution of legislative power is adapted to preserve the liberty, and to promote the happiness of the people of the United States; by assigning to the federal government, objects which relate only to the common interests of the states, as composing one general confederacy, or nation; and reserving to each member of that confederacy, a power over whatever may affect, or promote its domestic peace, happiness, or prosperity: at the same time limiting, and restraining both, from the exercises, or assumption of powers, which experience has demonstrated, either in this, or in other countries, to be too dangerous to be entrusted with any man or body of men whatsoever.... Restraints upon the power of the legislature, says De Lolme*, are more necessary than upon the executive; the former does in a moment, what the latter accomplishes only by successive steps. In England, all legislative power, without limitation, and without control, is concentrated in the two houses of parliament, with the king at their head; and their united power according to the maxims of that government, is omnipotent. In the United States, the great and essential rights of the people are secured against legislative as well as executive ambition.... They are secured, not by laws, only, which the legislature who makes them may repeal, and annul at its pleasure; but by constitutions, paramount to all laws: defining and limiting the powers of the legislature itself, and opposing barriers against encroachments, which it can not pass, without warning the people of their danger. Secondly, by that division, and distribution of power between the federal, and the state governments, by which each is in some degree made a check upon the excesses of the other. For although the states possess no constitutional negative upon the proceedings of the congress of the United States, yet it seems to be a just inference and conclusion, that as the powers of the federal government result from the compact to which the states are parties; and are limited by the plain sense of the instrument constituting that compact; they are no further

* On the British constitution, p. 164.

valid, than as they are authorised by the grants enumerated therein: and, that in case of a deliberate, palpable, and dangerous exercise of other powers, not granted by that compact, the states, who are parties thereto, have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them*. Thirdly, by the constitution of the legislative department itself, and the separation and division of powers, between the different branches, both of the congress, and of the state legislatures: in all which, an immediate dependence, either from the people, or the states, is happily, in a very great degree preserved. Fourthly, by the qualified negative which the constitution of the United States, gives to the president, upon all the proceedings of congress, except a question of adjournment. Fifthly, and lastly; by the separation of the judiciary from the legislative department; and the independence of the former, of the control, or influence of the latter, in any case where any individual may be aggrieved or oppressed, under colour of an unconstitutional act of the legislature, or executive. In England, on the contrary, the greatest political object may be attained, by laws, apparently of little importance, or amounting only to a slight domestic regulation: the game-laws, as was before observed, have been converted into the means of disarming the body of the people: the statute *de donis conditionalibus* has been the rock, on which the existence and influence of a most powerful aristocracy, has been founded, and erected: the acts directing the mode of petitioning parliament, &c. and those for prohibiting riots: and for suppressing assemblies of free-masons, &c. are so many ways for preventing public meetings of the people to deliberate upon their public, or national concerns. The congress of the United States possesses no power to regulate, or interfere with the domestic concerns, or police of any state: it l. longs not to them to establish any rules respecting the rights of property; nor will the constitution permit any prohibition of arms to the people; or of

* Resolutions of the general assembly of Virginia, December 21, 1798. Also the resolution of the general convention of Virginia, ratifying the constitution of the U. States.... for which see ante.

peaceable assemblies by them, for any purposes whatsoever, and in any number, whenever they may see occasion.

II. The second article of the federal constitution provides, that the executive power shall be vested in a president of the United States of America; that he shall be a natural born citizen, unless he was a citizen at the time of the adoption of the constitution, and in that case, that he shall have been fourteen years a resident in the United States; that he shall have attained the age of thirty-five years; that he shall continue in office four years; that he shall receive a stated compensation for his services, which shall neither be increased nor diminished during the period for which he is elected, and shall not receive within that period, any other emolument from the United States, or any of them; and that before he enters upon the execution of his office, he shall take an oath, "faithfully to execute the same, and to the best of his ability, preserve, protect, and defend the constitution of the United States."

The author of the *Treatise on the English Constitution**, considers the unity of the executive among the advantages peculiar to that, as a free government. The advantages ordinarily attributed to that circumstance, are supposed to be a necessary and unavoidable unanimity; promptitude and dispatch, as a consequence of it; and, immediate and obvious, responsibility. If such are the real advantages of a single executive magistrate, we may contend that they are found in a much greater degree in the federal government, than in the English. In the latter it exists, only theoretically, in an individual; the practical exercise of it, being devolved upon ministers, councils, and boards. The king, according to the acknowledged principles of the constitution, not being responsible for any of his acts, the minister upon whom all responsibility devolves, to secure his indemnity acts by the advice of the privy council to whom every measure of importance is submitted, before it is carried into effect. His plans are often digested and canvassed in a still more secret conclave, consisting of the principal officers of state, and styled the cabinet-council,

* De Lolme, p. 149.

before they are communicated to the privy council*: matters are frequently referred to the different boards, for their advice thereon, previously to their discussion, and final decision, in the council. Thus, in fact, the unity of the executive is merely ideal, existing only in the theory of the government; whatever is said of the unanimity, or dispatch arising from the unity of the executive power, is therefore without foundation. And with respect to responsibility, we have already observed that the nominal executive, is absolved from it by the constitution: all the responsibility that the government admits, is shared between the different ministers, privy council, and boards. The unity of the nominal executive, therefore, so far from ensuring responsibility, destroys it. If then the constitution of England be relied on as proving the superior advantages of unity in the executive department, it does not support any part of the position.

In the United States the unity of the executive authority is practically established, in almost every instance. For, the senate are constituted a council, rather for special, than for general purposes. It may reasonably be doubted, whether they have a right to advise the president, in any case, without being first consulted; and whether, when consulted, he is obliged to carry into effect any measure which they may advise: the constitution is perhaps defective in both these cases. To illustrate them, let it be supposed, that the senate, without being consulted should advise the sending an ambassador to a foreign court: is the president bound to nominate one to them for that purpose? Or, suppose an ambassador to have concluded a treaty, which the president disapproves, but, which the senate advise him to ratify; is he bound to do so? The constitution says, "He shall have power, by, and with, the advice and consent of the senate, to make treaties, provided two thirds of the senators present, concur; and shall nominate, and by, and with, the advice and consent of the senate shall appoint ambassadors." These words appear rather to confer a discretionary authority, than to impose a mandate, or obligation.... But although the president may perhaps constitutionally decline the ratification of a treaty, or the appointment of

Unity of execution

* 1 Blacks. Com: 223.

2. In all cases of admiralty and maritime jurisdiction.
3. In controversies between two or more states.
4. In controversies between a state, and any foreign state.
5. In all cases of impeachment against an officer of the federal government.

To which I shall add,

6. In controversies to which the United States are a party, and
7. In all trials for offences against the constitution, or laws of the federal government.

In which two last cases, I am inclined to suppose, that congress are not restrained from vesting the cognizance of any case, comprehended under those heads, in the state courts, should they find it advisable so to do, especially in fiscal proceedings*, and lesser offences against the peace.

The preceding enumeration seems to comprehend all the cases applicable to our first head: we shall now proceed to consider.

II. Those in which the state has unquestionably concurrent, though perhaps subordinate powers, with the federal government.

Of these,

1. The legislature hath unquestionable power.

1. To impose taxes, and duties;
2. Excises, for the support of its own domestic establishment.
3. Imposts, or duties on exports, if absolutely necessary for the purpose of executing its inspection laws.
4. To establish post-offices, and
5. Post roads, within its own precincts or territory, so that they do not contravene the establishments of the federal government.

* The acts of the 3d. Congress ch. 49, and 65, give to the state courts, jurisdiction in certain cases of this nature.

6. To promote the progress of science, and useful arts by securing to the authors and inventors the exclusive right, within the state, to their respective writings and discoveries.

7. To provide for arming the militia of the state: and to call them forth when necessary for their internal defence.

8. To train and keep troops, and } in time of war.

9. Ships of war

10. And to engage in war, when actually invaded; or in such imminent danger as will not admit of delay.

11. And to propose amendments to the federal constitution.

To these we may add, that the judicial power of the state must be presumed to possess concurrent, though perhaps subordinate powers with the courts of the United States in the following cases:

1. In controversies between the state, and
 1. The citizens of another state,
 2. Foreign citizens, or subjects*.
2. Between citizens of different states; if the defendant reside within the state claiming jurisdiction.
3. Between citizens of the same state claiming lands within the state, under grants from different states.

In all which cases, there are neither express words, nor any necessary implication that the states should be abridged of the powers in these respects, which as states they must have possessed....we must therefore refer these powers to the twelfth article of the amendments to the constitution of the United States.

It is no less true, that the federal government possessing powers of deciding in these cases, the decision of the federal judiciary, is according to the principles and nature of our government, paramount to that of the state judiciary. Causes instituted in the state courts are therefore liable to re-examination in

* But now by the 10th article of the amendments to the C^U.S. the states have exclusive jurisdiction in these cases

The Second Amendment and gun ownership

The writer, an attorney, is the executive director of the Second Amendment Foundation, based in Bellevue.

by Donald A. Feder

W E GUN owners are indeed a dastardly lot. For years we've been distorting the Bill of Rights, trying to convince the unsuspecting that they have a constitutional right to own firearms.

Now comes James Kilpatrick, conservative columnist and constitutional authority, to set the record straight. In his column published February 23 in *The Times*, Kilpatrick takes gun owners to task. "Gun owners incessantly cite the Second Amendment," but not the entire amendment, Kilpatrick complains. He proceeds to quote the amendment in its entirety, "a well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

Kilpatrick then informs us that "the first, controlling clause simply gets dropped down the memory hole."

I'm rather surprised that Kilpatrick, having gone so far, doesn't define "militia." But that's all right; other political columnists and editorialists have done so on countless occasions. Why, the militia is like the National Guard, they tell us. You a member of the National Guard, fella? No? Then you have no constitutional right to keep and bear arms.

There's only one problem with this definition: It bears not the slightest resemblance to what militia meant to the framers of the Constitution, or the historic impetus for the Second Amendment.

The term "militia" was well founded in colonial usage. To the drafters of the Constitution it meant not only the organized militia, such as the Minutemen of Lexington and Concord, but every able-bodied man who

could bear arms in defense of his liberty.

The founding fathers weren't the least bit confused about who the militia were. Said Patrick Henry: "Who are the militia? They consist of the whole people."

In the *Federalist Papers*, No. 46, James Madison, author of the Second Amendment, spoke of a standing army being held in check by the militia, "amounting to half a million citizens with arms in their hands . . ." Since the population of the United States was only 4 million in 1790, it's safe to assume that Madison wasn't referring to just the state reserves.

Indeed, the Militia Act of 1792 defined militia as including "every free, white, able-bodied male." A variant of that definition is contained in the U.S. Code, which consigns to the militia all able-bodied males between the ages of 17 and 45.

You and I are the militia, and have a constitutional right to keep and bear arms. Beyond that, the founding fathers never intended to limit the Second Amendment guarantee to the militia. The first phrase doesn't limit the right, it merely describes a desired goal to be achieved by the free exercise thereof.

At the time the Constitution was adopted, there was a long-standing tradition of gun ownership for self-defense. Sir William Blackstone, in his "*Commentaries*" (1765), considered the definitive work on the common law, enumerated the rights of Englishmen, including "the right of having and using arms for self-preservation and defense."

When the Second Amendment was being debated in the U.S. Senate in 1789, a motion to include the words "for the common defense," after "to keep and bear arms," was soundly rejected. And in his Virginia Constitution of 1776, Thomas Jefferson provided that "no freeman shall ever be debarred the use of firearms."

Certainly the drafters of the Bill of

Rights could have been more precise in writing the Second Amendment. Nevertheless, their intent is quite clear.

The right to self-defense was taken for granted; perhaps that's why it isn't spelled out in the amendment. But why did the founders focus on the militia? Because of their one overriding fear — a fear of government.

The colonists had just gone through a long and bloody war to end the oppression by one type of government — monarchy. But their distrust extended to all forms of government, including the one they had just created.

That's why they stressed a "well-regulated militia" in the Second Amendment. Those men, who bequeathed us a tradition of individual freedom, wanted Americans to have always the wherewithal to remedy oppression. Jefferson, commenting on the constitutional debates, wrote a friend: "What country can preserve its liberties if its rulers are not warned from time to time that this people preserve the spirit of resistance?" He then answered his own question: "Let them take arms!"

Modern history proves the wisdom of the Second Amendment. Every dictatorship of the 20th Century has started with the confiscation of private firearms. From the Bolshevik regime to Nazi Germany to the Greek junta, to the revolutionary Iranian government, disarming the civilian population has been one of the first items of business.

But what can handguns do against tanks and rocket launchers? Ask General Somoza of Nicaragua. Ask the Moslems of Afghanistan, who are waging a successful guerrilla war with primitive weapons against the best-equipped army in the world.

Considering the mania for power exhibited by the denizens of the Potomac, I sleep a little better knowing there are 150 million guns in private hands in America.

March 23, 1980 Seattle Times newspaper.

March 23, 1980
The Seattle Times

Gladys McCoy, Chairman
Multnomah County Commissioner
Room 605
Multnomah County Courthouse
Portland, Oregon 97204

MULTNOMAH COUNTY
OREGON
1990 JAN -3 PM 12:36
COUNTY COMMISSIONER

REQUEST FOR DISCLOSURE

RE: OATHS OF PUBLIC OFFICE

STATE OF OREGON)
COUNTY OF CLACKAMAS) To-wit

I, H. Richard Deering, do hereby declare the following:

STATUS

I am of the White Germanic/Nordic Tribe who is not subject to the 14th Amendment to the United States Constitution. I am a natural born sovereign freeman, not an artificial person. I am a citizen of the State of Oregon and a component of "WE THE PEOPLE" in the Preamble to the Original United States Constitution, and as defined in DRED SCOTT V. JOHN SANFORD(1856), 60 US 691.

I

This request for disclosure is for true copies of the oath of office from each of the following Multnomah County Commissioners:

1. Gladys McCoy
2. Pauline Anderson
3. Gretchen Kafoury
4. Rick Bauman
5. Sharron Kelley

II

The disclosure that I am requesting is urgently needed and will primarily benefit the general public of the State of Oregon, and will be especially advantageous to our children(posternity). The documents I am requesting is not secret material relative to national defense or foreign policy, and it has no information relative to troop movements or secret military installations, and the oaths of office documents are not executive privileged information.

III

We the people of the State of Oregon do not surrender any of our Rights and Immunities to Our public office holders, and we do not yield our sovereignty to the agencies which serve us. We the people of the State of Oregon, in delegating authority to Our servants, do not give Our public servants the rights to decide what is good for the people to know, and what is not good

for the people to know. We the people of the State of Oregon, insist on remaining informed so that we can retain control over the instruments we have created. Each of the above listed Commissioners are holding an office of trust and they owe their allegiance to the Original Government of the United States of America, and to the State of Oregon, via their elected executive offices.

AUTHORITIES COMMANDING DISCLOSURE

1. The Original United States Constitution under Article 4 Sections 1 & 2:

"Section 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States".

2. The Freedom of Information Act of 1967(5 USC 552); see exhibit-1 of 5 USC 552.
3. Under the disclosure statutes of the State of Oregon: ORS 192.410 to ORS 192.680 INSPECTION OF PUBLIC RECORDS.
4. The United States Criminal Code under 18 USC 1001, 18 USC 1506, and 18 USC 2071; see exhibit-2.
5. It is a felony, Madame Gladys McCoy, to conceal documents/papers filed or deposited in any public office, and if any custodian of such documents/papers willfully conceals the same, he shall forfeit his office and be disqualified from holding any office under the United States; see exhibit-2 under 18 USC 2071(b).
6. See exhibit-3 of authorities and court decisions commanding disclosure.

I am now also requesting a copy of the "delegated authority" that you five County Commissioners are receiving from the "very high" powers that are above you, who are ordering/forcing you Commissioners to enact the fraudulent/unlawful Multnomah County Firearms Ordinance.

On June 26, 1945, the United States of America became a member of the United Nations; see exhibit-4 of excerpts from the Anti-Christian/Anti-Goyim United Nations Charter. Under Chapter V Article 25 of the United Nations Charter, it states:

"The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter".

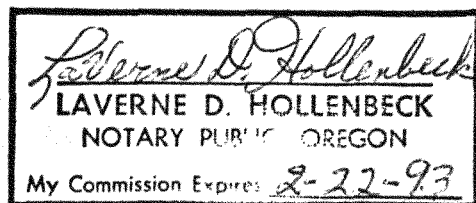
It is well documented and well known, that the Security Council of the United Nations, is always occupied by a dedicated Marxist/Communist. If

you County Commissioners are receiving your orders directly or indirectly from the United Nations Security Council, you are required to furnish me with such contract and agreement. You have ten(10) working days under the Freedom of Information Act of 1967, in which to furnish me with the requested disclosure. If disclosure is refused, a Writ of Mandamus can be filed in court to compel inspection and copying of the requested disclosure; see exhibit-3.

DATED Tuesday January 2, 1990.

PERSONALLY APPEARED AND
DECLARED TO ME THIS 2nd
DAY OF January 1990

H. Richard Deering
H. RICHARD DEERING, Declarant
P.O. Box 314
Clackamas, Oregon 97015



PROOF OF SERVICE

I hereby certify that on the 3rd day of January 1990, I hand delivered a full/true/correct copy of the REQUEST FOR DISCLOSURE and its attached four(4) exhibits, to the following:

- | | |
|--|---|
| 1. Gladys McCoy, Chairman
Multnomah County Commissioner | 4. Rick Bauman
Multnomah County Commissioner |
| 2. Pauline Anderson
Multnomah County Commissioner | 5. Sharron Kelley
Multnomah County Commissioner |
| 3. Gretchen Kafoury
Multnomah County Commissioner | 6. Laurence Kressel, Attorney
Multnomah County Counsel |

PROOF OF MAILING

I hereby certify that on the 3rd day of January 1990, I mailed a full/true/correct copy of the REQUEST FOR DISCLOSURE and its attached four (4) exhibits, to the following:

- | | |
|--|--|
| 1. William Sessions, Director
Federal Bureau of Investigation
J. Edgar Hoover Building
Washington, D.C. 20535
<u>Attention: Operation Greylord</u> | 3. Michael A. Bodisco, BATF
221 Main Street, 11th Floor
San Francisco, California 94105-1992 |
| 2. John F. Daffron, BATF
7820 N.E. Holman, Suite B3
Portland, Oregon 97212 | 4. David S. Marshall, State Liaison
Institute for Legislative Action
555 Capitol Mall, Suite 455
Sacramento, California 95814 |

5. J. Dennis Cook, Secretary
Washington Arms Collectors
P.O. Box 7335
Tacoma, Washington 98407
6. John Lambert, Secretary
Western States Arms Collectors
P.O. Box 1213
McMinnville, Oregon 97128
7. Ken Glass
Rose City Gun Collectors
P.O. Box 16754
Portland, Oregon 97216
8. Mr. Gardiner, NRA
Head of Public Affairs
1600 Rhode Island Ave. N.W.
Washington, D.C. 20036
9. John Hosford, Executive Dir.
Citizens Committee to Keep
and Bear Arms
Liberty Park
12500 N.E. Tenth Place
Bellevue, Washington 98005
10. John Nichols
Oregon Automatic Weapons Assn.
P.O. Box 4948
Portland, Oregon 97208
11. Steven Donnell, President
Oregon Pro Gun Civil Rights
Lobby, Inc.
62455 Owsley Canyon Road
La Grande, Oregon 97850
12. Ted Dowd, Secretary
Oregon Arms Collectors, Inc.
P.O. Box 25103
Portland, Oregon 97225
13. Dave Frohnmayer
Oregon State Attorney General
Justice Building
Salem, Oregon 97310
14. Colonel Bo Gritz
THE CENTER FOR ACTION
711 Yucca Street
Boulder City, Nevada 89005
15. Terry Rice
West Coast Arms Collectors
P.O. Box 248
Gaston, Oregon 97119
16. Gordon Thorson, Secretary
Arms Collectors of S.W. Washington
P.O. Box 2622
Vancouver, Washington 98668
17. Board of Governors
Oregon State Bar
5200 S.W. Meadows Road
P.O. 1689
Lake Oswego, Oregon 97035-0889
18. Major General Raymond F. Rees
Adjutant General
Oregon Military Department
2150 Fairgrounds Road N.E.
Salem, Oregon 97303

The above documents for mailing, were deposited in the United States Post Office for delivery.


H. RICHARD DEERING, Declarant

§ 552. Public information; agency rules, opinions, orders, records, and proceedings

(a) Each agency shall make available to the public information as follows:

(1) Each agency shall separately state and currently publish in the Federal Register for the guidance of the public—

(A) descriptions of its central and field organization and the established places at which, the employees (and in the case of a uniformed service, the members) from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain decisions;

(B) statements of the general course and method by which its functions are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(C) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports, or examinations;

(D) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(E) each amendment, revision, or repeal of the foregoing.

Except to the extent that a person has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published in the Federal Register and not so published. For the purpose of this paragraph, matter reasonably available to the class of persons affected thereby is deemed published in the Federal Register when incorporated by reference therein with the approval of the Director of the Federal Register.

(2) Each agency, in accordance with published rules, shall make available for public inspection and copying—

(A) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(B) those statements of policy and interpretations which have been adopted by the agency and are not published in the Federal Register; and

(C) administrative staff manuals and instructions to staff that affect a member of the public;

unless the materials are promptly published and copies offered for sale. To the extent required to prevent a clearly unwarranted invasion of personal privacy, an agency may delete identifying details

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TITLE 18 OF THE UNITED STATES CRIMINAL CODE

TITLE 18 SECTION 241 - (18 USC 241) - CONSPIRACY AGAINST THE RIGHTS OF CITIZENS

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway or the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - they shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both; and if death results they shall be subject to imprisonment for any term of years or for life.

TITLE 18 SECTION 242 - (18 USC 242) - DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if death results shall be subject to imprisonment for any term of years or for life.

§ 1001. Statements or entries generally

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

18 USC 1001

18 § 1506

CRIMES

§ 1506. Theft or alteration of record or process; false bail

Whoever feloniously steals, takes away, alters, falsifies, or otherwise avoids any record, writ, process, or other proceeding, in any court of the United States, whereby any judgment is reversed, made void, or does not take effect; or

Whoever acknowledges, or procures to be acknowledged in any such court, any recognizance, bail, or judgment, in the name of any other person not privy or consenting to the same—

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

18 USC 1506

§ 2071. Concealment, removal, or mutilation generally

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than \$2,000 or imprisoned not more than three years, or both.

(b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined not more than \$2,000 or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States.

18 USC 2071

EXHIBIT-2

"A record is "required to be kept" by a governmental unit, within the meaning of Statute, where the unit's keeping of such record is necessary to the unit's execution of its duties and responsibilities".

66 Am Jur 2d Supp, section 1 page 48

"Any report prepared by the agency in fulfillment of its functions must be regarded as a record of the agency under the Freedom of Information Act. . . . It is a violation of the Act to withhold from the public the means for requesting identifiable records when those means are exclusively within the control of the agency possessing the sought-after records".

66 Am Jur 2d, section 35 page 363

"Strictly speaking, a public record is one made by a public officer in pursuance of a duty, the immediate purpose of which is to disseminate information to the public or to serve as a memorial of official transactions for public reference".

Mathews V. Pyle(), 75 Ariz 76

"A public officer who has public records in his charge is the mere custodian thereof, and subject to the will of the state allowing any person the right of access to them. Such records are not the private property of the officer".

Detroit V. Board of Assessors(), 91 Mich 78

"Where no specific reason is given for withholding a public record from inspection, mandamus to compel its production should issue as a matter of course".

Beckon V. Emery(), 36 Wis 2d 510

"Mandamus is an appropriate remedy to enforce a right to inspect and copy public records. A statutory proceeding by which the papers and records of an office may be examined does not, in the absence of any legislative intent that it shall be a substitute for the common-law remedies, deprive a citizen of his right for a legitimate purpose, to compel an inspection. After judicial proceedings have been started, for the purpose of obtaining a general examination, they cannot be thwarted by the appointment of a committee on the part of the custodian of the books, or his associates in authority, to make an examination in lieu of one sought. This right of the petitioner to have his application determined on its merits becomes complete on the filing of the petition, and, of course, cannot be affected by subsequent acts of the defendant, taken without his consent, and to which he was not a party".

66 Am Jur 2d, section 31 page 361

EXHIBIT-3

On June 26, 1945, the International Bankers had their Anti-Christian and unlawful United Nations Charter signed in San Francisco, California. On that day, the United States of America became a member of the Anti-Christian United Nations. Upon the signing of that document, an International Court was immediately set up in the United States of America. Under Chapter 3 Article 7 paragraph 1, the Anti-Christian United Nations Charter states:

"There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat".
Emphasis Added

The unlawful United Nations Charter destroys city, county, and state territorial jurisdictional boundaries. Under Chapter 12 Article 75, the unlawful Charter states:

"The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories".

All courts of the United States of America are now following after legislative statutory enactments, rather than after the principles and laws of the Organic Constitution of the United States and its Bill of Rights, and of the Organic Constitutions of the several states. Under Chapter 14 Article 92, the Anti-Christ United Nations Charter states:

"The International Court of Justice shall be the principle judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter".

All citizens of the several states, which the several states compose the United States of America, are unlawfully "ipso facto" parties to the Anti-Christ United Nations Charter. Citizens of the several states have been forced into becoming "ipso facto" parties without their knowledge or consent. The unlawful United Nations Charter states under Article 93 that:

"All members of the United Nations are ipso facto parties to the Statute of the International Court of Justice".

The Organic Constitutions of the United States and of the several states has been overthrown by the legislative, executive, and judicial branches of government. The United States of America is almost under total Martial Law. The citizens of the several states have lost their Birthrights, Property Rights, and Christian Common Law Rights, to the Anti-Christ World Bankers. The coming of the Anti-Christ World Ruler, as revealed in the New Testament book of Revelation, is fast coming upon us.

The Anti-Christ United Nations Charter is in direct conspiracy with the Anti-Christ Communist Manifesto, written by Anti-Christ Karl Marx, in February 1848.

EXHIBIT-4

12-22-89

J. Ivan Hewitt, M.D.

Jane McGavin,

Many of us certainly fail to see any merit in the gun control measures that Pauline Anderson & Rick Bauman are preposing. In the first place they are absolutely illegal and unconstitutional. In the second place, common sense should tell you that Laws do not affect the lawless, only the law abiding. These measures will only serve to make things more expensive and difficult as well as irritating for the law abiding gun owners in this county.

The criminal element is not addressed by "gun control laws". We would say that those proposing these laws are evidently guilty of not thinking clearly, at the very least.

The only effective way to impact the present problem of lawlessness is to enact laws against criminal acts with penalties severe enough to make crime a lot less attractive and enforce ^{those} laws.

If you ~~continue to push~~ ^{vote for} these useless and troublesome proposals in an attempt to enact them against your law abiding neighbors and fellow citizens we would certainly be among those who would favor and indeed work ardently for recall.

Sincerely,

J. Ivan Hewitt, M.D.

J. Ivan Hewitt, M.D.

1990 JAN -3 11 9:35
CLERK OF
SUPERIOR COURT
MULTNOMAH COUNTY
OREGON



Jane McGavin,
1021 S.W. 4th,
Portland, Oregon 97201

Jean Devitt M.D.
3777 S.E. Milwaukie,
Portland, Ore 97202

GS

Commissioner Pauline Anderson
Multnomah County
1021 Southwest Fourth Avenue
Portland, OR 97204

**ALFRED STAEHLI, AIA,
AND ASSOCIATES**

ARCHITECT/PLANNER
ARCHITECTURAL CONSERVATOR

317 SE 62ND AVENUE
PORTLAND, OREGON
97215
(503) 230-0807



8 December 1989

Dear Pauline:

After reading about the not unexpected turn-out of gun ownership supporters at the hearing this Thursday, I felt that it was time for the other citizens, at least one---and I do have friends, to express support for more controls on the private purchasing and ownership of guns, the proposed "safe streets" ordinance for Multnomah County.

I am pleased to state that we own no guns and do not plan to own any. I was a member of the Junior National Rifle Association when a boy, and I qualified with the 30-cal. carbine and 45-cal. pistol, both semi-automatics, when I was an Air Force ROTC student and later when I was an Air Force officer. But, I do not consider hunting to be a sport that I am interested in, and I do not believe that I could beneficially have fire arms in my home for personal protection. Incidentally, in ROTC I learned how simple it is to convert the semi-automatic carbine, now a popular surplus hunting rifle, into a fully automatic machine gun with just a good metal file. All that is needed is to add a larger capacity clip, then watch out.

It gives me great pleasure when visiting my daughter's family in Canada, or going to that very civilized country for a vacation, to declare at the border crossing that I not only am not bringing any fire arms with me but that I don't even own any. Canada has very sensible controls over the sale and private ownership of fire arms and has a dramatically lower death rate from use of fire arms as a result (the just recent massacre in Quebec is an almost unprecedented exception in that country, not exceptional at all in the United States to our shame). No legitimate hunter or gun collector in Canada is denied the ownership of fire arms. My son-in-law and others that I know who hunt or live in the wilderness, fishermen, trappers, and just plain people who want to live away from the cities all legally had rifles for hunting and protection. They are not inconvenienced at all by the strict gun controls in Canada.

I see the proposed county ordinance limiting so-called assault weapons (remember what I said about the old army carbine) as an overdue action for the benefit of Portland and Multnomah County. Eventually such laws should be state wide, then nation wide, and be even stronger in their effect and their limitations on the availability and private ownership of all fire arms not clearly related to hunting and related wilderness activities. As a minimum, all gun owners should be licenced and should meet at least as stringent tests

1990 JAN -3 AM 9:32
COUNTY COMMISSIONERS
BOARD OF

and standards as are accepted to drive a motor vehicle.—Unconstitutional, I don't think so; and even if there is a question, the law should be passed and be ruled on by the courts, not a minority of gun lobbyists.

The decision must be made by our elected representatives of all the people and should not be made by a fanatic and very vocal minority. I am more afraid for my safety from the likes of the gun lobby than from any criminal because of the enthusiasm to use their weapons they so vehemently express and the un-reality of their fears.

I hope you will share my letter with the other commissioners. Your proposed ordinance is a step in the right direction and it must succeed.

Thank you. Sincerely,

Al Stark



Dec. 31, 1989

Dear County Commissioners:

The first question raised by the adjoining letter is whether the schism raised by the (what I call mild) control law being considered by the commissioners is worth the hassle. Schneider threatens a loss of effectiveness the "commissioners will suffer in their efforts to govern this community." The answer to that scare tactic is that by passing a gun control law the commissioners will demonstrate their strength in the community.

In the next sentence the writer of of the letter says he is not a member of the National Rifle Association. George R. Schneider's residence is described as Northeast Portland. The Portland telephone book does not disclose any George R. Schneider. Until the writer of the letter discloses more information it may be inferred that he is a paid propagandist for the notorious rifle association. Then come the threats on behalf of the pro-gun people. "Lawsuits and recall efforts. "

I shall help financially any effort by the gun lobby to recall any commissioner who votes for a gun control law. That is, I shall help defeat such a recall attempt.

Then he questions the effectiveness of the commission to conduct the county's business if it proceeds with the gun control law. The answer is that the commission would be effectively conducting the county's business by passing an ordinance that prevents another Hinckley type attempted murder and the multiple murders of innocent people and children we have recently witnessed.

The propagandist ends his letter by challenging the maturity of the commissioners. How old must a commissioner be to be mature? The voters and spouses of the commissioners will vouch for their maturity.

Finally, the proposed legislation is simply a mild attempt to give our authorities an opportunity to ascertain the mental and lawful qualifications of any person who seeks to purchase a dangerous weapon that could be used by the wrong person for the taking of innocent lives. One innocent life saved is worth the cost and inconvenience involved.

Respectfully,

Reuben Lenske

LETTERS

Not worth the fight

To the Editor: Is the dubious value of the Multnomah County Commission's Safe Streets weapons-control ordinance worth the schism it has provoked in the community, as well as the loss of effectiveness that the commissioners will suffer in their efforts to govern this community?

I am not a National Rifle Association member. I find that its point of view is too narrow-minded. But I am a thinking member of this community, and find that other responsible members of the community are appalled at the fight over this issue — not because of the issue itself, but because of the damage being caused to the community during this acerbic fight.

These pro-gun people will not go away. They are probably in the majority and are solid members of the community. Their threats to initiate lawsuits and recall efforts should not be taken lightly. Can the commission conduct the county's business as effectively if it presses this fight? I think not, and I am not alone.

Anyone can get into a fight. A mature person evaluates the costs of conflict before committing totally. Get out before it's too late.

GEORGE R. SCHNEIDER
Northeast Portland

THE SUNDAY OREGONIAN, DECEMBER 31, 1989

RECEIVED
COUNTY COMMISSIONER
JAN 2 1990
PM 4:19

JULY 20 1989
1989 DEC 20
CLERK OF COURT
MULTNOMAH COUNTY
OREGON

PROOF OF SERVICE

I hereby certify that on the 29th day of December 1989, I hand delivered a true/full/correct copy of the PUBLIC NOTICE with its attached sixteen(16) exhibits, to the following:

- | | |
|---|---|
| 1. Gladys McCoy, Chairman
Multnomah County Commissioner
Room 605
Multnomah County Courthouse
Portland, Oregon 97204 | 4. Rick Bauman
Multnomah County Commissioner
Room 605
Multnomah County Courthouse
Portland, Oregon 97204 |
| 2. Pauline Anderson
Multnomah County Commissioner
Room 605
Multnomah County Courthouse
Portland, Oregon 97204 | 5. Sharron Kelley
Multnomah County Commissioner
Room 605
Multnomah County Courthouse
Portland, Oregon 97204 |
| 3. Gretchen Kafoury
Multnomah County Commissioner
Room 605
Multnomah County Courthouse
Portland, Oregon 97204 | 6. Laurence Kressel, Attorney
Multnomah County Counsel
1120 S.W. 5th Avenue
Portland, Oregon 97204 |


PROOF OF MAILING

I hereby certify that on the 29th day of December 1989, I mailed a true/full/correct copy of the PUBLIC NOTICE with its attached sixteen(16) exhibits, to the following:

- | | |
|--|--|
| 1. William Sessions, Director
Federal Bureau of Investigation
J. Edgar Hoover Building
Washington, D.C. 20535
<u>Attention: Operation Greylord</u> | 6. John Lambert, Secretary
Western States Arms Collectors
P.O. Box 1213
McMinnville, Oregon 97128 |
| 2. John F. Daffron, BATF
7820 N.E. Holman, Suite B3
Portland, Oregon 97212 | 7. Ken Glass
Rose City Gun Collectors
P.O. Box 16754
Portland, Oregon 97216 |
| 3. Michael A. Bodisco, BATF
221 Main Street, 11th Floor
San Francisco, California 94105-1992 | 8. Mr. Gardiner, NRA
Head of Public Affairs
1600 Rhode Island Ave. N.W.
Washington, D.C. 20036 |
| 4. David S. Marshall, State Liaison
Institute for Legislative Action
555 Capitol Mall, Suite 455
Sacramento, California 95814 | 9. John Hosford, Executive Dir.
Citizens Committee to Keep
and Bear Arms
Liberty Park
12500 N.E. Tenth Place
Bellevue, Washington 98005 |
| 5. J. Dennis Cook, Secretary
Washington Arms Collectors
P.O. Box 7335
Tacoma, Washington 98407 | |

10. John Nichols
Oregon Automatic Weapons Assn.
P.O. Box 4948
Portland, Oregon 97208
11. Steven Donnell, President
Oregon Pro Gun Civil Rights
Lobby, Inc.
62455 Owsley Canyon Road
La Grande, Oregon 97850
12. Ted Dowd, Secretary
Oregon Arms Collectors, Inc.
P.O. Box 25103
Portland, Oregon 97225
13. Dave Frohnmayer
Oregon State Attorney General
Justice Building
Salem, Oregon 97310
14. Colonel Bo Gritz
THE CENTER FOR ACTION
711 Yucca Street
Boulder City, Nevada 89005
15. Terry Rice
West Coast Arms Collectors
P.O. Box 248
Gaston, Oregon 97119
16. Gordon Thorson, Secretary
Arms Collectors of
Southwest Washington
Vancouver, Washington 98668

The above documents for mailing, were deposited in the United States Post Office for delivery.


H. RICHARD DEERING, Declarant

TO: Gladys McCoy, Chairman
Multnomah County Commissioner
Room 605
Multnomah County Courthouse
Portland, Oregon 97204

TO: Rick Bauman
Multnomah County Commissioner
Room 605
Multnomah County Courthouse
Portland, Oregon 97204

TO: Pauline Anderson
Multnomah County Commissioner
Room 605
Multnomah County Courthouse
Portland, Oregon 97204

TO: Sharron Kelley
Multnomah County Commissioner
Room 605
Multnomah County Courthouse
Portland, Oregon 97204

TO: Gretchen Kafoury
Multnomah County Commissioner
Room 605
Multnomah County Courthouse
Portland, Oregon 97204

PUBLIC NOTICE

CONSTRUCTIVE NOTICE OF TRESPASS

NOTICE OF INTENT TO FILE CRIMINAL CHARGES

STATE OF OREGON)
COUNTY OF CLACKAMAS) To-wit

I, H. Richard Deering, do hereby declare the following:

STATUS

I am of the White Nordic/Germanic Tribe and not a subject of the 14th Amendment to the United States Constitution. I am a natural/sovereign freeman, not an artificial person. I am a citizen of the State of Oregon, and as outlined in the PREAMBLE TO THE ORIGINAL UNITED STATES CONSTITUTION, and as defined in DRED SCOTT V. JOHN SANFORD(1856), 60 US 691.

I .

This Public Notice is to officially put you five(5) County Commissioners on notice of my intent to file criminal charges against each one of you, should you proceed to unlawfully/fraudulently enact the "ordinance" to regulate firearms in Multnomah County.

II

Your intentions are a Prima Facie criminal "covert operation" to overthrow the Original Government of the State of Oregon, and of the United States of America. Your intentions are absolutely subversive and advocates the use of force and violence(whether actual or implied) to accomplish your goals. Your intentions absolutely aids/abets sedition and treason against the Organic Positive Laws of the State of Oregon, and of the United States of

America. Your intentions are deliberate acts to "trespass" against "We the people" of the State of Oregon and of the United States of America, and their rights to keep and bear arms as commanded in the Oregon State Constitution under Article 1 Section 27, and under the 2nd Article to the Bill of Rights.

III

Webster's Students Dictionary(1938) defines the word keep, as:

" . . 3.a To guard b To have charge or care of. c To maintain; continue to hold; . . v.1. l. To remain in any position or condition; . . "

Webster's Students Dictionary(1938) defines the word bear, as:

"1. To support and move; to carry. 2. To be equipped or marked with; to possess or have; as, to bear arms; . . 3. To bring forth or produce; . . "

The actual and genuine intent of the 2nd Article to the Bill of Rights, is for the people to carry arms in any manner they so choose. "We the people" have the absolute right(not to be confused with a privilege) to carry our arms strapped across our backs, or even concealed under our coats or garments, and to even enter public buildings armed as such. It is unlawful and a trespass, for city, county, state, and federal legislatures/commissioners to enact ordinances and statutes to force a citizen to purchase a permit/license to carry a concealed firearm, and to carry the firearm in a public place.

IV

It is only by the subversive/deliberate creation of crime in the United States by the International Bankers, that is causing the United States Congress and the state legislatures, to fraudulently enact private legislative statutes against the rights to "keep and bear arms". The International Bankers are financing the escalation and intensifying of crime, terrorism, sabotage, and especially drug smuggling in the United States of America. Crime, terrorism, and drug smuggling could never survive unless someone is financing those operations, and huge bribes are given to cover up those activities.

V

I am now submitting Prima Facie evidence that drug smuggling into the United States, is being intentionally covered up by the highest offices in the United States; see exhibit-1 where Lt. Col. James Gritz sent a letter to the then, Vice President George Bush, concerning heroin trafficking mobsters and United States government officials. See exhibit-2 titled: FROM POW's TO WAR ON DRUGS, of the documentation where importing of drugs into the United States could be stopped if high officials in Washington, D.C. would act.

VI

It is evidence beyond a reasonable doubt by the proposed County Ordinance, that you five County Commissioners are intending to "infringe" upon the citizens of Multnomah County, and upon the Positive Law, to keep and bear

arms. The 2nd Article to the Bill of Rights, commands:

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed".

The key words in the 2nd Article are: "keep"(supra), "bear"(supra), and "infringe". Webster's Students Dictionary(1938) defines the word infringe, as:

"To fail to obey or to act in accordance with the provisions of; to violate; as, to infringe a law; to infringe a contract.
v.i. To encroach; trespass; as, to infringe upon another's rights. SYN. See trespass".

VII

Now the evidence also shows that the Oregon State Bar Association is involved in the "covert operations" to destroy and overthrow Article 1 Section 27 of the Oregon State Constitution and the 2nd Article to the Bill of Rights, relative to the guarantee to: "keep and bear arms, shall not be infringed". See exhibit-3 of page 11 of the Multnomah County Ordinance where Oregon Bar agent/attorney Laurence Kressel has signed the unlawful/fraudulent firearms ordinance.

VIII

The Oregon State Bar via its licensed agent/attorney Laurence Kressel, has drafted and signed the subversive/unlawful firearms ordinance; this in its self, makes the Oregon State Bar and its Board of Governors, principles and accessories to the "covert operations" to outlaw firearms in Multnomah County. I am now giving official notice to civil and or military authorities that a series of felonies are taking place within the Multnomah County Commissioners and the Oregon State Bar, to "infringe" upon "We the people" of Multnomah County, to "keep and bear arms" for our self defense and for the defense of the State of Oregon. My notice is via 18 USC 4-2 & 3; see exhibit-4.

IX

The five above Multnomah County Commissioners are now violating their Oath of Public Office. See exhibit-5 of a blank copy of the oath of office each County Commissioner must sign upon taking office after election. See exhibit-6 of a blank copy of the Oath of Office that attorney Laurence Kressel must sign when he was admitted to the Oregon State Bar. The above listed County Commissioners, in a criminal conspiracy with the Oregon State Bar, via licensed agent Laurence Kressel, are now committing perjury to their oath, and are now in contempt of their oath of office. Black's Law Dictionary Revised Fourth Edition defines the word perjury, as:

"To constitute "perjury" an oath must be administered by one authorized to do so".

The Oregon State Constitution under Article 15 Section 3, commands:

"Every person elected or appointed to any office under this Constitution, shall, before entering on the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office".

X

It is the Common Law Rights of "we the people" to keep and bear arms, without any restriction or prohibitions from state/federal legislatures or from city/county commissioners. See exhibit-7 pertaining to Common Law.

XI

The Multnomah County Commissioners and their alliance with the Oregon State Bar via County Attorney Laurence Kressel, are now criminally conspiring in a "covert operation", to create crime where no crime exists with their proposed County Firearms Ordinance. Those two groups of people are attempting to create/generate crime so that the Oregon Bar and its licensed members will reap huge monetary gains, directly and indirectly. County and state prosecutors will now receive more federal funds (tax payer's money) to apprehend the offenders of the Firearms Ordinance, and those offenders will need an attorney to "put on a show" to defend the offenders. The Oregon Bar will always win.

XII

It is common knowledge with all people who have been forced into the licensed courtrooms, that the Oregon State Bar has/is knowingly departed from the Organic/Positive Laws of the State of Oregon and of the United States, and has/is resorting to the ancient business practices of the Scribes and Pharisees (judges-lawyers-prosecutors), and their Sanhedrin Talmudic Laws courts.

XIII

The Oregon State Bar, as with all state bar associations, are now enforcing: "THE TRADITIONS OF THE ELDERS", also know as: "THE TALMUD", or as: "THE PROTOCOLS OF THE LEARNED ELDERS"; the entire Firearms Ordinance is ANTI-GOYIM.

"You may say that the goyim will rise upon us, arms in hand, if they guess what is going on before the time comes; but in the West we have against this a maneuver of such appalling terror that the very stoutest hearts quail — the undergrounds, metropolitans, these subterranean corridors which, before the time comes, will be driven under all the capitals and from whence those capitals will be blown into the air with all their organizations and archives".
Protocol Number Nine, Article 13 (emphasis added)

"We shall slay without mercy all who take arms(in hand) to oppose our coming into our Kingdom".
Protocol Number Fifteen, Article 1 (emphasis added)

See exhibit-8 titled: OREGON STATE BAR ASSOCIATION FLOATING LAWS.

XIV

The Multnomah County Commissioners and the Oregon State Bar, cannot possibly do what they are doing relative to the Firearms Ordinance, unless they receive their orders from the International Bankers and Moneychangers; the International Bankers and Moneychangers being the controlling principals in the violent overthrow of the Original Government of the United States and the State of Oregon; see exhibit-9 of the Banker's Manifest of June 1892, especially paragraph 4.

XV

The Multnomah County Commissioners and the Oregon State Bar, are now hypnotizing the general public that statutes/ordinances are law and must be obeyed. Laws and statutes are not synonymous with each other; see exhibit-7. See exhibit-10 titled: LAW OF THE LAND. I urge all to read the book, TWO FACES OF GEORGE BUSH, written by Antony C. Sutton, and we can foresee that the United States of America is headed for very serious trouble, and I personally foresee where there will be large scale mass executions/murders and arrests carried out by military type (S.W.A.T. teams) and the National Guard Troops against "We the people", and against those who speak out to defend the Original Government of the United States; see exhibit-11 titled: THE LAW AND GOVERNMENT OF THE UNITED STATES. This will be all carried out under "Project Phoenix" and under other names, which is being withheld from the general public; see exhibit-12.

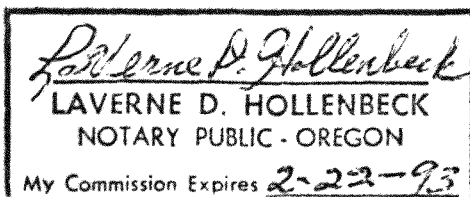
XVI

See exhibit-13 of the front and back cover of the book, TWO FACES OF GEORGE BUSH, of this well documented book. See exhibit-14 of APPENDIX A at the end of that book, where Lt. Col. James Gritz testified before the United States Congress on June 30, 1987.

XVII

Should the Multnomah County Commissioners and County Attorney Laurence Kressel be bold enough to "blaspheme" the Oregon State Constitution and the Constitution of the United States and its Bill of Rights, and sign the Firearms Ordinance, I will be forced to file criminal charges against you people and I will demand that you people immediately be discharged from office, for your intent to carry on force and violence (whether actual or implied), sedition, and treason against the Original Government of the United States and of the State of Oregon; see exhibit-15 of ORS 182.030. The Multnomah County Commissioners and attorney Kressel, are going about this in a "covert conspiracy" and under color of law; see exhibit-16 of Title 18 USC 241-242.

DATED Thursday December 28, 1989.



H. Richard Deering
H. RICHARD DEERING, Declarant
P.O. Box 314
Clackamas, Oregon 97015

A Challenge To Bush

In Volium II Number 9 of The PATRIOT Review (November, 1987), we published a story headlined "White House Drug Coverup?" It told the story of Lt. Col. James "Bo" Gritz, the former Special Forces commander who was sent to Burma by the White House in search of POW's. He found, instead, clear evidence that widespread U.S. involvement in the international drug trade was being suppressed by the Reagan administration.

The following is an "open letter" from Gritz to Vice President George Bush, the man who has received praise from the Establishment media for heading up the government's "war on drugs."

Honorable George Bush
Vice President
United States of America
Washington, D.C.

Sir:

Why does it seem that you are saying "Yes" to illegal narcotics in America?

I turned over video tapes to your National Security Council (NSC) staff assistant, Tom Harvey, in January of 1987, wherein Gen. Kuhn Sa, overlord of Asia's "Golden Triangle," offered to stop 900 tons of heroin/opium from entering the free world in 1987. Harvey told me, "... there is no interest in doing that." Gen. Khun Sa also offered to identify U.S. government officials who, he says, have been trafficking in heroin for more than 20 years.

In November 1986, Scott Weekly and I went into Burma in coordination and cooperation with the White House. Tom Harvey told me you received a letter from

Arthur Suchesk, Orange County, California, dated August 29, 1986. Dr. Suchesk said that Gen. Khun Sa had access to U.S. POWs. Harvey said the letter had received "highest attention."

He gave me a copy along with other case documents.

I was asked if it was possible to verify the information. According to Harvey, the CIA said Khun Sa had been assassinated some months before. Harvey supplied Scott and myself with language under White House and NSC letterhead that would help us gain access to Khun Sa.

It worked. Unfortunately, Khun Sa knew nothing about U.S. POWs. He did, however, offer to trade his nation's poppy dependence for a legitimate economy.

Instead of receiving an "atta boy" for bringing back videotape showing Khun Sa's offer to stop 900 tons of illegal narcotics and expose dirty U.S. government officials, Scott was jailed and I was threatened. I was told that if I didn't "erase and forget" all that we have discovered, I would "hurt the government." Further, I was promised a prison sentence of "15 years."

I returned to Burma with two other American witnesses, Lance Trimmer, a private detective from San Francisco, and Barry Flynn from Boston. Gen. Khun Sa identified some of those in government service he says were dealing in heroin and gun sales. We videotaped this second interview and I turned copies over in June of 1987 to the chairman of the Select Committee on Intelligence; chairman of the House Foreign Affairs Task Force on Narcotics Control; co-chairman, Senate Narcotics Committee, and other congressional members.

Richard Armitage, assistant secretary of defense for international security affairs, is one of those government officials implicated by Khun Sa. Nothing was

done with this evidence that indicated that anyone of authority, including yourself, had intended to do anything more than protect Mr. Armitage. I was charged with "misuse of passport."

Seems that it is alright for Oliver North and Robert McFarlane to go into Iran on Irish passports to negotiate an illegal arms deal that neither you nor anyone else admits condoning, but I can't use a passport that brings back drug information against your friends.

Trimmer and I submitted a "citizen complaint of wrongdoing by federal officers" to Attorney General Edwin Meese III on September 17, 1987. Continuous private and legislative enquiries to date indicate that the attorney general's office has "lost" the document. Congressional requests to the Government Account-

continued page 6

EXHIBIT-1

A CHALLENGE TO BUSH

continued from page 4

ing Office (GAO) have resulted in additional government snares and stalls.

On January 20, I talked before your Breakfast Club in Houston, Texas. A distinguished group of approximately 125 associates of yours, including the chief justice of the Texas Supreme Court, expressed assurances that you are a righteous man. Almost all of them raised their hands when I asked how many of them know you personally.

If you are a man of good intent, I pray you will do more than respond to this letter. I ask that you seriously look into the possibility that political appointees close to you are guilty of by-passing our Constitutional process and, for purposes of promoting illegal covert operations, conspired in the trafficking of narcotics and arms.

Please answer why a respected American citizen like H. Ross Perot can bring you a pile of evidence of wrongdoing by Armitage and others, and you, according to Time magazine (May 4, 1987, page 18), not only offer him no support, but have your secretary of defense, Frank Carlucci, tell Perot to "stop pursuing Mr. Armitage."

Why, sir, will you not look into affidavits gathered by the Christic Institute of Washington, which testify that Armitage not only trafficked in heroin, but did so under the guise of an officer charged with bringing home our POWs?

If the charges are true, Armitage, who is still responsible for POW recovery as your assistant secretary of defense for Asia, has every reason not to want these heroes returned to us alive. Clearly, follow-on investigations would illuminate the collective crimes of Armitage and others.

Several years ago a secretary working for Armitage asked me, "Why would he have us expunge his official record of all references to past POW/MIA assignments and activities?"

Not knowing, I ventured a guess that maybe he was considering running for public office and didn't feel the POW-Vietnam association would be a plus in his resume.

It was about the same time a CIA agent named by Khun Sa turned up dead in Bangkok, Thailand under "mysterious circumstances." Also about this time, as an agent of NSC's intelligence support activity, I was told by intelligence Southeast Asia chief, Jerry King, "... there are still too many bureaucrats in Washington who don't want POWs returned alive."

I failed to realize the fullness of his meaning, or these other events, until in May of 1987, when Gen. Khun Sa, in his jungle headquarters, named Richard Armitage as a key connection in a ring of heroin trafficking mobsters and U.S. government officials.

A U.S. agent I have known for many years stopped by my home last month en route to his next overseas assignment. He remarked that he had worked for those CIA chiefs named by Khun Sa, and that by his own personal knowledge, he knew that what Khun Sa had said was true. He was surprised it had taken so long to surface.

I am a registered Republican. I voted for you twice. I will not do so again. If you have any love or loyalty in your heart for this nation; if you have not completely

I for one am not for a "USA Inc." with you or anyone else as chairman of the board.

Respecting your office, James "Bo" Gritz, Concerned American

sold out, then do something positive to determine the truth of these most serious allegations.

You were the director of the CIA in 1975 during a time Khun Sa says Armitage and CIA officials were trafficking in heroin. As director of intelligence you were responsible to the American people for the activities of your assistants -- even as you should know what some of these same people are doing who are close to you now as our vice president.

I oppose your bid for president because I feel these "parallel government" types will only be promoted by you, giving them even more reason to bury our POWs.

I am enclosing some documentation that supports the charges made. Chief is a letter from Khun Sa to the U.S. Justice Department, dated June 27, 1987 wherein Richard Armitage is named along with Theodore Shackley (your former CIA deputy director for covert operations) and others. Please also note William Stevenson's article, "Bank of Intrigue -- Circles of Power."

You, Armitage and Gen. Richard Secord are prominently mentioned. Stevenson, you might remember, authored "A Man Called Intrepid."

Also, Tom Fitzpatrick's article, "From Burma To Bush, a Heroin Train," should interest you. Both of these men are prize-winning journalists. The book "Crimes of Patriots: A True Story of Dope, Dirty Money, and the CIA" by Jonathan Kwitny details for you the bank connection that Khun Sa mentions. Finally, the basic primer that spells out exactly how this dope for covert operations gambit began is Alfred McCoy's "The Politics of Heroin in Southeast Asia."

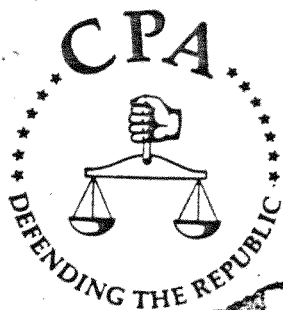
All of these should be required reading for the man appointed chief cop by our president to safeguard America from illegal narcotics. These are just a sampling of many works available that chronicle disgraceful conduct by those sworn to protect and defend our Constitution.

A parting shot, Mr. Vice President. On January 28 Gen. Khun Sa tendered an offer to turn over to me one metric ton (2,200 pounds) of heroin. He says this is a good faith gesture to the American people that he is serious about stopping all drugs coming from the infamous Golden Triangle. If you and Nancy Reagan are really serious about saying "No" to drugs, why not test Gen. Khun Sa?

I challenge you to allow me in the company of agents of your choice to arrange to receive this token offer worth over \$4 billion dollars on the streets of New York City. It will represent the largest "legal" seizure of heroin on record. You can personally torch it, dump it in the ocean, or turn it into legal medication, as I understand there is a great shortage of legal opiates available to our doctors.

I think that Gen. Khun Sa's offer is most interesting. If you say "Yes" then the ever-increasing flow of drugs from Southeast Asia (600 tons in 1986; 900 tons in 1987; 1200 tons in 1988) may dry up -- not good for business in the parallel government and super CIA circles Oliver North mentioned. If you say "No" to Khun Sa you are showing colors not fit for a man who would be president.

What is your decision? I challenge you to demonstrate exactly where you stand with respect to big-business drugs, parallel government, cover-up of those close to you implicated by many sources, misuse of U.S. taxpayer dollars in foreign drug suppression programs that don't work, no interest in a dialogue that will stem the flow of illegal narcotics, return the POWs, while they are still alive. ■



THE

PATRIOT

REVIEW

"Unless the American
Patriot is Christian
Liberty cannot be
Restored"

VOL IV NO 5 SEPTEMBER & OCTOBER 1989

20.00 PER YEAR SINGLE COPY 1.75

FROM POW's TO WAR ON DRUGS

COLONEL JAMES "BO" GRITZ,

America's most decorated Green Beret commander of the Vietnam War and real-life role model for the "Rambo" movie series, recently returned from the Shan province of Burma where he had been searching for prisoners of war (POW's). Although he did not return with any POW's, he did bring back evidence of high U.S. government corruption in the drug trade and also a signed and sealed offer from General Khun Sa to stop the annual export of 2,200 metric tons of heroin.

General Khun Sa is the drug overlord of the Golden Triangle in Southeast Asia which produces 90% of the world's heroin and opium. The General's proposal, contained in a four page document, which Colonel Gritz has sent to all radio stations and newspapers in America, entails the elimination of the poppy fields in the Golden Triangle. This in return for some minimal U.S. foreign aid in the establishment of a substitute crop for the eight million Shan people. With evidence of high government corruption in the drug trade, Colonel Gritz fears Khun Sa's offer is being ignored and stonewalled. To prevent this and what the Colonel says could be another NO-WIN-WAR called the War on Drugs, he and other citizens have formed THE CENTER FOR ACTION.

Colonel Bo Gritz First met Khun Sa in 1986 while on a White House- sanctioned mission to verify the presence of U.S. POW's in the Golden Triangle. The Colonel says he did verify that POW's were still being held in Laos and Vietnam, but claims his efforts to bring some out and home were thwarted at the last minute by forces emanating from within our own U.S. government.

The existence of corrupt, top U.S. officials would also explain the opposition Gritz faced when he returned from the Golden Triangle in 1987 and first brought word of Khun Sa's offer to official Washington channels. The offer got nowhere. Gritz and his team were threatened by their superiors to keep

their mouths shut, to forget what they had heard "or you're going to hurt the government."

Being a man who does not confuse love of country with love of its government, Gritz refused. He was subsequently indicted on passport violations - by the very government which had issued the false passport in the first place to enable him to carry out his mission in search of POW's. Another team member, Scott Weekley, was sent to the federal prison in Lompoc, California, on a similarly trumped-up charge.

Although Gritz persisted in telling the story in 1987 and '88, he was stonewalled a nearly every turn. In the spring of 1989 Gritz was acquitted. He then returned to the Shan province of Burma to meet once again with General Khun Sa - this time without the blessing of the U.S. government.

Moreover, this time Gritz brought back with him two items to help ignite action on this front in the war on drugs: (1) the "Proposal for Eradication of Opium from the Shan State 'Golden Triangle'" and (2) a videotape of Khun Sa appealing to America for help in legitimizing the Shan economy, and which witnesses the actual signing of the document by Khun

continued on page 8

EXHIBIT-2

FROM POW's

continued from Cover

Sa and the other members of the TRC (Tai Revolutionary Council), the free Shan government in exile, and by their Buddhist Abbot.

Gritz reports that in addition to stopping the heroin traffic from the Golden Triangle, "Khun Sa would also disclose the identity of every U.S. government official he had dealt with, officials he claims had been his best customers for the past 20 years.

Still smarting from official rejection and stonewalling in 1987 and '88, Gritz is determined to inform his fellow citizens of the treachery of certain U.S. officials and to stir the public to demand acceptance of Khun Sa's proposal.

"It's a win-win situation," stated Gritz. "Here we have an opportunity to win a major battle in the war on drugs, and at only a tiny fraction of the cost our government is now proposing to spend on it. It would be the height of stupidity not to accept Khun Sa's offer."

In order to assist individual citizens and groups to do more than sport bumper stickers urging "Just Say No", Gritz and some friends and supporters have organized THE CENTER FOR ACTION. THE CENTER

FOR ACTION is asking help from American citizens and asking each to contact their Senator and Congressman requesting that General Khun Sa's offer be acted upon by Congress. Gritz will send Khun Sa's proposal and supporting documents for free.

"I know to some it might sound unrealistic: said Gritz, "but we've simply got to get serious about it. The 'Just Say No' campaign reminds me of President Gerald Ford's 'Whip Inflation Now' button and has been about as equally effective."

As just one example that the government's war on drugs has been a failure, Gritz cites a General Accounting Office study, as reported by the Washington Post's news service that "(d)espite more than \$100 million in funding over the past four years, U.S. anti-drug efforts in Columbia and Bolivia have been entirely ineffective and the cultivation of drug crops has increased dramatically in both countries..."

Asked how "THE CENTER FOR ACTION" would differ from other anti-drug efforts, Gritz responded: "Well, our first task is to help generate enough grass roots support to cause our elected officials in Washington to take action on Khun Sa's offer. If that exposes some rate and it takes another Watergate-style scandal in

Washington to clean out the corruption, so be it," said Gritz.

"It's clear from my attempt two years ago to go it alone through official channels that it's going to take an aroused and informed citizenry - that's you and me and the other guy - to each do our part if we're going to win this war," Gritz asserted.

The sudden withdrawal of former Assistant Secretary of State Richard Armitage's nomination to be President Bush's Secretary of the Army was due to the fact that he would have faced some very probing questions about his activities in such matters as arms and drug smuggling by a Senate committee, according to Gritz, "and that was brought about by an aroused citizenry. We need to work in that direction to sweep America clean of drugs and drug dealers no matter how high up in government the criminals may sit."

THE CENTER FOR ACTION will make available to both the media and the general public further information to substantiate the facts presented herein, including copies of Khun Sa videotape. Colonel Bo Gritz can be contacted at:

THE CENTER FOR ACTION, 711 Yucca Street,
Boulder City, Nevada 89005 1-800-293-3900

(C) If there is a question as to ownership or right to possession, the weapon shall be released as ordered by the court in a proceeding initiated under ORS 133.633 to 133.663 by any person claiming ownership or right to possession.

(D) This ordinance does not apply to law enforcement personnel, members of the Armed Forces of the United States, or the organized Militia or National Guard of this or any other state, to the extent that any such person is authorized to possess a weapon and is acting within the scope of his or her duties.

Section IX. Severability Clause.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, that portion shall be considered a separate, distinct and independent provision, and the holdings shall not affect the validity of the remaining portions of this ordinance.

Section X. Effective date of ordinance.

(A) Section IV regarding Assault Weapons, section V regarding training and section VI regarding fees shall become effective February 1, 1990.

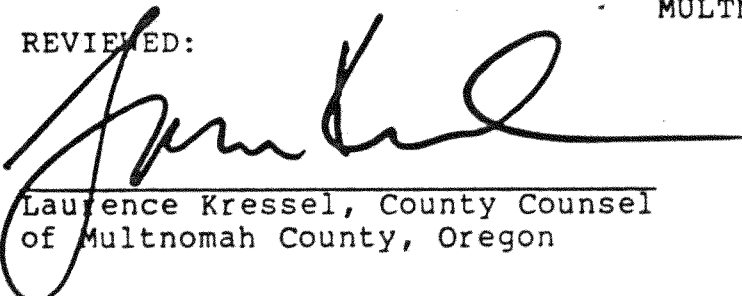
(B) Section VII regarding documentation for firearms in a public place shall become effective January 1, 1991.

Adopted this _____ day of _____, 19____
being the date of its _____ reading before the Board of
County Commissioners of Multnomah County, Oregon.

(SEAL)

By _____
COMMISSIONER GLADYS MCCOY
MULTNOMAH COUNTY, OREGON

REVIEWED:



Laurence Kressel, County Counsel
of Multnomah County, Oregon

Page 11 of 11 pages.
gunordin
/wp/docs/
11/29/89
1st draft

EXHIBIT-3

CHAPTER 1—GENERAL PROVISIONS

Sec.

1. Offenses classified.
2. Principals.
3. Accessory after the fact.
4. Misprision of felony.
5. United States defined.
6. Department and agency defined.
7. Special maritime and territorial jurisdiction of the United States defined.
8. Obligation or other security of the United States defined.
9. Vessel of the United States defined.
10. Interstate commerce and foreign commerce defined.
11. Foreign government defined.
12. United States Postal Service defined.
13. Laws of States adopted for areas within Federal jurisdiction.
14. Applicability to Canal Zone; definition.
15. Obligation or other security of foreign government defined.

§ 1. Offenses classified

Notwithstanding any Act of Congress to the contrary:

- (1) Any offense punishable by death or imprisonment for a term exceeding one year is a felony.
- (2) Any other offense is a misdemeanor.
- (3) Any misdemeanor, the penalty for which does not exceed imprisonment for a period of six months or a fine of not more than \$500, or both, is a petty offense.

§ 2. Principals

(a) Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.

(b) Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

(As amended Oct. 31, 1951, c. 655, § 17b, 65 Stat. 717.)

§ 3. Accessory after the fact

Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

Except as otherwise expressly provided by any Act of Congress, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by death, the accessory shall be imprisoned not more than ten years.

§ 4. Misprision of felony

Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined not more than \$500 or imprisoned not more than three years, or both.

§ 5. United States defined

The term "United States", as used in this title in a territorial sense, includes all places and waters, continental or insular, subject to the jurisdiction of the United States, except the Canal Zone.

§ 6. Department and agency defined

As used in this title:

The term "department" means one of the executive departments enumerated in section 1 of Title 5, unless the context shows that such term was intended to describe the executive, legislative, or judicial branches of the government.

The term "agency" includes any department, independent establishment, commission, administration, authority, board or bureau of the United States or any corporation in which the United States has a proprietary interest, unless the context shows that such term was intended to be used in a more limited sense.

References in Text. Section 1 of Title 5, referred to in text, was repealed and is now covered by section 101 of Title 5, U.S.C.A., Government Organization and Employees.

§ 7. Special maritime and territorial jurisdiction of the United States defined

The term "special maritime and territorial jurisdiction of the United States", as used in this title, includes:

(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

(2) Any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, or any of the waters connecting them, or upon the

EXHIBIT-4

OATH OF OFFICE

County of Multnomah

State of Oregon

I, _____, do solemnly swear or affirm, that I will support the Constitution of the United States, the Constitution of the State of Oregon and the laws thereof, the Home Rule Charter of the County of Multnomah and the ordinances thereof, and that I will faithfully discharge the duties of

MULTNOMAH COUNTY COMMISSIONER, DISTRICT _

according to the best of my ability, so help me God.

Subscribed and sworn to before me
this _____ day of _____, 19 89

_____, Judge

Jane McGarvin, Clerk of the Board

EXHIBIT-5

O A T H O F O F F I C E

STATE OF OREGON)
) ss.
County of Marion.)

I, _____, being
first duly sworn, say that I am a legal resident of the
State of Oregon;

That I will faithfully and honestly conduct myself
in the office of an attorney in the courts of the State
of Oregon and that I will observe and abide by the Code
of Professional Responsibility approved by the Supreme
Court of the State of Oregon, and that I will support
the Constitution and laws of the United States and of
the State of Oregon.

Subscribed and sworn to before me SEP 14 1981

ELIZABETH D. BELSHAW

State Court Administrator

Deputy

EXHIBIT-6

The words "law" and "statute" are not synonymous with each other. The word law, is that which is laid down, ordained, or established. Law is also distinct and complete act of positive law; doctrine or procedure of the common law, from which equity is a departure. An unconstitutional statute is not a law. See Black's Law Dictionary Fourth Edition page 1028.

"When a statute is passed in violation of law, that is, of the fundamental law or constitution of a state, it is the prerogative of courts to declare it void, or, in other words, to declare it not to be law". Burill

The word statute, is merely an act of the legislature declaring, commanding, or prohibiting something; see Black's Law Dictionary Forth Edition page 1581.

The book WORDS AND PHRASES, First Series, volume 7 page 6647, defines the word statute, as:

"A statute is the express written will of the legislature, . . ."

"A statute is an act of the legislature as an organized body".

"The organic law is the Constitution of the United States and of this state, and is altogether written. Other written laws are denominated "statutes". Ann. Codes & St. Or. 1901 s 734

"However, a legislature may not adopt rules for the passage of statutes which conflict with the provisions of the constitution".
73 Am Jur 2d-Section 49 pages 296-297

"The common law migrated to this continent with the first English colonists, who claimed the system as their birth-right; it continued in full force in the 13 original colonies until the American Revolution, at which time it was adapted by each of the states as well as the national government of the new nation. It was regarded as a guaranty of civic freedom and was expressly recognized in the charter grants and in the original Declaration of Rights of the Continental Congress".
15A Am Jur 2d Section 6 pages 602-603

"A common-law rule unchanged when the first settlers emigrated to America became a part of this country's common law, whether the rule had its origin in custom or statute".
Friend v. Childs Dining Hall Co. (), 231 Mass 65

EXHIBIT-7

OREGON STATE Bar Association FLOATING LAWS!

1. UNITED NATIONS LAWS
2. WORLD COURT LAWS
3. REGIONAL GOVERNMENT LAWS
4. SANHEDRIN TALMUDIC LAWS

LICENSED
COURTROOMS
AND
LICENSED
JUDGES

WE THE PEOPLE OF
THE STATE OF OREGON

INNOCENT
CHILDREN
EXPLOITED
BY THE BAR
ASSOCIATIONS

The
Judicial
Hand is
in Our
Pocket

Judicial Economic
Development Program
(U.S.A. Constitution Be Damned)

AND
(THE DECLARATION OF INDEPENDENCE OF 1776, BE DAMNED)

EXHIBIT-8

THE BANKER'S MANIFEST of June 1892

"We (the bankers) must proceed with caution and guard every move made, for the lower order of the people are already showing signs of restless commotion. Prudence will therefore show a policy of apparently yielding to the popular will until our plans are so far consummated that we can declare our designs without fear of any organized resistance.

The Farmers' Alliance and Knights of Labor organizations in the United States should be carefully watched by our trusted men, and we must take immediate steps to control these organizations in our interest or disrupt them.

At the coming Omaha convention to be held July 4 (1892), our men must attend and direct its movement, or else there will be set on foot such antagonism to our designs as may require force to overcome. This at the present time would be premature. We are not yet ready for such a crisis. Capital must protect itself in every possible manner through combination (conspiracy) and legislation.

The courts must be called to our aid, debts must be collected, bonds and mortgages foreclosed as rapidly as possible.

When through the process of law the common people have lost their homes, they will be more tractable and easily governed through the influence of the strong arm of the government applied by a central power of imperial wealth under the control of the leading financiers. People without homes will not quarrel with their leaders.

History repeats itself in regular cycles. This truth is well known among our principal men who are engaged in forming an imperialism of the world. While they are doing this, the people must be kept in a state of political antagonism.

The question of tariff reform must be urged through the organization known as the Democratic Party, and the question of protection with reciprocity must be forced to view through the Republican Party.

By thus dividing the voters, we can get them to expend their energies in fighting over questions of no importance to us, except as teachers to the common herd. Thus, by discrete action, we can secure all that has been so generously planned and successfully accomplished".

The above was reprinted from the book Economic Pinch, written by the late Charles A. Lindberg, Sr., which was first published in 1923. The Banker's Manifest of June 1892, was not intended for public reading, but was propaganda to hold the big bankers together. Permission was not needed to reprint the above.

EXHIBIT 9

Law of the Land

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 is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid. One must prevail. This is succinctly stated as follows:

"The general rule is that an unconstitutional statute, 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. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted. . .

"Such an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. . .

"A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby. . .

"No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

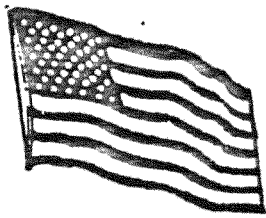
Sixteenth AMERICAN JURISPRUDENCE
Second Edition; § 256

THE CONSTITUTION OF THE UNITED STATES.....

ARTICLE SIX; Section two:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the SUPREME LAW OF THE LAND; and the JUDGES IN EVERY STATE SHALL BE BOUND THEREBY, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

EXHIBIT-10



*The Law and
Government
of the United States is:*

**The Declaration
of Independence,
ORGANIC
the Constitution
of the States and
the United States
of America ~ ~ ~ ~**

***The U.S.A. Public
Must Uphold and
Enforce them as
Citizens***

EXHIBIT-11

DECEMBER 16, 1984

The Sunday Oregonian

Reducing Crime

China is practicing a sure-fire method of reducing crime of all sorts. Whenever the crime rate in its major cities rises excessively, the authorities order summary punishment. For example, in Shanghai between Sept. 1 and Sept. 4, nine people were executed for crimes ranging

from hooliganism to murder.

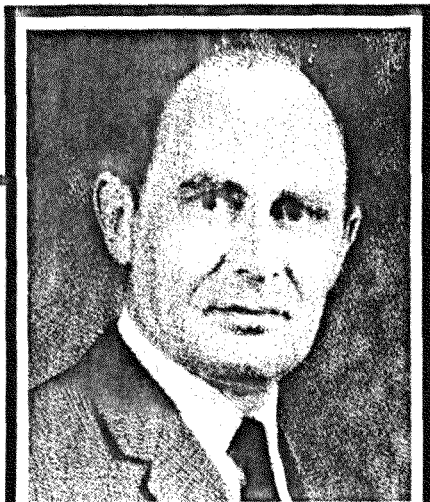
"City judicial departments have put to death nine murderers, rapists, robbers, thieves and hooligans, according to the law," reported Shanghai's *Liberation Daily*.

Since the widely publicized crackdown, Chinese officials say, the crime rate in major cities has decreased by more than 50%.



Executions outside Canton: Photo was posted across China to warn criminals

EXHIBIT-12



ANTONY C. SUTTON

Two Faces of George Bush

Antony C. Sutton was born in London in 1925 and educated at the universities of London, Gottingen, and California. A citizen of the United States since 1962, he was a Research Fellow at the Hoover Institution for War, Revolution and Peace at Stanford, California from 1968 to 1973, where he produced the monumental three-volume study, *Western Technology and Soviet Economic Development*.

In 1974, Antony Sutton completed *National Suicide: Military Aid to the Soviet Union*. Other best selling books by Sutton

have included *Wall Street and the Rise of Hitler*, *Wall Street and the Bolshevik Revolution*, *Wall Street and FDR*, *Technological Treason*, *Gold versus Paper*, *The War On Gold*, *Energy*, *The Created Crisis* and *The Order Series*.

The Two Faces of George Bush brings to light the little-known background of the man who hopes to become President of the United States. This book should be read by all who wish to be well-informed about the candidates for the forthcoming Presidential election.

Two Faces of George Bush



ANTONY C. SUTTON

EXHIBIT-13

APPENDIX A

STATEMENT

by Lt Col James Bo Gritz, USA (Ret)
for U.S. Congress, House Foreign Affairs Committee,
International Narcotics Control Task Force.
Rayburn House Office Building
Washington, D.C.
Tuesday, 30 June 1987

NINE HUNDRED TONS OF HEROIN & OPIUM WILL ENTER THE FREE WORLD FROM SOUTHEAST ASIA'S "GOLDEN TRIANGLE" THIS YEAR. The reason is because U.S. taxpayer dollars and American equipment have been used to construct a new road that will allow narcotics to pour out of General Khun Sa's Shan Territories rather than trickle out by horse and mule as has been the case until the beginning of this year.

Last year 600 tons of Opiates trafficked from this area. Press reports included as part of this statement argue that it is logistically impossible to increase the output to 900 tons. The new road capable of easily handling 10 ton truck convoys signal not only the capability, but the reality. The disappointing fact is that this new artery was constructed by the Thai Government using money, manpower, time and materials furnished by our drug suppression funds.

Moreover, there are serious implications that elements within the U.S. Government are Khun Sa's biggest customers. The facts are that for 15 years U.S. taxpayers through legislative bodies like this committee and executive agencies such as have testified here today, have dumped hundreds of millions of dollars into drug suppression programs within Thailand and Burma which have done nothing but nourish the flow of narcotics from Asia into the United States. The proof is statistically clear. Fifteen years ago the flow of Opiates was 60 tons; this year it will approach or exceed 900 tons. The reasons, while multi-faceted, boil down to one word, "money".

Certain high level Thai and Burmese officials are packing their pockets with U.S. supplied drug suppression funds;

political pay-offs, and other spin-off profits like the thousands of Teak trees felled during the Khun Sa road effort. Khun Sa has no outlet for teak, but it is a protected and highly valued commodity in Thailand. More shameful are the serious allegations raised by General Khun Sa and his staff that corrupt U.S. officials allow this travesty and in certain cases are directly involved.

After meeting with General Khun Sa and others, I am convinced that a secret combination exists today within the U.S. Government that was officially germinated during the Nixon - Vietnam years and has, through illicit drug profits, propagated itself today into a self-serving righteous monster of global proportions. I believe Ed Wilson was a member of this combination and that his activities represent only one of many tentacles. I believe the Contra-Iran situation is merely another visible lesion that has emerged from this extra-governmental organism.

I say "would be righteous" because those within this secret combination I believe honestly think they are serving America by offering an established model of sabotage, subversion, and assassination to areas threatened by communism. They are in existence because normal government process is too cumbersome, time consuming and oft times impotent. These persons who are intelligent and well seeded in our governmental structure think they are smarter than our elected officials and can expedite accomplishment of national objectives. They have funded their efforts through drug trafficking because of a 1960's mind set that anyone who would use opiates is animalistic and the U.S.A. doesn't really care about them. They began their drug dealing in Southeast Asia as a means to fund the secret war in Laos and Cambodia that Congress was officially unaware of. Besides my personal experiences, all of these conclusions are spelled out in the book, THE POLITICS OF HEROIN IN SOUTHEAST ASIA.

I have good reason to believe that after President Nixon got the U.S. out of Vietnam "with honor", while bringing home "all the POW's" in 1973 that either with his concurrence, or on the initiative of those "Best and Brightest" included within the "President's 40", the war continued to be fought through

EXHIBIT-14

Project Phoenix. The insiders knew the North Vietnamese would not abide by the tri-accord and continue to consolidate their position in Vietnam, Laos, and Cambodia. Since the war was over there was no Congressional funding and home-grown drug trafficking offered the most expedient solution. Ideally the communist takeover in 1975 would fall like a house-of-cards since the infrastructure would be eliminated by extreme prejudice through the Phoenix operation. Even so, an estimated 150,000 non-military persons were terminated, the program failed to meet the expectations of those in charge.

Next, I believe the Phoenix model was moved to help stabilize a toppling Shaw who happened to be close to the Administration — and to people in the secret combination society, many of whom held high positions within the Executive Branch. The Shaw fell. By this time the model was self-perpetuating.

Rather than shut down after failing in Iran, there was a re-focus on the building communist threat in Central America. The Contra-Iran-Oliver North-White House disclosures are only protrusions that have become visible because of the extent and intensity of this para-government organization. Even as these hearings are underway, representatives of this secret combination are at work in the Philippines, offering "anti-communist solutions" to that struggling democracy. I believe that.

As years and changing administrations have gradually thinned the society's active duty status within the U.S. Government, I believe those who still steer the society have become more self-serving, making huge personal profits under the guise of fighting worldwide communism. Further, I believe they are maximizing their influence to protect those of the brotherhood who still hold active office in the government.

I have been told for years that U.S. POWs would never be allowed to return because they were directly related to illegal drug trafficking by U.S. officials. Until May of 1987, I thought this absurd. Now, after eight years in the POW-Southeast Asian arena, I clearly can see what was hidden except to those more sensitive to power politics than myself. The reason we have met the enemy and he is U.S. in our efforts to return

POWs while they are still alive is simple. When POWs are returned the first demand by the American people will be to examine those within the government responsible for their return. America will want to know why these individuals failed in their official capacities; why the burden fell on the private sector; and what took so long if the POW issue is truly "Top National Priority" as designated by President Reagan. Upon investigation it will be revealed that responsible officials were more interested in actuating their secret society than accounting for our POW and MIA.

The fact is that all of the Heroin and Opiates could be shut off at the Golden Triangle if America's responsible elected and appointed officials would do their job. General Khun Sa is recognized as the drug king-pin and controls the Golden Triangle with a well disciplined army of 40,000 Shan soldiers. He has stated to me before three other American witnesses on video tape that he greatly desires to stop the drug trafficking, but we won't let him. He has promised that if we will give him any economic alternative, he will not just stem, but stop the flow of narcotics through his areas of control. He has said for example that for one-tenth the money we now give the Burmese for drug suppression turned into economic aid and crop substitution, he will use his force to enforce what we cannot and have not. In addition, Khun Sa has stipulated that the Burmese must be stopped from using the 12 Bell Helicopters and fixed wing aircraft given them by the U.S. to spray the Shan State people, animals, food and water with Agent Orange and herbicides. All that I have presented thus far is backed up by written and recorded documents made available to the Committee.

It has been reported to me by committee personnel that Khun Sa has made these offers before. They say the CIA has expressed doubt and mistrust that Khun Sa will carry out his part of the bargain. I and three other Americans have met with Khun Sa. We all believe him to be sincere. Certainly in view of the dismal failure of the CIA and DEA to slow, stop or even deter the flood of drugs from the Golden Triangle, it seems that a change in dynamics is in order. Especially since Khun Sa has directly implicated persons within the CIA as some

of his best customers. The video tapes show testimony of a frustrated medical doctor who, under orders from Khun Sa, did everything from offer radio links to Khun Sa's headquarters to present a horse that might be used to alert DEA of drug movements. The low level agents supported these initiatives, but in every case they were rejected at DEA headquarter levels.

I have strived at the invitation of the Executive Branch for eight years to convince political skeptics that American POWs are alive in the hands of Communist forces in Laos and Vietnam. I abhor drugs and dopes that are users, yet in the past two weeks I've been told by committee staff and others that "federal sources" and a Los Angeles State Department employee have said that I am "a drug trafficker", and I will be in prison before July 4th. I know this level of federal employee would never make such slanderous statements unless encouraged by higher-ups. While following the classic model of "deny-defame-divert," it is disappointing that law enforcement agencies would reveal such low life practices as directly as they have, and then avoid comment when confronted.

I have tried in every way to cooperate with the committee and its membership. I've furnished video tapes, only to be informed that the chairman has blocked their distribution. I've supplied the Sucheski letter to Vice President Bush, and requested a written transcript of the file from which Khun Sa's secretary read from. I received a letter in the mail last week. It was from Khun Sa. The stapled and sealed envelope had been opened. Inside, the pamphlet, which had also been stapled shut, had been opened and the contents removed. I had asked Khun Sa to translate his record; sign it himself with two additional witnesses. I was assured this document was part of the opened package. I have requested my contacts furnish me with a FAX of their copy. It serves to supplement in writing the verbal and video accounts.

I'm disillusioned that this committee which represents the interest of 240 million Americans in controlling illegal drug trafficking, would take such a negative and skeptical position on such a critical issue as Khun Sa's proposal and my deliverance of the information he gave us. I've been told that

I must "sell my case" to you. Facts are, I am a citizen who has been twice to see a warlord who is recognized as the world's most powerful Heroin kingpin. This person has shown statistically that our 15 year old drug suppression program is, at best, "dumb" by anyone's standards. At best we have millions of US tax dollars being mishandled; one recipient has made use of U.S. assets to build a major road, and secures that road from outside infiltration; 900 tons of opiates entering the free world; rampant corruption of allied officials. At worst in addition to the best case, we have officials within the USG who won't, as Khun Sa says, let him get out of the drug business, because they are his biggest buyers.

Your business is representing American interest in drug control. You greatly influence how our tax dollars are used and how well the enforcement agencies do their job. My business is bringing home POWs while they are still alive. Neither one of us has been able to make much head way because I'm convinced there are persons within the government that are opposing us both. If POWs came home, the resulting investigation will expose their drug involvement; if the drugs are stopped, their source of income dries up. I agree that communism threatens the liberty of free people everywhere, but in my opinion drugs are even a bigger and more immediate threat. To fuel these self-righteous freedom fighters with drug money is to steal, cheat, and mislead every American taxpayer, and circumnavigate the greatest governmental system in the world. While it may appear slow, and at times fickle and indecisive, still our's is the greatest government in the world. There aren't boat loads of Americans headed for the Soviet Union. I believe our system was divinely inspired. I believe it will work despite any shortcomings.

As a member of the Church of Jesus Christ of Latter Day Saints with Temple Endowments, I raise my hand to the square and swear before God, Angels, and you as witnesses, that this statement is the absolute truth as I know it. I hope you can swear before God that you will execute the responsibilities to your constituents with all honesty in thoroughly investigating the proposal for eliminating all drug trafficking from the Golden Triangle, and seeing to the objective investigation and

prosecution of any American officials found to be guilty of maliciously dealing in drugs. I personally don't believe the Americans named by Khun Sa as conspiritors in traffickings could pass an honest security background check. I believe if you do your job as our representative body, you will uncover and topple those members of this secret combination like a line of dominos. If you give this hearing only a cameo appearance, the combination will be strengthened and our nation could be in for a period like the Vietnam era. Your positive attention to this matter should also speed the safe return of our POWs.

I believe we can stop the heroin and opium by working with Khun Sa instead of against him. At worst we lose 10 percent of the Burmese Socialist State suppression funds. You don't have to be from Las Vegas to recognize Khun Sa's offer as a good bet. I believe in him and that he will keep his word. We can't hardly afford not to take the chance. I believe the American public would be outraged to discover we by-passed such an opportunity because people who are suspect as traffickers say they "don't trust Khun Sa." Their line should be added to other greats such as, "I'm from the government, I'm here to help you"; and "your check is in the mail."

The body of this statement contains a chronology of events. I have attached german documents that attest to the allegations made in the video tapes.

STATE ADMINISTRATIVE AGENCIES GENERALLY

182.010 Nonattendance of member of board or commission at meetings as forfeiting office; appointment of successor. Any member of a state board or commission appointed by the Governor who fails to attend two consecutive meetings of the board or commission, whether regular, adjourned or special, shall forfeit office unless the member is prevented from attending by the serious illness of a member or the family of the member or for any other cause that in the judgment of the Governor constitutes a valid reason for failing to attend. The Governor shall immediately appoint a successor.

182.020 Notice of meetings of boards and commissions; reporting of absences. The secretary or clerk of every state board and commission shall:

(1) Give the members of the board or commission at least 10 days' notice, in writing, of the date and place of each regular, adjourned or special meeting.

(2) Report to the Governor the names of all members who fail to attend any meeting of the board or commission.

182.030 Employment of persons advocating violent overthrow of the Government of the United States or Oregon prohibited. (1) No state department, board or commission shall knowingly employ any person who either directly or indirectly carries on, advocates, teaches, justifies, aids or abets a program of sabotage, force and violence, sedition or treason against the Government of the United States or of the State of Oregon.

(2) Any person employed by any state department, board or commission shall immediately be discharged from employment when it becomes known to the appointing employer that such person has, during the period of employment, committed any offense set forth in subsection (1) of this section.

(3) Any person denied employment or discharged pursuant to this section shall have a right of appeal in accordance with the provisions of the State Personnel Relations Law.

182.040 Boards and commissions to pay counties for services; exceptions. (1) All state boards and commissions which are supported by fees, fines, licenses or taxes or other forms of income not derived from a direct tax on tangible property shall pay the various counties of

the State of Oregon the same fees required of others for services rendered.

(2) ORS 182.040 to 182.060 do not apply to:

(a) Services rendered for the Bureau of Labor and Industries on wage claims assigned to it for collection.

(b) Any of the provisions or requirements of ORS 21.310, 52.410 to 52.440, 156.160, 205.360 and 205.370. [Amended by 1965 c.619 §35; 1967 c.398 §5; 1973 c.381 §7; 1981 s.s. c.3 §97; 1985 c.496 §25]

182.050 Time and manner of payment to counties. No state board or commission affected by the provisions of ORS 182.040 and 182.060 shall be required at the time of ordering the performance of any services for which a fee or charge may be collected by the county to pay the collectible fee or charge in advance or at the time the services are rendered. The county clerk or other officer performing the service, upon request made by the board or commission, shall charge to the board or commission the amount of the fee or charge, and thereafter on the first days of January, April, July and October of each calendar year supply to the board or commission an itemized statement of all services performed upon order of the board or commission for the three months preceding, together with the legal charge collectible therefor. The board or commission, upon receipt of the statement, promptly shall pay the amount due the county.

182.060 County clerk to file instruments affecting realty for state boards and commissions. When requested by a state board or commission, the county clerk shall file or record, or both, in the office of the clerk any instrument affecting real property and immediately shall return to the board or commission a receipt for the instrument, aptly describing it and showing the legal charge for the filing or recording of the instrument.

182.065 [1977 c.739 §1; 1979 c.593 §5, renumbered 183.025]

182.070 Publications of state agencies to be furnished to State Librarian. (1) Unless a greater or lesser number is agreed upon by the State Librarian and the issuer of the publication, the State Printer or, in the event the State Printer is unable to furnish the number of copies of the publication, the person responsible for distribution of a publication issued by, or by authority of a state officer, agency or institution not under the control of the State Board of Higher Education shall make available to the State Librarian for distribution and exchange purposes, 45 copies of all publications so issued in

THE UNITED STATES CRIMINAL CODE

TITLE 18 SECTION 241 - (18 USC 241) - CONSPIRACY AGAINST THE RIGHTS OF CITIZENS

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway or the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured - they shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both; and if death results they shall be subject to imprisonment for any term of years or for life.

TITLE 18 SECTION 242 - (18 USC 242) - DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if death results shall be subject to imprisonment for any term of years or for life.

EXHIBIT-16

CLERK OF
COUNTY COMMISSIONERS
1989 DEC 29 11:03:35
MULTNOMAH COUNTY
OREGON

Charles S. Oakes
Ragen, Tremaine, Krieger, Schmeer & Neill
1300 S.W. Fifth Avenue
Suite 2300
Portland, Oregon 97201

December 27, 1989

Commissioner Jane McGarvin
Board of County Commissioners
Room 605, County Courthouse
1021 S.W. Fourth Avenue
Portland, Oregon 97204

Dear Ms. McGarvin:

Enclosed please find a written statement I want you to consider before deciding on the proposed gun control ordinance. I am an attorney with Ragen, Tremaine, Krieger, Schmeer & Neill and was unable to attend the hearing December 21, 1989. I live in the city of Portland, in Multnomah County, and am a consistent voter in the state and local elections. I am submitting this statement as a summary of my testimony. As you will understand upon reading the statement, I oppose the proposed ordinance.

If you have any questions or comments regarding the statement or my position regarding the proposed ordinance, please feel free to contact me at my office:

Charles S. Oakes, Esq.
Ragen, Tremaine, Krieger, Schmeer & Neill
1300 S.W. Fifth Avenue
Suite 2300
Portland, Oregon 97201
(503) 241-2300

I look forward to any comments you might have regarding the proposed gun control ordinance and would appreciate being informed of any further opportunity to comment in the proposed ordinance.

Thank you for your attention in considering my comments.

Very truly yours,



Charles S. Oakes

CSO/Imp
Enclosure

71039001\096

**Testimony of Charles Oakes before the
Multnomah County Board of Commissioners
December 21, 1989**

The ordinance considered today closely regulates gun owners, yet provides so little deterrence, I perceive it to have been drafted for political rather than corrective purposes. The goal of this and later legislation is apparently to regulate firearms to the point they will not be available to be used in crimes. Bauman and Anderson hope many people will not want to possess them badly enough to qualify and apply for a permit and those who do obtain a permit will only be allowed to use them for shooting at targets. Regulating all those who possess the weapons and prohibiting possession of the weapons for hunting and selfdefense will not deter criminals from obtaining or using the weapons to commit more violent crimes.

The national media coverage of the use of "assault weapons" by suicidal murderers apparently prompted the targeting of assault weapons as the first firearms to attack with such restrictions. I have no doubt that other weapons will be regulated if Bauman and Anderson appear to be successful in their present regulatory campaign. Voters and the media want solutions to violent crime. Bauman and Anderson have proposed a plan that appears to have media appeal: multiple murders by persons who clearly should not have been possessing firearms; the easily recognizable type of weapon in terms of their fully automatic counterparts and the small number of persons who own that type of weapon versus the number of voters overall. The proposed ordinance does not, however, deal with the problem. The problem is the people using the weapons. People who will kill others will not be deterred by a civil fine of one thousand dollars. The killer will only be violating the ordinance if they are possessing an "assault weapon" and if the criminal has the weapon in a public area but has not yet killed with it. The proposed regulations do restrict law abiding hunters and ranchers from using the weapons in a legitimate manner. Bauman and Anderson are not controlling crime, they are just trying to control firearms to satisfy their own political agenda. The voters and the media have not been fooled. The primary media coverage has been on the number of people opposing the ordinance.

FOCUS THE RESTRICTIONS ON WRONGDOERS

If the proposed ordinance only restricted the rights of the mentally ill, criminals, or the those committing crimes, I could understand the need for the ordinance. I believe in tougher punishment and mandatory sentencing for the use of firearms in violent crimes. I, however, do not believe in restricting the rights of all citizens in order to ineffectively attempt to keep firearms out of the hands of criminals.

DEAL WITH THE PROBLEM, NOT THE TOOLS

Commissioners Bauman and Anderson wish to take advantage of the sense of loss and justified outrage felt by the citizens of Multnomah County and the United States at the ability of deranged individuals to commit such crimes. The outrage, however, is being misdirected by Bauman and Anderson toward the weapons used in the murders. The real focus should be on the individuals who committed the crimes. The murders could have been prevented if our justice system had removed the murderers from society when they had the opportunity. The disturbed persons could have been neutralized by the criminal and mental health authorities any number of times prior to the deaths of the innocent victims. The murderers would not have been deterred by the proposed regulations. They had other weapons at the

time of the killings. Even if the murderers had been denied access to the weapons used, these criminals could certainly have obtained other firearms with the very same rate of fire. Criminals use many types of weapons (generally inexpensive ones). Very few crimes are committed with (expensive) "assault weapons". The generally consistent factor is murderers have a history of criminal conduct or mental illness. Concentrate on keeping that person away from society and I will work with you. Concentrate on the insignificant and varying distinctions among weapons used for various crimes and I will work against you.

PROPOSED CONTROLS DO NOT WORK

It is sad but ironic that just prior to your last hearing on this ordinance, a man used what was reported to be an assault weapon to kill several people at a school in Canada and then killed himself. Canada has even greater restrictions on assault weapon ownership than are proposed today. They did not work. People desiring assault weapons to commit crimes will be able and willing to obtain them. Violation of this civil ordinance will not deter them. This ordinance's only possible contribution is giving police a reason to arrest someone after they have obtained a firearm and have it in a public place but before they have used it. The incremental value of such a narrow and unworkable restriction in the context of existing criminal statutes is not worth the restriction on the rights of law abiding gun owners (see ORS 166.220, 166.190, 166.270, 166.300 and others). The addition of one more civil regulation to control persons seeking to kill someone will not deter anyone. Concentrate on punishing and regulating the activities of those who commit crimes so they do not do so again. Look at who is committing murders. Look at their arrest records. Society can be much more effective in controlling violent crimes if it isolates and punishes those who commit crimes, not those who defend themselves or who use weapons in a legitimate manner.

"ASSAULT WEAPONS" HAVE VERY LEGITIMATE PURPOSES

"Assault weapons," differ from any other legitimate sporting, hunting, or defense weapon solely in the number of shells the weapon can carry. Such weapons, with the large shell capacity, are now legally used by citizens of this County to control predators. Such weapons can legally be used for hunting game animals in the State of Oregon and in Multnomah County when they are limited to a maximum of five shells in the clip or magazine. These are very significant sporting and recreational purposes, yet they are prohibited under the ordinance. An example of the legitimate use of semi automatic rifles with large clip or magazine capacities is where we have cattle being attacked by a pack of coyotes. We often lose calves to packs of coyotes. Where there are five or six or more coyotes in a field, attempting to get calves, we need a semiautomatic rifle that will fire ten or twenty shells. It is not that we are not accurate; coyotes are difficult animals to hit at 250 to 400 yards when they are running. "Assault weapons" serve a very legitimate purpose in the situation described. If that clip or magazine is replaced with a clip that holds only five shells, the weapon is a legitimate hunting rifle, legal for deer, elk, and antelope. The proposed restrictions prohibit my transport of the weapon on a public highway, even though it is unloaded, and even though I obtain a permit, as long as I am possessing the weapon for predator control or hunting on public land. Legitimate law abiding persons are trapped by the proposed ordinance, yet criminals are undeterred.

WHAT IS AFTER THESE "ASSAULT WEAPONS?"

Based solely upon the distinction that "assault weapons" can carry more shells, the County is advocating the implementation of a confiscatory permit procedure and ultimately control over all sales of the weapons. If this small distinction justifies this ordinance, when will you realize this distinction is not significant? What will be the next distinction without meaning?

Pump action firearms have the same rate of fire and often have the capacity for more than five shells. Will they be the next target? The ordinance as drafted will not work. Criminals seeking to commit crimes will be undeterred. When the Commission recognizes this, will you conclude the distinction does not exist and attempt to fix the ordinance by adding other types of hunting or sporting firearms? You will have the ability to add virtually any weapon to the list of "assault weapons." That authority makes me believe you will not stop this farce when it is clear the ordinance is ineffective. You must stop it now, before it is implemented.

If you do not stop it now, I am afraid you will conclude that in order for the ordinance to be effective, you must further curtail the Constitutional rights to bear arms guaranteed to citizens of this state. Those rights were not limited to weapons containing five or fewer shells for hunting game animals. The right to bear arms in defense of home, state, and country was broadly drafted to protect citizens of Multnomah County from excessive regulation of the citizen's last line of defense, selfdefense. Requiring permits to possess these firearms and not allowing hunting or defense of self or property as permitted purposes for these firearms abridges my right to bear arms.

BE CAREFUL OF ONE-ISSUE VOTERS

Commissioners Bauman and Anderson have picked the wrong media issue to further their political agendas. As can be seen by the number and commitment of the people who have testified against this proposed ordinance, the voters of Multnomah County hold strong views toward any ordinance restricting citizens' rights to bear arms while failing to provide any deterrence to crime. Please be aware that each of the people attending these hearings represents many more voters who cannot attend. Hopefully, political reality will save the taxpayers of this County the expense of a long and costly Constitutional appeal. I guarantee you that if this ordinance passes, you will see commitments of time and money to candidates opposed to the ordinance from people and organizations that in the past have not been concerned with county elections.

December 22, 1989

Commissioner McCoy
Commissioner Barumann
Commissioner Anderson
Commissioner Kafoury
Commissioner Kelley

1989 DEC 23 11 15 46
OREGON COUNTY

Re: Proposed Gun Ordinance

Dear County Commissioners:

The reason for proliferation of firearms in the community is the proliferation of bad law enforcement and the failure of the justice system. Besides building new jails and hoping to contain all convicted felons therein, I would like to suggest a counseling program based on the Japanese model. In this system, prisoners are counseled to change their attitude, and until they do they remain in prison. The American version of this is the Seventh Step Foundation, a group of ex convicts working with church recruited volunteers to counsel inmates to change their attitude toward society and themselves. We cannot rehabilitate those who have not been habilitated. Until we start to work as a society to heal those conditions which spawn criminals, and end the rising cycle of crime and misadministration of justice, firearms will continue to proliferate. If we succeed in controlling crime and giving our society direction in this as well as other areas, firearms ownership will decline. And we must somehow persuade the media to provide programming that is less offensive with regard to sex, violence and family problems. The best way to do that of course, since the media is a mirror of society, is to change society itself.

Besides all the other legal arguments against the ordinance, I would like to advise you that there is a difference in western legal tradition between common law and Roman law. Roman law assumes that all conditions are the same and that therefore, all crimes listed should be punished uniformly and most verdicts are rendered by magistrates without benefit of jury trial. However, this system can be lenient if justifiable grounds are found. Common law on the other hand knows that circumstances are different from case to case and therefore certain amounts of latitude are necessary. However, when verdicts are rendered using juries, they are absolute and judgements are carried out to the last logical extension. Our system of common law has broken down in enforcing the judgments and in allowing other bodies such as parole boards to interfere. Then if jails are crowded, we let them out. It doesn't work and hasn't worked. We need more uniformity and a return to the basics of common law justice. But measures such as this new gun ordinance are draconian at best, asking for unreasonable fines. It is a conception of Roman law, but unworkable in our English common law system because of the mountains of exceptions and jurisdictions that have to be worked around. When the papacy tried to enforce its canon law policies based on Roman law on Germany used to common law, it brought about the Reformation. If you persist in proposing such laws or even enacting them into law such storms as raged in northern Europe during the Reformation Era will be the result and the very foundations of our democracy will be shaken with uncertainty.

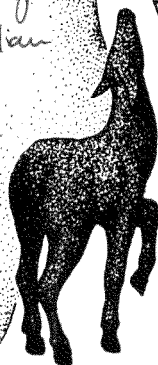
John L. Bergman 3014 N.E. 35th Pl. Portland, OR 97212

5821 SW Idaho
Portland, OR 97221
23. DEC. 89

Dear Gladys, Pauline, Gretchen,
Sharon & Rick —

This is the first time I've
ever written to my County
Commissioners. Normally, I'm
too busy & too apathetic. I
know that a vociferous group has
been opposing the assault weapon
ordinance. I want to know
that I support it. Weapons
of that type are not meant
for any purpose other than
rapid & massive human killing.
They are not meant for hunting.
They are not meant for self-defense.
They are meant for armies.
Please note that I do not believe
in whole sale weapons restrictions
but ~~there~~ ^{these} are military weapons
& they do not belong in civilian
hands. Please pass this
ordinance & know that those
of us who aren't crazy and
have real jobs & real lives
will thank you. Best Wishes
for a Peaceful New Year.

Sincerely —
Robin J. Nicolo

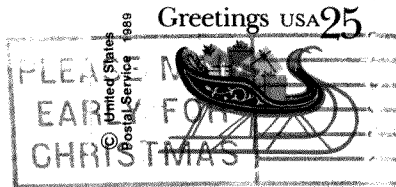


BOARD OF
COUNTY COMMISSIONERS

1989 DEC 27 AM 10:30

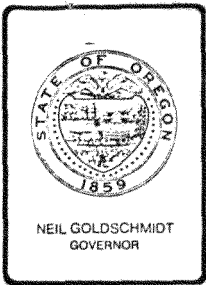
MULTNOMAH COUNTY
OREGON

NICOL
5821 SW Idaho
Portland, OR 97221



McCoy, Anderson, Bauman, KaFoury, & Kelley
Multnomah County Commissioners
1021 SW 4th Ave.

Portland, OR 97221



Oregon Disabilities Commission

1880 LANCASTER DR. NE, SUITE #106
SALEM, OREGON 97310

VOICE 378-3142
TDD 378-3599
V/TDD 1-800-358-3117

DECEMBER 13, 1989

GW
CPR
To Jane McGavin

GLADYS MC COY, COUNTY CHAIRPERSON
BOARD OF COMMISSIONERS
MULTNOMAH COUNTY COURTHOUSE
1021 SW FOURTH
PORTLAND, OREGON 97204

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1989 DEC 20 PM 1:47

DEAR MS. MC COY:

DURING THE 1989 LEGISLATIVE ASSEMBLY, SENATE BILL 890 WAS PASSED, INCREASING ACCESS TO PUBLIC MEETINGS FOR PEOPLE WITH DISABILITIES. SINCE YOU ARE A REPRESENTATIVE OF A PUBLIC BODY, I WOULD LIKE TO ACQUAINT YOU WITH SOME OF THE KEY PROVISIONS OF S.B. 890.

THIS BILL AMENDED OREGON'S PUBLIC MEETING LAW, ORS 192.630. THE BILL DECLARES THAT PUBLIC MEETINGS WHICH ARE INACCESSIBLE TO PEOPLE WITH DISABILITIES ARE DISCRIMINATORY ON THE BASIS OF DISABILITY.

MEETING SITES

FACILITIES USED FOR PUBLIC MEETINGS MUST BE STRUCTURALLY ACCESSIBLE. IN DISCUSSIONS WITH LEGISLATIVE COMMITTEES, THE INTENT OF THE LEGISLATION IS TO DEFINE ACCESSIBLE BUILDINGS AS THOSE WITH ACCESSIBLE ENTRANCES AND REST ROOMS.

IN OREGON, THE ACCESSIBILITY STANDARDS OF THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) HAVE BEEN ADOPTED FOR STATEWIDE USE. FOR SPECIFIC INFORMATION REGARDING STRUCTURAL ACCESSIBILITY STANDARDS, CONTACT THE BUILDING CODES AGENCY AT: 378-8319.

COMMUNICATION ACCESS

SENATE BILL 890 FURTHER HELD THAT PUBLIC ENTITIES MUST MAKE A GOOD FAITH EFFORT TO PROVIDE A SIGN LANGUAGE INTERPRETER FOR A PUBLIC MEETING. A HEARING IMPAIRED PERSON OR HIS/HER REPRESENTATIVE MUST REQUEST SUCH SERVICES AT LEAST 48 HOURS PRIOR TO THE MEETING. THE LAW FURTHER DEFINES A GOOD FAITH EFFORT AS CONTACTING THE OREGON DISABILITIES COMMISSION (FORMERLY THE OREGON STATE COMMISSION FOR THE HANDICAPPED) TO SECURE INFORMATION ABOUT AND REFERRAL TO INTERPRETERS.

ALTHOUGH, NOT SPECIFICALLY REQUIRED BY SB 890, OTHER ACCOMMODATIONS FOR DEAF AND HARD OF HEARING INDIVIDUALS ARE ENCOURAGED BY THE OREGON DISABILITIES COMMISSION. I WOULD RECOMMEND THAT YOU NOTIFY YOUR CONSTITUENTS OF YOUR ORGANIZATION'S ACCESSIBILITY, INCLUDING THE AVAILABILITY OF SIGN LANGUAGE INTERPRETERS. FURTHER, I WOULD SUGGEST THAT YOU INVESTIGATE THE POSSIBILITY OF PROVIDING ASSISTIVE LISTENING DEVICES FOR HARD OF HEARING INDIVIDUALS, IF REQUESTED. THE PURPOSE OF S.B. 890 IS TO INCREASE CITIZEN PARTICIPATION AT PUBLIC MEETINGS. SPECIFICALLY, THE LAW IS PREDICATED ON THE HOPE THAT MAKING MEETINGS ACCESSIBLE WILL INCREASE THE RATE OF PARTICIPATION BY PEOPLE WITH DISABILITIES.

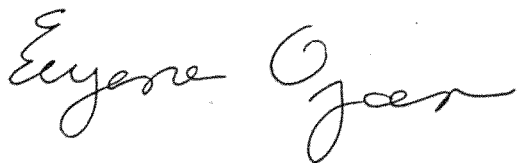
SENATE BILL 890 LETTER
PAGE THREE

THE PURPOSE OF S.B. 890 IS TO INCREASE CITIZEN PARTICIPATION AT PUBLIC MEETINGS. SPECIFICALLY, THE LAW IS PREDICATED ON THE HOPE THAT MAKING MEETINGS ACCESSIBLE WILL INCREASE THE RATE OF PARTICIPATION BY PEOPLE WITH DISABILITIES. IF WE CAN PROVIDE ANY TECHNICAL ASSISTANCE IN YOUR EFFORTS TO IMPROVE ACCESSIBILITY, PLEASE FEEL FREE TO CONTACT US.

WE HAVE INCLUDED A FACT SHEET REGARDING THE DEAF AND HEARING IMPAIRED ACCESS PROGRAM WHICH WE ADMINISTER, A COPY OF OUR MISSION STATEMENT AND A COPY OF SENATE BILL 890.

THANK YOU FOR YOUR ATTENTION TO THIS MATTER.

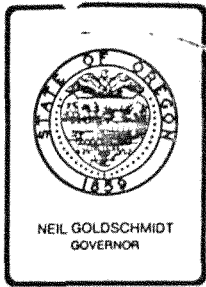
SINCERELY,

A handwritten signature in cursive script, appearing to read "Eugene Organ".

EUGENE ORGAN
EXECUTIVE DIRECTOR

ENCLOSURES: DHIAP FACT SHEET
 ODC MISSION STATEMENT
 SENATE BILL 890

EO:JMB



Oregon Disabilities Commission

1880 LANCASTER DR. NE, SUITE #106
SALEM, OREGON 97310

VOICE 378-3142
TDD 378-3599
V/TDD 1-800-358-3117

DEAF AND HEARING IMPAIRED ACCESS PROGRAM (DHIAP)

STAFF: CARL GARNER, STATE COORDINATOR

378-3142 VOICE, 378-3599 (TDD), 1-800-358-3117 (V/TDD)
1880 LANCASTER DR. NE # 106. SALEM, OR 97310

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229-5673 VOICE, 229-5693 TDD
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686-7795 VOICE, 686-7796 TDD
2510 OAKMONT WAY EUGENE, OR 97401

WHAT IS DHIAP?

DHIAP IS A PROGRAM THAT HELPS THE DIVISIONS OF THE DEPARTMENT OF HUMAN RESOURCES (DHR) IMPROVE COMMUNICATION WITH DEAF AND HEARING IMPAIRED PEOPLE. DHIAP HELPS MAKE COMMUNICATION SUCCESSFUL SO PEOPLE CAN GET THE RIGHT SERVICES. ANY AGENCY OR PROGRAM THAT GETS MONEY FROM THE FEDERAL GOVERNMENT MUST PROVIDE INTERPRETERS OR ASSISTIVE DEVICES SO PEOPLE CAN COMMUNICATE. CALL ONE OF THE PEOPLE LISTED TO GET MORE INFORMATION.

DHIAP MAINLY HELPS THESE AGENCIES:

- * ADULT AND FAMILY SERVICES DIVISION
- * HEALTH DIVISION
- * CHILDREN'S SERVICES DIVISION
- * MENTAL HEALTH DIVISION
- * EMPLOYMENT DIVISION
- * VOCATIONAL REHABILITATION DIVISION
- * SENIOR AND DISABLED SERVICES DIVISION
- * OFFICE OF ALCOHOL AND DRUG ABUSE PROGRAMS

OTHER AGENCIES (SOMETIMES)

- * DEPARTMENT OF TRANSPORTATION
- * DEPARTMENT OF CORRECTIONS
- * PUBLIC UTILITY COMMISSION

HOW CAN DHIAP HELP?

1. ARRANGE INTERPRETERS AND ASSISTIVE DEVICES
2. GIVE TRAINING TO AGENCIES ABOUT COMMUNICATION WITH DEAF AND HEARING IMPAIRED CONSUMERS.
3. EXPLAIN TO DEAF AND HEARING IMPAIRED PEOPLE HOW TO GET SERVICES FROM STATE AGENCIES
4. HELP AGENCIES AND CONSUMERS SOLVE ACCESS PROBLEMS
5. GIVE INFORMATION TO AGENCIES AND CONSUMERS.

* * * * *

BOUNDARIES FOR DHIAP REGIONS BY COUNTY

NORTHERN REGION:

BAKER COUNTY	CLACKAMAS COUNTY	CLATSOP COUNTY
COLUMBIA COUNTY	GILLIAM COUNTY	GRANT COUNTY
HOOD RIVER COUNTY	JEFFERSON COUNTY	MORROW COUNTY
MULTNOMAH COUNTY	SHERMAN COUNTY	UMATILLA COUNTY
UNION COUNTY	WALLOWA COUNTY	WASCO COUNTY
WASHINGTON COUNTY	WHEELER COUNTY	

CENTRAL REGION:

BENTON COUNTY

LINCOLN COUNTY

LINN COUNTY

MARION COUNTY

POLK COUNTY

TILLAMOOK COUNTY

YAMHILL COUNTY

SOUTHERN REGION:

COOS COUNTY

CROOK COUNTY

CURRY COUNTY

DESCHUTES COUNTY

DOUGLAS COUNTY

HARNEY COUNTY

JACKSON COUNTY

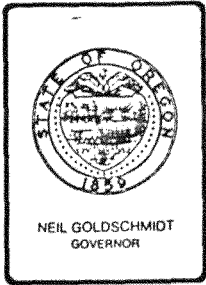
JOSEPHINE COUNTY

KLAMATH COUNTY

LAKE COUNTY

LANE COUNTY

MALHEUR COUNTY



Oregon Disabilities Commission

1880 LANCASTER DR. NE, SUITE #106
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MISSION STATEMENT

THE MISSION OF THE OREGON DISABILITIES COMMISSION IS TO CREATE AN ENVIRONMENT IN THE STATE OF OREGON IN WHICH PEOPLE WITH DISABILITIES ARE ACTIVE AND EQUAL PARTICIPANTS.

WE WILL DO THIS BY:

1. FORGING A COMMONALITY OF PURPOSE AMONG ALL PEOPLE WITH DISABILITIES;
2. ADVOCATING FOR THE RIGHTS OF PEOPLE WITH DISABILITIES TO ACCESS ALL OPPORTUNITIES AVAILABLE IN A FREE SOCIETY;
3. ADVISING THE GOVERNOR, THE LEGISLATIVE ASSEMBLY, STATE AGENCIES AND LOCAL GOVERNMENTS AS TO THE MOST BENEFICIAL SYSTEM FOR PROVISION OF SERVICES LEADING TO MAXIMUM SELF-RESPONSIBILITY, EMPOWERMENT AND INDEPENDENCE FOR PEOPLE WITH DISABILITIES;

MISSION STATEMENT
CONTINUED

4. DEVELOPING AN APPRECIATION OF THE VALUE OF DIVERSITY IN HUMANITY;
5. WORKING FOR ENFORCEMENT OF ALL REGULATIONS AND RULES DESIGNED TO ENSURE THE OPPORTUNITY FOR EQUALITY AND SELF-DETERMINATION WHILE MAINTAINING AT LEAST A MINIMUM STANDARD OF LIVING FOR THOSE WHOSE DISABILITY DEMANDS EXTRAORDINARY RESOURCES;
6. EDUCATING THE PUBLIC REGARDING ISSUES OF CONCERN TO PERSONS WITH DISABILITIES AND THEIR FAMILIES.

ENROLLED
SENATE BILL 890

CHAPTER 1019

RELATING TO PUBLIC MEETINGS; AMENDING ORS 192.630.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON

SECTION 1. ORS 192.630 IS AMENDED TO READ:

192.630. (1) ALL MEETINGS OF THE GOVERNING BODY OF A PUBLIC BODY SHALL BE OPEN TO THE PUBLIC AND ALL PERSONS SHALL BE PERMITTED TO ATTEND ANY MEETING EXCEPT AS OTHERWISE PROVIDED BY ORS 192.610 TO 192.690.

(2) NO QUORUM OF A GOVERNING BODY SHALL MEET IN PRIVATE FOR THE PURPOSE OF DECIDING ON OR DELIBERATING TOWARD A DECISION ON ANY MATTER EXCEPT AS OTHERWISE PROVIDED BY ORS 192.610 TO 192.690.

(3) A GOVERNING BODY SHALL NOT HOLD A MEETING AT ANY PLACE WHERE DISCRIMINATION ON THE BASIS OF RACE, CREED, COLOR, SEX, AGE [OR] NATIONAL ORIGIN OR DISABILITY IS PRACTICED. HOWEVER, THE FACT THAT ORGANIZATIONS WITH RESTRICTED MEMBERSHIP HOLD MEETINGS AT THE PLACE SHALL NOT RESTRICT ITS USE BY A PUBLIC BODY IF USE OF THE PLACE BY A RESTRICTED MEMBERSHIP ORGANIZATION IS NOT THE PRIMARY PURPOSE OF THE PLACE OR ITS PREDOMINATE USE.

(4) MEETING OF THE GOVERNING BODY OF A PUBLIC BODY SHALL BE HELD WITHIN THE GEOGRAPHIC BOUNDARIES OVER WHICH THE PUBLIC BODY HAS JURISDICTION, OR AT THE ADMINISTRATIVE HEADQUARTERS OF THE PUBLIC BODY OR AT THE OTHER NEAREST PRACTICAL LOCATION. TRAINING SESSIONS MAY BE HELD OUTSIDE THE JURISDICTION SO LONG AS NO DELIBERATIONS TOWARD A DECISION ARE INVOLVED. A JOINT MEETING OF TWO OR MORE GOVERNING BODIES SHALL BE HELD WITHIN THE GEOGRAPHIC BOUNDARIES OVER WHICH ONE OF THE PARTICIPATING PUBLIC BODIES HAS JURISDICTION OR AT THE NEAREST PRACTICAL LOCATION. MEETINGS MAY BE HELD IN LOCATIONS OTHER THAN THOSE DESCRIBED IN THIS SUBSECTION IN THE EVENT OF AN ACTUAL EMERGENCY NECESSITATING IMMEDIATE ACTION. THIS SUBSECTION DOES NOT APPLY TO THE OREGON STATE BAR UNTIL DECEMBER 31, 1980.

(5)(A) IT SHALL BE CONSIDERED DISCRIMINATION ON THE BASIS OF DISABILITY FOR A GOVERNING BODY OF A PUBLIC BODY TO MEET IN A PLACE INACCESSIBLE TO THE DISABLED, OR, UPON REQUEST OF A HEARING IMPAIRED PERSON, TO FAIL TO MAKE A GOOD FAITH EFFORT TO HAVE AN INTERPRETER FOR HEARING IMPAIRED PERSONS PROVIDED AT A REGULARLY SCHEDULED MEETING. THE SOLE REMEDY FOR DISCRIMINATION ON THE BASIS OF DISABILITY SHALL BE AS PROVIDED IN ORS 192.680.

(B) THE PERSON REQUESTING THE INTERPRETER SHALL GIVE THE GOVERNING BODY AT LEAST 48 HOURS' NOTICE OF THE REQUEST FOR AN INTERPRETER, SHALL PROVIDE THE NAME OF THE REQUESTER, SIGN LANGUAGE PREFERENCE AND ANY OTHER RELEVANT INFORMATION THE GOVERNING BODY MAY REQUEST.

(C) IF A MEETING IS HELD UPON LESS THAN 48 HOURS' NOTICE, REASONABLE EFFORT SHALL BE MADE TO HAVE AN INTERPRETER PRESENT, BUT THE REQUIREMENT FOR AN INTERPRETER DOES NOT APPLY TO EMERGENCY MEETINGS.

(D) IF CERTIFICATION OF INTERPRETERS OCCURS UNDER STATE OR FEDERAL LAW, THE COMMISSION FOR THE HANDICAPPED OR OTHER STATE OR LOCAL AGENCY SHALL TRY TO REFER ONLY CERTIFIED INTERPRETERS TO GOVERNING BODIES FOR PURPOSES OF THIS SUBSECTION.

(E) AS USED IN THIS SUBSECTION, "GOOD FAITH EFFORT" INCLUDES, BUT IS NOT LIMITED TO, CONTACTING THE COMMISSION FOR THE HANDICAPPED OR OTHER STATE OR LOCAL AGENCY THAT MAINTAINS A LIST OF QUALIFIED INTERPRETERS AND ARRANGING FOR THE REFERRAL OF ONE OR MORE SUCH PERSONS TO PROVIDE INTERPRETER SERVICES.

MICHAEL G. HOLMES
2028 SOUTHWEST JACKSON STREET
PORTLAND, OREGON 97201

December 22, 1989

To the Board of County Commissioners,
Multnomah County:

This is written to urge you to drop entirely any consideration of a new ordinance restricting or punishing possession of firearms.

There are enough laws already enacted. What is necessary is good administration of law, without encroaching on the right to bear arms for personal defense, for peaceful sport, and for target shooting.

The current draft of a new ordinance is overbroad in its restrictions and requirements, and unnecessary and undesirable in its proposed taxing and spending.

I could not come to one of the hearings, because I could not leave work so long.

Sincerely,

Michael G. Holmes

Thomas A. Wilkes
13117 SE Salmon St.
Portland, OR.97233-1652
December 20, 1989

Commissioner Jane McGarvin
1021 S.W. 4th
Portland, OR. 97205

Dear Commissioner McGarvin:

Having read the content of the legislation proposed by (ex)commissioners Bauman and Anderson, I find the observation made by Oscar Wilde most apropos.

"If this is how my government sees fit to treat its honest and law abiding citizens, it doesn't deserve to have any."

No matter what your view of this proposal is, you cannot deny that it contains not a single word pertaining to criminal use of firearms.

I wish to keep this short, in order that you will take time to study the enclosed fact sheet, and compare it to "Section II. Findings". Even at that, I command your attention to items C, D, E, G, and I.

C) Nice job playing fancy with the figures. The FACT is, that BATF Director Stephen Higgins has placed the number of Military pattern semiautos used in crime at less than 1%.

D) Unadulterated politics! ALL the firearms thus classified by the BATF, had previously been reviewed and accepted as properly having sporting purpose.

-- Reference: USSC <US v Miller, 1939>; "sporting purpose" has NOTHING to do with Constitutional intent, re the Second Amendment.

E) How, then, do you explain that the, "1989 Law Enforcement Officers Poll" of over 16,000 police chiefs and sheriffs, found 71% in favor of the citizens right to buy ANY currently legal firearm.

G) BOTH firearm related homicides and ACCIDENTS have been in steady decline through most of this century. Only one half percent of deaths of children under 14 involve firearms.

I) Such education is already readily available. The majority of every owners manual I've ever seen, was devoted to safety. Any dealer or gunsmith will be more than willing to answer questions. And, of course, one need have no intent to apply for a CCP, in order to take the NRA sponsored safety courses.

-- It must not pass without notice that there is a terrible, and twisted, irony in the wild outrage from the gun hate groups, to the recent professionally assembled firearms safety course, for grade school age children, that was sponsored by the NRA.

I think it has been made VERY clear by the public hearings, that (ex)commissioners Bauman and Anderson's proposal should be viewed by the wise, as a sort of "political cluster bomb". If detonated (passed) it will wipe out the entire Multnomah County Commission, at the next election!

Sincerely,

Tom Wilkes

Thomas A. Wilkes

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1989 DEC 26 AM 10:19

POPULAR OPINION vs THE TRUTH

Preliminary notes:

There is no such thing as an "assault weapon". It is purely a political invention, coined out of necessity when Senator Metzenbaum and other sponsors of legislation designed to ban semiautomatic firearms, found that their bills designated as controlling assault rifles were useless, because assault rifles were already regulated by the National Firearms Act.

[1] POPULAR OPINION

Semiautomatic firearms represent a new and serious threat to public safety.

--- THE TRUTH ---

Semiautomatic, or autoloading firearms, have existed for nearly 100 years. Semiautomatic handguns were being made at the turn of the century. In fact, the Gatling Gun, which was a 600 round per minute machine-gun, was patent in 1862 !

-- personal note: my dad owned a semiautomatic 30-30 deer rifle some 50 years ago, and my grandfather's shotgun was a Remington Model 11 semiauto; the forerunner of the Remington Model 1100, now ludicrously classified as an "assault weapon", in California.

[2] POPULAR OPINION

Semiautomatic, and military pattern semiautomatic arms, are the most deadly firearms available to criminals.

--- THE TRUTH ---

Not true. The cut down, or "sawed-off" shot gun is far more deadly. Why? A standard 12 gauge round, loaded with 00 buckshot, contains 9 to 10, 33 caliber balls. Each round fired propels 9 or more lethal projectiles at the target at once, and, it is virtually an impossibility to miss with such a weapon.

[3] POPULAR OPINION

The "large magazines" of military pattern semiautomatics makes them much more dangerous.

--- THE TRUTH ---

Generally, the legal capacity for hunting is 5 rounds. As replacing an empty magazine with a fresh one is literally a matter of 2 seconds, or less. There is no meaningful difference between one 30 round magazine and 6 small ones. Additionally, the military surplus in such items, is so great that any sort of ban, registration scheme, etc, would be totally futile.

[4] POPULAR OPINION

Semiautomatics, particularly those of military pattern, are readily converted to full automatics.

--- THE TRUTH ---

In a word, NO! These type firearms have to meet BATF specifications designed specifically to prevent this. A representative from the Firearms/Ballistics Unit of the LAPD stated that in the last 12 years they had encountered 1 converted Ruger Mini 14, and 2 unsuccessful attempts to convert Colt AR15s, by using M16 parts. This was out of over 50,000 examined firearms.

-- Note: Considering the black market availability of full auto and select fire arms, from the criminal perspective, attempting conversion makes no sense.

[5] POPULAR OPINION

The biggy! Military pattern semiautomatics are the gun of choice for DRUG DEALERS.

--- THE TRUTH ---

Only on television. According to a statement by BATF Director Stephen Higgins, 10% of the firearms used in crime are semiautomatic pistols and rifles. Of these, LESS THAN 1% are military style semiautos. Of the 66 shooting incidents the DEA was involved in during 1988 ONLY 1 involved an "assault weapon".

- > George Wilson, head of the Firearms Examination Division of the Washington D.C. police force, stated on March 29th that NONE of the firearms recovered during 1988 were on the list banned for import by the BATF.
- > The city of Seattle has not had a single murder, in the last 5 years, committed with the type of weapon referred to, by the media, as an "assault weapon".
- > Of the 14,988 guns seized by the Chicago police in 1988, 11,263 were revolvers and pistols and 469 were semiautomatic rifles. No distinction as to type was made.
- > On Feb. 5th 1989, NYPD Lt. James Moran told the "New York Times" that, "hardly any of the 16,370 weapons seized during 1988 were 'assault weapons'", which he described as "cumbersome" and unpopular with drug dealers, who prefer concealable handguns.

[6] POPULAR OPINION

The police favor a ban on "assault weapons".

--- THE TRUTH ---

The "1989 Law Enforcement Officers Poll" of 16,000 police chiefs and sheriffs found that 88% believe that such a ban would have NO effect on criminal acquisition or use of them.

-- note: Ironically, exactly the same statement made by the BATF when they announced the permanent ban on imports.

1909 LET. 2000 02
QUALITY
OMEGA

~~Commissioner Rick Bauman
Commissioner Pauline Anderson
Board of County Commissioners
Room 605, County Courthouse
1021 SW Fourth Avenue
Portland, OR 97204~~

Dear Commissioners Bauman and Anderson:

Turning from these general observations, I have several specific concerns relating to Section VII of your

Commissioner Rick Bauman
Commissioner Pauline Anderson
December 21, 1989
Page 2

proposed ordinance, entitled "Regulation of Firearms in Public Places." These concerns are as follows:

1. Definition of Public Place, Section III (F) of the proposed ordinance, defining "Public Place," provides:

"(F) "Public place" is as defined in ORS 161.015(9) and means a place to which the general public has access and includes, but is not limited to, hallways, lobbies and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement parks, playgrounds and premises used in connection with public passenger transportation.
(Emphasis added.)

I have been unable to locate any cases interpreting 161.015(9). However, I believe it likely 161.015(9), and Section III (F) of the ordinance, would be interpreted as including navigable rivers, national forest lands, state forest lands and other rural open areas open to the public, as well as private timberlands which are left open by their owners. Since Section VII of the ordinance prohibits possession of a gun in a public place unless, among other things, the gun is unloaded, it would be illegal to hunt ducks on navigable waterways or the Multnomah County portions of the Sauvie Island refuge, or to hunt deer and elk on the national forests in East Multnomah County (unless, of course, you hunt with an unloaded gun, which reduces the chances of success immensely).

2. Transit of Guns Through the County.

Assuming that a road is a public place, would it be illegal to drive through Multnomah County with an unloaded gun unless you had a certificate of participation in a

Commissioner Rick Bauman
Commissioner Pauline Anderson
December 21, 1989
Page 3

Multnomah County approved firearm safety training course? It would appear so. Large number of hunters from all over the state pass through Multnomah County with unloaded firearms in their vehicles. Will the hunter from Eugene who drives up I-205 on his way to Pendleton to go deer, elk or pheasant hunting be required to have a Multnomah County approved safety certificate? I doubt such a hunter will have a Multnomah County Safety Certificate, and question the wisdom of enacting an ordinance which turns these otherwise law-abiding citizens into criminals.

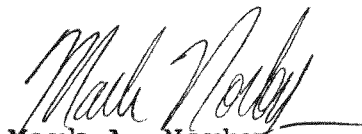
3. Concealed Weapons.

There is no exception in Section VII for individuals licensed to carry concealed weapons. Thus, you can obtain a concealed weapon permit, but you could not carry it loaded if you left your house. This is ridiculous.

Again, I think the proposed ordinance (except for the portions establishing safety training programs) should not be adopted because it unduly restricts the activities of law abiding citizens without the likelihood of decreasing gun-related criminal activity. However, if you intend to continue to pursue adoption of a gun ordinance, I believe that you should either (i) delete Section VII of the ordinance, or (ii) publicly admit that the ordinance is not merely intended to restrict assault weapons and establish safety programs, but is instead intended to make all gun possession in Multnomah County as difficult as possible, and to criminalize hunting, and hold hearings after the actual effect of the ordinance is made known to the general public.

If you should have any questions regarding my comments, please feel free to call me.

Very truly yours,



Mark A. Norby
900 SW 5th, Suite 2300
Portland, OR 97204
294-9370

MAN:mo

MANP0469

cc: Clerk, Multnomah
County Commissioners

manp0469

12/19/89.

To Clerk of Board. To be registered.

Regarding GUN CONTROL

I strongly favor strenuous
restrictions on the availability
of handguns & semi automatic
weapons.

These weapons have the
underlying purpose of ~~the~~ killing
human beings, that's all.

Coming from a country
which outlaws all handguns,
EVEN for the POLICE, I am more
aware of the useless carnage
that these guns have brought
about in the USA.

Also need severe penalties
for using guns for any type
of crime.

Thankyou - Paul Williams
3704 SW Baird St.
PHd. 97219.

Please register this opinion!

December 19, 1989

To all concerned, regarding the "gun control issue":

I, Mari Gibbons can not be present for the hearing on Dec. 21, 1989, but do want my opinion to be voiced & recorded. I am very much **FOR** restricting the sales & possession of these (and all guns). I have personally watched, over recent years, the easy accessibility and sales of these weapons. I have heard of many fatal incidents - many involving children & teens and strongly feel that we all have a social responsibility to see that such dangerous tools be **STRICTLY CONTROLLED**, in this state & in this country - let it begin with our country **NOW!** A gun has one purpose: to kill; and many of those whom do **NOT** believe in the sanity of such tools, have been the very ones fallen victim to these tools -

I VOTE FOR EXTREMELY STRICT
RESTRICTIONS ON GUN
SALES, GUN USE AND
AMMUNITION, NOW!

Mari Gibbons Multhomah - 528 NE Tillamook St
97212

CLERK OF
JUDICIAL DEPARTMENT
1989 DEC 22 11:58
MULTNOMAH COUNTY
OREGON

December 10, 1989

Multnomah County Commission
1021 SW Fourth Avenue
Portland, Oregon 97204

Dear Commissioners:

Please pass the "safe streets" gun-control ordinance. We do not believe that the NRA represents the views of most of us. We are troubled that guns of all kinds are easily purchased by even the most irresponsible, unstable, or impulsive people, as evidenced by tragic events in recent months. Controls are clearly needed.

Thank you.

Sincerely yours,

Wendell M. Keck
12705 SE River Road
Portland OR 97222

Dec. 12, 1989

Chairperson, Multnomah Co. Commissioners,

It is past time for legislators at all levels to take a stand on gun control. There are no rational reasons for having such things as rapid-fire assault weapons, armor-piercing bullets, plastic weapons in our society today. The proposals you are considering are one step toward controlling and then getting rid of such things.

Art Johnson

ARTHUR L. JOHNSON
19630 FOBERT RD. NE
WILSON, OREGON 97032

BOARD OF
COUNTY COMMISSIONERS
1989 DEC 13 AM 10:52
MULTNOMAH COUNTY
OREGON

December 7, 1989

Multnomah County Board of Commissioners
1021 S.W. 4th Ave. Room 602
Multnomah County Court House
Portland, Or. 97204

Commissioner McCoy,
Multnomah County Commissioners,
Ladies and Gentleman:

This testimony was prepared by nine persons concerned with the proposed firearm ordinances currently before this board for consideration. The signers to this testimony reside both within and outside of Multnomah County, and all would be affected by its provisions since we travel through this county on our way to and from shooting matches and hunting trips. We are all law abiding registered voters and taxpayers in the state of Oregon.

Because of employment and family obligations, and because of the mid-week early morning time this hearing is being held, we are unable to attend. Our nonattendance however, should not be interpreted as an indication of our lack of concern or interest.

SHERIFF PROVIDED SAFETY TRAINING:

We begin our testimony by endorsing the general concept of having the Multnomah County Sheriff Provide Firearm Safety Training. We believe having the sheriff provide that training would help promote good relationships between law enforcement and gun owners, as well as advance the cause of firearm safety.

However, we have serious concerns with the remaining three proposed ordinances. The following is a summary of our concerns, and alternative recommendations for your consideration.

FEES ORDINANCE:

The fees ordinance is intended to achieve two objectives. The first objective is to generate revenue to fund the cost of enforcing and implementing the Sheriff Provided Safety Training Ordinance, the Assault Weapons Ordinance, the Firearm Documentation Ordinance, and implement Oregon's new gun law (HB 3470). The second objective is to encourage firearm purchasers to receive safety training through a fee differential imposed on the purchase of firearms within this county.

We have three basic problems with this ordinance. First we believe the cost of funding the sheriff provided firearm safety training should be paid for by persons attending such safety training courses, and not by all purchasers of firearms from within county gun dealers.

NOTE: Later on in this testimony, we discuss an alternative fee proposal which we believe would encourage firearm owners to receive safety training, without the affect of discouraging within county firearm sales.

FEES ORDINANCE (Continued):

Second, since the alleged intent of the so called 'Safe Streets' and firearm documentation ordinances, are to promote 'public safety,' we believe public safety measures should be paid for by all of the public (out of general revenues), and not just by firearm purchasers.

Third, firearm purchasers are also consumers. And like all consumers, they will make a decision to purchase a firearm within or outside of this county based on economic factors such as price. If the price of a particular firearm sold at a Multnomah County gun store is higher (because of a fee requirement) then say a similar firearm sold at a gun store outside of this county, it is likely that firearm purchasers may simply buy that particular gun outside of this county. Consequently, Multnomah County gun stores would have a price disadvantage over gun stores outside of this county, and over time could be forced out of business. Considering that all Multnomah County businesses must pay a Multnomah County Business Income Tax (or license), we believe this fee to be unfair to Multnomah County gun store dealers attempting to sell firearms in a competitive market.

Considering Commissioners Bauman and Andersons dislike for firearms, the NRA and firearm owners in general, we suspect the real intent behind the 'fees ordinance' is to force Multnomh County gun stores out of business.

SO CALLED 'SAFE STREETS' (ASSAULT WEAPONS) AND FIREARM DOCUMENTATION ORDINANCES:

Of the four proposed ordinances, we have serious concerns with the so called 'Safe Streets' and firearm documentation ordinances.

These proposals are both ill conceived and misdirected. Reason and common sense dictate that their alleged intent 'to reduce the incidence of violent firearm crime within this county and promote firearm and public safety,' would not be achieved. Criminals would not be stopped from acquiring or using the weapons contained on the 'assault weapons' list, nor would they obtain appropriate firearm documentation.

Based on a prior Supreme Court decision, convicted criminals could not be prosecuted under the provisions of these two ordinances. The Supreme Court has held that a criminal cannot be prosecuted under a statute which would require them to admit to possession of a firearm. Since convicted felons are already prohibited from owning or possessing a firearm, the act of complying with either the licensed FFA dealer documentation requirement, or the 'safe streets' assault weapons permit requirement, would be an act of self incrimination. The fifth amendment to our Constitution, protects persons from self incrimination. Consequently law enforcement could not prosecute criminals under either of these ordinances.

SO CALLED 'SAFE STREETS' (ASSAULT WEAPONS) AND FIREARM DOCUMENTATION
ORDINANCES (Continued):

Second , persons who routinely violate felony drug laws, cannot be expected to pay a higher respect for a local county gun ordinance. The authors of these proposals apparently want us to believe that if owners of firearms contained on the 'assault weapons' list obtain a permit to possess such weapons, or carry with them appropriate documentation, the incidence where those weapons are used in crime would some how be lessened. Common sense suggests that persons complying with either of these proposed ordinances are the least likely group to use them in a criminal act, and that the group most inclined to engage in violent firearm crimes, would not subject themselves to a fingerprint, photograph, background check, by law enforcement; nor would they buy their particular firearm from a licensed FFA dealer or obtain firearm safety training.

Similar measures have been tried before. Washington D.C. has a firearm registration (permit) system including an outright ban on handguns and various classes of long-guns, yet that city has an incidence of violent firearm crime twice the national average.

New York City, Chicago, and Detroit also have firearm registration and permit systems, yet FBI crime reports tell us that those cities experience a substantially higher rate of firearm crime then do cities with more lenient gun laws. New York City has 547 nonoccupational registered handguns, and despite severe civil penalties for possession of an unregistered handgun, there are an estimated two million unregistered handguns in that city. Criminals by definition do not obey the law, and they would not obey the proposed so called 'safe streets' or documentation ordinances.

It has been suggested by the proponents of the so called 'Safe Streets' and firearm documentation ordinances, that law enforcement believes such measures would reduce the incidence of violent firearm crime, and reduce the ability of criminals to obtain so called 'assault weapons' and other firearms. This assertion is simply not true. The National Association of Chiefs of Police conducted a poll of 16,259 law enforcement persons. Based on the results of that poll, 90.18% responded that banning any firearm would not reduce the ability of criminals to obtain such weapons. Attachment #1 is the results of that poll complete with the questions, and responses as asked.

Another untrue assertion that was written in the preamble to the so called 'safe streets' ordinance states "Almost all assault weapons are available to purchasers without restrictions." Under HB 3470 (Oregon's new gun law), all firearm purchasers will be subjected to finger-print, and law enforcement background checks. Further, under the provisions of a study called for by HB 3470, if it is determined that prohibitive persons are purchasing long-guns from licensed FFA dealers, the Oregon State Rifle and Pistol Association, the NRA, and Vera Katz (Speaker of the Oregon Legislature), have pledged to return to the Oregon legislature and extend the waiting period to firearms illegally being purchased by criminals.

IF THESE ORDINANCES DON'T DO ANY GOOD, DO THEY DO ANY HARM?

An argument raised by, one proponent of these ordinances is, 'that if the proposals don't do any good, do they do any harm?' Our answer to this ridiculous question is yes they do harm. The following is a summary of the specific affects these ordinances would have.

1. SUBJECT FUTURE FIREARM OWNERS TO GUN CONFISCATION:

First the so called 'safe streets' ordinance would establish a kind of 'back door' registration system which could be used for subsequent firearm confiscation by law enforcement.

200 Years ago the British attempted to confiscate the American colonists firearms. Because those weapons were not registered with local authorities, the British were unsuccessful. Today, we have our liberty and our independence precisely because those early colonists had the means to fight for that freedom.

While the authors of this testimony cannot predict future tyranny, the twentieth century is replete with incidences where citizens of other countries have had their firearms first registered and later confiscated by regimes that jealously guard their power. During the Second World War, the citizens of various European countries had their registered firearms confiscated by the Germans. The rest of course is history, no effective citizen resistance to German occupation was possible. Recently in Soviet Georgia, because of demonstrations for Georgian independence, all registered privately owned firearms in that county were confiscated. During the 1968 Chicago race riots, with the aid of a list of registered firearms, the police in that city confiscated the guns of its black citizens. Finally the former president of Panama, with the excuse to control 'crime in the streets' had all privately owned firearms registered. Subsequently Manuel Noriega came to power and had all of those same registered firearms confiscated. So much for an effective citizens revolt against the dictator Noriega.

The proposed so called 'safe streets' ordinance is nothing more then 'back door' registration. We do not believe any right contained in the bill of rights should be registered. We believe there are some things in this world worth fighting **FOR**. We intend to retain the means to protect our life, family, liberty, and country. While we strive to obey all laws, we will resist any law which establishes a permit system to own any firearm otherwise legally allowed under current Federal law.

2. THESE MEASURES WOULD FORCE LAW ABIDING CITIZENS TO PAY A TAX TO EXERCISE A CONSTITUTIONAL RIGHT:

Secondly, the so called 'Safe Streets' ordinance would require owners of certain firearms to pay a fee (permit fee) to exercise the right to possess such firearms in public places. In a prior Supreme Court decision regarding 'poll taxes' it was held that it is unconstitutional to tax any right specifically guaranteed by our Constitution. We do not intend to pay 'poll taxes,' nor will we pay a fee to possess any firearm, that is otherwise legally allowed under current federal law.

IF THESE ORDINANCES DON'T DO ANY GOOD, DO THEY DO ANY HARM? (Continued)

3. HARASSMENT OF LAW ABIDING FIREARM OWNERS:

The punitive ^{ABIDING} nature of the firearm documentation ordinance would serve to harass law ~~firearm~~ owners. The firearm documentation ordinance would force law abiding firearm owners, who have previously not kept receipt of sale records, to show evidence of ownership of a firearm in their possession. Since most gun owners don't keep such receipts, unless a provision was established for persons who have previously not kept receipt of sale records, to obtain ownership documentation from the County Sheriff, most gun owners (even if they wanted to) couldn't comply with this provision. To achieve the necessary proof of ownership documentation requirement, gun owners would simply invent or forge the documentation, or ignore this ordinance.

This ordinances would make it difficult for firearm owners to purchase firearms from nonlicensed dealers such as their friends, family members, and other relatives. If for example, our parents wished to give us a firearm, they would be required to run that transaction through a licensed FFA dealer, who presumably would charge a fee for such services. In addition, firearm transactions at gun shows are often between a buyer and a nonlicensed dealer, many members and participants at gun shows would be effectively barred from selling firearms within the unincorporated area of Multnomah County.

Finally both the so called 'safe streets' and firearm documentation ordinances would prey on the unsuspecting firearm owner traveling through this county.

Example: The heavy barrel AR-15 (a weapon contained on Commissioners Bauman and Andersons 'ugly gun' list) is routinely used in service rifle match competitive shooting. An unsuspecting Lane County owner of an AR-15, traveling through Multnomah County on his way to or from a shooting match in Eastern Washington or Oregon, could be subjecting himself to a \$1,000 fine, and confiscation of the weapon; for failing to obtain an 'assault weapons' permit, or for failing to carry proof of safety training and proof of firearm ownership (from a licensed FFA dealer).

4. THE SO CALLED 'SAFE STREETS' AND DOCUMENTATION ORDINANCES WOULD BE UNENFORCEABLE:

The so called 'safe streets' and firearm documentation ordinances would be essentially unenforceable. To enforce these measures fairly, the county Sheriff would have to stop and search each and every car traveling through the county. Because of there lack of enforceability, these ordinances would invite general noncompliance by gun owners, who would otherwise prefer to obey the law.

ALTERNATIVE PROPOSALS:

In order to achieve increased public safety, we have listed our recommended proposals. We think these measures achieve that objective without disenfranchising thousands of law abiding firearm owners within and outside of this county.

1. FIREARM SELLER/BUYER REVIEW CHECK LIST:

During the round table discussions between Commissioners Bauman and Anderson, and the 'gun fraternity,' it was proposed that sellers of firearms at both gun shows and at local firearm outlets, be required to review with the seller their rights and responsibilities regarding firearms. We support this concept. Specifically such a review should include the following matters:

- a. That a firearm is a potentially lethal instrument;
- b. That it poses an attractive nuisance to young children and therefore should be kept under lock and key, out of reach by children;
- c. That it should not be kept in a location easily accessible by burglars (such as in an automobile glove compartment).
- d. That the buyer should be instructed to review the safety instructions contained in the owners manual.
- e. That the buyer should be advised to attend a firearm safety instructions course, if he or she has not already attended one.
- f. That the seller should instruct the buyer as to where he or she can go to receive appropriate firearm safety training.

2. LICENSED FFA DEALERS AT ALL GUN SHOWS:

The authors of this testimony recognize that unless a background check is performed on firearm purchasers at open gun shows, the potential exists that felons and other prohibited persons may be able to purchase firearms. Our proposal would:

- (1) Require all gun show promoters within Multnomah County to also be licensed FFA dealers, and
- (2) That the federal and state firearm purchase paper work (i.e., fingerprint etc.) be filled out on all firearm transactions, and filed with the appropriate authorities under the umbrella of the licensed gun show promoter.

3. REIMBURSABLE FIREARM PURCHASER FEE, SHERIFF PROVIDED TRAINING FEE:

To encourage firearm purchasers to receive safety training, we recommend a fee that would be refunded to a firearm purchaser, after showing evidence of having received or completed a safety training course. The cost of that safety training course, in turn would be paid for by a fee imposed on persons receiving the safety training.

CONCLUSION:

For reasons not clear to us, firearms have been depicted as the symbol and embodiment of all that is evil and hateful in mankind. The media has both maligned gun organizations like the NRA, and have characterized gun owners as morally suspicious. Guns have been associated with Nazism, and racism. And people whom we otherwise respect, have come to believe that guns are the root cause of such things.

Because of the emotionally charged atmosphere surrounding gun control, it is difficult to find politicians who can put aside their personal bias, and rationally review the issues and facts surrounding guns and crime.

Like most Americans, we are concerned with the increase in violent firearm crimes, and as firearm owners, we are particularly outraged whenever a gun is used inappropriately. However, we also believe that emotion is no substitute for reason, and fantasy is no substitute for facts. If our society is to solve its crime and other social problems, politicians will have to base that solution on reason and facts, and not on emotion. The facts are that the increase incidence of violent firearm crime did not originate with guns, but rather with the increased use and distribution of narcotics.

We believe good law and good public policy should consist of three basic components.

First, all proposed laws should have as their basis for enactment, a demonstrated logic that if it was enacted, it would achieve its intended purpose. We think it is clear from the matters discussed in this testimony that drug dealers and other criminals would continue to acquire the weapons contained on the 'assault weapons' list; and could not be forced or expected to voluntarily obtain an assault weapons permit, or carry firearm documentation. Consequently, if these measures were law, the intended purpose for them, increased public safety, would not be achieved.

Second, to be effective a law should be enforceable. For reasons discussed earlier, we believe the so called 'safe streets' and firearm documentation ordinances to be unenforceable. Because it would be unlikely any firearm owner would be caught violating the provisions of these two ordinances, gun owners would come to view these measures as a kind of joke, and an attitude of general disrespect for government and law would follow.

Third, in order for a law to be effective, it should command the general respect of the persons it would affect. Since these measures are viewed by most gun owners as punitive in nature, and intrusive on their second amendment rights, law abiding gun owners probably would not comply with its provisions.

The hypocrisy of this whole issue, is that the sponsors of these measure (commissioners Bauman and Anderson) earlier this year refused to support a true public safety proposal, the construction of new jail facilities. Yet these same commissioners would quickly disenfranchise law abiding firearm owners based on their particular gun phobias, and anti-gun bias.

Considering the responsible steps already taken earlier this year in Salem with the passage of HB 3470, the various provisions that new law provides, and the continuing effort of responsible politicians like speaker Katz, and organizations like the NRA, we believe commissioner Bauman and Andersons proposal to be inappropriate.

Page 8.

CONCLUSION (Continued):

Consequently, we urge the Multnomah County Board of Commissioners to oppose the so called 'Safe Streets' and firearm documentation ordinances. We also request that the board consider our proposals.

Sincerely yours

Frederick I. Lehr

Frederick I. Lehr
6302 S.W. Evelyn St.
Portland, Or. 97219

Randolph D. Perrin

Randolph D. Perrin
5820 S.E. Liebe
Portland, Or. 97206

Wilson Zehr

Wilson Zehr
Rt. 1, Box 340
Hillsboro, Or. 97124

Barbara Hagebusch

Barbara Hagebusch
P.O. Box 12365
Portland, Or. 97212

Phyllis P. Miller

①
4250 S.W. 91 St.
Portland, Or. 97225

Matthew Cullen

Matthew J. Cullen
1416 N.E. Tillamook
Portland, Or 97212

Eric Dawkins

Eric Dawkins
13416 S.E. Glenwood
Portland, Or. 97236

Rusy Patten

Rusy Patten
979 N.E. Josephine Ct.
Hillsboro, Or. 97124

Joseph V Matkevich

Joseph V. Matkevich
3534 N.E. Alameda
Portland, Or. 97212

- ① AT THE TIME THESE PERSONS SIGNATURES WERE BEING GATHERED, PHYLLIS MILLER WAS NOT AVAILABLE. SHE SUPPORTS THE MATTERS DISCUSSED IN THIS TESTIMONY.

An Educational Series Designed to Enhance Your Knowledge

ISSUES AND ANSWERS



produced and distributed by the

CITIZENS COMMITTEE FOR THE RIGHT TO KEEP AND BEAR ARMS

LIBERTY PARK

12500 N.E. 10TH PLACE

BELLEVUE, WASHINGTON 98005

The Police View of Gun Control

The following statistics were supplied by the National Association of Chiefs of Police, based on the American Law Enforcement Officers Poll for 1989 sent to 16,259 Chiefs of Police, Sheriffs and command personnel nationwide. The purpose of the survey was to enlighten the Congress, the media, and other organizations regarding the opinions of our nation's top law enforcement officers. It is believed that the National Association of Chiefs of Police is the only law enforcement association to actually conduct these surveys. Questions, responses and emphasis are printed here as polled.

Q? Do you believe that the **banning** of firearms (handguns, shotguns or rifles) will reduce the ability of criminals to obtain such weapons?

90.18% responded NO.

Q? A "military type" of long gun (rifle, shotgun, etc.) is now being described as one being able to hold more than five rounds of ammunition. It must be fired by pulling the trigger each time. The legal description would cover many semi-automatic weapons. Do you believe that **banning** such weapons would reduce the likelihood of criminals obtaining them?

86.73% responded NO.

Q? Do you believe that **law-abiding citizens** should have the right to purchase any type of firearm for sport or self-defense under state laws that **now** exist?

68.71% responded YES

Q? Do you believe that the **banning** of private ownership of firearms will result in fewer crimes from firearms?

87.62% responded NO.

(over, please)

Q? Would you agree that most criminals obtain their weapons from illegal sources?

89.94% responded YES.

Q? Some states have longer waiting periods than others. Would you agree that it should be a state mandated law rather than a federal regulation as to firearms purchase requirements?

62.64% responded STATE.

Q? Do you believe that a waiting period to purchase a handgun or any type of firearm will have any effect on criminals getting firearms?

70.91% responded NO.

Q? Many of the most terrible crimes with firearms have been carried out by persons with long histories of mental instability. Would you agree that all physicians treating any person for mental illness that could be a threat to themselves or the public, should be **required** to report to the US Public Health Services so the information could be made available for records checks on all firearms applications?

95.03% responded YES.

Q? Historically, the militia is "*all men between the ages of 16 to 45*". Under the present armed forces defense of the United States, the National Guard must be able to mobilize in three days to back up our regular armed forces world-wide. Therefore, the **only** defense would be the "*state militia*" in time of war. Would you agree, that for the sake of the defense of the United States, citizens should be allowed to have their own rifles, shotguns and handguns for emergencies, natural or man made?

85.89% responded YES.

Q? Do you feel that the system of criminal justice has **broken down** to the point where it is the **inability** to deal with criminals caught by the police (prosecution and imprisonment) that is the **major** cause of crime in America?

86.46% responded YES.

Q? Do you think the courts are too soft on criminals in general?

95.60% responded YES.

Q? Do you think the media that depicts violence, especially on TV, while at the same time encouraging the banning of firearms ownership by law-abiding citizens for sport or self-defense, is hypocritical?

89.95% responded YES.



From Guy E. Erickson

1989 DEC 11 AM 10:02

Dear County Commissioners:

I applaud your decisiveness on the gun issue. It's the difficult issues which need to be addressed, and most of our politicians are afraid to take stands and are no longer leaders.

Why a tax on new gun owners? Why not just increase permit fees and require permits for all guns, especially hard guns - with stiffer penalties for the carrying of guns without a permit?

2145 S.W. Front Avenue • Portland, Oregon 97201

Phone: (503) 226-3423

Good luck.

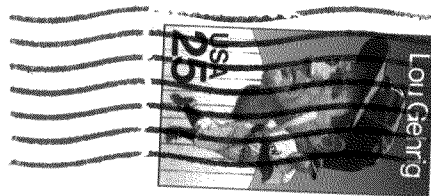
Guy

GUY EICHSTEADT



COLUMBIA PACIFIC COUNCIL
BOY SCOUTS OF AMERICA

2145 S.W. Front Avenue, Portland, OR 97204
503/226-3423 • Council No. 492



multnomah County Commissioners
County Courthouse
Portland, or. 97204

CLERK OF
SALARY COMMISSION
1989 DEC 12 AM 11:15
MULTNOMAH COUNTY
OREGON

December 9 1989

Multnomah County Commission
1021 SW Fourth
Portland, OR 9720x

Dear Commissioner:

We support your efforts to make the streets safe by passing a gun control ordinance. The NRA managed to mobilize a crowd from around the state, but we believe you've got a more substantial crowd behind you. We need peace on earth more than we need larger gun collections.

Keep up your good work.

Sincerely yours,

Mrs. Alice L. Small

no return address given

1989 DEC 12 AM 11:13
MULTNOMAH COUNTY
OREGON

December 9, 1989

Multnomah County Commission
1021 SW Fourth
Portland, OR 9720x

Dear Commissioner:

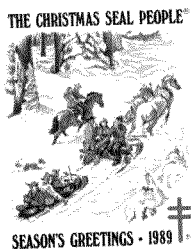
We support your efforts to make the streets safe by passing a gun control ordinance. The NRA managed to mobilize a crowd from around the state, but we believe you've got a more substantial crowd behind you. We need peace on earth more than we need larger gun collections.

Keep up your good work.

Sincerely yours,

Margaret D. Gravatt

*My address: 12705 S.E. River Rd.
apt 412-S
Portland, OR 97222*



Merry Christmas

December 8, 1989

To: Clerk of the County

I am submitting this letter as written testimony in regards to the gun ordinance sponsored by Rick Bauman and Pauline Anderson. I resent the idea they are trying to subvert the Constitution of the United States by violating Article II and Article IV of the Bill of Rights. They are proposing ordinances that are ludicrous at best. Do they believe for one minute that criminals, or people predisposed to commit a crime, are going to get the necessary permits to transport their weapons to the intended crime scene?

These ordinances are grossly violating the freedom of movement of citizens transporting personal property within the county. This is the United States of America, by God, not China or Russia! The constitution allows us the freedom to come and go as we please, when we want, and wherever we want. These kinds of ordinances admits to the world that the criminals have won, and law abiding citizens have lost. Lets punish criminals for their crimes, not the average law abiding citizen. These ordinances are just a red herring in my opinion. The real issue here is not the proliferation or control of guns, but the failure of the whole criminal justice system. There is no deterrent to crime when the punishment is a slap on the wrist. If people knew they would be punished, and punished severely, for using a gun in a crime, I think you would see the crime rate show a marked decline. As it stands now, a person committed for a crime is back out on the streets in days or weeks. Even for murder, a person can be parolled in seven years. What kind of punishment is that for the ultimate crime?

The sentencing system needs to be changed so time spent in jail is real punishment, not some recreational school for criminals. The whole prison system is set up to coddle criminals, not punish them. Take away the TV's, VCR's and radios. Make prison the unpleasant place it is supposed to be. Why do you think there are so many repeat offenders? They know serving time is going to be a picnic. Make prison rough like it is in China, and make criminals hate the thought of ever having to go back.

I am absolutely outraged that some low ranking politician like Rick Bauman has been allowed to introduce totalitarian ordinances in the state of Oregon. If Mr. Bauman and Ms. Anderson like the idea of a police state, I suggest they move to China. We don't need people like them trampling on the freedoms we enjoy in this country. I am going to work with other organizations in seeing to it they are defeated in the next election.

Sincerely,

Dan Schuh

Dan Schuh

CLERK OF
COUNTY COMMISSIONER
1989 DEC 11 AM 9:57
MULTNOMAH COUNTY
OREGON

Dan Schuh
9160 S.W. Club Meadow Lane
Portland, OR 97225



Clerk of the County
Multnomah County Courthouse
1021 S.W. 4th Avenue
Room 605
Portland, OR 97204

1989 DEC 11 AM 9:52
MULTNOMAH COUNTY
OREGON

December 9, 1989

Multnomah County Commission
1021 SW Fourth
Portland, OR 9720x

Dear Commissioner:

We support your efforts to make the streets safe by passing a gun control ordinance. The NRA managed to mobilize a crowd from around the state, but we believe you've got a more substantial crowd behind you. We need peace on earth more than we need larger gun collections.

Keep up your good work.

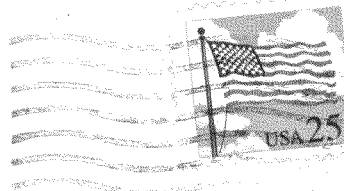
Sincerely yours,

George A. Rogers
F. Kathryn Rogers



George A. Rogers
12705 S.E. River Road
Portland, OR 97222

1125



Multnomah County Commission
1021 SW Fourth
Portland, OR 9720X

Portland, Oregon
December 4, 1989

BOARD OF
COUNTY COMMISSIONERS
1989 DEC -5 PM 2:40
MULTNOMAH COUNTY
OREGON

Board of County Commissioners
1021 S.W. 4th Avenue
Room 606
Portland, Oregon 97204

Dear Sirs:

I have been informed that there is a hearing at 9:30 a.m. on December 7, 1989 concerning anti-gun ordinances for Multnomah County. I have other commitments and cannot attend. However, I do have some questions and concerns.

Why are Multnomah County Commissioners dealing with the question of gun control when it has already been dealt with on both State and Federal levels?

Why are criminals who have been convicted--many times more than once--let out on parole to commit more crimes?

Why are sentences for crimes committed with guns not more severe?

My concern is that we seem to be giving the convicted criminal more rights than the law-abiding citizen has and that we are heading for more taxes to pay for training in the handling of fire arms when there are already free courses available and the state requires training for young people before a hunting licence can be issued.

Thank you for considering my views on the issue of gun control.

Sincerely,

Kenneth E. Puckett

Kenneth E. Puckett
3704 S.E. 166th Avenue
Portland, Oregon 97236

12/6/89

MULTNOMAH COUNTY COMMISSIONERS
1021 SW 4th
PORTLAND, OR 97204

BOARD OF
COUNTY COMMISSIONERS
1989 DEC -8 PM 2:38
MULTNOMAH COUNTY
OREGON

I am writing in regard to the proposed County gun ordinances.

1. yes, we have a serious crime problem, but you want to penalize the honest person with a lot of red tape. The criminals won't abide by any new ordinances along these lines, they'll just go on breaking the law like they do now.
2. Our State Legislature has addressed the firearms problem and attempted to make gun laws uniform statewide. Leave the new law alone and give it a chance to work.
3. I am very much opposed to these four ordinances and recommend they be dropped completely.

Thank you for considering my opinion on this matter

Larry M. Knowlton
6550 SE Morrison
Portland, OR 97215

Dec. 7, 1989

Board of county Commissioners,
Multnomah County, Or.

I just read your "gun control ordinance" proposal and will sum it up in one word- DISGUSTING -.

The people who use a gun to commit a crime will not bother to get a permit so why make it tough for the honest people to own any gun of their choice and at the same time burden your sheriff with the task of "permitting" all gun owners instead of going after the criminal?

I see this gun control ordinance as a smoke screen to cover up your inability to enforce existing laws.

Making new laws will not stop crime, enforcing the law will.

Gene Schmutzler

Gene Schmutzler

8830 S.W. Hamlet

Tigard, Or. 97224

December 7, 1989

Dexter W. Zinke
P.O. Box 20532
Portland, Oregon
97220-0532

Multnomah County Commissioners
County County Courthouse
1021 S.W. Fourth Avenue
Portland, Oregon 97204

Dear Commissioners:

I am here today to protest this sham hearing on your proposed ordinances to regulate assault weapons.

I call this a sham hearing because three of you have histories as gun grabbers and clearly are using these proposed ordinances to get media attention for yourselves. You know you lost your anti gun argument in the State Legislature last summer. Now you are trying to pass anti gun ordinances through the back door.

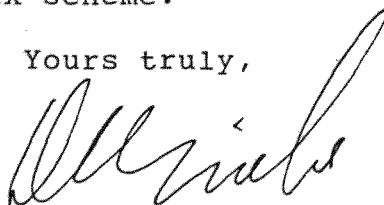
Violators of your ordinances will be impossible to detect until AFTER they have used your outlawed weapon. The ordinances you propose are clearly unenforceable without some method of weapons detection. There is no clear way of detecting violators without violation of a citizens Constitutional rights regarding search and seizer. Do you propose to stop vehicles indiscriminately or are you just going stop and search members of Minority groups?

In the future, do you see this as an opportunity to squander public moneys in the courts attempting to defend your ordinances so as to keep getting media attention for yourselves?

Quit wasting citizens money and time by proposing ordinances designed to get yourselves on television and in the newspaper.

You know full well that criminals will not obey these proposed ordinances. Only law abiding citizens will be effected by your firearm tax scheme.

Yours truly,



D. W. Zinke

December 7, 1989

Dexter W. Zinke
P.O. Box 20532
Portland, Oregon
97220-0532

Multnomah County Commissioners
County County Courthouse
1021 S.W. Fourth Avenue
Portland, Oregon 97204

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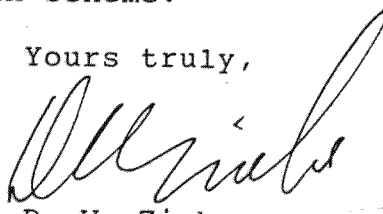
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Yours truly,



D. W. Zinke

December 7, 1989

Dexter W. Zinke
P.O. Box 20532
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97220-0532

Multnomah County Commissioners
County County Courthouse
1021 S.W. Fourth Avenue
Portland, Oregon 97204

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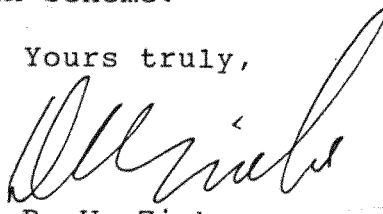
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You know full well that criminals will not obey these proposed ordinances. Only law abiding citizens will be effected by your firearm tax scheme.

Yours truly,



D. W. Zinke



Vera Katz

SPEAKER
OREGON HOUSE OF REPRESENTATIVES

7 December 1989

Board of Commissioners
Multnomah County
1021 SW Fourth Avenue
Portland, OR 97204

Re: Testimony for House Speaker Vera Katz

Chair McCoy and Commissioners:

Speaker Katz does not wish to take a position either in support or opposition to the Safe Streets Ordinance before you for consideration today.

During the 1989 legislative session, Speaker Katz devoted months of study and work to the gun control issue. Speaker Katz believes the carefully balanced public safety provisions included in HB 3470 -- a bill sponsored in conjunction with law enforcement agencies, gun lobbyists, and gun control advocates -- enhance public safety without violating the constitutional rights of gun owners.

Quite frankly, HB 3470 was an acknowledgement that Oregon's gun control laws were not keeping guns out of the hands of dangerous individuals: criminals and mentally unbalanced persons. The bill made significant changes to Oregon's firearm laws, including:

- * Increasing the waiting period on handgun purchases from five to fifteen days to give law enforcement officials sufficient time to conduct detailed background checks on purchasers.
- * Imposing new identification requirements on firearm purchasers, including fingerprinting handgun purchasers, to more accurately identify prohibited individuals.
- * Expanding the list of prohibited persons to include individuals convicted of six specified misdemeanor crimes involving violence and individuals with histories of mental illness.

Multnomah County Commissioners
Safe Streets Ordinance testimony
Page 2

- * Establishing uniform state-wide requirements and procedures for obtaining concealed handgun licenses.
- * Allowing concealed handgun license holders -- those who have undergone a 45 day waiting period, passed a thorough background check, and submitted to photographing and fingerprinting -- to by-pass waiting periods on subsequent handgun purchases.
- * Imposing criminal penalties for unlawful sales and purchases of firearms, and increasing penalties for crimes committed with firearms.

HB 3470 and the proposed Safe Streets Ordinance approach gun control from markedly different directions. Therefore, it is important to understand the assumptions used when preparing HB 3470.

First, the working group preparing HB 3470 saw accurate identification of prohibited persons as the largest obstacle to ensuring that firearms remain in the hands of law abiding and mentally stable persons. The waiting period and enhanced background check allow law enforcement to keep guns away from dangerous individuals, without violating rights of lawful gun owners.

Second, HB 3470 focused on handguns, because statistics indicated that handguns are responsible for a disproportionate share of firearm related crimes. Speaker Katz initially supported extending the waiting period to "assault weapon" purchases, but chose to tighten up handgun regulations when she learned that, between 1986 and 1988, handguns were involved in 66% of the murders and 75% of the robberies in Oregon committed with firearms.

Third, HB 3470 sought to provide a uniform system of firearm laws and procedures throughout the state. Speaker Katz philosophically is opposed to the state "preempting" the ability of cities, counties and other subdivisions from enacting laws they deem necessary. As a state official, she often is angered when Congress limits the state's ability to adopt laws, and does not like to do this to local governments. Nevertheless, some uniformity was needed to rectify the Byzantine system of gun control laws that occurred under local control.

The preemption clause, Section 38 of HB 3470, attempted to provide uniform laws throughout the state, but still allow cities and counties the ability to adopt public carry and public discharge ordinances as circumstances dictated. After reviewing

the Safe Streets Ordinance, we question whether some of the provisions of the ordinance are allowed under the preemption clause of HB 3470 and the Oregon Constitution. We have requested guidance from the Attorney General to clarify these issues.

Speaker Katz and the other sponsors of HB 3470 saw the bill as the first step in revising Oregon's firearm laws. The Legislature made significant changes during the last session, but felt uncomfortable undertaking further reforms without additional information. The one-year study of all firearm transactions by licensed gun dealers was designed to present us with needed information upon which to base any subsequent modifications to the law.

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Lloyd Athearn
Legislative Assistant to Vera Katz
Speaker of the House

Attachments

OREGON FIREARMS ACT

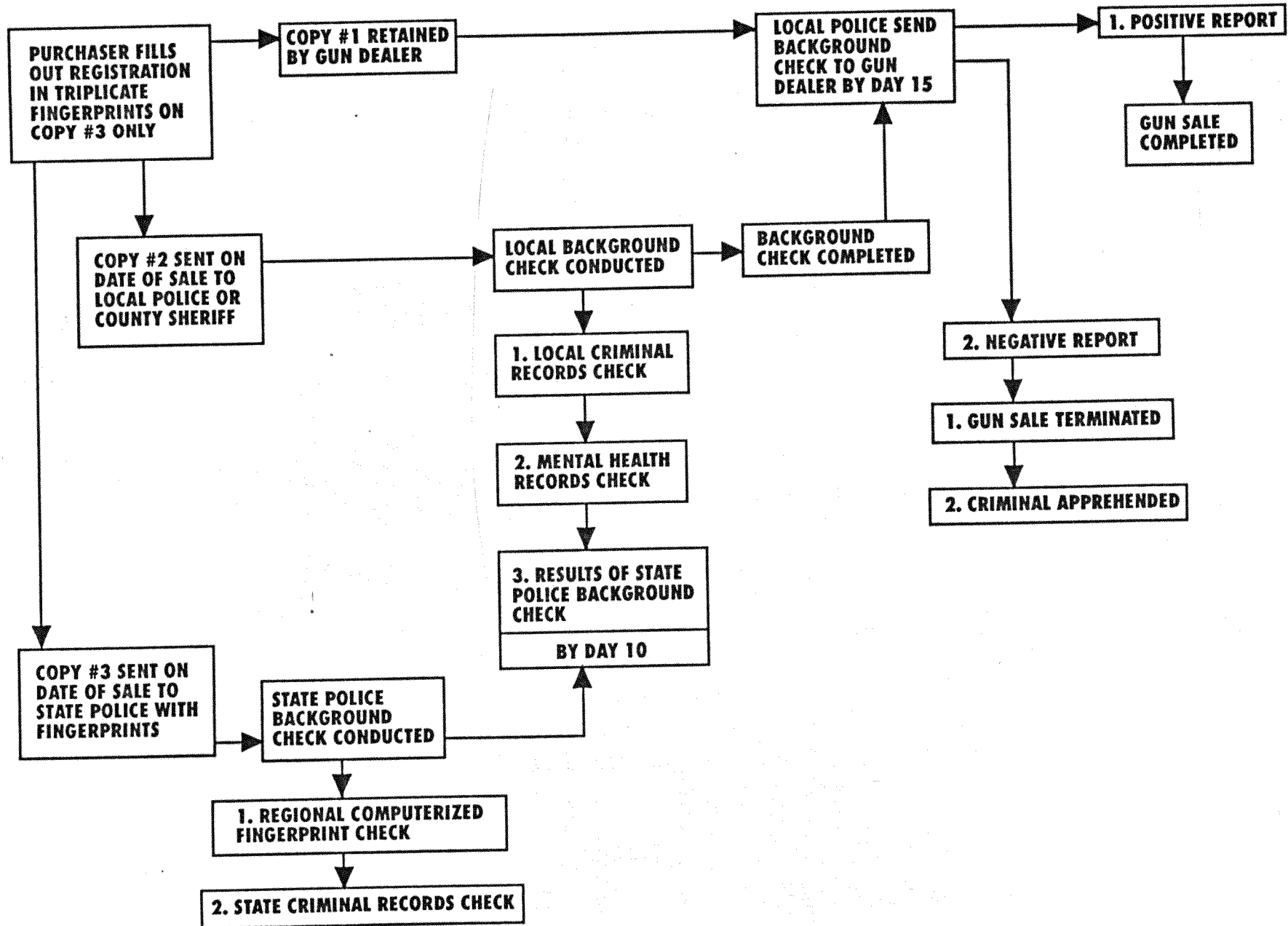
HB 3470

Handgun Sales

DAY #1

DAY #10

DAY #15

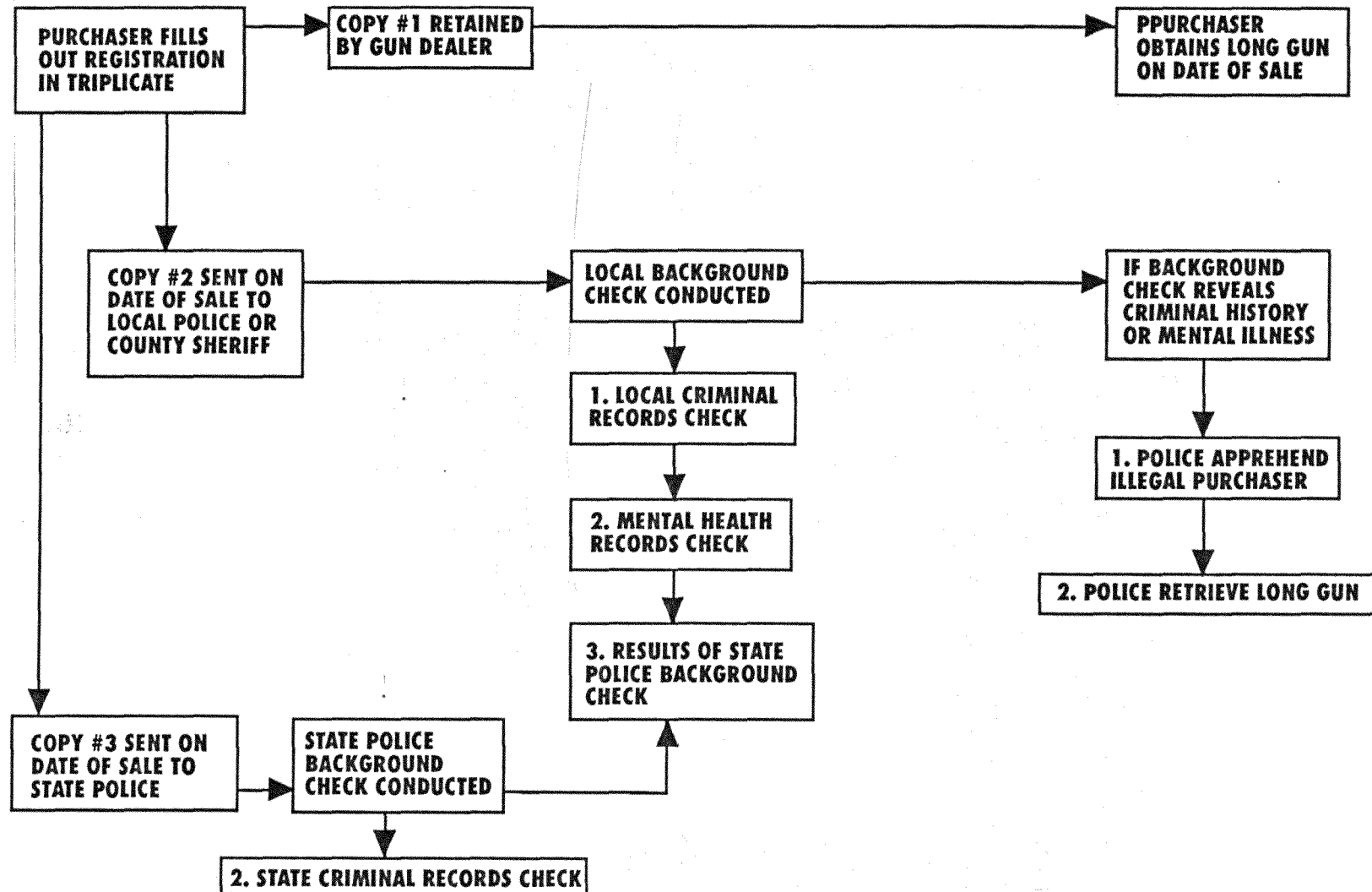


OREGON FIREARMS ACT

HB 3470

Long Gun Sales - STUDY ONLY

DAY #1



DAY #1



Vera Katz

SPEAKER

OREGON HOUSE OF REPRESENTATIVES

7 December 1989

Board of Commissioners
Multnomah County
1021 SW Fourth Avenue
Portland, OR 97204

Re: Testimony for House Speaker Vera Katz

Chair McCoy and Commissioners:

Speaker Katz does not wish to take a position either in support or opposition to the Safe Streets Ordinance before you for consideration today.

During the 1989 legislative session, Speaker Katz devoted months of study and work to the gun control issue. Speaker Katz believes the carefully balanced public safety provisions included in HB 3470 -- a bill sponsored in conjunction with law enforcement agencies, gun lobbyists, and gun control advocates -- enhance public safety without violating the constitutional rights of gun owners.

Quite frankly, HB 3470 was an acknowledgement that Oregon's gun control laws were not keeping guns out of the hands of dangerous individuals: criminals and mentally unbalanced persons. The bill made significant changes to Oregon's firearm laws, including:

- * Increasing the waiting period on handgun purchases from five to fifteen days to give law enforcement officials sufficient time to conduct detailed background checks on purchasers.
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- * Expanding the list of prohibited persons to include individuals convicted of six specified misdemeanor crimes involving violence and individuals with histories of mental illness.

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Second, HB 3470 focused on handguns, because statistics indicated that handguns are responsible for a disproportionate share of firearm related crimes. Speaker Katz initially supported extending the waiting period to "assault weapon" purchases, but chose to tighten up handgun regulations when she learned that, between 1986 and 1988, handguns were involved in 66% of the murders and 75% of the robberies in Oregon committed with firearms.

Third, HB 3470 sought to provide a uniform system of firearm laws and procedures throughout the state. Speaker Katz philosophically is opposed to the state "preempting" the ability of cities, counties and other subdivisions from enacting laws they deem necessary. As a state official, she often is angered when Congress limits the state's ability to adopt laws, and does not like to do this to local governments. Nevertheless, some uniformity was needed to rectify the Byzantine system of gun control laws that occurred under local control.

The preemption clause, Section 38 of HB 3470, attempted to provide uniform laws throughout the state, but still allow cities and counties the ability to adopt public carry and public discharge ordinances as circumstances dictated. After reviewing

Multnomah County Commissioners
Safe Streets Ordinance testimony
Page 3

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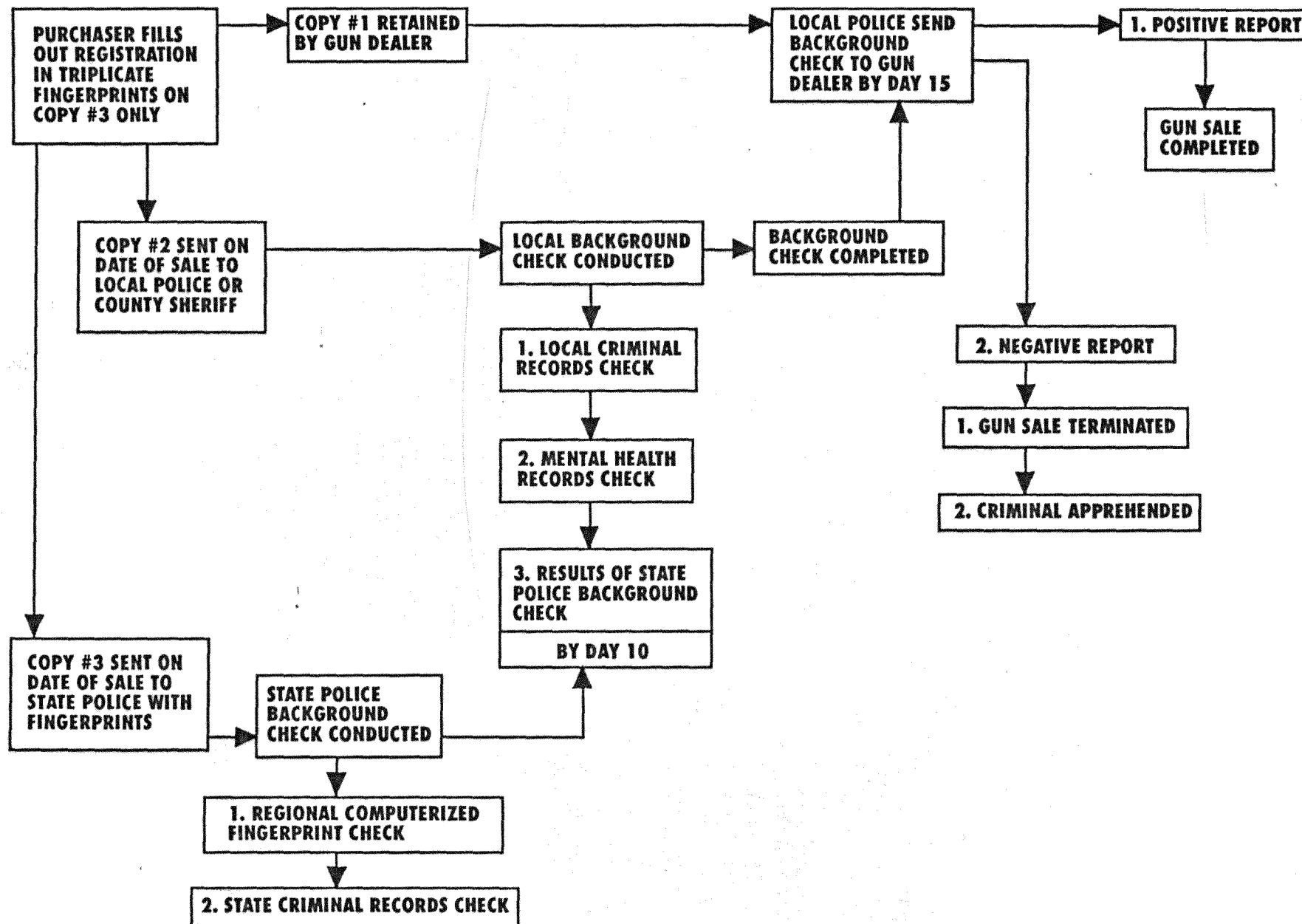
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HB 3470 Handgun Sales

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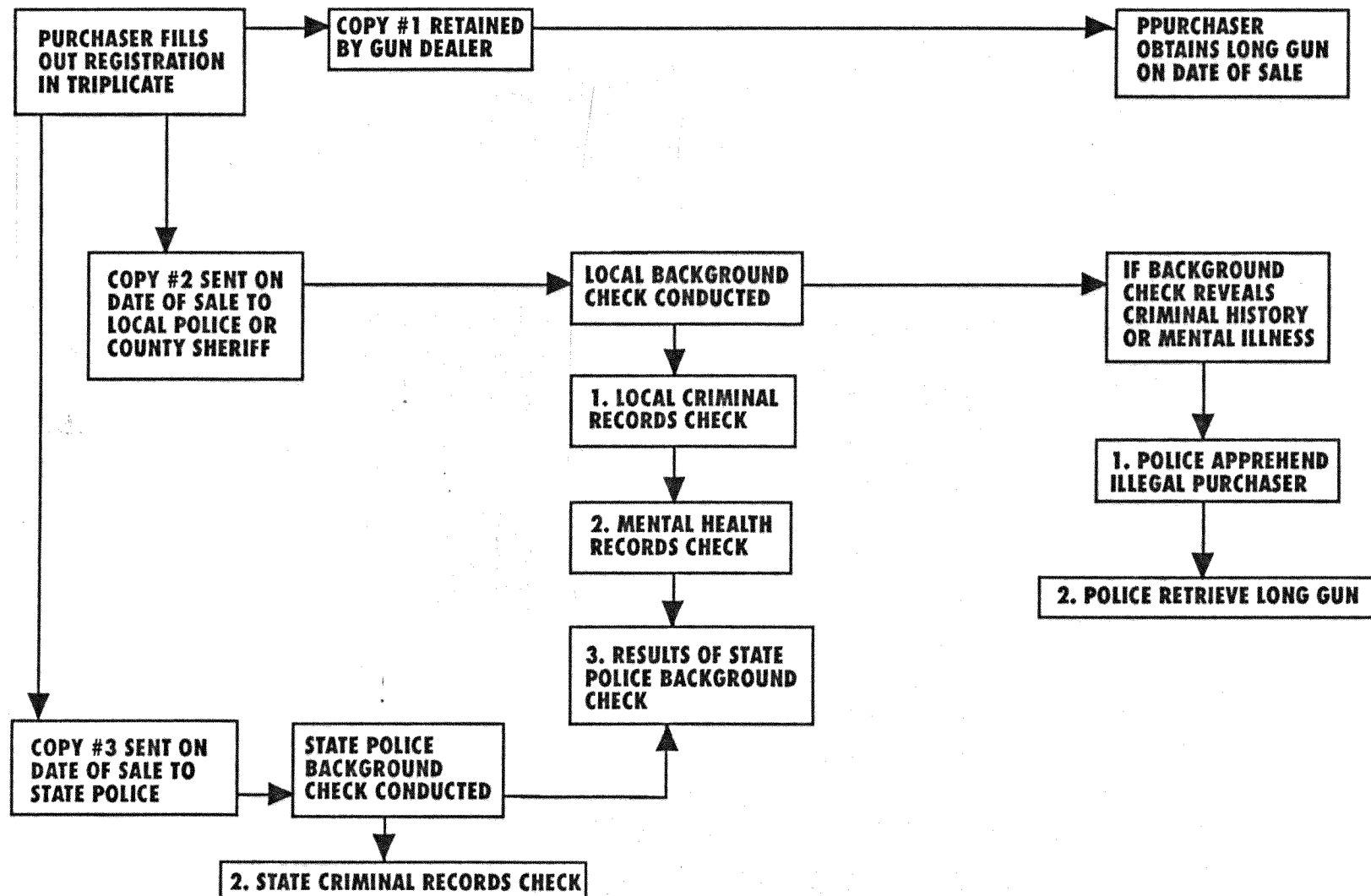
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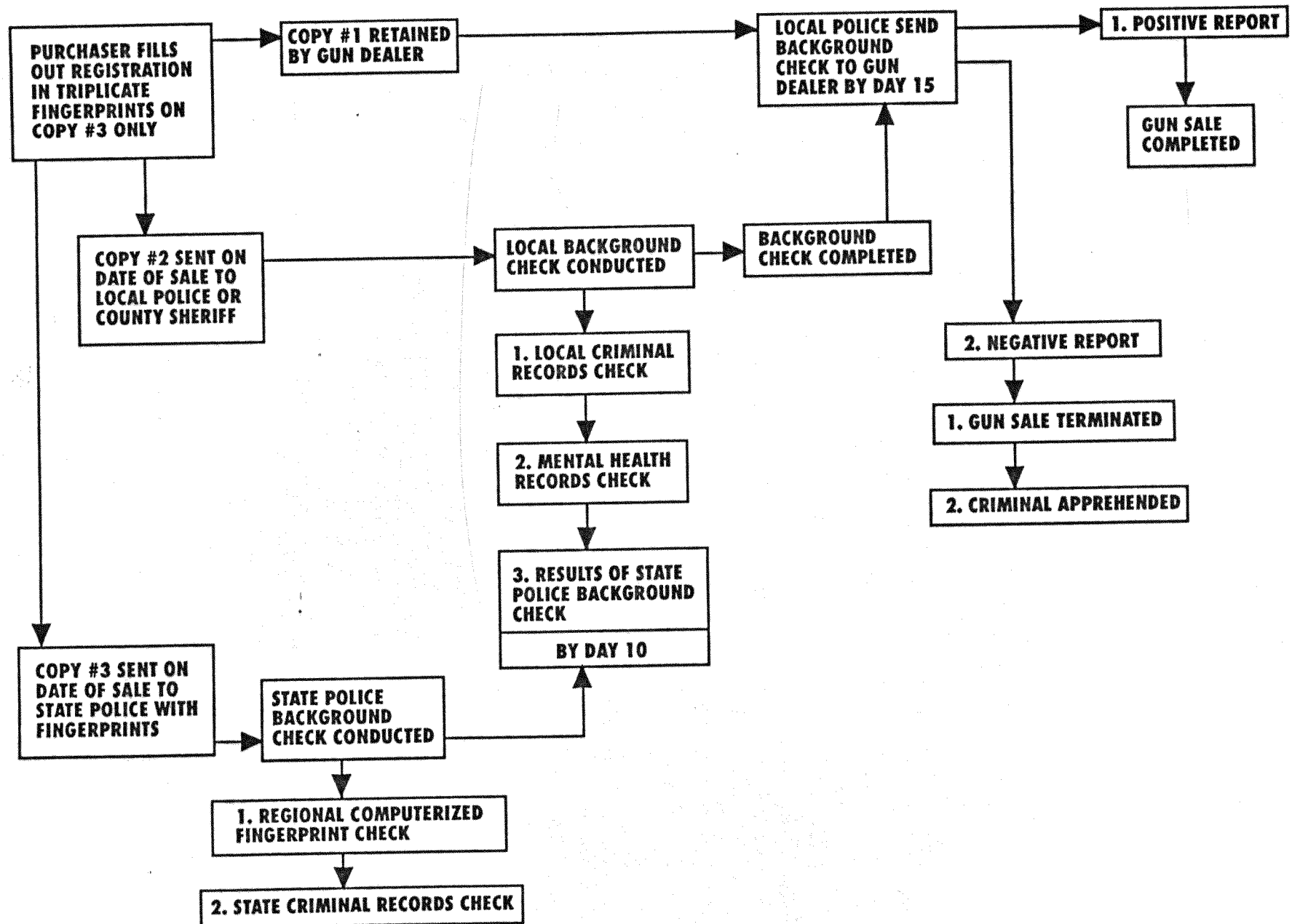
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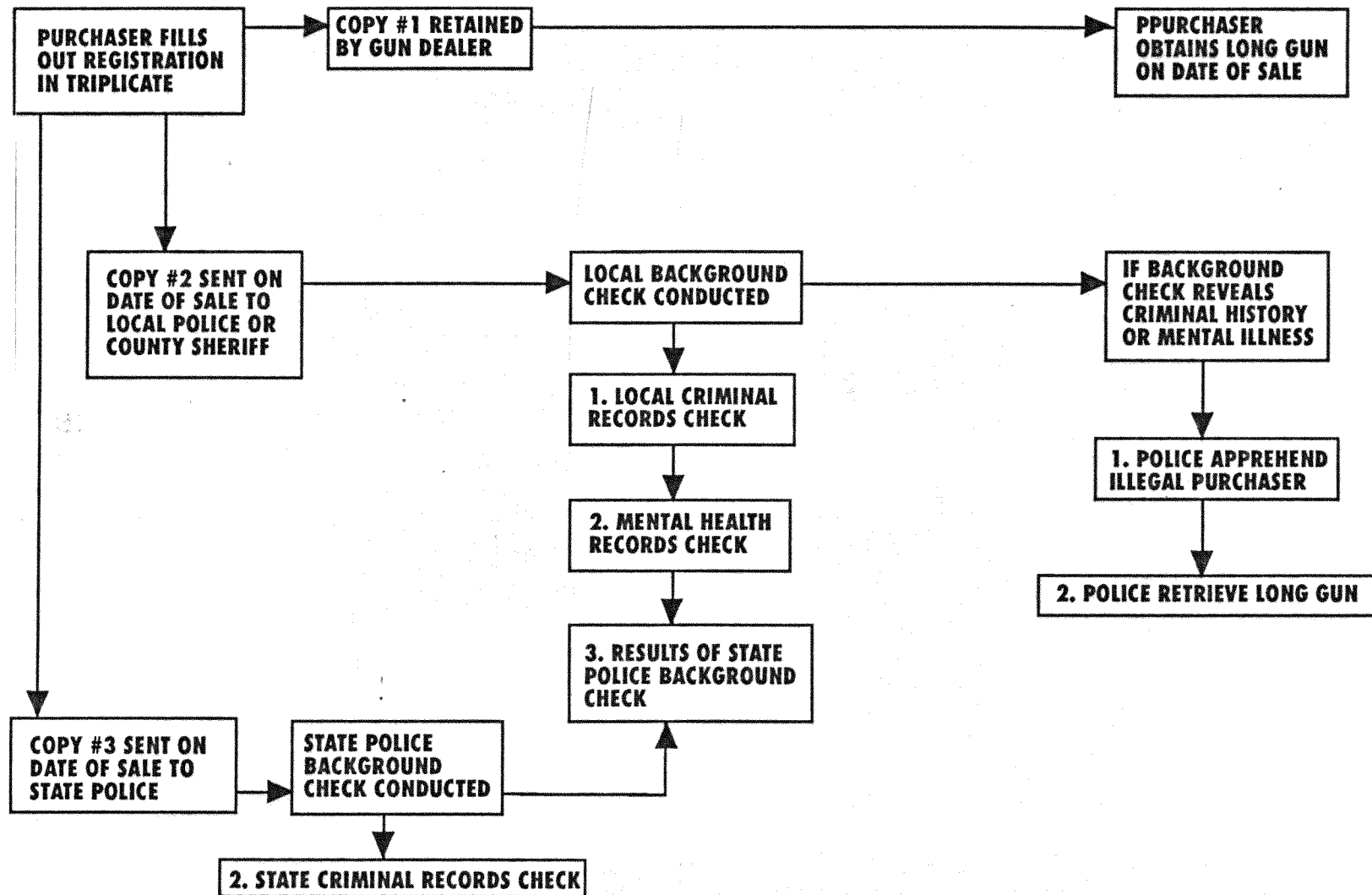
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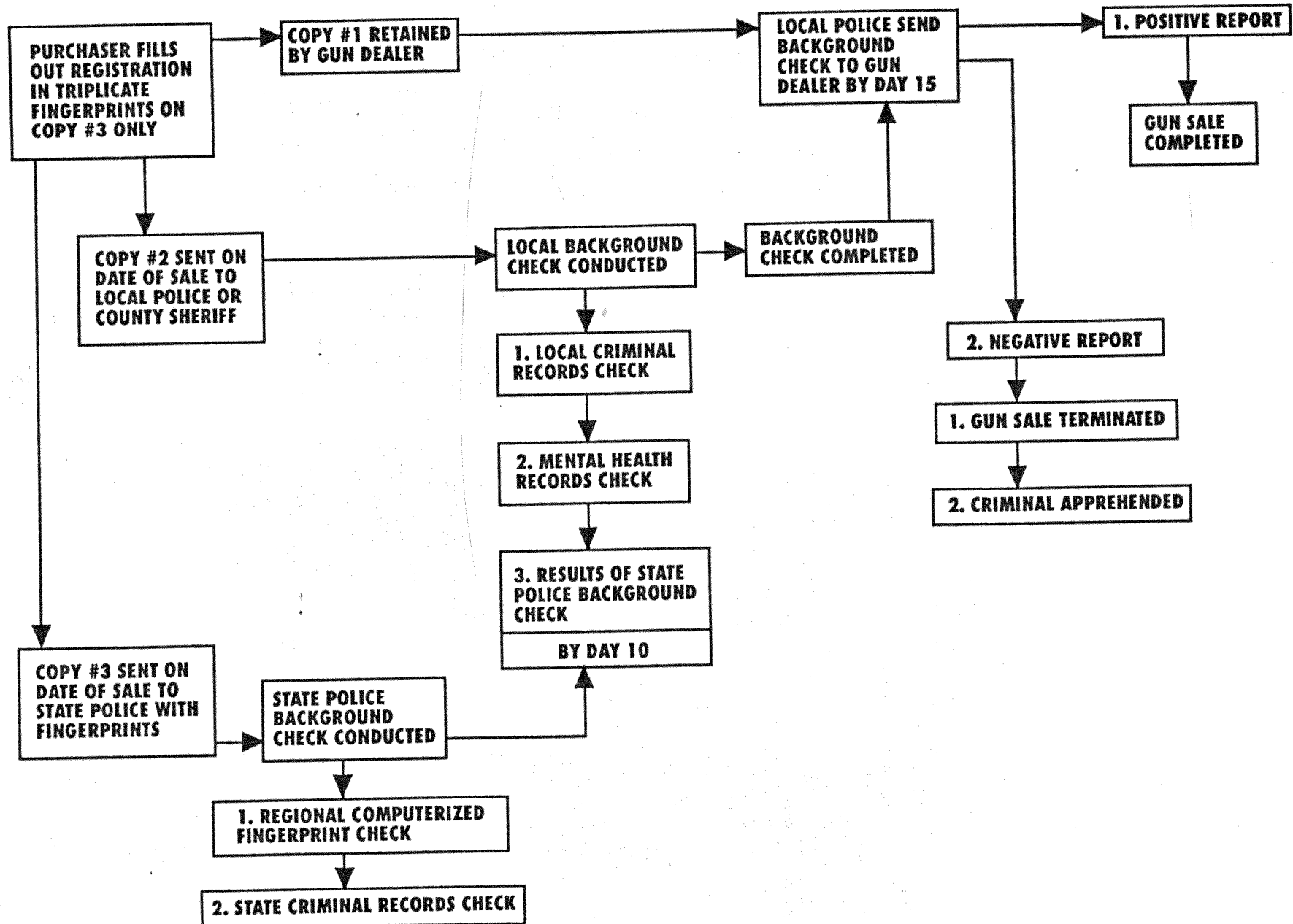
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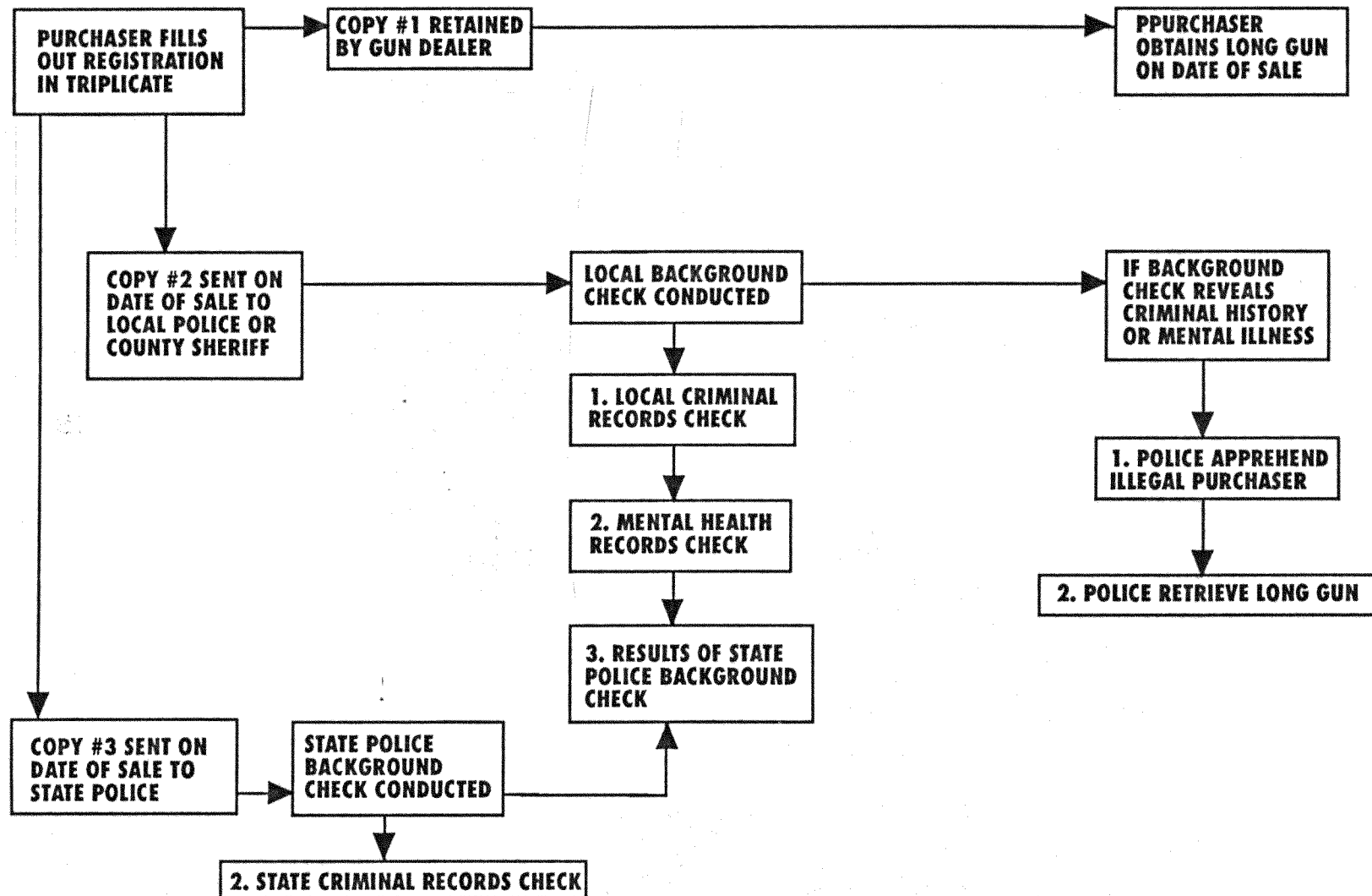
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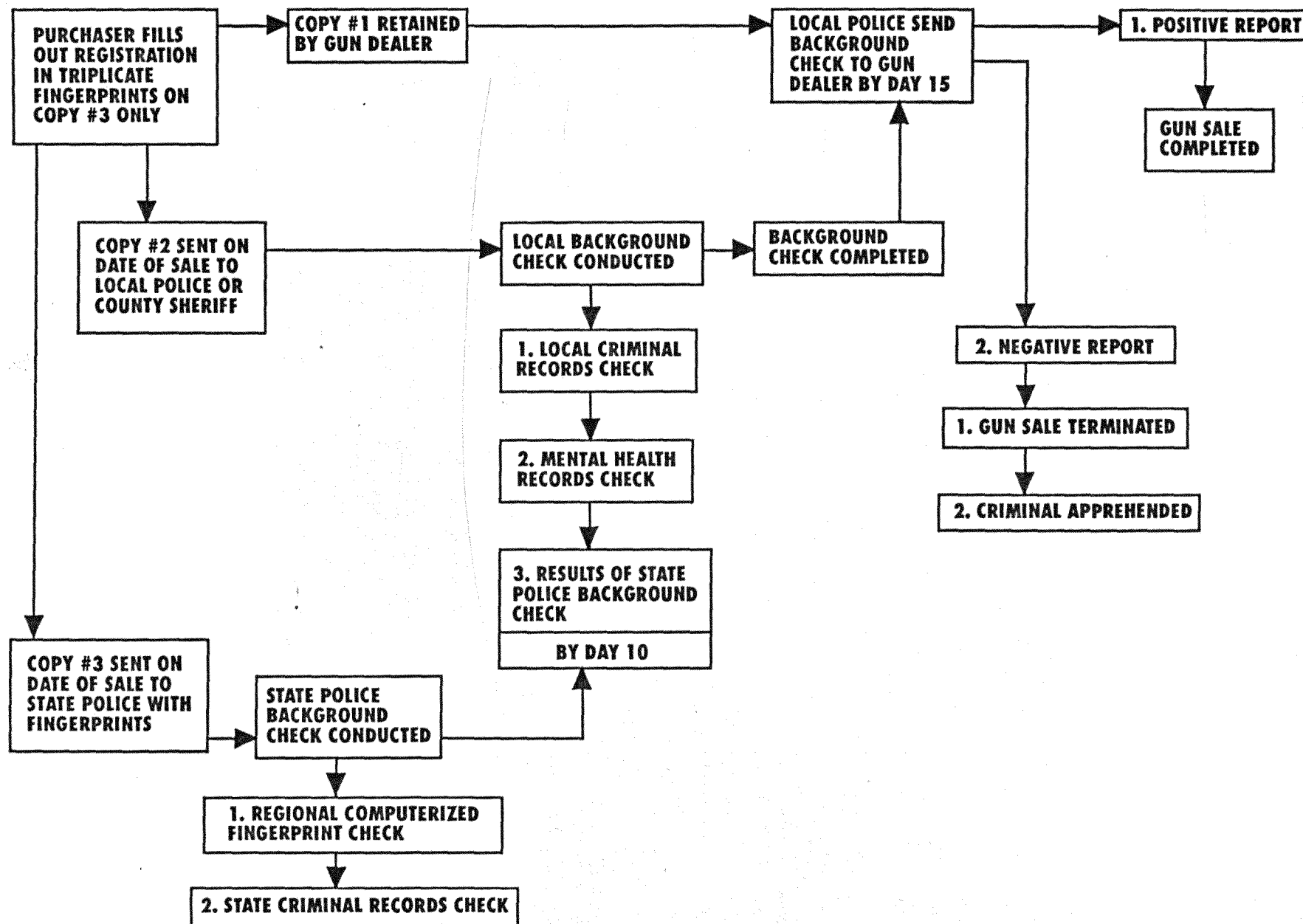
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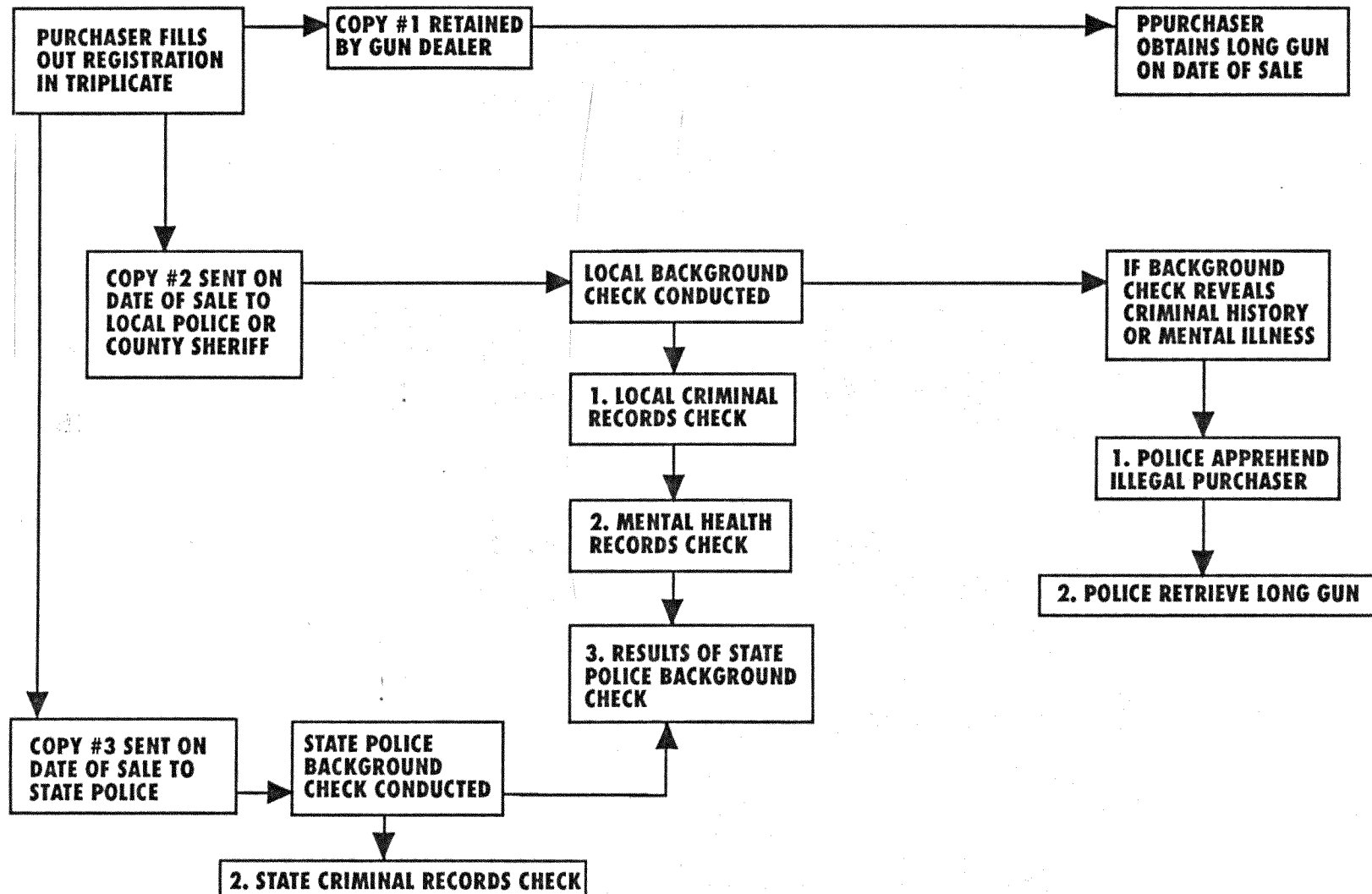
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HOUSE BILL 3470

AS WRITTEN BY JOHN NICHOLS OF OSR&PA, BRIAN JUDY OF NRA,
JOHN HOSFORD OF CITIZENS COMMITTEE FOR RIGHT TO KEEP & BEAR ARMS
STATE POLICE, SHERIFF ASSOCIATION, AND OTHERS.

WHAT THE BILL DID AS INTRODUCED VERSUS WHAT THE BILL DOES NOW AFTER ADOPTION OF AMENDMENTS PROPOSED AND SUPPORTED BY

OREGON PRO GUN CIVIL RIGHTS LOBBY INC.

The Oregon Pro Gun Civil Rights Lobby Inc. was incorporated in April of this year to fight HB 3470. We were successful in having the bill amended. A comparison between the bill as introduced and the 22nd edition that was passed; C Engrossed HB 3470 is shown. This information is made available so that you the gun owner can know the true facts as to what the bill did as originally drafted and supported by the Pro firearm organizations.

Remember, Vera Katz did not write the bill: She introduced it at the request of the Pro firearm organizations. They wrote it, supported it, and testified that the bill should not be amended because amendments would destroy the carefull work and agreements worked out by all parties concerned.

All we ask is that you read this material and then draw your own conclusions as to whether the original bill was a PRO GUN BILL OR
- ANTI GUN BILL.

Oregon Pro Gun Civil Rights Lobby Inc.
Rt. 1, Box 1237
LaGrande, Oregon
97850

Ph. (503) 963-3686

July 1989

Note: The Oregon Pro Gun Civil Rights Lobby Inc. proposed most of the amendments that were adopted. We supported those that would make the legislation more pro gun and opposed those that would make it antigun. For instance, one proposed amendment would have included the California law just passed banning the ownership of semi automatic firearms. Basically our amendments were used as the "road map" for amending the bill. We supplied copies to John Gardner of NRA and he used that material for instruction to John Nichols of OSR&PA to try and clean up the bill. Copies of our amendments are available. We do require a contribution to the corporation to defray cost of printing and other expenses. The before and after bill comparison is not claimed to be all inclusive. We have only touched the highlights and most important areas of concern to the law abiding gunowner.

Many people asked: Who wrote HB3470: Why was it introduced? Why did the Oregon Pro Gun Civil Rights Lobby Inc. fight the bill?

BILL INTRODUCTION: Quote from "Gun News" publication of Washington Arms Collectors Inc. (Article quoting John Hosford of CCRKBA)---Through the concerted efforts of the Oregon R&P, the CCRKBA and the NRA, HB 3470 is now on Governor Goldschmidt's desk awaiting his signature. ---HB 3470 came about as a result of extensive negotiation between law enforcement and the pro-gun groups under the direction of House Speaker Vera Katz.---"Actually, the major provisions of this bill were drafted long before Katz ever became involved," said John Hosford, Executive Director of the Citizens Committee and W.A.C. Board Member. "I'd been involved in discussions with John Nickles, (misspelling in original article) legislative chairman for the OREPA, for at least four months prior to the meeting with Katz.---The efforts of the pro-gun groups were hindered slightly by a tremendous amount of mis-information being distributed by uninformed individuals as well as a small group of gun owners who had their own personal agendas." (From Volume 5, Issue 8)

WHY WAS THE BILL INTRODUCED? Quote John Hosford in news release "This a landmark day for Oregon Gun Owners," said John Hosford, Executive Director of the Citizens Committee for the Right to Keep and Bear Arms. "This proves that when people can agree to disagree, and then direct their efforts to those workable issues where there is room for compromise, that great things can be accomplished."----"there was give and take from both sides during these negotiations. At times, the process became very frustrating. If it had not been for Speaker Katz's leadership, I am sure this would have fallen apart. She really wanted a great piece of legislation, fair to all involved, I submit that she did just that and I salute her for it. She's an outstanding woman and a class act."¹

Quote from a letter to Representatives in Salem, letter by John Hosford: "The foremost reason to support this bill is that it addresses criminal misuse of firearms while recognizing the rights of law-abiding Oregonians to own, possess and carry firearms." **Note: this letter was dated June 12, 1989 long before the bill had been amended so as to take out most of the anti-gun owner provisions.**

Quote from letter dated May 20, 1989 signed by John Nichols of Oregon State Rifle and Pistol Association.---When asked by speaker Katz to join in the negotiations, the firearms groups were faced with a clear choice: we could have either refused to talk and faced a costly political battle which even now I'm not sure we could have won; or we could enter into the discussion and attempt to refocus the debate away from controlling guns to controlling criminals and others----."

NRA news release dated April 6, 1989. "In an effort to create reasonable and effective gun legislation, Oregon gun and State law enforcement officials have announced their combined support for H.B. 3470----- The carefully balanced bill ---. "We offer our qualified support of the bill in the belief that gun owners and law enforcement have created a balanced bill that is beneficial to all the people in this state."----"We hope people take notice that this is another case of the National Rifle Association and law-abiding gun owners working with law enforcement and state officials to create good gun laws," said Judy. (Mr. Judy was the NRA representative for Oregon)

Comment: The reader can for themselves draw their own conclusions as to whether the bill as introduced was a pro or anti gun bill. Remember the bill had 22 amendments because we were the "small group of gun owners who had their own personal agendas." That statement is correct. Our agenda was to make sure that the Oregon gun owners were not sold down the river on their gun rights by those who wrote and had the bill introduced.

Why did the Oregon Pro Gun Civil Rights Lobby Inc. fight the bill, as introduced?

We fought the bill because it was the most restrictive violation of gun owners "civil rights" that we had ever seen introduced into the Oregon legislative process. Attached are copies of the original testimony we made on the bill. That material speaks for itself. In fact, we were told that because of our testimony the bill almost died because the legislators did not know whether the bill could be amended and cleaned up to the point it would meet constitutional requirements. Remember, Hand Gun Control Inc. testified that "HB 3470 was a good bill, it only did not go far enough".² In addition American Civil Liberties Union (ACLU) also opposed the bill because of the constitutional issues raised in the bill. You know that when Hand Gun Control Inc. and ACLU take these stands, on a legislative issue, something is bad wrong with the legislation as far as gun owners are concerned. So---we fought the bill and hopefully were successful in amending it so that now it is mostly a pro-gun piece of legislation. We had no success in amending Section 38. Please see letter to NRA and letter reply.

Stephen Donnell--President, Oregon Gun Owners Pro Gun Civil Rights Lobby Inc.
July 1989

1. Undated news release to newspapers and media. 2. Oral testimony at hearing

A PROPOSAL TO ~

AMEND

HOUSE BILL 3470

Testimony of:

STEPHEN DONNELL

Rt. 1, Box 1237
LaGrande, Oregon
97850

Dated: APRIL 21, 1989

Ph. (503) 963-3686

TESTIMONY: HB 3470

Stephen Donnell

April 21, 1989

Mr. Chairman, my name is Stephen Donnell. I have spent many hours studying HB 3470.

I understand Speaker Katz' frustration in the matter of sound, legal and effective firearm legislation to deal with Oregon criminals' misuse of firearms. Speaker Katz should be commended for bringing together those who are considered to be the Oregon pro gun experts on this issue.

However, careful analysis and scrutiny of HB 3470 shows that the bill is fatally flawed and, if passed without amendments, would constitute a gross attack on, and deprivation of Oregon citizens' civil rights.

At the present time there are two philosophical approaches to the so-called firearm problem.

Premise No. 1: Firearms are evil and anyone who sells, uses or possesses firearms has by that association been tainted and is therefore suspect as being up to no good and a potential violator of society's laws.

Premise No. 2: Firearms are not the problem. Anyone who has firearms for any legal purpose is exercising his civil rights under the U.S. Bill of Rights, second amendment and Oregon Constitution, Article 1, Section 27.

Today's firearm problem is the criminal's use of firearms against society, thus causing death, mayhem, injury and loss of goods and property.

HB 3470 adopts Premise No. 1 as the philosophical base to draft its legal impositions on the Oregon population. In doing so, bill language wipes out many civil rights granted under the Oregon Constitution.

For instance:

*Section 4: Allows most any person who is licensed in Oregon to engage in the practice of psychology, psychiatry or medicine to, by one fell swoop of the pen, turn Oregon citizens into persons prohibited from owning or possessing any firearm. This provision violates the Oregon Constitution, Article 1, Section 12 on "self incrimination" and "rights of accused in criminal prosecution," Article 1, Section 11.

The way the bill is written, anyone visiting a mental health person or doctor can be put on the prohibited list and not even know about it. The bill does not require notice to the patient that the doctor has written the mental health notice and sent the notice to the Health Division. This provision violates Article 1, Section 10 of the Oregon Constitution concerning secret courts.

HB 3470, Section 2, 13 and 23 provides for criminal prosecution for anyone in the prohibited class, as that class is defined in the bill. Among those prohibited from owning firearms

are those who have a letter of record concerning them on file with the Mental Health Division.

HB 3470 has, therefore, trampled all over our present system of allowing an accused person to be represented by counsel, hear and be heard in criminal prosecution and challenge his accuser before a court of law and have a court of law determine his guilt or innocence, especially by jury trial.

HB 3470, Section 12 and 16 specifically define "being in the business as being defined in 18 U.S.C. 921."

By these sections the legislature has abrogated its power in the Oregon Constitution, Article IV, Section 17, to the federal government.

Therefore, whenever Federal Code changes, so does Oregon law. This aspect of HB 3470 violates the Oregon Constitution, Article IV, Sections 18, 20, 21 and 22.

The violation is that this legislation has no control over federal code and law, but has made the people of Oregon subject to that Federal Code of law specified in the bill, all in violation of the Oregon Constitution, Article IV, Section 28, which states when statutes take effect.

HB 3470, Section 13 creates an interesting legal situation. Under this section, if a person becomes a prohibited person as defined in this section, he immediately cannot possess firearms.

It is well accepted that before one loses his civil rights he must be found guilty of a felony or have had the lost civil

right taken away by a due process of a court of law.

Thus Section 13, and to a certain extent, Section 1, negate this principle of constitutional and criminal law: before one loses his civil rights he has the right as provided under the Oregon Constitution, Article 1, Section 10 to have an open, full hearing in a court of law, or hearing before a board established by statute. In addition, the court of board's determination can be appealed to high courts.

HB 3470 allows for no appeal and even worse, does not require notice to the affected person that the action that negates his right to bear arms under the Oregon Constitution, Article 1, Section 27, has been taken away from him.

Bill Ambiguities:

Section 13 and Section 2: These two sections are in conflict with each other as to the rights of a minor to possess handguns.

Section 13: Prohibited classes cannot carry concealed firearms; it is not clear if they can carry them openly.

Section 13: Persons are exempt from provisions of Sections 7 and 8 if they fall under ORS 166.260. It is not clear as to what happens if they are just traveling and not under ORS 260.

No provisions have been made to carry firearms, other than a handgun, with a permit, out of sight in a vehicle.

Last but not least, under Section 3 a person could be arrested for having a boat load of marijuana, be convicted of a

felony, come to Oregon and have and carry all the firearms they want.

This is an outline of just some of the problems with HB 3470 as presently written.

As part of my testimony, I have supplied proposed amendments to the Bill so as to rectify these problems. These amendments are on the colored paper. I would be pleased to work with the committee in any way to make HB 3470 a strong, effective criminal control piece of legislation.

I would be pleased to answer any questions.

Thank you.

Mr. Richard Gardner
NRA/ILA
1600 Rhode Island Ave. NW
Washington, D.C.
20036

July 6, 1989
Rt. 1, Box 1237
LaGrande, Oregon
97850
Ph. 503-963-3686

Dear Mr. Gardner:

Mr. Ron Harder, a member of the committee that drafted the first edition of HB 3470 (the gun bill written by NRA, OSR&PA, CCRK&BA and others) contacted me in the capitol building on the morning of July 1, 1989. He advised that he had talked to you by phone, when you were at your home, and told you that I had changed position on outright opposing HB BEng. 3470 (as amended by Senate Judiciary cmtg. C Eng. HB 3470) to one of support of the bill.

This letter is being written to clarify the record on this matter. As of the time Mr. Harder talked to me in the capitol, I was neither supporting the proposed legislation, or opposing the proposed legislation. As President of the Oregon Pro Gun Civil Rights Lobby Inc., our position consisted of advising the legislators that we neither opposed or supported the bill. We were satisfied that most of the provisions we knew had to be in the proposed legislation (from onset of the bill into the political process) so as to protect Oregon gun owner's civil rights, had been incorporated into the bill. We still did not like the bill, because of section 38, the preemption section (which senate judiciary committee legal counsel advised is an enabling section for political subdivision to enact ordinances for controlling the possession of firearms and ammunition in public places) and other bill provisions.

Mr. Harder indicated that he and Mr. Nichols of OSR&PA had talked to you about this matter because the Senate Judiciary committee would not release HB 3470 to the floor until the committee had received a letter (fax) from NRA approving the bill. That letter (fax) was received in Speaker Vera Katz's office at 12:12 hrs. on July 1, 1989. Therefore, HB 3470 C Eng version was passed by the senate and sent to the house for concurrence. It passed the house on a 49 yes vote.

I want it thoroughly understood that those of us in the Oregon Pro Gun Civil Rights Lobby Inc. do not approve of the bill as passed by both houses because of section 38, and other bill problems. However, C Eng HB 3470 is now of such a nature that OPGCVR Inc. can live with bill requirements because some parts of the legislation are a step forward for gun owners rights here in Oregon.

It is my considered opinion and that of the attorney working with us, that NRA has made a very large blunder in allowing section 38 to remain in the bill as now written. I have told Mr. Harder and our supporters that since NRA created the forthcoming problem(s), NRA must be looked to for assistance in fighting any problems that engender from section 38. This letter is being written to you so you will be informed of that position and warn your office of what will most probably result from having section 38, as presently composed, enacted into law.

Respectfully yours,

Stephen Donnell
President,
Oregon Pro Gun Civil Rights Lobby Inc.



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D. C. 20036

July 13, 1989

Mr. Stephen Donnell
President
Oregon Pro Gun Civil Rights Lobby, Inc.
Route 1, Box 1237
LaGrande, Oregon 97850

Dear Mr. Donnell,

Thank you for your letter of July 1, 1989 concerning Oregon H.B. 3470.

For the record, it was my understanding from Mr. Harder that the Oregon Pro Gun Civil Rights Lobby, Inc. "neither opposed or supported the bill." It was not my understanding that the Oregon Pro Gun Civil Rights Lobby, Inc. supported the bill.

With regard to potential problems with Section 38 of the bill, please be assured that the NRA will "assist[] in fighting any problems that engender from (sic) section 38."

In closing, let me say that I appreciate your continued vigilance on behalf of Oregon gun owners and your efforts to bring to our attention the problems you saw with H. 3470. I hope that we can continue to work together in the future.

Sincerely yours,

Richard E. Gardiner
Director, State & Local Affairs

REG/rcs

Corrected

C-Engrossed House Bill 3470

Ordered by the Senate July 1
including House Amendments dated June 8 and June 26 and Senate
Amendments dated July 1

Sponsored by Representatives KATZ, BURTON, Senator L. HILL, Representatives BAUMAN, BRIAN, CARTER, CEASE, FORD, HANLON, HOSTICKA, HUGO, KEISLING, KOTULSKI, MANNIX, MASON, MINNIS, PETERSON, STEIN, Senators CEASE, COHEN, GOLD, HAMBY, KENNEMER, KITZHABER, SHOEMAKER, TROW (at the request of Oregon State Police, National Rifle Association, Oregon State Rifle and Pistol Association, Oregon State Sheriffs' Association, Oregon Association Chiefs' of Police, Citizens' Committee For The Right To Keep And Bear Arms, Oregon Catholic Conference, Oregon Department of Justice)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Expands information to be included on record of sale of handgun. Requires 15-day waiting period. Expands grounds for prohibiting purchase of handgun. Provides that felons cannot own or possess any firearms. Revises procedure for obtaining concealed handgun license. Allows person who holds valid concealed handgun license to purchase handgun without waiting period. Provides for appeal of denial or revocation of license. Provides for judicial relief for persons barred from purchasing or possessing firearms. Requires Department of State Police to study purchases of handguns, rifles, shotguns and other long guns and issuance of concealed handgun licenses. Defines terms.]

[Creates crime of making false statements on concealed handgun license application. Punishes by maximum one year imprisonment, \$2,500 fine, or both.]

[Creates crime of unlawfully attempting to purchase firearm. Punishes by maximum five years imprisonment, \$100,000 fine, or both.]

[Creates crime of failure to register used firearms transactions. Punishes by maximum one year imprisonment, \$2,500 fine, or both.]

[Creates crime of shipping, receiving, selling or furnishing firearm in furtherance of felony. Punishes by maximum 10 years imprisonment, \$100,000 fine, or both.]

[Establishes mandatory sentences for certain crimes when firearm used in commission of crime.]

[Creates crime of unlawful possession of machine gun, short-barreled rifle or shotgun or firearm silencer. Punishes by maximum 10 years imprisonment, \$100,000 fine, or both.]

[Appropriates moneys from General Fund to Department of State Police for purposes of Act.]

Regulates sale of handguns. Requires fingerprinting for all handgun sales and enacts 15-day waiting period for purpose of conducting criminal and mental history records check. Provides Attorney General shall notify Legislative Assembly when identification system using biological factors to identify convicted felons and certain mentally ill persons is developed. Sunsets fingerprinting and waiting period requirements when such technology is developed.

Regulates sale or transfer of firearms to recipients under 18 years of age, convicted of misdemeanors involving violence within previous four years, having outstanding felony warrants or on pretrial release for felony or having specified conditions relating to mental illness.

Revises crime of exconvict in possession of firearm.

Provides scheme for issuance of concealed weapons permit.

Creates crime of unlawful possession of machine gun, short-barreled rifle or shotgun or firearms silencer. Imposes maximum \$100,000 fine, 10 years imprisonment, or both.

Requires register of firearms transfer be kept and mailed to local law enforcement officers by persons selling firearms.

Increases penalties for use of firearms during commission of crimes.

Directs interim study and report to Sixty-sixth Legislative Assembly concerning unified state identification card.

A BILL FOR AN ACT

1

2 Relating to firearms; creating new provisions; amending ORS 46.060, 51.080, 161.610, 166.210, 166.240,

3 166.250, 166.270, 166.370, 166.410, 166.420, 166.450, 166.460, 166.470, 166.480, 166.715, 181.150 and

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

Bill as introduced:

Section one is now section 2.

Section 1.

1. Requires any one licensed by the Federal Government to send copies of the sale registration slips to local and state police. The record was supposed to be only used to determine if the buyer was a prohibited person who could not buy a handgun. After the ID use the records were to be destroyed. No provision was made for a criminal penalty if the police did not destroy the records.
2. Requires thumb print at time of purchase from a licensed dealer.
3. Waiting period if a person does not have a concealed weapons permit.
4. Violation of any part of the law (section) resulted in a possible Class C felony. It did not make any difference if the violation was intentional or not.

Bill as passed:

SECTION 1. As originally introduced the bill did not contain any definition for antiques or replicas of antiques.

In the passed version replica's are the same as antiques as long as they have not been altered to use rimfire or conventional ammunition. This means that a person can buy a replica without going thru the waiting period or having a concealed weapons permit. At the present time handgun antiques or replicas are treated the same as modern handguns. ie. waiting period for purchase etc.

SECTION 2.

1. Now provides for a Class A Misdemeanor if the records are not destroyed. The crime applies to any one who has responsibility for record destruction.
2. No change.
3. No change.
4. As passed the violation must be an intentional one. In other words, non intentional mistakes can be pleaded in court to assist in defeating any criminal charge.

Please note that these amendments materially changed the thrust of the bill. They brought antiques and replicas out from under the concealed weapons (handgun) provisions for purchase and also allowed a court defense if a dealer made a mistake was not intentional in nature. Also a change was made for definition of a "firearm" so that it applies to weapons that only use smokeless powder. The phrase "black powder or" was deleted.

Bill as introduced:

The bill as introduced did not have a SECTION 2a, or 2b.

Section 2. Is now Section 3.

1. Defines people who can't receive firearms by purchase or by transfer. Now includes persons convicted of misdemeanor involving violence (the problem was violence was not defined) within the previous 4 years prior to the application, or has outstanding warrants for arrest, chronic abuser of alcohol, adjudged mentally ill, or has been diagnosed as dangerous to self or others, etc.
2. Makes violation a "Class C felony." (was a misdemeanor).
3. As written could be interpreted as not allowing a parent (or any one else) to supply a handgun to a minor for instruction, hunting, or any other purpose.

The bill as now passed resolved most of the problems in the original bill (for these sections). Language is now clear and easily understood. For the most part the changes reverse the original proposed legislation.

Bill as passed:

SECTION 2a. This section allows and provides for a stop to the waiting period when the Federal ID system is in place.

SECTION 2b. Implements the use of the Federal ID system, so that the waiting period no longer is required.

The problem with this section is that the Oregon law requires identification of persons who will not be identified by the Federal ID system. This means that for all intents and purposes, the 15 day waiting period will always be with us.

People who will not be identified by the Federal system are: persons convicted of misdemeanors ie. ORS 163.160, 163.190, 163.195, 163.208, 166.155 (1)(b) and people listed in the mental health register maintained by the Mental Health Division.

SECTION 3.

1. Provides relief if a person is a prohibited person by record expunction of this state or other state with equivalent law. Outstanding warrant must be a felony warrant requires commitment by Mental Health Division (not as in the original bill, by an opinion decision of a medical practitioner allows an order under 426.130 that a person can not have firearms. (426.130) has many checks and balances as to who and how a person gets on the list.
2. Returns the penalty to a Class A misdemeanor.
3. Allows temporary transfer of any firearm to a minor for hunting, target practice or any other lawful purpose.

Bill as introduced:

Section 4. (This section does not exist in the passed version of the bill. It was superseded by Senate Bill 412. Senate Bill 412 was not passed out of committee (it passed both houses, but the senate and house versions were not the same. The bill went to conference committee and did not come out of committee.)
[The full bill language is shown so you the reader can know what was introduced.]

SECTION 4.

Note: This proposed section allows any person who is licensed in Oregon to engage in the practice of psychology, psychiatry or medicine to, by one fell swoop of the pen, turn Oregon citizens into persons prohibited from owning or possessing any firearm. This provision violates the Oregon Constitution, Article 1, Section 12 on "self incrimination" and "rights of accused in criminal prosecution, Article 1, Section 11.

The way the bill is written, anyone visiting a mental health person or doctor can be put on the prohibited list and not even know about it. The bill does not require notice to the patient that the doctor has written the mental health notice and sent the notice to the Health Division. This provision violates Article 1, Section 10 of the Oregon Constitution concerning secret courts.

(1) A superintendent or director of the following shall report to the Health Division every client and patient who in the opinion of the superintendent or director, should not purchase or possess firearms because of the client's or patient's mental condition:

- (a) A hospital for the mentally ill or training center for the mentally retarded;
- (b) A private mental health care facility; or
- (c) A community mental health program.

(2) All persons licensed by the State of Oregon to engage in the practice of psychology, psychiatry or medicine shall report immediately to the Health Division every client or patient diagnosed as being dangerous to self or others.

(3) Reports required under this section shall be upon forms prescribed or provided by the Health Division. Each report shall include the person's name, address, date of birth, sex and diagnosis.

(4) Upon request by a local law enforcement agency conducting a background information check under ORS 166.420 or sections 7 and 8 of this Act regarding a particular person, the Health Division shall provide the agency with information concerning that person, if any, that has been reported as required by subsections (1) and (2) of this section. The reports are confidential and shall be used by the agency only to determine the qualifications of a person to purchase a firearm under ORS 166.420 and 166.470 or to obtain a concealed handgun license under section 7 and 8 of this Act.

(5) The reports required by this section shall be made notwithstanding any confidentiality or privilege statute.

(6) Any one participating in good faith in the making of a report pursuant to this section, and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report. Any such participant shall have the same immunity with respect to participating in any judicial proceeding resulting from such report.

Section 5.

Allows for reporting misdemeanor involving violence.

Section 7.

Sets up procedure for issuance of a concealed handgun license. Requires demonstration of competence with a handgun by proof of prior handgun instruction.

Allows for denial if adjudged mentally ill; chronic abuser of alcohol. Has not been found to be or diagnosed as dangerous to self or others; (This section puts into effect section 4, where the doctor makes the decision.)

Requires two Character references. (The bill does not provide protection for the character references from any type of court action if the person vouched for does something while having the license. The bill expressly protects the police or public official, but not the private citizen!)

Provides for sheriff to have judgment as to whether a person will be issued a license. Does provide an appeal process. (Note: more will be said about the so called appeal process later under appropriate section.)

Note: These sections were some of the most hotly debated sections of the bill. It is impossible to discuss the total issues raised in committee and on the House and Senate floor(s). Suffice to say, that as now written the gun owner is protected as much as possible, within the framework that the legislature would permit. The issues were complex, involved with prior court decisions, and provisions of the Oregon constitution and laws. Only time will tell if the changes made will be sufficient to protect the law abiding gun owner so that all will have equal rights in applying and having a license issued to them.

SECTION 4.

Defines felon in possession of a firearm.

Allows relief from disability by using appeal process as allowed in SECTION 11.

SECTION 5.

Requires reporting of persons identified as per Senate Bill 412 (the mental health section) that are prohibited from purchase or possession of firearms. [Note: Senate Bill 412 did not pass. See previous discussion.]

SECTION 8.

Sets up procedure for issuance of a concealed handgun license. Basically the same criteria is used as before. But the only denial items are now; no outstanding warrants for arrest, and is not free on any form of pretrial release, the long list of other items is gone from the bill.

Competence is still required; the list is the same as before

Outright non issuance for a misdemeanor of violence is now changed to "within the previous 4 years", commitment to Mental Health Division now must have been within 4 years prior to the effective date of the Act.

Added is the provision that if a court orders that a person is not to have firearms, a concealed license is not allowed.

Allows for relief from the disability by using the relief process allowed for in section 11 of the Act.

Character references still required. (Still no protection for a person signing as a character reference.)

section 8.

Requires issuance of a concealed handgun license by the sheriff within 45 days after application.

Paragraph (2) Failure of a person who carries a concealed handgun also to carry a concealed handgun license is prima facie evidence that the person does not have such a license. [This means you must have the license on your body when carrying a concealed handgun.]

Section 9.

Provides for renewal of concealed license.

An extensive discussion arose about a police officer being able to revoke the license by serving a notice of revocation. This meant that any police officer could revoke the license whenever they wanted to. [This was changed in the final bill]

Section 10.

Sets up a relief process for persons barred from having firearms or denied a concealed license under provisions of the act.

Burden of proof is upon the person appealing the denial. The mental health history is still a significant part of reasons not to allow ownership or issuance of a license.

The changes in these section were complex, involved, and revolved around present court interpretation of language and phrases. For full meaning as to what was accomplished by the changes a person must study the as introduced bill and the edition that passed.

SECTION 9.

Requires issuance of a concealed handgun license by the sheriff within 45 days after application.

Paragraph (2) is the same as in the original bill. We tried to get this provision changed so that a person could present in court the license as defense against the charge of not having a license if the person was not carrying the license at time of arrest. We were not successful in this effort. (It must be pointed out that this same provision was put into prior bills as introduced by OSR&PA in previous sessions. Somehow they will not learn from previous mistakes.)

Allows for use of prior issued license, this means that a license holder will not have to automatically renew their license if time still remains on the presently held license. (The way the bill was introduced everyone would have to reapply on January 1, 1990)

SECTION 9a.

Sets up method that sheriff must use if a license is to be denied. Allows for an appeal procedure.

SECTION 10.

Sets up procedure for issuance of a renewal for concealed license.

The change here is that only the sheriff can revoke the concealed license. In addition the reason for revoking the license must be given. In addition the revocation can be appealed as allowed for in the bill.

Section 11.

This section states: "A person denied a concealed handgun license under sections 7 and 8 of this Act, or whose license is revoked or not renewed under section 9 of this Act, may petition the circuit court to review the denial or revocation.

First off, the only denial that can be appealed is the denial of a concealed license. Denial of purchase of a handgun is not included. Also review of a decision that a person can not have firearms is not appealable.

The most important issue is: the appeal process means **nothing**. The NRA just lost a case in the court of appeals that simply said that the sheriff does not have to issue a license under present law. Since the appeals process only requires the court to be petitioned, there is nothing to say that the court must review the petition. (This is in essence, the same as the sheriff must consider the concealed weapons application under current law, but he does not have to act on it.)

Nothing in this section tells the court what they are to do if they do review the denial. Sum and substance of this section is that it looks good but does not do anything for the denied firearms owner.

Section 12.

Defines "Firearm". Includes the use of black powder in the definition.

Defines "Firearms silencer" & "Handgun". The way this definition is written does define antiques as defined under present federal law. Defines federal law prohibited firearms.

Again the amendments were technical and involved. In the case of the appeals process, what was a noneffective process that would not protect the lawful firearm owner, was amended to give full protection to the firearm owner in any appeal to the court including appeal to higher courts. To fully understand the legal ramifications of the appeals process, it is suggested that an attorney be contacted for further information.

SECTION 11.

Sets up a procedure for full appeal of any denial in the area of firearms. In addition if either sides loses, they can appeal to the next higher court.

An attorney is not required, but a person can have one if they want one.

The court is given instruction as to what they are to do in the case--grant relief, or deny relief.

If a governmental entity files an appeal, and does not prevail, it shall be ordered to pay the attorneys fees for the prevailing party. This means that if you win on appeal you can get your attorney costs paid.

SECTION 12.

"Where appropriate, a person may enforce the legal duties imposed by sections 2 and 31 of this Act by the provisions of ORS 30.260 to 30.300 and chapter 183.

This means that the court can order performance of any government agency to comply with the provisions of the Act.

Section 13:

This section defines unlawful possession of a firearm.

A person under 18 can not possess long gun(s).[supposedly the same as Federal law].

The section still has the mental health provisions. (see previous discussion)

The way the section is written an exemption is made for minors to have long guns for hunting, target practice and other lawful purposes. The way the exemption section is written, a minor can not have or possess a handgun. Senator Peg Jolin held a news conference and pointed out the "no handgun" for minors problem.

Section 16:

This section changes the present law for dealer purchase of firearms from private parties.

Whenever a dealer purchases a firearm, they must make out a two part form and mail one copy to the local police on the day of purchase for police use to see if the firearm was stolen or any other check they might want to make.

Section 18:

This section mandates a specified prison term if a person uses or attempts to use a firearm in a crime of violence or drug trafficking crime.

The problem with this section as written is that the firearm charge could be "plea bargained away". There is no requirement that a person arrested be charged with the firearm part of the crime.

In addition first offenses were charged and sentenced the same; the judge could not find mitigating circumstances and levy a lesser penalty.

SECTION 13:

This section defines unlawful possession of a firearm.

The 18 year old provision is still the same. However, the exemption section was extensively rewritten. It now specifically allows minors to possess firearms if the firearm was transferred to them by a parent, guardian, or another person with the consent of the minor's parent or guardian. Handgun by minors is allowed but the transfer can not be a permanent one.

The mental health problem (provision) was changed so that a court under ORS426.130 had to make the decision, not a doctor as before. (See previous discussion)

SECTION 16:

No change. [We tried to amend this portion of the bill but were not successful.]

(It should be noted that under this section 16, that the police will now have a permanent record of all sales by citizens to dealers. Nowhere in the bill is their a requirement that such records must be destroyed and not kept.)

SECTION 18:

This section mandates a specified term if a person uses a firearm in commission of a crime.

The firearm charge can not be "plea bargained away", instead the firearm portion of the crime becomes the main charge. This means that any one using a firearm in the commission of a crime must be tried, and if convicted go to jail for not less than 5 years.

A provision was added that if the punishment was a first time punishment, the judge could "suspend the execution of the sentence" when the judge finds mitigating circumstances.

Section 21

Stops concealed carry of "switch blade knives", dirk, dagger, etc.

This change in the law puts into effect a recent State of Oregon Supreme Court opinion.

Section 23:

This section deals with the sale or transfer of firearms brought into the state. Unless the firearm is sold-transferred as per HB 3470 and other ORS's, any person selling or transferring the firearm can be charged with a class B felony.

Section 24:

This section deals with the changing or altering of serial number of a firearm. (bill used term "identification number")

Section 25:

This section exempts antique handguns from specified sections of the bill.

Section 29:

This is the "study section". Requires that state police make a study, and all dealers send copies of all sales to the state police.

The problem with this section as introduced in the bill, was that the study period did not have a starting or ending date. That meant that the study could go on as long as the police wanted to make the study.

SECTION 21:

No change.

SECTION 23:

This section deals with the sale or transfer of firearms brought into the state. Technical changes were made in wording to be sure the language was clear and easily understood. The class B felony was not changed.

SECTION 24:

This section deals with the changing (alter) the identification number of a firearm.

The bill was amended to require that the alteration or change was "intentional--and for an unlawful purpose".

SECTION 25:

This section exempts all antiques from specified sections of the bill and present unchanged law.

SECTION 29:

This is the "study section". The section was not really changed except the study now starts one year before January 1, 1991. In addition all records from the study (except that material used in the published report must be destroyed.

House Bill as introduced stopped at section 32. As amended it contains 41 sections. The following is a summary of what each section does.

Section 36. This section amends ORS 426.130 so that the court can order that the person (before the court) be prohibited from purchasing or possessing a firearm. The court is to make their decision based on past behavior and/or specific acts done by the person before the court. It should be noted that ORS 426.-series; has many safeguards for persons that are to appear before the court in this type case.

Section 37. This section directs that a study be made for an Oregon unified state identification card. The idea is that with such a card the waiting period could be done away with for any firearm purchase. <The Oregon Pro Gun Civil Rights Lobby Inc.> proposed such a system during the hearings. The committees did not want to go into all the details such a system would entail, hence; the study.

Section 38. This section is shown as adopted. **Except as otherwise provided by law, cities counties and other political subdivisions of this state may regulate only the possession of firearms and ammunition in a public place, as defined in ORS 161.015.**

There is much confusion about this section. It is supposed to be a "preemption section". However, we obtained a legislative council (the lawyer who wrote HB 3470 and all the amendments) opinion. The opinion says that this section is an "enabling section" that allows for passage of ordinances by cities--counties--others, to regulate the possession of firearms and ammunition in public places. It should be noted, that a "public place is just about anywhere outside private property."

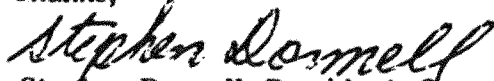
Section 41. "This Act takes effect on January 1, 1990"

This summary is just part of the changes made in HB 3470 from the time of introduction till passage by both houses. The bill has now been signed into law by the governor and will take effect on January 1, 1990. Only time will tell as to what effect other than a positive effect the legislation will have for the law-abiding Oregon gun owner. The amendments made to the bill were the result of intense lobbying and work on the part of "Oregon Pro Gun Civil Rights Lobby Inc.". The lobbying effort was made possible by the donations and financial contributions of gun owners across the state. Without that help, the lobbying effort and bill changes would not have occurred. The people who wrote the bill in the first place, testified that no changes were needed, because the bill was carefully written and any changes would destroy the effectiveness of the bill. How right they were! Without the changes the Oregon firearm (gun) owner would have had to live with one of the most oppressive gun bills ever adopted. **It is strongly urged that you read the bill as introduced, and then read the final version. Compare the two, remember the bill went through 22 revisions before it passed both the senate and house of representatives.**

The battle over gun owners rights is not over. The effort to amend HB 3470 was costly, time consuming and required the expenditure of more funds than the amount contributed by those who knew that HB 3470 had to be amended. We need your help. Contribution can be sent to the corporation address: Rt. 1, Box 1237, LaGrande, Oregon, 97850. Checks should be made out to the corporation name. We are a non-profit corporation chartered under the laws of Oregon.

If you would like to have this writer speak before your club or association, I would be pleased to do so. Call me at (503) 963-3686. If schedule permits I can come to the meeting. A donation will be requested to pay expenses and further the cause of law-abiding firearms owners civil rights.

Thanks,



Stephen Donnell, President, Oregon Pro Gun Civil Rights Lobby Inc.

HOUSE BILL 3470

AS WRITTEN BY JOHN NICHOLS OF OSR&PA, BRIAN JUDY OF NRA,
JOHN HOSFORD OF CITIZENS COMMITTEE FOR RIGHT TO KEEP & BEAR ARMS
STATE POLICE, SHERIFF ASSOCIATION, AND OTHERS.

WHAT THE BILL DID AS INTRODUCED VERSUS WHAT THE BILL DOES NOW AFTER ADOPTION OF AMENDMENTS PROPOSED AND SUPPORTED BY

OREGON PRO GUN CIVIL RIGHTS LOBBY INC.

The Oregon Pro Gun Civil Rights Lobby Inc. was incorporated in April of this year to fight HB 3470. We were successful in having the bill amended. A comparison between the bill as introduced and the 22nd edition that was passed; C Engrossed HB 3470 is shown. This information is made available so that you the gun owner can know the **true** facts as to what the bill did as originally drafted and supported by the Pro firearm organizations.

Remember, Vera Katz did not write the bill: She introduced it at the request of the Pro firearm organizations. They wrote it, supported it, and testified that the bill should not be amended because amendments would destroy the carefull work and agreements worked out by all parties concerned.

All we ask is that you read this material and then draw your own conclusions as to whether the original bill was a PRO GUN BILL OR
- ANTI GUN BILL.

Oregon Pro Gun Civil Rights Lobby Inc.
Rt. 1, Box 1237
LaGrande, Oregon
97850

Ph. (503) 963-3686

July 1989

Note: The Oregon Pro Gun Civil Rights Lobby Inc. proposed most of the amendments that were adopted. We supported those that would make the legislation more pro gun and opposed those that would make it antigun. For instance, one proposed amendment would have included the California law just passed banning the ownership of semi automatic firearms. Basically our amendments were used as the "road map" for amending the bill. We supplied copies to John Gardner of NRA and he used that material for instruction to John Nichols of OSR&PA to try and clean up the bill. Copies of our amendments are available. We do require a contribution to the corporation to defray cost of printing and other expenses. The before and after bill comparison is not claimed to be all inclusive. We have only touched the highlights and most important areas of concern to the law abiding gunowner.

Many people asked: Who wrote HB3470: Why was it introduced? Why did the Oregon Pro Gun Civil Rights Lobby Inc. fight the bill?

BILL INTRODUCTION: Quote from "Gun News" publication of Washington Arms Collectors Inc. (Article quoting John Hosford of CCRKBA)---Through the concerted efforts of the Oregon R&P, the CCRKBA and the NRA, HB 3470 is now on Governor Goldschmidt's desk awaiting his signature. ---HB 3470 came about as a result of extensive negotiation between law enforcement and the pro-gun groups under the direction of House Speaker Vera Katz.---"Actually, the major provisions of this bill were drafted long before Katz ever became involved," said John Hosford, Executive Director of the Citizens Committee and W.A.C. Board Member. "I'd been involved in discussions with John Nickles, (misspelling in original article) legislative chairman for the OREPA, for at least four months prior to the meeting with Katz.---The efforts of the pro-gun groups were hindered slightly by a tremendous amount of mis-information being distributed by uninformed individuals as well as a small group of gun owners who had their own personal agendas." (From Volume 5, Issue 8)

WHY WAS THE BILL INTRODUCED? Quote John Hosford in news release "This a landmark day for Oregon Gun Owners," said John Hosford, Executive Director of the Citizens Committee for the Right to Keep and Bear Arms. "This proves that when people can agree to disagree, and then direct their efforts to those workable issues where there is room for compromise, that great things can be accomplished."----"there was give and take from both sides during these negotiations. At times, the process became very frustrating. If it had not been for Speaker Katz's leadership, I am sure this would have fallen apart. She really wanted a great piece of legislation, fair to all involved, I submit that she did just that and I salute her for it. She's an outstanding woman and a class act."¹

Quote from a letter to Representatives in Salem, letter by John Hosford: "The foremost reason to support this bill is that it addresses criminal misuse of firearms while recognizing the rights of law-abiding Oregonians to own, possess and carry firearms." **Note: this letter was dated June 12, 1989 long before the bill had been amended so as to take out most of the anti-gun owner provisions.**

Quote from letter dated May 20, 1989 signed by John Nichols of Oregon State Rifle and Pistol Association.---When asked by speaker Katz to join in the negotiations, the firearms groups were faced with a clear choice: we could have either refused to talk and faced a costly political battle which even now I'm not sure we could have won; or we could enter into the discussion and attempt to refocus the debate away from controlling guns to controlling criminals and others----."

NRA news release dated April 6, 1989. "In an effort to create reasonable and effective gun legislation, Oregon gun and State law enforcement officials have announced - their combined support for H.B. 3470-----. The carefully balanced bill ---. "We offer our qualified support of the bill in the belief that gun owners and law enforcement have created a balanced bill that is beneficial to all the people in this state."----"We hope people take notice that this is another case of the National Rifle Association and law-abiding gun owners working with law enforcement and state officials to create good gun laws," said Judy. (Mr. Judy was the NRA representative for Oregon)

Comment: The reader can for themselves draw their own conclusions as to whether the bill as introduced was a pro or anti gun bill. Remember the bill had 22 amendments because we were the "small group of gun owners who had their own personal agendas." That statement is correct. Our agenda was to make sure that the Oregon gun owners were not sold down the river on their gun rights by those who wrote and had the bill introduced.

Why did the Oregon Pro Gun Civil Rights Lobby Inc. fight the bill, as introduced?

We fought the bill because it was the most restrictive violation of gun owners "civil rights" that we had ever seen introduced into the Oregon legislative process. Attached are copies of the original testimony we made on the bill. That material speaks for itself. In fact, we were told that because of our testimony the bill almost died because the legislators did not know whether the bill could be amended and cleaned up to the point it would meet constitutional requirements. Remember, Hand Gun Control Inc. testified that "HB 3470 was a good bill, it only did not go far enough".² In addition American Civil Liberties Union (ACLU) also opposed the bill because of the constitutional issues raised in the bill. You know that when Hand Gun Control Inc. and ACLU take these stands, on a legislative issue, something is bad wrong with the legislation as far as gun owners are concerned. So---we fought the bill and hopefully were successful in amending it so that now it is mostly a pro-gun piece of legislation. We had no success in amending Section 38. Please see letter to NRA and letter reply.

Stephen Donnell--President, Oregon Gun Owners Pro Gun Civil Rights Lobby Inc.
July 1989

1. Undated news release to newspapers and media. 2. Oral testimony at hearing

A PROPOSAL TO ~

AMEND

HOUSE BILL 3470

Testimony of:

STEPHEN DONNELL

Rt. 1, Box 1237
LaGrande, Oregon
97850

Dated: APRIL 21, 1989

Ph. (503) 963-3686

TESTIMONY: HB 3470

Stephen Donnell

April 21, 1989

Mr. Chairman, my name is Stephen Donnell. I have spent many hours studying HB 3470.

I understand Speaker Katz' frustration in the matter of sound, legal and effective firearm legislation to deal with Oregon criminals' misuse of firearms. Speaker Katz should be commended for bringing together those who are considered to be the Oregon pro gun experts on this issue.

However, careful analysis and scrutiny of HB 3470 shows that the bill is fatally flawed and, if passed without amendments, would constitute a gross attack on, and deprivation of Oregon citizens' civil rights.

At the present time there are two philosophical approaches to the so-called firearm problem.

Premise No. 1: Firearms are evil and anyone who sells, uses or possesses firearms has by that association been tainted and is therefore suspect as being up to no good and a potential violator of society's laws.

Premise No. 2: Firearms are not the problem. Anyone who has firearms for any legal purpose is exercising his civil rights under the U.S. Bill of Rights, second amendment and Oregon Constitution, Article 1, Section 27.

Today's firearm problem is the criminal's use of firearms against society, thus causing death, mayhem, injury and loss of goods and property.

HB 3470 adopts Premise No. 1 as the philosophical base to draft its legal impositions on the Oregon population. In doing so, bill language wipes out many civil rights granted under the Oregon Constitution.

For instance:

*Section 4: Allows most any person who is licensed in Oregon to engage in the practice of psychology, psychiatry or medicine to, by one fell swoop of the pen, turn Oregon citizens into persons prohibited from owning or possessing any firearm. This provision violates the Oregon Constitution, Article 1, Section 12 on "self incrimination" and "rights of accused in criminal prosecution," Article 1, Section 11.

The way the bill is written, anyone visiting a mental health person or doctor can be put on the prohibited list and not even know about it. The bill does not require notice to the patient that the doctor has written the mental health notice and sent the notice to the Health Division. This provision violates Article 1, Section 10 of the Oregon Constitution concerning secret courts.

HB 3470, Section 2, 13 and 23 provides for criminal prosecution for anyone in the prohibited class, as that class is defined in the bill. Among those prohibited from owning firearms

are those who have a letter of record concerning them on file with the Mental Health Division.

HB 3470 has, therefore, trampled all over our present system of allowing an accused person to be represented by counsel, hear and be heard in criminal prosecution and challenge his accuser before a court of law and have a court of law determine his guilt or innocence, especially by jury trial.

HB 3470, Section 12 and 16 specifically define "being in the business as being defined in 18 U.S.C. 921."

By these sections the legislature has abrogated its power in the Oregon Constitution, Article IV, Section 17, to the federal government.

Therefore, whenever Federal Code changes, so does Oregon law. This aspect of HB 3470 violates the Oregon Constitution, Article IV, Sections 18, 20, 21 and 22.

The violation is that this legislation has no control over federal code and law, but has made the people of Oregon subject to that Federal Code of law specified in the bill, all in violation of the Oregon Constitution, Article IV, Section 28, which states when statutes take effect.

HB 3470, Section 13 creates an interesting legal situation. Under this section, if a person becomes a prohibited person as defined in this section, he immediately cannot possess firearms.

It is well accepted that before one loses his civil rights he must be found guilty of a felony or have had the lost civil

right taken away by a due process of a court of law.

Thus Section 13, and to a certain extent, Section 1, negate this principle of constitutional and criminal law: before one loses his civil rights he has the right as provided under the Oregon Constitution, Article 1, Section 10 to have an open, full hearing in a court of law, or hearing before a board established by statute. In addition, the court of board's determination can be appealed to high courts.

HB 3470 allows for no appeal and even worse, does not require notice to the affected person that the action that negates his right to bear arms under the Oregon Constitution, Article 1, Section 27, has been taken away from him.

Bill Ambiguities:

Section 13 and Section 2: These two sections are in conflict with each other as to the rights of a minor to possess handguns.

Section 13: Prohibited classes cannot carry concealed firearms; it is not clear if they can carry them openly.

Section 13: Persons are exempt from provisions of Sections 7 and 8 if they fall under ORS 166.260. It is not clear as to what happens if they are just traveling and not under ORS 260.

No provisions have been made to carry firearms, other than a handgun, with a permit, out of sight in a vehicle.

Last but not least, under Section 3 a person could be arrested for having a boat load of marijuana, be convicted of a

felony, come to Oregon and have and carry all the firearms they want.

This is an outline of just some of the problems with HB 3470 as presently written.

As part of my testimony, I have supplied proposed amendments to the Bill so as to rectify these problems. These amendments are on the colored paper. I would be pleased to work with the committee in any way to make HB 3470 a strong, effective criminal control piece of legislation.

I would be pleased to answer any questions.

Thank you.

Mr. Richard Gardner
NRA/ILA
1600 Rhode Island Ave. NW
Washington, D.C.
20036

July 6, 1989
Rt. 1, Box 1237
LaGrande, Oregon
97850
Ph. 503-963-3686

Dear Mr. Gardner:

Mr. Ron Harder, a member of the committee that drafted the first edition of HB 3470 (the gun bill written by NRA, OSR&PA, CCRK&BA and others) contacted me in the capitol building on the morning of July 1, 1989. He advised that he had talked to you by phone, when you were at your home, and told you that I had changed position on outright opposing HB BEng. 3470 (as amended by Senate Judiciary cmtg. C Eng. HB 3470) to one of support of the bill.

This letter is being written to clarify the record on this matter. As of the time Mr. Harder talked to me in the capitol, I was neither supporting the proposed legislation, or opposing the proposed legislation. As President of the Oregon Pro Gun Civil Rights Lobby Inc., our position consisted of advising the legislators that we neither opposed or supported the bill. We were satisfied that most of the provisions we knew had to be in the proposed legislation (from onset of the bill into the political process) so as to protect Oregon gun owner's civil rights, had been incorporated into the bill. We still did not like the bill, because of section 38, the preemption section (which senate judiciary committee legal counsel advised is an enabling section for political subdivision to enact ordinances for controlling the possession of firearms and ammunition in public places) and other bill provisions.

Mr. Harder indicated that he and Mr. Nichols of OSR&PA had talked to you about this matter because the Senate Judiciary committee would not release HB 3470 to the floor until the committee had received a letter (fax) from NRA approving the bill. That letter (fax) was received in Speaker Vera Katz's office at 12:12 hrs. on July 1, 1989. Therefore, HB 3470 C Eng version was passed by the senate and sent to the house for concurrence. It passed the house on a 49 yes vote.

I want it thoroughly understood that those of us in the Oregon Pro Gun Civil Rights Lobby Inc. do not approve of the bill as passed by both houses because of section 38, and other bill problems. However, C Eng HB 3470 is now of such a nature that OPGCVR Inc. can live with bill requirements because some parts of the legislation are a step forward for gun owners rights here in Oregon.

It is my considered opinion and that of the attorney working with us, that NRA has made a very large blunder in allowing section 38 to remain in the bill as now written. I have told Mr. Harder and our supporters that since NRA created the forthcoming problem(s), NRA must be looked to for assistance in fighting any problems that engender from section 38. This letter is being written to you so you will be informed of that position and warn your office of what will most probably result from having section 38, as presently composed, enacted into law.

Respectfully yours,

Stephen Donnell
President,
Oregon Pro Gun Civil Rights Lobby Inc.



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D. C. 20036

July 13, 1989

Mr. Stephen Donnell
President
Oregon Pro Gun Civil Rights Lobby, Inc.
Route 1, Box 1237
LaGrande, Oregon 97850

Dear Mr. Donnell,

Thank you for your letter of July 1, 1989 concerning Oregon H.B. 3470.

For the record, it was my understanding from Mr. Harder that the Oregon Pro Gun Civil Rights Lobby, Inc. "neither opposed or supported the bill." It was not my understanding that the Oregon Pro Gun Civil Rights Lobby, Inc. supported the bill.

With regard to potential problems with Section 38 of the bill, please be assured that the NRA will "assist[] in fighting any problems that engender from (sic) section 38."

In closing, let me say that I appreciate your continued vigilance on behalf of Oregon gun owners and your efforts to bring to our attention the problems you saw with H. 3470. I hope that we can continue to work together in the future.

Sincerely yours,

Richard E. Gardiner
Director, State & Local Affairs

REG/rcs

Corrected

C-Engrossed House Bill 3470

Ordered by the Senate July 1
Including House Amendments dated June 8 and June 26 and Senate
Amendments dated July 1

Sponsored by Representatives KATZ, BURTON, Senator L. HILL, Representatives BAUMAN, BRIAN, CARTER, CEASE, FORD, HANLON, HOSTICKA, HUGO, KEISLING, KOTULSKI, MANNIX, MASON, MINNIS, PETERSON, STEIN, Senators CEASE, COHEN, GOLD, HAMBY, KENNEMER, KITZHABER, SHOEMAKER, TROW (at the request of Oregon State Police, National Rifle Association, Oregon State Rifle and Pistol Association, Oregon State Sheriffs' Association, Oregon Association Chiefs' of Police, Citizens' Committee For The Right To Keep And Bear Arms, Oregon Catholic Conference, Oregon Department of Justice)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Expands information to be included on record of sale of handgun. Requires 15-day waiting period. Expands grounds for prohibiting purchase of handgun. Provides that felons cannot own or possess any firearms. Revises procedure for obtaining concealed handgun license. Allows person who holds valid concealed handgun license to purchase handgun without waiting period. Provides for appeal of denial or revocation of license. Provides for judicial relief for persons barred from purchasing or possessing firearms. Requires Department of State Police to study purchases of handguns, rifles, shotguns and other long guns and issuance of concealed handgun licenses. Defines terms.]

[Creates crime of making false statements on concealed handgun license application. Punishes by maximum one year imprisonment, \$2,500 fine, or both.]

[Creates crime of unlawfully attempting to purchase firearm. Punishes by maximum five years imprisonment, \$100,000 fine, or both.]

[Creates crime of failure to register used firearms transactions. Punishes by maximum one year imprisonment, \$2,500 fine, or both.]

[Creates crime of shipping, receiving, selling or furnishing firearm in furtherance of felony. Punishes by maximum 10 years imprisonment, \$100,000 fine, or both.]

[Establishes mandatory sentences for certain crimes when firearm used in commission of crime.]

[Creates crime of unlawful possession of machine gun, short-barreled rifle or shotgun or firearm silencer. Punishes by maximum 10 years imprisonment, \$100,000 fine, or both.]

[Appropriates moneys from General Fund to Department of State Police for purposes of Act.]

Regulates sale of handguns. Requires fingerprinting for all handgun sales and enacts 15-day waiting period for purpose of conducting criminal and mental history records check. Provides Attorney General shall notify Legislative Assembly when identification system using biological factors to identify convicted felons and certain mentally ill persons is developed. Sunsets fingerprinting and waiting period requirements when such technology is developed.

Regulates sale or transfer of firearms to recipients under 18 years of age, convicted of misdemeanors involving violence within previous four years, having outstanding felony warrants or on pretrial release for felony or having specified conditions relating to mental illness.

Revises crime of exconvict in possession of firearm.

Provides scheme for issuance of concealed weapons permit.

Creates crime of unlawful possession of machine gun, short-barreled rifle or shotgun or firearms silencer. Imposes maximum \$100,000 fine, 10 years imprisonment, or both.

Requires register of firearms transfer be kept and mailed to local law enforcement officers by persons selling firearms.

Increases penalties for use of firearms during commission of crimes.

Directs interim study and report to Sixty-sixth Legislative Assembly concerning unified state identification card.

A BILL FOR AN ACT

1

2

3

Relating to firearms: creating new provisions; amending ORS 46.060, 51.080, 161.610, 166.210, 166.240, 166.250, 166.270, 166.370, 166.410, 166.420, 166.450, 166.460, 166.470, 166.480, 166.715, 181.150 and

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

Bill as introduced:

Section one is now section 2.

Section 1.

1. Requires any one licensed by the Federal Government to send copies of the sale registration slips to local and state police. The record was supposed to be only used to determine if the buyer was a prohibited person who could not buy a handgun. After the ID use the records were to be destroyed. No provision was made for a criminal penalty if the police did not destroy the records.
2. Requires thumb print at time of purchase from a licensed dealer.
3. Waiting period if a person does not have a concealed weapons permit.
4. Violation of any part of the law (section) resulted in a possible Class C felony. It did not make any difference if the violation was intentional or not.

Please note that these amendments materially changed the thrust of the bill. They brought antiques and replicas out from under the concealed weapons (handgun) provisions for purchase and also allowed a court defense if a dealer made a mistake was not intentional in nature. Also a change was made for definition of a "firearm" so that it applies to weapons that only use smokeless powder. The phrase "black powder or" was deleted.

Bill as passed:

SECTION 1. As originally introduced the bill did not contain any definition for antiques or replicas of antiques.

In the passed version replica's are the same as antiques as long as they have not been altered to use rimfire or conventional ammunition. This means that a person can buy a replica without going thru the waiting period or having a concealed weapons permit. At the present time handgun antiques or replicas are treated the same as modern handguns. ie. waiting period for purchase etc.

SECTION 2.

1. Now provides for a Class A Misdemeanor if the records are not destroyed. The crime applies to any one who has responsibility for record destruction.
2. No change.
3. No change.
4. As passed the violation must be an intentional one. In other words, non intentional mistakes can be pleaded in court to assist in defeating any criminal charge.

Bill as introduced:

The bill as introduced did not have a SECTION 2a, or 2b.

Section 2. Is now Section 3.

1. Defines people who can't receive firearms by purchase or by transfer. Now includes persons convicted of misdemeanor involving violence (the problem was violence was not defined) within the previous 4 years prior to the application, or has outstanding warrants for arrest, chronic abuser of alcohol, adjudged mentally ill, or has been diagnosed as dangerous to self or others, etc.
2. Makes violation a "Class C felony." (was a misdemeanor).
3. As written could be interpreted as not allowing a parent (or any one else) to supply a handgun to a minor for instruction, hunting, or any other purpose.

The bill as now passed resolved most of the problems in the original bill (for these sections). Language is now clear and easily understood. For the most part the changes reverse the original proposed legislation.

Bill as passed:

SECTION 2a. This section allows and provides for a stop to the waiting period when the Federal ID system is in place.

SECTION 2b. Implements the use of the Federal ID system, so that the waiting period no longer is required.

The problem with this section is that the Oregon law requires identification of persons who will not be identified by the Federal ID system. This means that for all intents and purposes, the 15 day waiting period will always be with us.

People who will not be identified by the Federal system are: persons convicted of misdemeanors ie. ORS 163.160, 163.190, 163.195, 163.208, 166.155 (1)(b) and people listed in the mental health register maintained by the Mental Health Division.

SECTION 3.

1. Provides relief if a person is a prohibited person by record expunction of this state or other state with equivalent law. Outstanding warrant must be a felony warrant requires commitment by Mental Health Division (not as in the original bill, by an opinion decision of a medical practitioner allows an order under 426.130 that a person can not have firearms. (426.130) has many checks and balances as to who and how a person gets on the list.
2. Returns the penalty to a Class A misdemeanor.
3. Allows temporary transfer of any firearm to a minor for hunting, target practice or any other lawful purpose.

Bill as introduced:

Section 4. (This section does not exist in the passed version of the bill. It was superseded by Senate Bill 412. Senate Bill 412 was not passed out of committee (it passed both houses, but the senate and house versions were not the same. The bill went to conference committee and did not come out of committee.)
[The full bill language is shown so you the reader can know what was introduced.]

SECTION 4.

Note: This proposed section allows any person who is licensed in Oregon to engage in the practice of psychology, psychiatry or medicine to, by one fell swoop of the pen, turn Oregon citizens into persons prohibited from owning or possessing any firearm. This provision violates the Oregon Constitution, Article 1, Section 12 on "self incrimination" and "rights of accused in criminal prosecution, Article 1, Section 11.

The way the bill is written, anyone visiting a mental health person or doctor can be put on the prohibited list and not even know about it. The bill does not require notice to the patient that the doctor has written the mental health notice and sent the notice to the Health Division. This provision violates Article 1, Section 10 of the Oregon Constitution concerning secret courts.

(1) A superintendent or director of the following shall report to the Health Division every client and patient who in the opinion of the superintendent or director, should not purchase or possess firearms because of the client's or patient's mental condition:

- (a) A hospital for the mentally ill or training center for the mentally retarded;
- (b) A private mental health care facility; or
- (c) A community mental health program.

(2) All persons licensed by the State of Oregon to engage in the practice of psychology, psychiatry or medicine shall report immediately to the Health Division every client or patient diagnosed as being dangerous to self or others.

(3) Reports required under this section shall be upon forms prescribed or provided by the Health Division. Each report shall include the person's name, address, date of birth, sex and diagnosis.

(4) Upon request by a local law enforcement agency conducting a background information check under ORS 166.420 or sections 7 and 8 of this Act regarding a particular person, the Health Division shall provide the agency with information concerning that person, if any, that has been reported as required by subsections (1) and (2) of this section. The reports are confidential and shall be used by the agency only to determine the qualifications of a person to purchase a firearm under ORS 166.420 and 166.470 or to obtain a concealed handgun license under section 7 and 8 of this Act.

(5) The reports required by this section shall be made notwithstanding any confidentiality or privilege statute.

(6) Any one participating in good faith in the making of a report pursuant to this section, and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report. Any such participant shall have the same immunity with respect to participating in any judicial proceeding resulting from such report.

Section 5.

Allows for reporting misdemeanor involving violence.

Section 7.

Sets up procedure for issuance of a concealed handgun license. Requires demonstration of competence with a handgun by proof of prior handgun instruction.

Allows for denial if adjudged mentally ill; chronic abuser of alcohol. Has not been found to be or diagnosed as dangerous to self or others; (This section puts into effect section 4, where the doctor makes the decision.)

Requires two Character references. (The bill does not provide protection for the character references from any type of court action if the person vouched for does something while having the license. The bill expressly protects the police or public official, but not the private citizen!)

Provides for sheriff to have judgment as to whether a person will be issued a license. Does provide an appeal process. (Note: more will be said about the so called appeal process later under appropriate section.)

Note: These sections were some of the most hotly debated sections of the bill. It is impossible to discuss the total issues raised in committee and on the House and Senate floor(s). Suffice to say, that as now written the gun owner is protected as much as possible, within the framework that the legislature would permit. The issues were complex, involved with prior court decisions, and provisions of the Oregon constitution and laws. Only time will tell if the changes made will be sufficient to protect the law abiding gun owner so that all will have equal rights in applying and having a license issued to them.

SECTION 4.

Defines felon in possession of a firearm.

Allows relief from disability by using appeal process as allowed in SECTION 11.

SECTION 5.

Requires reporting of persons identified as per Senate Bill 412 (the mental health section) that are prohibited from purchase or possession of firearms. [Note: Senate Bill 412 did not pass. See previous discussion.]

SECTION 8.

Sets up procedure for issuance of a concealed handgun license. Basically the same criteria is used as before. But the only denial items are now; no outstanding warrants for arrest, and is not free on any form of pretrial release, the long list of other items is gone from the bill.

Competence is still required; the list is the same as before

Outright non issuance for a misdemeanor of violence is now changed to "within the previous 4 years", commitment to Mental Health Division now must have been within 4 years prior to the effective date of the Act.

Added is the provision that if a court orders that a person is not to have firearms, a concealed license is not allowed.

Allows for relief from the disability by using the relief process allowed for in section 11 of the Act.

Character references still required. (Still no protection for a person signing as a character reference.)

section 8.

Requires issuance of a concealed handgun license by the sheriff within 45 days after application.

Paragraph (2) Failure of a person who carries a concealed handgun also to carry a concealed handgun license is prima facie evidence that the person does not have such a license. [This means you must have the license on your body when carrying a concealed handgun.]

Section 9.

Provides for renewal of concealed license.

Anextensive discussion arose about a police officer being able to revoke the license by serving a notice of revocation. This meant that any police officer could revoke the license whenever they wanted to. [This was changed in the final bill]

Section 10.

Sets up a relief process for persons barred from having firearms or denied a concealed license under provisions of the act.

Burden of proof is upon the person appealing the denial. The mental health history is still a significant part of reasons not to allow ownership or issuance of a license.

The changes in these section were complex, involved, and revolved around present court interpretation of language and phrases. For full meaning as to what was accomplished by the changes a person must study the as introduced bill and the edition that passed.

SECTION 9.

Requires issuance of a concealed handgun license by the sheriff within 45 days after application.

Paragraph (2) is the same as in the orininal bill. We tried to get this provision changed so that a person could present in court the license as defense against the charge of not having a license if the person was not carrying the license at time of arrest. We were not successful in this effort. (It must be pointed out that this same provision was put into prior bills as introduced by OSR&PA in previous sessions. Somehow they will not learn from previous mistakes.)

Allows for use of prior issued licence, this means that a license holder will not have to automatically renew their license if time still remains on the presently held license. (The way the bill was introduced everyone would have to reapply on January 1, 1990)

SECTION 9a.

Sets up method that sheriff must use if a license is to be denied. Allows for an appeal procedure.

SECTION 10.

Sets up procedure for issuance of a renewal for concealed license.

The change here is that only the sheriff can revoke the concealed license. In addition the reason for revoking the license must be given. In addition the revocation can be appealed as allowed for in the bill.

Section 11.

This section states: "A person denied a concealed handgun license under sections 7 and 8 of this Act, or whose license is revoked or not renewed under section 9 of this Act, may petition the circuit court to review the denial or revocation.

First off, the only denial that can be appealed is the denial of a concealed license. Denial of purchase of a handgun is not included. Also review of a decision that a person can not have firearms is not appealable.

The most important issue is: the appeal process means **nothing**. The NRA just lost a case in the court of appeals that simply said that the sheriff does not have to issue a license under present law. Since the appeals process only requires the court to be petitioned, there is nothing to say that the court must review the petition. (This is in essence, the same as the sheriff must consider the concealed weapons application under current law, but he does not have to act on it.)

Nothing in this section tells the court what they are to do if they do review the denial. Sum and substance of this section is that it looks good but does not do anything for the denied firearms owner.

Section 12.

Defines "Firearm". Includes the use of black powder in the definition.

Defines "Firearms silencer" & "Handgun". The way this definition is written does define antiques as defined under present federal law. Defines federal law prohibited firearms.

Again the amendments were technical and involved. In the case of the appeals process, what was a noneffective process that would not protect the lawful firearm owner, was amended to give full protection to the firearm owner in any appeal to the court, including appeal to higher courts. To fully understand the legal ramifications of the appeals process, it is suggested that an attorney be contacted for further information.

SECTION 11.

Sets up a procedure for full appeal of any denial in the area of firearms. In addition if either sides loses, they can appeal to the next higher court.

An attorney is not required, but a person can have one if they want one.

The court is given instruction as to what they are to do in the case--grant relief, or deny relief.

If a governmental entity files an appeal, and does not prevail, it shall be ordered to pay the attorneys fees for the prevailing party. This means that if you win on appeal you can get your attorney costs paid.

SECTION 12.

"Where appropriate, a person may enforce the legal duties imposed by sections 2 and 31 of this Act by the provisions of ORS 30.260 to 30.300 and chapter 183.

This means that the court can order performance of any government agency to comply with the provisions of the Act.

Section 13:

This section defines unlawful possession of a firearm.

A person under 18 can not possess long gun(s).[supposedly the same as Federal law].

The section still has the mental health provisions. (see previous discussion)

The way the section is written an exemption is made for minors to have long guns for hunting, target practice and other lawful purposes. The way the exemption section is written, a minor can not have or possess a handgun. Senator Peg Jolin held a news conference and pointed out the "no handgun" for minors problem.

Section 16:

This section changes the present law for dealer purchase of firearms from private parties.

Whenever a dealer purchases a firearm, they must make out a two part form and mail one copy to the local police on the day of purchase for police use to see if the firearm was stolen or any other check they might want to make.

Section 18:

This section mandates a specified prison term if a person uses or attempts to use a firearm in a crime of violence or drug trafficking crime.

The problem with this section as written is that the firearm charge could be "plea bargained away". There was no requirement that a person arrested be charged with the firearm part of the crime.

In addition first offenses were charged and sentenced the same; the judge could not find mitigating circumstances and levy a lesser penalty.

SECTION 13:

This section defines unlawful possession of a firearm.

The 18 year old provision is still the same. However, the exemption section was extensively rewritten. It now specifically allows minors to possess firearms if the firearm was transferred to them by a parent, guardian, or another person with the consent of the minor's parent or guardian. Handgun by minors is allowed but the transfer can not be a permanent one.

The mental health problem (provision) was changed so that a court under ORS426.130 had to make the decision, not a doctor as before. (See previous discussion)

SECTION 16:

No change. [We tried to amend this portion of the bill but were not successful.]

(It should be noted that under this section 16, that the police will now have a permanent record of all sales by citizens to dealers. Nowhere in the bill is their a requirement that such records must be destroyed and not kept.)

SECTION 18:

This section mandates a specified term if a person uses a firearm in commission of a crime.

The firearm charge can not be "plea bargained away", instead the firearm portion of the crime becomes the main charge. This means that any one using a firearm in the commission of a crime must be tried, and if convicted go to jail for not less than 5 years.

A provision was added that if the punishment was a first time punishment, the judge could "suspend the execution of the sentence" when the judge finds mitigating circumstances.

Section 21

Stops concealed carry of "switch blade knives", dirk, dagger, etc.

This change in the law puts into effect a recent State of Oregon Supreme Court opinion.

Section 23:

This section deals with the sale or transfer of firearms brought into the state. Unless the firearm is sold-transferred as per HB 3470 and other ORS's, any person selling or transferring the firearm can be charged with a class B felony.

Section 24:

This section deals with the changing or altering of serial number of a firearm. (bill used term "identification number")

Section 25:

This section exempts antique handguns from specified sections of the bill.

Section 29:

This is the "study section". Requires that state police make a study, and all dealers send copies of all sales to the state police.

The problem with this section as introduced in the bill, was that the study period did not have a starting or ending date. That meant that the study could go on as long as the police wanted to make the study.

SECTION 21:

No change.

SECTION 23:

This section deals with the sale or transfer of firearms brought into the state. Technical changes were made in wording to be sure the language was clear and easily understood. The class B felony was not changed.

SECTION 24:

This section deals with the changing (alter) the identification number of a firearm.

The bill was amended to require that the alteration or change was "intentional--and for an unlawful purpose".

SECTION 25:

This section exempts all antiques from specified sections of the bill and present unchanged law.

SECTION 29:

This is the "study section". The section was not really changed except the study now starts one year before January 1, 1991. In addition all records from the study (except that material used in the published report must be destroyed.

House Bill as introduced stopped at section 32. As amended it contains 41 sections. The following is a summary of what each section does.

Section 36. This section amends ORS 426.130 so that the court can order that the person (before the court) be prohibited from purchasing or possessing a firearm. The court is to make their decision based on past behavior and/or specific acts done by the person before the court. It should be noted that ORS 426.-series; has many safeguards for persons that are to appear before the court in this type case.

Section 37. This section directs that a study be made for an Oregon unified state identification card. The idea is that with such a card the waiting period could be done away with for any firearm purchase. <The Oregon Pro Gun Civil Rights Lobby Inc.> proposed such a system during the hearings. The committees did not want to go into all the details such a system would entail, hence; the study.

Section 38. This section is shown as adopted. **Except as otherwise provided by law, cities counties and other political subdivisions of this state may regulate only the possession of firearms and ammunition in a public place, as defined in ORS 161.015.**

There is much confusion about this section. It is supposed to be a "preemption section". However, we obtained a legislative council (the lawyer who wrote HB 3470 and all the amendments) opinion. The opinion says that this section is an "enabling section" that allows for passage of ordinances by cities--counties--others, to regulate the possession of firearms and ammunition in public places. It should be noted, that a "public place is just about anywhere outside private property.

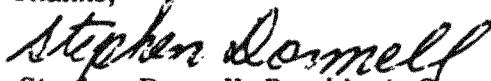
Section 41. "This Act takes effect on January 1, 1990"

This summary is just part of the changes made in HB 3470 from the time of introduction till passage by both houses. The bill has now been signed into law by the governor and will take effect on January 1, 1990. Only time will tell as to what effect other than a positive effect the legislation will have for the law abiding Oregon gun owner. The amendments made to the bill were the result of intense lobbying and work on the part of "Oregon Pro Gun Civil Rights Lobby Inc.". The lobbying effort was made possible by the donations and financial contributions of gun owners across the state. Without that help, the lobbying effort and bill changes would not have occurred. The people who wrote the bill in the first place, testified that no changes were needed, because the bill was carefully written and any changes would destroy the effectiveness of the bill. How right they were! Without the changes the Oregon firearm (gun) owner would have had to live with one of the most oppressive gun bill ever adopted. **It is strongly urged that you read the bill as introduced, and then read the final version. Compare the two, remember the bill went through 22 revisions before it passed both the senate and house of representatives.**

The battle over gun owners rights is not over. The effort to amend HB 3470 was costly, time consuming and required the expenditure of more funds than the amount contributed by those who knew that HB 3470 had to be amended. We need your help. Contribution can be sent to the corporation address: Rt. 1, Box 1237, LaGrande, Oregon, 97850. Checks should be made out to the corporation name. We are a non-profit corporation chartered under the laws of Oregon.

If you would like to have this writer speak before your club or association, I would be pleased to do so. Call me at (503) 963-3686. If schedule permits I can come to the meeting. A donation will be requested to pay expenses and further the cause of law-abiding firearms owners civil rights.

Thanks,



Stephen Donnell, President, Oregon Pro Gun Civil Rights Lobby Inc.

HOUSE BILL 3470

AS WRITTEN BY JOHN NICHOLS OF OSR&PA, BRIAN JUDY OF NRA,
JOHN HOSFORD OF CITIZENS COMMITTEE FOR RIGHT TO KEEP & BEAR ARMS
STATE POLICE, SHERIFF ASSOCIATION, AND OTHERS.

WHAT THE BILL DID AS INTRODUCED VERSUS WHAT THE BILL DOES NOW AFTER ADOPTION OF AMENDMENTS PROPOSED AND SUPPORTED BY

OREGON PRO GUN CIVIL RIGHTS LOBBY INC.

The Oregon Pro Gun Civil Rights Lobby Inc. was incorporated in April of this year to fight HB 3470. We were successful in having the bill amended. A comparison between the bill as introduced and the 22nd edition that was passed; C Engrossed HB 3470 is shown. This information is made available so that you the gun owner can know the **true** facts as to what the bill did as originally drafted and supported by the Pro firearm organizations.

Remember, Vera Katz did not write the bill: She introduced it at the request of the Pro firearm organizations. They wrote it, supported it, and testified that the bill should not be amended because amendments would destroy the carefull work and agreements worked out by all parties concerned.

All we ask is that you read this material and then draw your own conclusions as to whether the original bill was a PRO GUN BILL OR
- ANTI GUN BILL.

Oregon Pro Gun Civil Rights Lobby Inc.
Rt. 1, Box 1237
LaGrande, Oregon
97850

Ph. (503) 963-3686

July 1989

*For
MRS. McCoy*

Note: The Oregon Pro Gun Civil Rights Lobby Inc. proposed most of the amendments that were adopted. We supported those that would make the legislation more pro gun and opposed those that would make it antigun. For instance, one proposed amendment would have included the California law just passed banning the ownership of semi automatic firearms. Basically our amendments were used as the "road map" for amending the bill. We supplied copies to John Gardner of NRA and he used that material for instruction to John Nichols of OSR&PA to try and clean up the bill. Copies of our amendments are available. We do require a contribution to the corporation to defray cost of printing and other expenses. The before and after bill comparison is not claimed to be all inclusive. We have only touched the highlights and most important areas of concern to the law abiding gunowner.

*From
Tex Shivek*

Many people asked: Who wrote HB3470: Why was it introduced? Why did the Oregon Pro Gun Civil Rights Lobby Inc. fight the bill?

BILL INTRODUCTION: Quote from "Gun News" publication of Washington Arms Collectors Inc. (Article quoting John Hosford of CCRKBA)---Through the concerted efforts of the Oregon R&P, the CCRKBA and the NRA, HB 3470 is now on Governor Goldschmidt's desk awaiting his signature. ---HB 3470 came about as a result of extensive negotiation between law enforcement and the pro-gun groups under the direction of House Speaker Vera Katz.---"Actually, the major provisions of this bill were drafted long before Katz ever became involved," said John Hosford, Executive Director of the Citizens Committee and W.A.C. Board Member. "I'd been involved in discussions with John Nickles, (misspelling in original article) legislative chairman for the OREPA, for at least four months prior to the meeting with Katz.---The efforts of the pro-gun groups were hindered slightly by a tremendous amount of mis-information being distributed by uninformed individuals as well as a small group of gun owners who had their own personal agendas." (From Volume 5, Issue 8)

WHY WAS THE BILL INTRODUCED? Quote John Hosford in news release "This a landmark day for Oregon Gun Owners," said John Hosford, Executive Director of the Citizens Committee for the Right to Keep and Bear Arms. "This proves that when people can agree to disagree, and then direct their efforts to those workable issues where there is room for compromise, that great things can be accomplished."----"there was give and take from both sides during these negotiations. At times, the process became very frustrating. If it had not been for Speaker Katz's leadership, I am sure this would have fallen apart. She really wanted a great piece of legislation, fair to all involved, I submit that she did just that and I salute her for it. She is an outstanding woman and a class act."¹

Quote from a letter to Representatives in Salem, letter by John Hosford: "The foremost reason to support this bill is that it addresses criminal misuse of firearms while recognizing the rights of law-abiding Oregonians to own, possess and carry firearms." **Note: this letter was dated June 12, 1989 long before the bill had been amended so as to take out most of the anti-gun owner provisions.**

Quote from letter dated May 20, 1989 signed by John Nichols of Oregon State Rifle and Pistol Association."---When asked by speaker Katz to join in the negotiations, the firearms groups were faced with a clear choice: we could have either refused to talk and faced a costly political battle which even now I'm not sure we could have won; or we could enter into the discussion and attempt to refocus the debate away from controlling guns to controlling criminals and others----."

NRA news release dated April 6, 1989. "In an effort to create reasonable and effective gun legislation, Oregon gun and State law enforcement officials have announced their combined support for H.B. 3470----- The carefully balanced bill ---. "We offer our qualified support of the bill in the belief that gun owners and law enforcement have created a balanced bill that is beneficial to all the people in this state."----"We hope people take notice that this is another case of the National Rifle Association and law-abiding gun owners working with law enforcement and state officials to create good gun laws," said Judy. (Mr. Judy was the NRA representative for Oregon)

Comment: The reader can for themselves draw their own conclusions as to whether the bill as introduced was a pro or anti gun bill. Remember the bill had 22 amendments because we were the "small group of gun owners who had their own personal agendas." That statement is correct. Our agenda was to make sure that the Oregon gun owners were not sold down the river on their gun rights by those who wrote and had the bill introduced.

Why did the Oregon Pro Gun Civil Rights Lobby Inc. fight the bill, as introduced?

We fought the bill because it was the most restrictive violation of gun owners "civil rights" that we had ever seen introduced into the Oregon legislative process. Attached are copies of the original testimony we made on the bill. That material speaks for itself. In fact, we were told that because of our testimony the bill almost died because the legislators did not know whether the bill could be amended and cleaned up to the point it would meet constitutional requirements. Remember, Hand Gun Control Inc. testified that "HB 3470 was a good bill, it only did not go far enough".² In addition American Civil Liberties Union (ACLU) also opposed the bill because of the constitutional issues raised in the bill. You know that when Hand Gun Control Inc. and ACLU take these stands, on a legislative issue, something is bad wrong with the legislation as far as gun owners are concerned. So---we fought the bill and hopefully were successful in amending it so that now it is mostly a pro-gun piece of legislation. We had no success in amending Section 38. Please see letter to NRA and letter reply.

Stephen Donnell--President, Oregon Gun Owners Pro Gun Civil Rights Lobby Inc.
July 1989

1. Undated news release to newspapers and media. 2. Oral testimony at hearing

A PROPOSAL TO ~

AMEND

HOUSE BILL 3470

Testimony of:

STEPHEN DONNELL

Rt. 1, Box 1237
LaGrande, Oregon
97850

Dated: APRIL 21, 1989

Ph. (503) 963-3686

TESTIMONY: HB 3470

Stephen Donnell

April 21, 1989

Mr. Chairman, my name is Stephen Donnell. I have spent many hours studying HB 3470.

I understand Speaker Katz' frustration in the matter of sound, legal and effective firearm legislation to deal with Oregon criminals' misuse of firearms. Speaker Katz should be commended for bringing together those who are considered to be the Oregon pro gun experts on this issue.

However, careful analysis and scrutiny of HB 3470 shows that the bill is fatally flawed and, if passed without amendments, would constitute a gross attack on, and deprivation of Oregon citizens' civil rights.

At the present time there are two philosophical approaches to the so-called firearm problem.

Premise No. 1: Firearms are evil and anyone who sells, uses or possesses firearms has by that association been tainted and is therefore suspect as being up to no good and a potential violator of society's laws.

Premise No. 2: Firearms are not the problem. Anyone who has firearms for any legal purpose is exercising his civil rights under the U.S. Bill of Rights, second amendment and Oregon Constitution, Article 1, Section 27.

Today's firearm problem is the criminal's use of firearms against society, thus causing death, mayhem, injury and loss of goods and property.

HB 3470 adopts Premise No. 1 as the philosophical base to draft its legal impositions on the Oregon population. In doing so, bill language wipes out many civil rights granted under the Oregon Constitution.

For instance:

*Section 4: Allows most any person who is licensed in Oregon to engage in the practice of psychology, psychiatry or medicine to, by one fell swoop of the pen, turn Oregon citizens into persons prohibited from owning or possessing any firearm. This provision violates the Oregon Constitution, Article 1, Section 12 on "self incrimination" and "rights of accused in criminal prosecution," Article 1, Section 11.

The way the bill is written, anyone visiting a mental health person or doctor can be put on the prohibited list and not even know about it. The bill does not require notice to the patient that the doctor has written the mental health notice and sent the notice to the Health Division. This provision violates Article 1, Section 10 of the Oregon Constitution concerning secret courts.

HB 3470, Section 2, 13 and 23 provides for criminal prosecution for anyone in the prohibited class, as that class is defined in the bill. Among those prohibited from owning firearms

are those who have a letter of record concerning them on file with the Mental Health Division.

HB 3470 has, therefore, trampled all over our present system of allowing an accused person to be represented by counsel, hear and be heard in criminal prosecution and challenge his accuser before a court of law and have a court of law determine his guilt or innocence, especially by jury trial.

HB 3470, Section 12 and 16 specifically define "being in the business as being defined in 18 U.S.C. 921."

By these sections the legislature has abrogated its power in the Oregon Constitution, Article IV, Section 17, to the federal government.

Therefore, whenever Federal Code changes, so does Oregon law. This aspect of HB 3470 violates the Oregon Constitution, Article IV, Sections 18, 20, 21 and 22.

The violation is that this legislation has no control over federal code and law, but has made the people of Oregon subject to that Federal Code of law specified in the bill, all in violation of the Oregon Constitution, Article IV, Section 28, which states when statutes take effect.

HB 3470, Section 13 creates an interesting legal situation. Under this section, if a person becomes a prohibited person as defined in this section, he immediately cannot possess firearms.

It is well accepted that before one loses his civil rights he must be found guilty of a felony or have had the lost civil

right taken away by a due process of a court of law.

Thus Section 13, and to a certain extent, Section 1, negate this principle of constitutional and criminal law: before one loses his civil rights he has the right as provided under the Oregon Constitution, Article 1, Section 10 to have an open, full hearing in a court of law, or hearing before a board established by statute. In addition, the court of board's determination can be appealed to high courts.

HB 3470 allows for no appeal and even worse, does not require notice to the affected person that the action that negates his right to bear arms under the Oregon Constitution, Article 1, Section 27, has been taken away from him.

Bill Ambiguities:

Section 13 and Section 2: These two sections are in conflict with each other as to the rights of a minor to possess handguns.

Section 13: Prohibited classes cannot carry concealed firearms; it is not clear if they can carry them openly.

Section 13: Persons are exempt from provisions of Sections 7 and 8 if they fall under ORS 166.260. It is not clear as to what happens if they are just traveling and not under ORS 260.

No provisions have been made to carry firearms, other than a handgun, with a permit, out of sight in a vehicle.

Last but not least, under Section 3 a person could be arrested for having a boat load of marijuana, be convicted of a

felony, come to Oregon and have and carry all the firearms they want.

This is an outline of just some of the problems with HB 3470 as presently written.

As part of my testimony, I have supplied proposed amendments to the Bill so as to rectify these problems. These amendments are on the colored paper. I would be pleased to work with the committee in any way to make HB 3470 a strong, effective criminal control piece of legislation.

I would be pleased to answer any questions.

Thank you.

Mr. Richard Gardner
NRA/ILA
1600 Rhode Island Ave. NW
Washington, D.C.
20036

July 6, 1989
Rt. 1, Box 1237
LaGrande, Oregon
97850
Ph. 503-963-3686

Dear Mr. Gardner:

Mr. Ron Harder, a member of the committee that drafted the first edition of HB 3470 (the gun bill written by NRA, OSR&PA, CCRK&BA and others) contacted me in the capitol building on the morning of July 1, 1989. He advised that he had talked to you by phone, when you were at your home, and told you that I had changed position on outright opposing HB BEng. 3470 (as amended by Senate Judiciary cmtg. C Eng. HB 3470) to one of support of the bill.

This letter is being written to clarify the record on this matter. As of the time Mr. Harder talked to me in the capitol, I was neither supporting the proposed legislation, or opposing the proposed legislation. As President of the Oregon Pro Gun Civil Rights Lobby Inc., our position consisted of advising the legislators that we neither opposed or supported the bill. We were satisfied that most of the provisions we knew had to be in the proposed legislation (from onset of the bill into the political process) so as to protect Oregon gun owner's civil rights, had been incorporated into the bill. We still did not like the bill, because of section 38, the preemption section (which senate judiciary committee legal counsel advised is an enabling section for political subdivision to enact ordinances for controlling the possession of firearms and ammunition in public places) and other bill provisions.

Mr. Harder indicated that he and Mr. Nichols of OSR&PA had talked to you about this matter because the Senate Judiciary committee would not release HB 3470 to the floor until the committee had received a letter (fax) from NRA approving the bill. That letter (fax) was received in Speaker Vera Katz's office at 12:12 hrs. on July 1, 1989. Therefore, HB 3470 C Eng version was passed by the senate and sent to the house for concurrence. It passed the house on a 49 yes vote.

I want it thoroughly understood that those of us in the Oregon Pro Gun Civil Rights Lobby Inc. do not approve of the bill as passed by both houses because of section 38, and other bill problems. However, C Eng HB 3470 is now of such a nature that OPGCVR Inc. can live with bill requirements because some parts of the legislation are a step forward for gun owners rights here in Oregon.

It is my considered opinion and that of the attorney working with us, that NRA has made a very large blunder in allowing section 38 to remain in the bill as now written. I have told Mr. Harder and our supporters that since NRA created the forthcoming problem(s), NRA must be looked to for assistance in fighting any problems that engender from section 38. This letter is being written to you so you will be informed of that position and warn your office of what will most probably result from having section 38, as presently composed, enacted into law.

Respectfully yours,

Stephen Donnell
President,
Oregon Pro Gun Civil Rights Lobby Inc.



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D. C. 20036

July 13, 1989

Mr. Stephen Donnell
President
Oregon Pro Gun Civil Rights Lobby, Inc.
Route 1, Box 1237
LaGrande, Oregon 97850

Dear Mr. Donnell,

Thank you for your letter of July 1, 1989 concerning Oregon H.B. 3470.

For the record, it was my understanding from Mr. Harder that the Oregon Pro Gun Civil Rights Lobby, Inc. "neither opposed or supported the bill." It was not my understanding that the Oregon Pro Gun Civil Rights Lobby, Inc. supported the bill.

With regard to potential problems with Section 38 of the bill, please be assured that the NRA will "assist[] in fighting any problems that engender from (sic) section 38."

In closing, let me say that I appreciate your continued vigilance on behalf of Oregon gun owners and your efforts to bring to our attention the problems you saw with H. 3470. I hope that we can continue to work together in the future.

Sincerely yours,

Richard E. Gardiner
Director, State & Local Affairs

REG/rcs

Corrected

C-Engrossed House Bill 3470

Ordered by the Senate July 1
Including House Amendments dated June 8 and June 26 and Senate
Amendments dated July 1

Sponsored by Representatives KATZ, BURTON, Senator L. HILL, Representatives BAUMAN, BRIAN, CARTER, CEASE, FORD, HANLON, HOSTICKA, HUGO, KEISLING, KOTULSKI, MANNIX, MASON, MINNIS, PETERSON, STEIN, Senators CEASE, COHEN, GOLD, HAMBY, KENNEMER, KITZHAEBER, SHOEMAKER, TROW (at the request of Oregon State Police, National Rifle Association, Oregon State Rifle and Pistol Association, Oregon State Sheriffs' Association, Oregon Association Chiefs of Police, Citizens' Committee For The Right To Keep And Bear Arms, Oregon Catholic Conference, Oregon Department of Justice)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Expands information to be included on record of sale of handgun. Requires 15-day waiting period. Expands grounds for prohibiting purchase of handgun. Provides that felons cannot own or possess any firearms. Revises procedure for obtaining concealed handgun license. Allows person who holds valid concealed handgun license to purchase handgun without waiting period. Provides for appeal of denial or revocation of license. Provides for judicial relief for persons barred from purchasing or possessing firearms. Requires Department of State Police to study purchases of handguns, rifles, shotguns and other long guns and issuance of concealed handgun licenses. Defines terms.]

[Creates crime of making false statements on concealed handgun license application. Punishes by maximum one year imprisonment, \$2,500 fine, or both.]

[Creates crime of unlawfully attempting to purchase firearm. Punishes by maximum five years imprisonment, \$100,000 fine, or both.]

[Creates crime of failure to register used firearms transactions. Punishes by maximum one year imprisonment, \$2,500 fine, or both.]

[Creates crime of shipping, receiving, selling or furnishing firearm in furtherance of felony. Punishes by maximum 10 years imprisonment, \$100,000 fine, or both.]

[Establishes mandatory sentences for certain crimes when firearm used in commission of crime.]

[Creates crime of unlawful possession of machine gun, short-barreled rifle or shotgun or firearm silencer. Punishes by maximum 10 years imprisonment, \$100,000 fine, or both.]

[Appropriates moneys from General Fund to Department of State Police for purposes of Act.]

Regulates sale of handguns. Requires fingerprinting for all handgun sales and enacts 15-day waiting period for purpose of conducting criminal and mental history records check. Provides Attorney General shall notify Legislative Assembly when identification system using biological factors to identify convicted felons and certain mentally ill persons is developed. Sunsets fingerprinting and waiting period requirements when such technology is developed.

Regulates sale or transfer of firearms to recipients under 18 years of age, convicted of misdemeanors involving violence within previous four years, having outstanding felony warrants or on pretrial release for felony or having specified conditions relating to mental illness.

Revises crime of exconvict in possession of firearm.

Provides scheme for issuance of concealed weapons permit.

Creates crime of unlawful possession of machine gun, short-barreled rifle or shotgun or firearms silencer. Imposes maximum \$100,000 fine, 10 years imprisonment, or both.

Requires register of firearms transfer be kept and mailed to local law enforcement officers by persons selling firearms.

Increases penalties for use of firearms during commission of crimes.

Directs interim study and report to Sixty-sixth Legislative Assembly concerning unified state identification card.

A BILL FOR AN ACT

1

2

3

Relating to firearms: creating new provisions; amending ORS 46.060, 51.080, 161.610, 166.210, 166.240, 166.250, 166.270, 166.370, 166.410, 166.420, 166.450, 166.460, 166.470, 166.480, 166.715, 181.150 and

NOTE: Matter in bold face in an amended section is new; matter *(italic and bracketed)* is existing law to be omitted.

Bill as introduced:

Section one is now section 2.

Section 1.

1. Requires any one licensed by the Federal Government to send copies of the sale registration slips to local and state police. The record was supposed to be only used to determine if the buyer was a prohibited person who could not buy a handgun. After the ID use the records were to be destroyed. No provision was made for a criminal penalty if the police did not destroy the records.
2. Requires thumb print at time of purchase from a licensed dealer.
3. Waiting period if a person does not have a concealed weapons permit.
4. Violation of any part of the law (section) resulted in a possible Class C felony. It did not make any difference if the violation was intentional or not.

Please note that these amendments materially changed the thrust of the bill. They brought antiques and replicas out from under the concealed weapons (handgun) provisions for purchase and also allowed a court defense if a dealer made a mistake was not intentional in nature. Also a change was made for definition of a "firearm" so that it applies to weapons that only use smokeless powder. The phrase "black powder or" was deleted.

Bill as passed:

SECTION 1. As originally introduced the bill did not contain any definition for antiques or replicas of antiques.

In the passed version replica's are the same as antiques as long as they have not been altered to use rimfire or conventional ammunition. This means that a person can buy a replica without going thru the waiting period or having a concealed weapons permit. At the present time handgun antiques or replicas are treated the same as modern handguns. ie. waiting period for purchase etc.

SECTION 2.

1. Now provides for a Class A Misdemeanor if the records are not destroyed. The crime applies to any one who has responsibility for record destruction.
2. No change.
3. No change.
4. As passed the violation must be an intentional one. In other words, non intentional mistakes can be pleaded in court to assist in defeating any criminal charge.

Bill as introduced:

The bill as introduced did not have a SECTION 2a, or 2b.

Section 2. Is now Section 3.

1. Defines people who can't receive firearms by purchase or by transfer. Now includes persons convicted of misdemeanor involving violence (the problem was violence was not defined) within the previous 4 years prior to the application, or has outstanding warrants for arrest, chronic abuser of alcohol, adjudged mentally ill, or has been diagnosed as dangerous to self or others, etc.
2. Makes violation a "Class C felony." (was a misdemeanor).
3. As written could be interpreted as not allowing a parent (or any one else) to supply a handgun to a minor for instruction, hunting, or any other purpose.

The bill as now passed resolved most of the problems in the original bill (for these sections). Language is now clear and easily understood. For the most part the changes reverse the original proposed legislation.

Bill as passed:

SECTION 2a. This section allows and provides for a stop to the waiting period when the Federal ID system is in place.

SECTION 2b. Implements the use of the Federal ID system, so that the waiting period no longer is required.

The problem with this section is that the Oregon law requires identification of persons who will not be identified by the Federal ID system. This means that for all intents and purposes, the 15 day waiting period will always be with us.

People who will not be identified by the Federal system are: persons convicted of misdemeanors ie. ORS 163.160, 163.190, 163.195, 163.208, 166.155 (1)(b) and people listed in the mental health register maintained by the Mental Health Division.

SECTION 3.

1. Provides relief if a person is a prohibited person by record expunction of this state or other state with equivalent law. Outstanding warrant must be a felony warrant requires commitment by Mental Health Division (not as in the original bill, by an opinion decision of a medical practitioner allows an order under 426.130 that a person can not have firearms. (426.130) has many checks and balances as to who and how a person gets on the list.
2. Returns the penalty to a Class A misdemeanor.
3. Allows temporary transfer of any firearm to a minor for hunting, target practice or any other lawful purpose.

Bill as introduced:

Section 4. (This section does not exist in the passed version of the bill. It was superseded by Senate Bill 412. Senate Bill 412 was not passed out of committee (it passed both houses, but the senate and house versions were not the same. The bill went to conference committee and did not come out of committee.)
[The full bill language is shown so you the reader can know what was introduced.]

SECTION 4.

Note: This proposed section allows any person who is licensed in Oregon to engage in the practice of psychology, psychiatry or medicine to, by one fell swoop of the pen, turn Oregon citizens into persons prohibited from owning or possessing any firearm. This provision violates the Oregon Constitution, Article 1, Section 12 on "self incrimination" and "rights of accused in criminal prosecution, Article 1, Section 11.

The way the bill is written, anyone visiting a mental health person or doctor can be put on the prohibited list and not even know about it. The bill does not require notice to the patient that the doctor has written the mental health notice and sent the notice to the Health Division. This provision violates Article 1, Section 10 of the Oregon Constitution concerning secret courts.

(1) A superintendent or director of the following shall report to the Health Division every client and patient who in the opinion of the superintendent or director, should not purchase or possess firearms because of the client's or patient's mental condition:

- (a) A hospital for the mentally ill or training center for the mentally retarded;
- (b) A private mental health care facility; or
- (c) A community mental health program.

(2) All persons licensed by the State of Oregon to engage in the practice of psychology, psychiatry or medicine shall report immediately to the Health Division every client or patient diagnosed as being dangerous to self or others.

(3) Reports required under this section shall be upon forms prescribed or provided by the Health Division. Each report shall include the person's name, address, date of birth, sex and diagnosis.

(4) Upon request by a local law enforcement agency conducting a background information check under ORS 166.420 or sections 7 and 8 of this Act regarding a particular person, the Health Division shall provide the agency with information concerning that person, if any, that has been reported as required by subsections (1) and (2) of this section. The reports are confidential and shall be used by the agency only to determine the qualifications of a person to purchase a firearm under ORS 166.420 and 166.470 or to obtain a concealed handgun license under section 7 and 8 of this Act.

(5) The reports required by this section shall be made notwithstanding any confidentiality or privilege statute.

(6) Any one participating in good faith in the making of a report pursuant to this section, and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report. Any such participant shall have the same immunity with respect to participating in any judicial proceeding resulting from such report.

Section 5.

Allows for reporting misdemeanor involving violence.

Section 7.

Sets up procedure for issuance of a concealed handgun license. Requires demonstration of competence with a handgun by proof of prior handgun instruction.

Allows for denial if adjudged mentally ill; chronic abuser of alcohol. Has not been found to be or diagnosed as dangerous to self or others; (This section puts into effect section 4, where the doctor makes the decision.)

Requires two Character references. (The bill does not provide protection for the character references from any type of court action if the person vouched for does something while having the license. The bill expressly protects the police or public official, but not the private citizen!)

Provides for sheriff to have judgment as to whether a person will be issued a license. Does provide an appeal process. (Note: more will be said about the so called appeal process later under appropriate section.)

Note: These sections were some of the most hotly debated sections of the bill. It is impossible to discuss the total issues raised in committee and on the House and Senate floor(s). Suffice to say, that as now written the gun owner is protected as much as possible, within the framework that the legislature would permit. The issues were complex, involved with prior court decisions, and provisions of the Oregon constitution and laws. Only time will tell if the changes made will be sufficient to protect the law abiding gun owner so that all will have equal rights in applying and having a license issued to them.

SECTION 4.

Defines felon in possession of a firearm.

Allows relief from disability by using appeal process as allowed in SECTION 11.

SECTION 5.

Requires reporting of persons identified as per Senate Bill 412 (the mental health section) that are prohibited from purchase or possession of firearms. [Note: Senate Bill 412 did not pass. See previous discussion.]

SECTION 8.

Sets up procedure for issuance of a concealed handgun license. Basically the same criteria is used as before. But the only denial items are now; no outstanding warrants for arrest, and is not free on any form of pretrial release, the long list of other items is gone from the bill.

Competence is still required; the list is the same as before

Outright non issuance for a misdemeanor of violence is now changed to "within the previous 4 years", commitment to Mental Health Division now must have been within 4 years prior to the effective date of the Act.

Added is the provision that if a court orders that a person is not to have firearms, a concealed license is not allowed.

Allows for relief from the disability by using the relief process allowed for in section 11 of the Act.

Character references still required. (Still no protection for a person signing as a character reference.)

section 8.

Requires issuance of a concealed handgun license by the sheriff within 45 days after application.

Paragraph (2) Failure of a person who carries a concealed handgun also to carry a concealed handgun license is prima facie evidence that the person does not have such a license. [This means you must have the license on your body when carrying a concealed handgun.]

Section 9.

Provides for renewal of concealed license.

Anextensive discussion arose about a police officer being able to revoke the license by serving a notice of revocation. This meant that any police officer could revoke the license whenever they wanted to. [This was changed in the final bill]

Section 10.

Sets up a relief process for persons barred from having firearms or denied a concealed license under provisions of the act.

Burden of proof is upon the person appealing the denial. The mental health history is still a significant part of reasons not to allow ownership or issuance of a license.

The changes in these section were complex, involved, and revolved around present court interpretation of language and phrases. For full meaning as to what was accomplished by the changes a person must study the as introduced bill and the edition that passed.

SECTION 9.

Requires issuance of a concealed handgun license by the sheriff within 45 days after application.

Paragraph (2) is the same as in the orininal bill. We tried to get this provision changed so that a person could present in court the license as defense against the charge of not having a license if the person was not carrying the license at time of arrest. We were not successful in this effort. (It must be pointed out that this same provision was put into prior bills as introduced by OSR&PA in previous sessions. Somehow they will not learn from previous mistakes.)

Allows for use of prior issued licence, this means that a license holder will not have to automatically renew their license if time still remains on the presently held license. (The way the bill was introduced everyone would have to reapply on January 1, 1990)

SECTION 9a.

Sets up method that sheriff must use if a license is to be denied. Allows for an appeal procedure.

SECTION 10.

Sets up procedure for issuance of a renewal for concealed license.

The change here is that only the sheriff can revoke the concealed license. In addition the reason for revoking the license must be given. In addition the revocation can be appealed as allowed for in the bill.

Section 11.

This section states: "A person denied a concealed handgun license under sections 7 and 8 of this Act, or whose license is revoked or not renewed under section 9 of this Act, may petition the circuit court to review the denial or revocation.

First off, the only denial that can be appealed is the denial of a concealed license. Denial of purchase of a handgun is not included. Also review of a decision that a person can not have firearms is not appealable.

The most important issue is: the appeal process means **nothing**. The NRA just lost a case in the court of appeals that simply said that the sheriff does not have to issue a license under present law. Since the appeals process only requires the court to be petitioned, there is nothing to say that the court must review the petition. (This is in essence, the same as the sheriff must consider the concealed weapons application under current law, but he does not have to act on it.)

Nothing in this section tells the court what they are to do if they do review the denial. Sum and substance of this section is that it looks good but does not do anything for the denied firearms owner.

Section 12.

Defines "Firearm". Includes the use of black powder in the definition.

Defines "Firearms silencer" & "Handgun". The way this definition is written does define antiques as defined under present federal law. Defines federal law prohibited firearms.

Again the amendments were technical and involved. In the case of the appeals process, what was a noneffective process that would not protect the lawful firearm owner, was amended to give full protection to the firearm owner in any appeal to the court, including appeal to higher courts. To fully understand the legal ramifications of the appeals process, it is suggested that an attorney be contacted for further information.

SECTION 11.

Sets up a procedure for full appeal of any denial in the area of firearms. In addition if either sides loses, they can appeal to the next higher court.

An attorney is not required, but a person can have one if they want one.

The court is given instruction as to what they are to do in the case--grant relief, or deny relief.

If a governmental entity files an appeal, and does not prevail, it shall be ordered to pay the attorneys fees for the prevailing party. This means that if you win on appeal you can get your attorney costs paid.

SECTION 12.

"Where appropriate, a person may enforce the legal duties imposed by sections 2 and 31 of this Act by the provisions of ORS 30.260 to 30.300 and chapter 183.

This means that the court can order performance of any government agency to comply with the provisions of the Act.

Section 13:

This section defines unlawful possession of a firearm.

A person under 18 can not possess long gun(s).[supposedly the same as Federal law].

The section still has the mental health provisions. (see previous discussion)

The way the section is written an exemption is made for minors to have long guns for hunting, target practice and other lawful purposes. The way the exemption section is written, a minor can not have or possess a handgun. Senator Peg Jolin held a news conference and pointed out the "no handgun" for minors problem.

Section 16:

This section changes the present law for dealer purchase of firearms from private parties.

Whenever a dealer purchases a firearm, they must make out a two part form and mail one copy to the local police on the day of purchase for police use to see if the firearm was stolen or any other check they might want to make.

Section 18:

This section mandates a specified prison term if a person uses or attempts to use a firearm in a crime of violence or drug trafficking crime.

The problem with this section as written is that the firearm charge could be "plea bargained away". There was no requirement that a person arrested be charged with the firearm part of the crime.

In addition first offenses were charged and sentenced the same; the judge could not find mitigating circumstances and levy a lesser penalty.

SECTION 13:

This section defines unlawful possession of a firearm.

The 18 year old provision is still the same. However, the exemption section was extensively rewritten. It now specifically allows minors to possess firearms if the firearm was transferred to them by a parent, guardian, or another person with the consent of the minor's parent or guardian. Handgun by minors is allowed but the transfer can not be a permanent one.

The mental health problem (provision) was changed so that a court under ORS426.130 had to make the decision, not a doctor as before. (See previous discussion)

SECTION 16:

No change. [We tried to amend this portion of the bill but were not successful.]

(It should be noted that under this section 16, that the police will now have a permanent record of all sales by citizens to dealers. Nowhere in the bill is their a requirement that such records must be destroyed and not kept.)

SECTION 18:

This section mandates a specified term if a person uses a firearm in commission of a crime.

The firearm charge can not be "plea bargained away", instead the firearm portion of the crime becomes the main charge. This means that any one using a firearm in the commission of a crime must be tried, and if convicted go to jail for not less than 5 years.

A provision was added that if the punishment was a first time punishment, the judge could "suspend the execution of the sentence" when the judge finds mitigating circumstances.

Section 21

Stops concealed carry of "switch blade knives", dirk, dagger, etc.

This change in the law puts into effect a recent State of Oregon Supreme Court opinion.

Section 23:

This section deals with the sale or transfer of firearms brought into the state. Unless the firearm is sold-transferred as per HB 3470 and other ORS's, any person selling or transferring the firearm can be charged with a class B felony.

Section 24:

This section deals with the changing or altering of serial number of a firearm. (bill used term "identification number")

Section 25:

This section exempts antique handguns from specified sections of the bill.

Section 29:

This is the "study section". Requires that state police make a study, and all dealers send copies of all sales to the state police.

The problem with this section as introduced in the bill, was that the study period did not have a starting or ending date. That meant that the study could go on as long as the police wanted to make the study.

SECTION 21:

No change.

SECTION 23:

This section deals with the sale or transfer of firearms brought into the state. Technical changes were made in wording to be sure the language was clear and easily understood. The class B felony was not changed.

SECTION 24:

This section deals with the changing (alter) the identification number of a firearm.

The bill was amended to require that the alteration or change was "intentional--and for an unlawful purpose".

SECTION 25:

This section exempts all antiques from specified sections of the bill and present unchanged law.

SECTION 29:

This is the "study section". The section was not really changed except the study now starts one year before January 1, 1991. In addition all records from the study (except that material used in the published report must be destroyed.

House Bill as introduced stopped at section 32. As amended it contains 41 sections. The following is a summary of what each section does.

Section 36. This section amends ORS 426.130 so that the court can order that the person (before the court) be prohibited from purchasing or possessing a firearm. The court is to make their decision based on past behavior and/or specific acts done by the person before the court. It should be noted that ORS 426.-series; has many safeguards for persons that are to appear before the court in this type case.

Section 37. This section directs that a study be made for an Oregon unified state identification card. The idea is that with such a card the waiting period could be done away with for any firearm purchase. <The Oregon Pro Gun Civil Rights Lobby Inc.> proposed such a system during the hearings. The committees did not want to go into all the details such a system would entail, hence; the study.

Section 38. This section is shown as adopted. **Except as otherwise provided by law, cities counties and other political subdivisions of this state may regulate only the possession of firearms and ammunition in a public place, as defined in ORS 161.015.**

There is much confusion about this section. It is supposed to be a "preemption section". However, we obtained a legislative council (the lawyer who wrote HB 3470 and all the amendments) opinion. The opinion says that this section is an "enabling section" that allows for passage of ordinances by cities--counties--others, to regulate the possession of firearms and ammunition in public places. It should be noted, that a "public place is just about anywhere outside private property."

Section 41. "This Act takes effect on January 1, 1990"

This summary is just part of the changes made in HB 3470 from the time of introduction till passage by both houses. The bill has now been signed into law by the governor and will take effect on January 1, 1990. Only time will tell as to what effect other than a positive effect the legislation will have for the law abiding Oregon gun owner. The amendments made to the bill were the result of intense lobbying and work on the part of "Oregon Pro Gun Civil Rights Lobby Inc.". The lobbying effort was made possible by the donations and financial contributions of gun owners across the state. Without that help, the lobbying effort and bill changes would not have occurred. The people who wrote the bill in the first place, testified that no changes were needed, because the bill was carefully written and any changes would destroy the effectiveness of the bill. How right they were! Without the changes the Oregon firearm (gun) owner would have had to live with one of the most oppressive gun bill ever adopted. **It is strongly urged that you read the bill as introduced, and then read the final version. Compare the two, remember the bill went through 22 revisions before it passed both the senate and house of representatives.**

The battle over gun owners rights is not over. The effort to amend HB 3470 was costly, time consuming and required the expenditure of more funds than the amount contributed by those who knew that HB 3470 had to be amended. We need your help. Contribution can be sent to the corporation address: Rt. 1, Box 1237, LaGrande, Oregon, 97850. Checks should be made out to the corporation name. We are a non-profit corporation chartered under the laws of Oregon.

If you would like to have this writer speak before your club or association, I would be pleased to do so. Call me at (503) 963-3686. If schedule permits I can come to the meeting. A donation will be requested to pay expenses and further the cause of law-abiding firearms owners civil rights.

Thanks,



Stephen Donnell, President, Oregon Pro Gun Civil Rights Lobby Inc.

HOUSE BILL 3470

AS WRITTEN BY JOHN NICHOLS OF OSR&PA, BRIAN JUDY OF NRA,
JOHN HOSFORD OF CITIZENS COMMITTEE FOR RIGHT TO KEEP & BEAR ARMS
STATE POLICE, SHERIFF ASSOCIATION, AND OTHERS.

WHAT THE BILL DID AS INTRODUCED VERSUS WHAT THE BILL DOES NOW AFTER ADOPTION OF AMENDMENTS PROPOSED AND SUPPORTED BY

OREGON PRO GUN CIVIL RIGHTS LOBBY INC.

The Oregon Pro Gun Civil Rights Lobby Inc. was incorporated in April of this year to fight HB 3470. We were successful in having the bill amended. A comparison between the bill as introduced and the 22nd edition that was passed; C Engrossed HB 3470 is shown. This information is made available so that you the gun owner can know the **true** facts as to what the bill did as originally drafted and supported by the Pro firearm organizations.

Remember, Vera Katz did not write the bill: She introduced it at the request of the Pro firearm organizations. They wrote it, supported it, and testified that the bill should not be amended because amendments would destroy the carefull work and agreements worked out by all parties concerned.

All we ask is that you read this material and then draw your own conclusions as to whether the original bill was a PRO GUN BILL OR
- ANTI GUN BILL.

Oregon Pro Gun Civil Rights Lobby Inc.
Rt. 1, Box 1237
LaGrande, Oregon
97850

Ph. (503) 963-3686

July 1989

Note: The Oregon Pro Gun Civil Rights Lobby Inc. proposed most of the amendments that were adopted. We supported those that would make the legislation more pro gun and opposed those that would make it antigun. For instance, one proposed amendment would have included the California law just passed banning the ownership of semi automatic firearms. Basically our amendments were used as the "road map" for amending the bill. We supplied copies to John Gardner of NRA and he used that material for instruction to John Nichols of OSR&PA to try and clean up the bill. Copies of our amendments are available. We do require a contribution to the corporation to defray cost of printing and other expenses. The before and after bill comparison is not claimed to be all inclusive. We have only touched the highlights and most important areas of concern to the law abiding gunowner.

Many people asked: Who wrote HB3470: Why was it introduced? Why did the Oregon Pro Gun Civil Rights Lobby Inc. fight the bill?

BILL INTRODUCTION: Quote from "Gun News" publication of Washington Arms Collectors Inc. (Article quoting John Hosford of CCRKBA)---Through the concerted efforts of the Oregon R&P, the CCRKBA and the NRA, HB 3470 is now on Governor Goldschmidt's desk awaiting his signature. ---HB 3470 came about as a result of extensive negotiation between law enforcement and the pro-gun groups under the direction of House Speaker Vera Katz.---"Actually, the major provisions of this bill were drafted long before Katz ever became involved," said John Hosford, Executive Director of the Citizens Committee and W.A.C. Board Member. "I'd been involved in discussions with John Nickles, (misspelling in original article) legislative chairman for the OREPA, for at least four months prior to the meeting with Katz.---The efforts of the pro-gun groups were hindered slightly by a tremendous amount of mis-information being distributed by uninformed individuals as well as a small group of gun owners who had their own personal agendas." (From Volume 5, Issue 8)

WHY WAS THE BILL INTRODUCED? Quote John Hosford in news release "This a landmark day for Oregon Gun Owners," said John Hosford, Executive Director of the Citizens Committee for the Right to Keep and Bear Arms. "This proves that when people can agree to disagree, and then direct their efforts to those workable issues where there is room for compromise, that great things can be accomplished."----"there was give and take from both sides during these negotiations. At times, the process became very frustrating. If it had not been for Speaker Katz's leadership, I am sure this would have fallen apart. She really wanted a great piece of legislation, fair to all involved, I submit that she did just that and I salute her for it. She's an outstanding woman and a class act."¹

Quote from a letter to Representatives in Salem, letter by John Hosford: "The foremost reason to support this bill is that it addresses criminal misuse of firearms while recognizing the rights of law-abiding Oregonians to own, possess and carry firearms." **Note: this letter was dated June 12, 1989 long before the bill had been amended so as to take out most of the anti-gun owner provisions.**

Quote from letter dated May 20, 1989 signed by John Nichols of Oregon State Rifle and Pistol Association.---When asked by speaker Katz to join in the negotiations, the firearms groups were faced with a clear choice: we could have either refused to talk and faced a costly political battle which even now I'm not sure we could have won; or we could enter into the discussion and attempt to refocus the debate away from controlling guns to controlling criminals and others----."

NRA news release dated April 6, 1989. "In an effort to create reasonable and effective gun legislation, Oregon gun and State law enforcement officials have announced - their combined support for H.B. 3470----- The carefully balanced bill ---. "We offer our qualified support of the bill in the belief that gun owners and law enforcement have created a balanced bill that is beneficial to all the people in this state."----"We hope people take notice that this is another case of the National Rifle Association and law-abiding gun owners working with law enforcement and state officials to create good gun laws," said Judy. (Mr. Judy was the NRA representative for Oregon)

Comment: The reader can for themselves draw their own conclusions as to whether the bill as introduced was a pro or anti gun bill. Remember the bill had 22 amendments because we were the "small group of gun owners who had their own personal agendas." That statement is correct. Our agenda was to make sure that the Oregon gun owners were not sold down the river on their gun rights by those who wrote and had the bill introduced.

Why did the Oregon Pro Gun Civil Rights Lobby Inc. fight the bill, as introduced?

We fought the bill because it was the most restrictive violation of gun owners "civil rights" that we had ever seen introduced into the Oregon legislative process. Attached are copies of the original testimony we made on the bill. That material speaks for itself. In fact, we were told that because of our testimony the bill almost died because the legislators did not know whether the bill could be amended and cleaned up to the point it would meet constitutional requirements. Remember, Hand Gun Control Inc. testified that "HB 3470 was a good bill, it only did not go far enough".² In addition American Civil Liberties Union (ACLU) also opposed the bill because of the constitutional issues raised in the bill. You know that when Hand Gun Control Inc. and ACLU take these stands, on a legislative issue, something is bad wrong with the legislation as far as gun owners are concerned. So---we fought the bill and hopefully were successful in amending it so that now it is mostly a pro-gun piece of legislation. We had no success in amending Section 38. Please see letter to NRA and letter reply.

Stephen Donnell--President, Oregon Gun Owners Pro Gun Civil Rights Lobby Inc.
July 1989

1. Undated news release to newspapers and media. 2. Oral testimony at hearing

A PROPOSAL TO ~

AMEND

HOUSE BILL 3470

Testimony of:

STEPHEN DONNELL

Rt. 1, Box 1237
LaGrande, Oregon
97850

Dated: APRIL 21, 1989

TESTIMONY: HB 3470

Stephen Donnell

April 21, 1989

Mr. Chairman, my name is Stephen Donnell. I have spent many hours studying HB 3470.

I understand Speaker Katz' frustration in the matter of sound, legal and effective firearm legislation to deal with Oregon criminals' misuse of firearms. Speaker Katz should be commended for bringing together those who are considered to be the Oregon pro gun experts on this issue.

However, careful analysis and scrutiny of HB 3470 shows that the bill is fatally flawed and, if passed without amendments, would constitute a gross attack on, and deprivation of Oregon citizens' civil rights.

At the present time there are two philosophical approaches to the so-called firearm problem.

Premise No. 1: Firearms are evil and anyone who sells, uses or possesses firearms has by that association been tainted and is therefore suspect as being up to no good and a potential violator of society's laws.

Premise No. 2: Firearms are not the problem. Anyone who has firearms for any legal purpose is exercising his civil rights under the U.S. Bill of Rights, second amendment and Oregon Constitution, Article 1, Section 27.

Today's firearm problem is the criminal's use of firearms against society, thus causing death, mayhem, injury and loss of goods and property.

HB 3470 adopts Premise No. 1 as the philosophical base to draft its legal impositions on the Oregon population. In doing so, bill language wipes out many civil rights granted under the Oregon Constitution.

For instance:

*Section 4: Allows most any person who is licensed in Oregon to engage in the practice of psychology, psychiatry or medicine to, by one fell swoop of the pen, turn Oregon citizens into persons prohibited from owning or possessing any firearm. This provision violates the Oregon Constitution, Article 1, Section 12 on "self incrimination" and "rights of accused in criminal prosecution," Article 1, Section 11.

The way the bill is written, anyone visiting a mental health person or doctor can be put on the prohibited list and not even know about it. The bill does not require notice to the patient that the doctor has written the mental health notice and sent the notice to the Health Division. This provision violates Article 1, Section 10 of the Oregon Constitution concerning secret courts.

HB 3470, Section 2, 13 and 23 provides for criminal prosecution for anyone in the prohibited class, as that class is defined in the bill. Among those prohibited from owning firearms

are those who have a letter of record concerning them on file with the Mental Health Division.

HB 3470 has, therefore, trampled all over our present system of allowing an accused person to be represented by counsel, hear and be heard in criminal prosecution and challenge his accuser before a court of law and have a court of law determine his guilt or innocence, especially by jury trial.

HB 3470, Section 12 and 16 specifically define "being in the business as being defined in 18 U.S.C. 921."

By these sections the legislature has abrogated its power in the Oregon Constitution, Article IV, Section 17, to the federal government.

Therefore, whenever Federal Code changes, so does Oregon law. This aspect of HB 3470 violates the Oregon Constitution, Article IV, Sections 18, 20, 21 and 22.

The violation is that this legislation has no control over federal code and law, but has made the people of Oregon subject to that Federal Code of law specified in the bill, all in violation of the Oregon Constitution, Article IV, Section 28, which states when statutes take effect.

HB 3470, Section 13 creates an interesting legal situation. Under this section, if a person becomes a prohibited person as defined in this section, he immediately cannot possess firearms.

It is well accepted that before one loses his civil rights he must be found guilty of a felony or have had the lost civil

right taken away by a due process of a court of law.

Thus Section 13, and to a certain extent, Section 1, negate this principle of constitutional and criminal law: before one loses his civil rights he has the right as provided under the Oregon Constitution, Article 1, Section 10 to have an open, full hearing in a court of law, or hearing before a board established by statute. In addition, the court of board's determination can be appealed to high courts.

HB 3470 allows for no appeal and even worse, does not require notice to the affected person that the action that negates his right to bear arms under the Oregon Constitution, Article 1, Section 27, has been taken away from him.

Bill Ambiguities:

Section 13 and Section 2: These two sections are in conflict with each other as to the rights of a minor to possess handguns.

Section 13: Prohibited classes cannot carry concealed firearms; it is not clear if they can carry them openly.

Section 13: Persons are exempt from provisions of Sections 7 and 8 if they fall under ORS 166.260. It is not clear as to what happens if they are just traveling and not under ORS 260.

No provisions have been made to carry firearms, other than a handgun, with a permit, out of sight in a vehicle.

Last but not least, under Section 3 a person could be arrested for having a boat load of marijuana, be convicted of a

felony, come to Oregon and have and carry all the firearms they want.

This is an outline of just some of the problems with HB 3470 as presently written.

As part of my testimony, I have supplied proposed amendments to the Bill so as to rectify these problems. These amendments are on the colored paper. I would be pleased to work with the committee in any way to make HB 3470 a strong, effective criminal control piece of legislation.

I would be pleased to answer any questions.

Thank you.

Mr. Richard Gardner
NRA/ILA
1600 Rhode Island Ave. NW
Washington, D.C.
20036

July 6, 1989
Rt. 1, Box 1237
LaGrande, Oregon
97850
Ph. 503-963-3686

Dear Mr. Gardner:

Mr. Ron Harder, a member of the committee that drafted the first edition of HB 3470 (the gun bill written by NRA, OSR&PA, CCRK&BA and others) contacted me in the capitol building on the morning of July 1, 1989. He advised that he had talked to you by phone, when you were at your home, and told you that I had changed position on outright opposing HB BEng. 3470 (as amended by Senate Judiciary cmtg. C Eng. HB 3470) to one of support of the bill.

This letter is being written to clarify the record on this matter. As of the time Mr. Harder talked to me in the capitol, I was neither supporting the proposed legislation, or opposing the proposed legislation. As President of the Oregon Pro Gun Civil Rights Lobby Inc., our position consisted of advising the legislators that we neither opposed or supported the bill. We were satisfied that most of the provisions we knew had to be in the proposed legislation (from onset of the bill into the political process) so as to protect Oregon gun owner's civil rights, had been incorporated into the bill. We still did not like the bill, because of section 38, the preemption section (which senate judiciary committee legal counsel advised is an enabling section for political subdivision to enact ordinances for controlling the possession of firearms and ammunition in public places) and other bill provisions.

Mr. Harder indicated that he and Mr. Nichols of OSR&PA had talked to you about this matter because the Senate Judiciary committee would not release HB 3470 to the floor until the committee had received a letter (fax) from NRA approving the bill. That letter (fax) was received in Speaker Vera Katz's office at 12:12 hrs. on July 1, 1989. Therefore, HB 3470 C Eng version was passed by the senate and sent to the house for concurrence. It passed the house on a 49 yes vote.

I want it thoroughly understood that those of us in the Oregon Pro Gun Civil Rights Lobby Inc. do not approve of the bill as passed by both houses because of section 38, and other bill problems. However, C Eng HB 3470 is now of such a nature that OPGCVR Inc. can live with bill requirements because some parts of the legislation are a step forward for gun owners rights here in Oregon.

It is my considered opinion and that of the attorney working with us, that NRA has made a very large blunder in allowing section 38 to remain in the bill as now written. I have told Mr. Harder and our supporters that since NRA created the forthcoming problem(s), NRA must be looked to for assistance in fighting any problems that engender from section 38. This letter is being written to you so you will be informed of that position and warn your office of what will most probably result from having section 38, as presently composed, enacted into law.

Respectfully yours,

Stephen Donnell
President,
Oregon Pro Gun Civil Rights Lobby Inc.



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D.C. 20036

July 13, 1989

Mr. Stephen Donnell
President
Oregon Pro Gun Civil Rights Lobby, Inc.
Route 1, Box 1237
LaGrande, Oregon 97850

Dear Mr. Donnell,

Thank you for your letter of July 1, 1989 concerning Oregon H.B. 3470.

For the record, it was my understanding from Mr. Harder that the Oregon Pro Gun Civil Rights Lobby, Inc. "neither opposed or supported the bill." It was not my understanding that the Oregon Pro Gun Civil Rights Lobby, Inc. supported the bill.

With regard to potential problems with Section 38 of the bill, please be assured that the NRA will "assist[] in fighting any problems that engender from (sic) section 38."

In closing, let me say that I appreciate your continued vigilance on behalf of Oregon gun owners and your efforts to bring to our attention the problems you saw with H. 3470. I hope that we can continue to work together in the future.

Sincerely yours,

Richard E. Gardiner
Director, State & Local Affairs

REG/rcs

Corrected

C-Engrossed House Bill 3470

Ordered by the Senate July 1
Including House Amendments dated June 8 and June 26 and Senate
Amendments dated July 1

Sponsored by Representatives KATZ, BURTON, Senator L. HILL, Representatives BAUMAN, BRIAN, CARTER, CEASE, FORD, HANLON, HOSTICKA, HUGO, KEISLING, KOTULSKI, MANNIX, MASON, MINNIS, PETERSON, STEIN, Senators CEASE, COHEN, GOLD, HAMBY, KENNEMER, KITZHABER, SHOEMAKER, TROW (at the request of Oregon State Police, National Rifle Association, Oregon State Rifle and Pistol Association, Oregon State Sheriffs' Association, Oregon Association Chiefs' of Police, Citizens' Committee For The Right To Keep And Bear Arms, Oregon Catholic Conference, Oregon Department of Justice)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Expands information to be included on record of sale of handgun. Requires 15-day waiting period. Expands grounds for prohibiting purchase of handgun. Provides that felons cannot own or possess any firearms. Revises procedure for obtaining concealed handgun license. Allows person who holds valid concealed handgun license to purchase handgun without waiting period. Provides for appeal of denial or revocation of license. Provides for judicial relief for persons barred from purchasing or possessing firearms. Requires Department of State Police to study purchases of handguns, rifles, shotguns and other long guns and issuance of concealed handgun licenses. Defines terms.]

[Creates crime of making false statements on concealed handgun license application. Punishes by maximum one year imprisonment, \$2,500 fine, or both.]

[Creates crime of unlawfully attempting to purchase firearm. Punishes by maximum five years imprisonment, \$100,000 fine, or both.]

[Creates crime of failure to register used firearms transactions. Punishes by maximum one year imprisonment, \$2,500 fine, or both.]

[Creates crime of shipping, receiving, selling or furnishing firearm in furtherance of felony. Punishes by maximum 10 years imprisonment, \$100,000 fine, or both.]

[Establishes mandatory sentences for certain crimes when firearm used in commission of crime.]

[Creates crime of unlawful possession of machine gun, short-barreled rifle or shotgun or firearm silencer. Punishes by maximum 10 years imprisonment, \$100,000 fine, or both.]

[Appropriates moneys from General Fund to Department of State Police for purposes of Act.]

Regulates sale of handguns. Requires fingerprinting for all handgun sales and enacts 15-day waiting period for purpose of conducting criminal and mental history records check. Provides Attorney General shall notify Legislative Assembly when identification system using biological factors to identify convicted felons and certain mentally ill persons is developed. Sunsets fingerprinting and waiting period requirements when such technology is developed.

Regulates sale or transfer of firearms to recipients under 18 years of age, convicted of misdemeanors involving violence within previous four years, having outstanding felony warrants or on pretrial release for felony or having specified conditions relating to mental illness.

Revises crime of exconvict in possession of firearm.

Provides scheme for issuance of concealed weapons permit.

Creates crime of unlawful possession of machine gun, short-barreled rifle or shotgun or firearms silencer. Imposes maximum \$100,000 fine, 10 years imprisonment, or both.

Requires register of firearms transfer be kept and mailed to local law enforcement officers by persons selling firearms.

Increases penalties for use of firearms during commission of crimes.

Directs interim study and report to Sixty-sixth Legislative Assembly concerning unified state identification card.

A BILL FOR AN ACT

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Relating to firearms: creating new provisions; amending ORS 46.060, 51.080, 161.610, 166.210, 166.240, 166.250, 166.270, 166.370, 166.410, 166.420, 166.450, 166.460, 166.470, 166.480, 166.715, 181.150 and

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

Bill as introduced:

Section one is now section 2.

Section 1.

1. Requires any one licensed by the Federal Government to send copies of the sale registration slips to local and state police. The record was supposed to be only used to determine if the buyer was a prohibited person who could not buy a handgun. After the ID use the records were to be destroyed. No provision was made for a criminal penalty if the police did not destroy the records.
2. Requires thumb print at time of purchase from a licensed dealer.
3. Waiting period if a person does not have a concealed weapons permit.
4. Violation of any part of the law (section) resulted in a possible Class C felony. It did not make any difference if the violation was intentional or not.

Please note that these amendments materially changed the thrust of the bill. They brought antiques and replicas out from under the concealed weapons (handgun) provisions for purchase and also allowed a court defense if a dealer made a mistake was not intentional in nature. Also a change was made for definition of a "firearm" so that it applies to weapons that only use smokeless powder. The phrase "black powder or" was deleted.

Bill as passed:

SECTION 1. As originally introduced the bill did not contain any definition for antiques or replicas of antiques.

In the passed version replica's are the same as antiques as long as they have not been altered to use rimfire or conventional ammunition. This means that a person can buy a replica without going thru the waiting period or having a concealed weapons permit. At the present time handgun antiques or replicas are treated the same as modern handguns. ie. waiting period for purchase etc.

SECTION 2.

1. Now provides for a Class A Misdemeanor if the records are not destroyed. The crime applies to any one who has responsibility for record destruction.
2. No change.
3. No change.
4. As passed the violation must be an intentional one. In other words, non intentional mistakes can be pleaded in court to assist in defeating any criminal charge.

Bill as introduced:

The bill as introduced did not have a SECTION 2a, or 2b.

Section 2. Is now Section 3.

1. Defines people who can't receive firearms by purchase or by transfer. Now includes persons convicted of misdemeanor involving violence (the problem was violence was not defined) within the previous 4 years prior to the application, or has outstanding warrants for arrest, chronic abuser of alcohol, adjudged mentally ill, or has been diagnosed as dangerous to self or others, etc.

2. Makes violation a "Class C felony." (was a misdemeanor).

3. As written could be interpreted as not allowing a parent (or any one else) to supply a handgun to a minor for instruction, hunting, or any other purpose.

The bill as now passed resolved most of the problems in the original bill (for these sections). Language is now clear and easily understood. For the most part the changes reverse the original proposed legislation.

Bill as passed:

SECTION 2a. This section allows and provides for a stop to the waiting period when the Federal ID system is in place.

SECTION 2b. Implements the use of the Federal ID system, so that the waiting period no longer is required.

The problem with this section is that the Oregon law requires identification of persons who will not be identified by the Federal ID system. This means that for all intents and purposes, the 15 day waiting period will always be with us.

People who will not be identified by the Federal system are: persons convicted of misdemeanors ie. ORS 163.160, 163.190, 163.195, 163.208, 166.155 (1)(b) and people listed in the mental health register maintained by the Mental Health Division.

SECTION 3.

1. Provides relief if a person is a prohibited person by record expunction of this state or other state with equivalent law. Outstanding warrant must be a felony warrant requires commitment by Mental Health Division (not as in the original bill, by an opinion decision of a medical practitioner allows an order under 426.130 that a person can not have firearms. (426.130) has many checks and balances as to who and how a person gets on the list.

2. Returns the penalty to a Class A misdemeanor.

3. Allows temporary transfer of any firearm to a minor for hunting, target practice or any other lawful purpose.

Bill as introduced:

Section 4. (This section does not exist in the passed version of the bill. It was superseded by Senate Bill 412. Senate Bill 412 was not passed out of committee (it passed both houses, but the senate and house versions were not the same. The bill went to conference committee and did not come out of committee.)
[The full bill language is shown so you the reader can know what was introduced.]

SECTION 4.

Note: This proposed section allows any person who is licensed in Oregon to engage in the practice of psychology, psychiatry or medicine to, by one fell swoop of the pen, turn Oregon citizens into persons prohibited from owning or possessing any firearm. This provision violates the Oregon Constitution, Article 1, Section 12 on "self incrimination" and "rights of accused in criminal prosecution, Article 1, Section 11.

The way the bill is written, anyone visiting a mental health person or doctor can be put on the prohibited list and not even know about it. The bill does not require notice to the patient that the doctor has written the mental health notice and sent the notice to the Health Division. This provision violates Article 1, Section 10 of the Oregon Constitution concerning secret courts.

(1) A superintendent or director of the following shall report to the Health Division every client and patient who in the opinion of the superintendent or director, should not purchase or possess firearms because of the client's or patient's mental condition:

- (a) A hospital for the mentally ill or training center for the mentally retarded;
- (b) A private mental health care facility; or
- (c) A community mental health program.

(2) All persons licensed by the State of Oregon to engage in the practice of psychology, psychiatry or medicine shall report immediately to the Health Division every client or patient diagnosed as being dangerous to self or others.

(3) Reports required under this section shall be upon forms prescribed or provided by the Health Division. Each report shall include the person's name, address, date of birth, sex and diagnosis.

(4) Upon request by a local law enforcement agency conducting a background information check under ORS 166.420 or sections 7 and 8 of this Act regarding a particular person, the Health Division shall provide the agency with information concerning that person, if any, that has been reported as required by subsections (1) and (2) of this section. The reports are confidential and shall be used by the agency only to determine the qualifications of a person to purchase a firearm under ORS 166.420 and 166.470 or to obtain a concealed handgun license under section 7 and 8 of this Act.

(5) The reports required by this section shall be made notwithstanding any confidentiality or privilege statute.

(6) Any one participating in good faith in the making of a report pursuant to this section, and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report. Any such participant shall have the same immunity with respect to participating in any judicial proceeding resulting from such report.

Section 5.

Allows for reporting misdemeanor involving violence.

Section 7.

Sets up procedure for issuance of a concealed handgun license. Requires demonstration of competence with a handgun by proof of prior handgun instruction.

Allows for denial if adjudged mentally ill; chronic abuser of alcohol. Has not been found to be or diagnosed as dangerous to self or others; (This section puts into effect section 4, where the doctor makes the decision.)

Requires two Character references. (The bill does not provide protection for the character references from any type of court action if the person vouched for does something while having the license. The bill expressly protects the police or public official, but not the private citizen!)

Provides for sheriff to have judgment as to whether a person will be issued a license. Does provide an appeal process. (Note: more will be said about the so called appeal process later under appropriate section.)

Note: These sections were some of the most hotly debated sections of the bill. It is impossible to discuss the total issues raised in committee and on the House and Senate floor(s). Suffice to say, that as now written the gun owner is protected as much as possible, within the framework that the legislature would permit. The issues were complex, involved with prior court decisions, and provisions of the Oregon constitution and laws. Only time will tell if the changes made will be sufficient to protect the law abiding gun owner so that all will have equal rights in applying and having a license issued to them.

SECTION 4.

Defines felon in possession of a firearm.

Allows relief from disability by using appeal process as allowed in SECTION 11.

SECTION 5.

Requires reporting of persons identified as per Senate Bill 412 (the mental health section) that are prohibited from purchase or possession of firearms. [Note: Senate Bill 412 did not pass. See previous discussion.]

SECTION 8.

Sets up procedure for issuance of a concealed handgun license. Basically the same criteria is used as before. But the only denial items are now; no outstanding warrants for arrest, and is not free on any form of pretrial release, the long list of other items is gone from the bill.

Competence is still required; the list is the same as before

Outright non issuance for a misdemeanor of violence is now changed to "within the previous 4 years", commitment to Mental Health Division now must have been within 4 years prior to the effective date of the Act.

Added is the provision that if a court orders that a person is not to have firearms, a concealed license is not allowed.

Allows for relief from the disability by using the relief process allowed for in section 11 of the Act.

Character references still required. (Still no protection for a person signing as a character reference.)

section 8.

Requires issuance of a concealed handgun license by the sheriff within 45 days after application.

Paragraph (2) Failure of a person who carries a concealed handgun also to carry a concealed handgun license is prima facie evidence that the person does not have such a license. [This means you must have the license on your body when carrying a concealed handgun.]

Section 9.

Provides for renewal of concealed license.

An extensive discussion arose about a police officer being able to revoke the license by serving a notice of revocation. This meant that any police officer could revoke the license whenever they wanted to. [This was changed in the final bill]

Section 10.

Sets up a relief process for persons barred from having firearms or denied a concealed license under provisions of the act.

Burden of proof is upon the person appealing the denial. The mental health history is still a significant part of reasons not to allow ownership or issuance of a license.

The changes in these section were complex, involved, and revolved around present court interpretation of language and phrases. For full meaning as to what was accomplished by the changes a person must study the as introduced bill and the edition that passed.

SECTION 9.

Requires issuance of a concealed handgun license by the sheriff within 45 days after application.

Paragraph (2) is the same as in the original bill. We tried to get this provision changed so that a person could present in court the license as defense against the charge of not having a license if the person was not carrying the license at time of arrest. We were not successful in this effort. (It must be pointed out that this same provision was put into prior bills as introduced by OSR&PA in previous sessions. Somehow they will not learn from previous mistakes.)

Allows for use of prior issued license, this means that a license holder will not have to automatically renew their license if time still remains on the presently held license. (The way the bill was introduced everyone would have to reapply on January 1, 1990)

SECTION 9a.

Sets up method that sheriff must use if a license is to be denied. Allows for an appeal procedure.

SECTION 10.

Sets up procedure for issuance of a renewal for concealed license.

The change here is that only the sheriff can revoke the concealed license. In addition the reason for revoking the license must be given. In addition the revocation can be appealed as allowed for in the bill.

Section 11.

This section states: "A person denied a concealed handgun license under sections 7 and 8 of this Act, or whose license is revoked or not renewed under section 9 of this Act, may petition the circuit court to review the denial or revocation.

First off, the only denial that can be appealed is the denial of a concealed license. Denial of purchase of a handgun is not included. Also review of a decision that a person can not have firearms is not appealable.

The most important issue is: the appeal process means **nothing**. The NRA just lost a case in the court of appeals that simply said that the sheriff does not have to issue a license under present law. Since the appeals process only requires the court to be petitioned, there is nothing to say that the court must review the petition. (This is in essence, the same as the sheriff must consider the concealed weapons application under current law, but he does not have to act on it.)

Nothing in this section tells the court what they are to do if they do review the denial. Sum and substance of this section is that it looks good but does not do anything for the denied firearms owner.

Section 12.

Defines "Firearm". Includes the use of black powder in the definition.

Defines "Firearms silencer" & "Handgun". The way this definition is written does define antiques as defined under present federal law. Defines federal law prohibited firearms.

Again the amendments were technical and involved. In the case of the appeals process, what was a noneffective process that would not protect the lawful firearm owner, was amended to give full protection to the firearm owner in any appeal to the court, including appeal to higher courts. To fully understand the legal ramifications of the appeals process, it is suggested that an attorney be contacted for further information.

SECTION 11.

Sets up a procedure for full appeal of any denial in the area of firearms. In addition if either sides loses, they can appeal to the next higher court.

An attorney is not required, but a person can have one if they want one.

The court is given instruction as to what they are to do in the case--grant relief, or deny relief.

If a governmental entity files an appeal, and does not prevail, it shall be ordered to pay the attorneys fees for the prevailing party. This means that if you win on appeal you can get your attorney costs paid.

SECTION 12.

"Where appropriate, a person may enforce the legal duties imposed by sections 2 and 31 of this Act by the provisions of ORS 30.260 to 30.300 and chapter 183.

This means that the court can order performance of any government agency to comply with the provisions of the Act.

Section 13:

This section defines unlawful possession of a firearm.

A person under 18 can not possess long gun(s). [supposedly the same as Federal law].

The section still has the mental health provisions. (see previous discussion)

The way the section is written an exemption is made for minors to have long guns for hunting, target practice and other lawful purposes. The way the exemption section is written, a minor can not have or possess a handgun. Senator Peg Jolin held a news conference and pointed out the "no handgun" for minors problem.

Section 16:

This section changes the present law for dealer purchase of firearms from private parties.

Whenever a dealer purchases a firearm, they must make out a two part form and mail one copy to the local police on the day of purchase for police use to see if the firearm was stolen or any other check they might want to make.

Section 18:

This section mandates a specified prison term if a person uses or attempts to use a firearm in a crime of violence or drug trafficking crime.

The problem with this section as written is that the firearm charge could be "plea bargained away". There was no requirement that a person arrested be charged with the firearm part of the crime.

In addition first offenses were charged and sentenced the same; the judge could not find mitigating circumstances and levy a lesser penalty.

SECTION 13:

This section defines unlawful possession of a firearm.

The 18 year old provision is still the same. However, the exemption section was extensively rewritten. It now specifically allows minors to possess firearms if the firearm was transferred to them by a parent, guardian, or another person with the consent of the minor's parent or guardian. Handgun by minors is allowed but the transfer can not be a permanent one.

The mental health problem (provision) was changed so that a court under ORS426.130 had to make the decision, not a doctor as before. (See previous discussion)

SECTION 16:

No change. [We tried to amend this portion of the bill but were not successful.]

(It should be noted that under this section 16, that the police will now have a permanent record of all sales by citizens to dealers. Nowhere in the bill is their a requirement that such records must be destroyed and not kept.)

SECTION 18:

This section mandates a specified term if a person uses a firearm in commission of a crime.

The firearm charge can not be "plea bargained away", instead the firearm portion of the crime becomes the main charge. This means that any one using a firearm in the commission of a crime must be tried, and if convicted go to jail for not less than 5 years.

A provision was added that if the punishment was a first time punishment, the judge could "suspend the execution of the sentence" when the judge finds mitigating circumstances.

Section 21

Stops concealed carry of "switch blade knives", dirk, dagger, etc.

This change in the law puts into effect a recent State of Oregon Supreme Court opinion.

Section 23:

This section deals with the sale or transfer of firearms brought into the state. Unless the firearm is sold-transferred as per HB 3470 and other ORS's, any person selling or transferring the firearm can be charged with a class B felony.

Section 24:

This section deals with the changing or altering of serial number of a firearm. (bill used term "identification number")

Section 25:

This section exempts antique handguns from specified sections of the bill.

Section 29:

This is the "study section". Requires that state police make a study, and all dealers send copies of all sales to the state police.

The problem with this section as introduced in the bill, was that the study period did not have a starting or ending date. That meant that the study could go on as long as the police wanted to make the study.

SECTION 21:

No change.

SECTION 23:

This section deals with the sale or transfer of firearms brought into the state. Technical changes were made in wording to be sure the language was clear and easily understood. The class B felony was not changed.

SECTION 24:

This section deals with the changing (alter) the identification number of a firearm.

The bill was amended to require that the alteration or change was "intentional--and for an unlawful purpose".

SECTION 25:

This section exempts all antiques from specified sections of the bill and present unchanged law.

SECTION 29:

This is the "study section". The section was not really changed except the study now starts one year before January 1, 1991. In addition all records from the study (except that material used in the published report must be destroyed.

House Bill as introduced stopped at section 32. As amended it contains 41 sections. The following is a summary of what each section does.

Section 36. This section amends ORS 426.130 so that the court can order that the person (before the court) be prohibited from purchasing or possessing a firearm. The court is to make their decision based on past behavior and/or specific acts done by the person before the court. It should be noted that ORS 426.-series; has many safeguards for persons that are to appear before the court in this type case.

Section 37. This section directs that a study be made for an Oregon unified state identification card. The idea is that with such a card the waiting period could be done away with for any firearm purchase. <The Oregon Pro Gun Civil Rights Lobby Inc.> proposed such a system during the hearings. The committees did not want to go into all the details such a system would entail, hence; the study.

Section 38. This section is shown as adopted. **Except as otherwise provided by law, cities counties and other political subdivisions of this state may regulate only the possession of firearms and ammunition in a public place, as defined in ORS 161.015.**

There is much confusion about this section. It is supposed to be a "preemption section". However, we obtained a legislative council (the lawyer who wrote HB 3470 and all the amendments) opinion. The opinion says that this section is an "enabling section" that allows for passage of ordinances by cities--counties--others, to regulate the possession of firearms and ammunition in public places. It should be noted, that a "public place is just about anywhere outside private property."

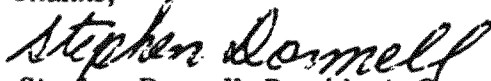
Section 41. "This Act takes effect on January 1, 1990"

This summary is just part of the changes made in HB 3470 from the time of introduction till passage by both houses. The bill has now been signed into law by the governor and will take effect on January 1, 1990. Only time will tell as to what effect other than a positive effect the legislation will have for the law-abiding Oregon gun owner. The amendments made to the bill were the result of intense lobbying and work on the part of "Oregon Pro Gun Civil Rights Lobby Inc.". The lobbying effort was made possible by the donations and financial contributions of gun owners across the state. Without that help, the lobbying effort and bill changes would not have occurred. The people who wrote the bill in the first place, testified that no changes were needed, because the bill was carefully written and any changes would destroy the effectiveness of the bill. How right they were! Without the changes the Oregon firearm (gun) owner would have had to live with one of the most oppressive gun bills ever adopted. **It is strongly urged that you read the bill as introduced, and then read the final version. Compare the two, remember the bill went through 22 revisions before it passed both the senate and house of representatives.**

The battle over gun owners rights is not over. The effort to amend HB 3470 was costly, time consuming and required the expenditure of more funds than the amount contributed by those who knew that HB 3470 had to be amended. We need your help. Contribution can be sent to the corporation address: Rt. 1, Box 1237, LaGrande, Oregon, 97850. Checks should be made out to the corporation name. We are a non-profit corporation chartered under the laws of Oregon.

If you would like to have this writer speak before your club or association, I would be pleased to do so. Call me at (503) 963-3686. If schedule permits I can come to the meeting. A donation will be requested to pay expenses and further the cause of law-abiding firearms owners civil rights.

Thanks,



Stephen Donnell, President, Oregon Pro Gun Civil Rights Lobby Inc.

HOUSE BILL 3470

AS WRITTEN BY JOHN NICHOLS OF OSR&PA, BRIAN JUDY OF NRA,
JOHN HOSFORD OF CITIZENS COMMITTEE FOR RIGHT TO KEEP & BEAR ARMS
STATE POLICE, SHERIFF ASSOCIATION, AND OTHERS.

WHAT THE BILL DID AS INTRODUCED VERSUS WHAT THE BILL DOES NOW AFTER ADOPTION OF AMENDMENTS PROPOSED AND SUPPORTED BY

OREGON PRO GUN CIVIL RIGHTS LOBBY INC.

The Oregon Pro Gun Civil Rights Lobby Inc. was incorporated in April of this year to fight HB 3470. We were successful in having the bill amended. A comparison between the bill as introduced and the 22nd edition that was passed; C Engrossed HB 3470 is shown. This information is made available so that you the gun owner can know the **true** facts as to what the bill did as originally drafted and supported by the Pro firearm organizations.

Remember, Vera Katz did not write the bill: She introduced it at the request of the Pro firearm organizations. They wrote it, supported it, and testified that the bill should not be amended because amendments would destroy the carefull work and agreements worked out by all parties concerned.

All we ask is that you read this material and then draw your own conclusions as to whether the original bill was a PRO GUN BILL OR
- ANTI GUN BILL.

Oregon Pro Gun Civil Rights Lobby Inc.
Rt. 1, Box 1237
LaGrande, Oregon
97850

Ph. (503) 963-3686

July 1989

Note: The Oregon Pro Gun Civil Rights Lobby Inc. proposed most of the amendments that were adopted. We supported those that would make the legislation more pro gun and opposed those that would make it antigun. For instance, one proposed amendment would have included the California law just passed banning the ownership of semi automatic firearms. Basically our amendments were used as the "road map" for amending the bill. We supplied copies to John Gardner of NRA and he used that material for instruction to John Nichols of OSR&PA to try and clean up the bill. Copies of our amendments are available. We do require a contribution to the corporation to defray cost of printing and other expenses. The before and after bill comparison is not claimed to be all inclusive. We have only touched the highlights and most important areas of concern to the law abiding gunowner.

Many people asked: Who wrote HB3470: Why was it introduced? Why did the Oregon Pro Gun Civil Rights Lobby Inc. fight the bill?

BILL INTRODUCTION: Quote from "Gun News" publication of Washington Arms Collectors Inc. (Article quoting John Hosford of CCRKBA)---Through the concerted efforts of the Oregon R&P, the CCRKBA and the NRA, HB 3470 is now on Governor Goldschmidt's desk awaiting his signature. ---HB 3470 came about as a result of extensive negotiation between law enforcement and the pro-gun groups under the direction of House Speaker Vera Katz.---"Actually, the major provisions of this bill were drafted long before Katz ever became involved," said John Hosford, Executive Director of the Citizens Committee and W.A.C. Board Member. "I'd been involved in discussions with John Nickles, (misspelling in original article) legislative chairman for the OREPA, for at least four months prior to the meeting with Katz.---The efforts of the pro-gun groups were hindered slightly by a tremendous amount of mis-information being distributed by uninformed individuals as well as a small group of gun owners who had their own personal agendas." (From Volume 5, Issue 8)

WHY WAS THE BILL INTRODUCED? Quote John Hosford in news release "This a landmark day for Oregon Gun Owners," said John Hosford, Executive Director of the Citizens Committee for the Right to Keep and Bear Arms. "This proves that when people can agree to disagree, and then direct their efforts to those workable issues where there is room for compromise, that great things can be accomplished."----"there was give and take from both sides during these negotiations. At times, the process became very frustrating. If it had not been for Speaker Katz's leadership, I am sure this would have fallen apart. She really wanted a great piece of legislation, fair to all involved, I submit that she did just that and I salute her for it. She's an outstanding woman and a class act."¹

Quote from a letter to Representatives in Salem, letter by John Hosford: "The foremost reason to support this bill is that it addresses criminal misuse of firearms while recognizing the rights of law-abiding Oregonians to own, possess and carry firearms." **Note: this letter was dated June 12, 1989 long before the bill had been amended so as to take out most of the anti-gun owner provisions.**

Quote from letter dated May 20, 1989 signed by John Nichols of Oregon State Rifle and Pistol Association.---When asked by speaker Katz to join in the negotiations, the firearms groups were faced with a clear choice: we could have either refused to talk and faced a costly political battle which even now I'm not sure we could have won; or we could enter into the discussion and attempt to refocus the debate away from controlling guns to controlling criminals and others----."

NRA news release dated April 6, 1989. "In an effort to create reasonable and effective gun legislation, Oregon gun and State law enforcement officials have announced - their combined support for H.B. 3470-----. The carefully balanced bill ---. "We offer our qualified support of the bill in the belief that gun owners and law enforcement have created a balanced bill that is beneficial to all the people in this state."----"We hope people take notice that this is another case of the National Rifle Association and law-abiding gun owners working with law enforcement and state officials to create good gun laws," said Judy. (Mr. Judy was the NRA representative for Oregon)

Comment: The reader can for themselves draw their own conclusions as to whether the bill as introduced was a pro or anti gun bill. Remember the bill had 22 amendments because we were the "small group of gun owners who had their own personal agendas." That statement is correct. Our agenda was to make sure that the Oregon gun owners were not sold down the river on their gun rights by those who wrote and had the bill introduced.

Why did the Oregon Pro Gun Civil Rights Lobby Inc. fight the bill, as introduced?

We fought the bill because it was the most restrictive violation of gun owners "civil rights" that we had ever seen introduced into the Oregon legislative process. Attached are copies of the original testimony we made on the bill. That material speaks for itself. In fact, we were told that because of our testimony the bill almost died because the legislators did not know whether the bill could be amended and cleaned up to the point it would meet constitutional requirements. Remember, Hand Gun Control Inc. testified that "HB 3470 was a good bill, it only did not go far enough".² In addition American Civil Liberties Union (ACLU) also opposed the bill because of the constitutional issues raised in the bill. You know that when Hand Gun Control Inc. and ACLU take these stands, on a legislative issue, something is bad wrong with the legislation as far as gun owners are concerned. So---we fought the bill and hopefully were successful in amending it so that now it is mostly a pro-gun piece of legislation. We had no success in amending Section 38. Please see letter to NRA and letter reply.

Stephen Donnell--President, Oregon Gun Owners Pro Gun Civil Rights Lobby Inc.
July 1989

1. Undated news release to newspapers and media. 2. Oral testimony at hearing

A PROPOSAL TO ~

AMEND

HOUSE BILL 3470

Testimony of:

STEPHEN DONNELL

Rt. 1, Box 1237
LaGrande, Oregon
97850

Dated: APRIL 21, 1989

Ph. (503) 963-3686

TESTIMONY: HB 3470

Stephen Donnell

April 21, 1989

Mr. Chairman, my name is Stephen Donnell. I have spent many hours studying HB 3470.

I understand Speaker Katz' frustration in the matter of sound, legal and effective firearm legislation to deal with Oregon criminals' misuse of firearms. Speaker Katz should be commended for bringing together those who are considered to be the Oregon pro gun experts on this issue.

However, careful analysis and scrutiny of HB 3470 shows that the bill is fatally flawed and, if passed without amendments, would constitute a gross attack on, and deprivation of Oregon citizens' civil rights.

At the present time there are two philosophical approaches to the so-called firearm problem.

Premise No. 1: Firearms are evil and anyone who sells, uses or possesses firearms has by that association been tainted and is therefore suspect as being up to no good and a potential violator of society's laws.

Premise No. 2: Firearms are not the problem. Anyone who has firearms for any legal purpose is exercising his civil rights under the U.S. Bill of Rights, second amendment and Oregon Constitution, Article 1, Section 27.

Today's firearm problem is the criminal's use of firearms against society, thus causing death, mayhem, injury and loss of goods and property.

HB 3470 adopts Premise No. 1 as the philosophical base to draft its legal impositions on the Oregon population. In doing so, bill language wipes out many civil rights granted under the Oregon Constitution.

For instance:

*Section 4: Allows most any person who is licensed in Oregon to engage in the practice of psychology, psychiatry or medicine to, by one fell swoop of the pen, turn Oregon citizens into persons prohibited from owning or possessing any firearm. This provision violates the Oregon Constitution, Article 1, Section 12 on "self incrimination" and "rights of accused in criminal prosecution," Article 1, Section 11.

The way the bill is written, anyone visiting a mental health person or doctor can be put on the prohibited list and not even know about it. The bill does not require notice to the patient that the doctor has written the mental health notice and sent the notice to the Health Division. This provision violates Article 1, Section 10 of the Oregon Constitution concerning secret courts.

HB 3470, Section 2, 13 and 23 provides for criminal prosecution for anyone in the prohibited class, as that class is defined in the bill. Among those prohibited from owning firearms

are those who have a letter of record concerning them on file with the Mental Health Division.

HB 3470 has, therefore, trampled all over our present system of allowing an accused person to be represented by counsel, hear and be heard in criminal prosecution and challenge his accuser before a court of law and have a court of law determine his guilt or innocence, especially by jury trial.

HB 3470, Section 12 and 16 specifically define "being in the business as being defined in 18 U.S.C. 921."

By these sections the legislature has abrogated its power in the Oregon Constitution, Article IV, Section 17, to the federal government.

Therefore, whenever Federal Code changes, so does Oregon law. This aspect of HB 3470 violates the Oregon Constitution, Article IV, Sections 18, 20, 21 and 22.

The violation is that this legislation has no control over federal code and law, but has made the people of Oregon subject to that Federal Code of law specified in the bill, all in violation of the Oregon Constitution, Article IV, Section 28, which states when statutes take effect.

HB 3470, Section 13 creates an interesting legal situation. Under this section, if a person becomes a prohibited person as defined in this section, he immediately cannot possess firearms.

It is well accepted that before one loses his civil rights he must be found guilty of a felony or have had the lost civil

right taken away by a due process of a court of law.

Thus Section 13, and to a certain extent, Section 1, negate this principle of constitutional and criminal law: before one loses his civil rights he has the right as provided under the Oregon Constitution, Article 1, Section 10 to have an open, full hearing in a court of law, or hearing before a board established by statute. In addition, the court of board's determination can be appealed to high courts.

HB 3470 allows for no appeal and even worse, does not require notice to the affected person that the action that negates his right to bear arms under the Oregon Constitution, Article 1, Section 27, has been taken away from him.

Bill Ambiguities:

Section 13 and Section 2: These two sections are in conflict with each other as to the rights of a minor to possess handguns.

Section 13: Prohibited classes cannot carry concealed firearms; it is not clear if they can carry them openly.

Section 13: Persons are exempt from provisions of Sections 7 and 8 if they fall under ORS 166.260. It is not clear as to what happens if they are just traveling and not under ORS 260.

No provisions have been made to carry firearms, other than a handgun, with a permit, out of sight in a vehicle.

Last but not least, under Section 3 a person could be arrested for having a boat load of marijuana, be convicted of a

felony, come to Oregon and have and carry all the firearms they want.

This is an outline of just some of the problems with HB 3470 as presently written.

As part of my testimony, I have supplied proposed amendments to the Bill so as to rectify these problems. These amendments are on the colored paper. I would be pleased to work with the committee in any way to make HB 3470 a strong, effective criminal control piece of legislation.

I would be pleased to answer any questions.

Thank you.

Mr. Richard Gardner
NRA/ILA
1600 Rhode Island Ave. NW
Washington, D.C.
20036

July 6, 1989
Rt. 1, Box 1237
LaGrande, Oregon
97850
Ph. 503-963-3686

Dear Mr. Gardner:

Mr. Ron Harder, a member of the committee that drafted the first edition of HB 3470 (the gun bill written by NRA, OSR&PA, CCRK&BA and others) contacted me in the capitol building on the morning of July 1, 1989. He advised that he had talked to you by phone, when you were at your home, and told you that I had changed position on outright opposing HB BEng. 3470 (as amended by Senate Judiciary cmtg. C Eng. HB 3470) to one of support of the bill.

This letter is being written to clarify the record on this matter. As of the time Mr. Harder talked to me in the capitol, I was neither supporting the proposed legislation, or opposing the proposed legislation. As President of the Oregon Pro Gun Civil Rights Lobby Inc., our position consisted of advising the legislators that we neither opposed or supported the bill. We were satisfied that most of the provisions we knew had to be in the proposed legislation (from onset of the bill into the political process) so as to protect Oregon gun owner's civil rights, had been incorporated into the bill. We still did not like the bill, because of section 38, the preemption section (which senate judiciary committee legal counsel advised is an enabling section for political subdivision to enact ordinances for controlling the possession of firearms and ammunition in public places) and other bill provisions.

Mr. Harder indicated that he and Mr. Nichols of OSR&PA had talked to you about this matter because the Senate Judiciary committee would not release HB 3470 to the floor until the committee had received a letter (fax) from NRA approving the bill. That letter (fax) was received in Speaker Vera Katz's office at 12:12 hrs. on July 1, 1989. Therefore, HB 3470 C Eng version was passed by the senate and sent to the house for concurrence. It passed the house on a 49 yes vote.

I want it thoroughly understood that those of us in the Oregon Pro Gun Civil Rights Lobby Inc. do not approve of the bill as passed by both houses because of section 38, and other bill problems. However, C Eng HB 3470 is now of such a nature that OPGCVR Inc. can live with bill requirements because some parts of the legislation are a step forward for gun owners rights here in Oregon.

It is my considered opinion and that of the attorney working with us, that NRA has made a very large blunder in allowing section 38 to remain in the bill as now written. I have told Mr. Harder and our supporters that since NRA created the forthcoming problem(s), NRA must be looked to for assistance in fighting any problems that engender from section 38. This letter is being written to you so you will be informed of that position and warn your office of what will most probably result from having section 38, as presently composed, enacted into law.

Respectfully yours,

Stephen Donnell
President,
Oregon Pro Gun Civil Rights Lobby Inc.



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D. C. 20036

July 13, 1989

Mr. Stephen Donnell
President
Oregon Pro Gun Civil Rights Lobby, Inc.
Route 1, Box 1237
LaGrande, Oregon 97850

Dear Mr. Donnell,

Thank you for your letter of July 1, 1989 concerning Oregon H.B. 3470.

For the record, it was my understanding from Mr. Harder that the Oregon Pro Gun Civil Rights Lobby, Inc. "neither opposed or supported the bill." It was not my understanding that the Oregon Pro Gun Civil Rights Lobby, Inc. supported the bill.

With regard to potential problems with Section 38 of the bill, please be assured that the NRA will "assist[] in fighting any problems that engender from (sic) section 38."

In closing, let me say that I appreciate your continued vigilance on behalf of Oregon gun owners and your efforts to bring to our attention the problems you saw with H. 3470. I hope that we can continue to work together in the future.

Sincerely yours,

Richard E. Gardiner
Director, State & Local Affairs

REG/rcs

Corrected

C-Engrossed House Bill 3470

Ordered by the Senate July 1
Including House Amendments dated June 8 and June 26 and Senate
Amendments dated July 1

Sponsored by Representatives KATZ, BURTON, Senator L. HILL, Representatives BAUMAN, BRIAN, CARTER, CEASE, FORD, HANLON, HOSTICKA, HUGO, KEISLING, KOTULSKI, MANNIX, MASON, MINNIS, PETERSON, STEIN, Senators CEASE, COHEN, GOLD, HAMBY, KENNEMER, KITZHAEBER, SHOEMAKER, TROW (at the request of Oregon State Police, National Rifle Association, Oregon State Rifle and Pistol Association, Oregon State Sheriffs' Association, Oregon Association Chiefs of Police, Citizens' Committee For The Right To Keep And Bear Arms, Oregon Catholic Conference, Oregon Department of Justice)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Expands information to be included on record of sale of handgun. Requires 15-day waiting period. Expands grounds for prohibiting purchase of handgun. Provides that felons cannot own or possess any firearms. Revises procedure for obtaining concealed handgun license. Allows person who holds valid concealed handgun license to purchase handgun without waiting period. Provides for appeal of denial or revocation of license. Provides for judicial relief for persons barred from purchasing or possessing firearms. Requires Department of State Police to study purchases of handguns, rifles, shotguns and other long guns and issuance of concealed handgun licenses. Defines terms.]

[Creates crime of making false statements on concealed handgun license application. Punishes by maximum one year imprisonment, \$2,500 fine, or both.]

[Creates crime of unlawfully attempting to purchase firearm. Punishes by maximum five years imprisonment, \$100,000 fine, or both.]

[Creates crime of failure to register used firearms transactions. Punishes by maximum one year imprisonment, \$2,500 fine, or both.]

[Creates crime of shipping, receiving, selling or furnishing firearm in furtherance of felony. Punishes by maximum 10 years imprisonment, \$100,000 fine, or both.]

[Establishes mandatory sentences for certain crimes when firearm used in commission of crime.]

[Creates crime of unlawful possession of machine gun, short-barreled rifle or shotgun or firearm silencer. Punishes by maximum 10 years imprisonment, \$100,000 fine, or both.]

[Appropriates moneys from General Fund to Department of State Police for purposes of Act.]

Regulates sale of handguns. Requires fingerprinting for all handgun sales and enacts 15-day waiting period for purpose of conducting criminal and mental history records check. Provides Attorney General shall notify Legislative Assembly when identification system using biological factors to identify convicted felons and certain mentally ill persons is developed. Sunsets fingerprinting and waiting period requirements when such technology is developed.

Regulates sale or transfer of firearms to recipients under 18 years of age, convicted of misdemeanors involving violence within previous four years, having outstanding felony warrants or on pretrial release for felony or having specified conditions relating to mental illness.

Revises crime of exconvict in possession of firearm.

Provides scheme for issuance of concealed weapons permit.

Creates crime of unlawful possession of machine gun, short-barreled rifle or shotgun or firearms silencer. Imposes maximum \$100,000 fine, 10 years imprisonment, or both.

Requires register of firearms transfer be kept and mailed to local law enforcement officers by persons selling firearms.

Increases penalties for use of firearms during commission of crimes.

Directs interim study and report to Sixty-sixth Legislative Assembly concerning unified state identification card.

A BILL FOR AN ACT

1

2

3

Relating to firearms: creating new provisions; amending ORS 46.060, 51.080, 161.610, 166.210, 166.240, 166.250, 166.270, 166.370, 166.410, 166.420, 166.450, 166.460, 166.470, 166.480, 166.715, 181.150 and

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

Bill as introduced:

Section one is now section 2.

Section 1.

1. Requires any one licensed by the Federal Government to send copies of the sale registration slips to local and state police. The record was supposed to be only used to determine if the buyer was a prohibited person who could not buy a handgun. After the ID use the records were to be destroyed. No provision was made for a criminal penalty if the police did not destroy the records.
2. Requires thumb print at time of purchase from a licensed dealer.
3. Waiting period if a person does not have a concealed weapons permit.
4. Violation of any part of the law (section) resulted in a possible Class C felony. It did not make any difference if the violation was intentional or not.

Please note that these amendments materially changed the thrust of the bill. They brought antiques and replicas out from under the concealed weapons (handgun) provisions for purchase and also allowed a court defense if a dealer made a mistake was not intentional in nature. Also a change was made for definition of a "firearm" so that it applies to weapons that only use smokeless powder. The phrase "black powder or" was deleted.

Bill as passed:

SECTION 1. As originally introduced the bill did not contain any definition for antiques or replicas of antiques.

In the passed version replica's are the same as antiques as long as they have not been altered to use rimfire or conventional ammunition. This means that a person can buy a replica without going thru the waiting period or having a concealed weapons permit. At the present time handgun antiques or replicas are treated the same as modern handguns. ie. waiting period for purchase etc.

SECTION 2.

1. Now provides for a Class A Misdemeanor if the records are not destroyed. The crime applies to any one who has responsibility for record destruction.
2. No change.
3. No change.
4. As passed the violation must be an intentional one. In other words, non intentional mistakes can be pleaded in court to assist in defeating any criminal charge.

Bill as introduced:

The bill as introduced did not have a SECTION 2a, or 2b.

Section 2. Is now Section 3.

1. Defines people who can't receive firearms by purchase or by transfer. Now includes persons convicted of misdemeanor involving violence (the problem was violence was not defined) within the previous 4 years prior to the application, or has outstanding warrants for arrest, chronic abuser of alcohol, adjudged mentally ill, or has been diagnosed as dangerous to self or others, etc.

2. Makes violation a "Class C felony." (was a misdemeanor).

3. As written could be interpreted as not allowing a parent (or any one else) to supply a handgun to a minor for instruction, hunting, or any other purpose.

The bill as now passed resolved most of the problems in the original bill (for these sections). Language is now clear and easily understood. For the most part the changes reverse the original proposed legislation.

Bill as passed:

SECTION 2a. This section allows and provides for a stop to the waiting period when the Federal ID system is in place.

SECTION 2b. Implements the use of the Federal ID system, so that the waiting period no longer is required.

The problem with this section is that the Oregon law requires identification of persons who will not be identified by the Federal ID system. This means that for all intents and purposes, the 15 day waiting period will always be with us.

People who will not be identified by the Federal system are: persons convicted of misdemeanors ie. ORS 163.160, 163.190, 163.195, 163.208, 166.155 (1)(b) and people listed in the mental health register maintained by the Mental Health Division.

SECTION 3.

1. Provides relief if a person is a prohibited person by record expunction of this state or other state with equivalent law. Outstanding warrant must be a felony warrant requires commitment by Mental Health Division (not as in the original bill, by an opinion decision of a medical practitioner allows an order under 426.130 that a person can not have firearms. (426.130) has many checks and balances as to who and how a person gets on the list.

2. Returns the penalty to a Class A misdemeanor.

3. Allows temporary transfer of any firearm to a minor for hunting, target practice or any other lawful purpose.

Bill as introduced:

Section 4. (This section does not exist in the passed version of the bill. It was superseded by Senate Bill 412. Senate Bill 412 was not passed out of committee (it passed both houses, but the senate and house versions were not the same. The bill went to conference committee and did not come out of committee.)
[The full bill language is shown so you the reader can know what was introduced.]

SECTION 4.

Note: This proposed section allows any person who is licensed in Oregon to engage in the practice of psychology, psychiatry or medicine to, by one fell swoop of the pen, turn Oregon citizens into persons prohibited from owning or possessing any firearm. This provision violates the Oregon Constitution, Article 1, Section 12 on "self incrimination" and "rights of accused in criminal prosecution, Article 1, Section 11.

The way the bill is written, anyone visiting a mental health person or doctor can be put on the prohibited list and not even know about it. The bill does not require notice to the patient that the doctor has written the mental health notice and sent the notice to the Health Division. This provision violates Article 1, Section 10 of the Oregon Constitution concerning secret courts.

(1) A superintendent or director of the following shall report to the Health Division every client and patient who in the opinion of the superintendent or director, should not purchase or possess firearms because of the client's or patient's mental condition:

(a) A hospital for the mentally ill or training center for the mentally retarded;

(b) A private mental health care facility; or

(c) A community mental health program.

(2) All persons licensed by the State of Oregon to engage in the practice of psychology, psychiatry or medicine shall report immediately to the Health Division every client or patient diagnosed as being dangerous to self or others.

(3) Reports required under this section shall be upon forms prescribed or provided by the Health Division. Each report shall include the person's name, address, date of birth, sex and diagnosis.

(4) Upon request by a local law enforcement agency conducting a background information check under ORS 166.420 or sections 7 and 8 of this Act regarding a particular person, the Health Division shall provide the agency with information concerning that person, if any, that has been reported as required by subsections (1) and (2) of this section. The reports are confidential and shall be used by the agency only to determine the qualifications of a person to purchase a firearm under ORS 166.420 and 166.470 or to obtain a concealed handgun license under section 7 and 8 of this Act.

(5) The reports required by this section shall be made notwithstanding any confidentiality or privilege statute.

(6) Any one participating in good faith in the making of a report pursuant to this section, and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report. Any such participant shall have the same immunity with respect to participating in any judicial proceeding resulting from such report.

Section 5.

Allows for reporting misdemeanor involving violence.

Section 7.

Sets up procedure for issuance of a concealed handgun license. Requires demonstration of competence with a handgun by proof of prior handgun instruction.

Allows for denial if adjudged mentally ill; chronic abuser of alcohol. Has not been found to be or diagnosed as dangerous to self or others; (This section puts into effect section 4, where the doctor makes the decision.)

Requires two Character references. (The bill does not provide protection for the character references from any type of court action if the person vouched for does something while having the license. The bill expressly protects the police or public official, but not the private citizen!)

Provides for sheriff to have judgment as to whether a person will be issued a license. Does provide an appeal process. (Note: more will be said about the so called appeal process later under appropriate section.)

Note: These sections were some of the most hotly debated sections of the bill. It is impossible to discuss the total issues raised in committee and on the House and Senate floor(s). Suffice to say, that as now written the gun owner is protected as much as possible, within the framework that the legislature would permit. The issues were complex, involved with prior court decisions, and provisions of the Oregon constitution and laws. Only time will tell if the changes made will be sufficient to protect the law abiding gun owner so that all will have equal rights in applying and having a license issued to them.

SECTION 4.

Defines felon in possession of a firearm.

Allows relief from disability by using appeal process as allowed in SECTION 11.

SECTION 5.

Requires reporting of persons identified as per Senate Bill 412 (the mental health section) that are prohibited from purchase or possession of firearms. [Note: Senate Bill 412 did not pass. See previous discussion.]

SECTION 8.

Sets up procedure for issuance of a concealed handgun license. Basically the same criteria is used as before. But the only denial items are now; no outstanding warrants for arrest, and is not free on any form of pretrial release, the long list of other items is gone from the bill.

Competence is still required; the list is the same as before

Outright non issuance for a misdemeanor of violence is now changed to "within the previous 4 years", commitment to Mental Health Division now must have been within 4 years prior to the effective date of the Act.

Added is the provision that if a court orders that a person is not to have firearms, a concealed license is not allowed.

Allows for relief from the disability by using the relief process allowed for in section 11 of the Act.

Character references still required. (Still no protection for a person signing as a character reference.)

section 8.

Requires issuance of a concealed handgun license by the sheriff within 45 days after application.

Paragraph (2) Failure of a person who carries a concealed handgun also to carry a concealed handgun license is prima facie evidence that the person does not have such a license. [This means you must have the license on your body when carrying a concealed handgun.]

Section 9.

Provides for renewal of concealed license.

An extensive discussion arose about a police officer being able to revoke the license by serving a notice of revocation. This meant that any police officer could revoke the license whenever they wanted to. [This was changed in the final bill]

Section 10.

Sets up a relief process for persons barred from having firearms or denied a concealed license under provisions of the act.

Burden of proof is upon the person appealing the denial. The mental health history is still a significant part of reasons not to allow ownership or issuance of a license.

The changes in these section were complex, involved, and revolved around present court interpretation of language and phrases. For full meaning as to what was accomplished by the changes a person must study the as introduced bill and the edition that passed.

SECTION 9.

Requires issuance of a concealed handgun license by the sheriff within 45 days after application.

Paragraph (2) is the same as in the original bill. We tried to get this provision changed so that a person could present in court the license as defense against the charge of not having a license if the person was not carrying the license at time of arrest. We were not successful in this effort. (It must be pointed out that this same provision was put into prior bills as introduced by OSR&PA in previous sessions. Somehow they will not learn from previous mistakes.)

Allows for use of prior issued license, this means that a license holder will not have to automatically renew their license if time still remains on the presently held license. (The way the bill was introduced everyone would have to reapply on January 1, 1990)

SECTION 9a.

Sets up method that sheriff must use if a license is to be denied. Allows for an appeal procedure.

SECTION 10.

Sets up procedure for issuance of a renewal for concealed license.

The change here is that only the sheriff can revoke the concealed license. In addition the reason for revoking the license must be given. In addition the revocation can be appealed as allowed for in the bill.

Section 11.

This section states: "A person denied a concealed handgun license under sections 7 and 8 of this Act, or whose license is revoked or not renewed under section 9 of this Act, may petition the circuit court to review the denial or revocation.

First off, the only denial that can be appealed is the denial of a concealed license. Denial of purchase of a handgun is not included. Also review of a decision that a person can not have firearms is not appealable.

The most important issue is: the appeal process means **nothing**. The NRA just lost a case in the court of appeals that simply said that the sheriff does not have to issue a license under present law. Since the appeals process only requires the court to be petitioned, there is nothing to say that the court must review the petition. (This is in essence, the same as the sheriff must consider the concealed weapons application under current law, but he does not have to act on it.)

Nothing in this section tells the court what they are to do if they do review the denial. Sum and substance of this section is that it looks good but does not do anything for the denied firearms owner.

Section 12.

Defines "Firearm". Includes the use of black powder in the definition.

Defines "Firearms silencer" & "Handgun". The way this definition is written does define antiques as defined under present federal law. Defines federal law prohibited firearms.

Again the amendments were technical and involved. In the case of the appeals process, what was a noneffective process that would not protect the lawful firearm owner, was amended to give full protection to the firearm owner in any appeal to the court, including appeal to higher courts. To fully understand the legal ramifications of the appeals process, it is suggested that an attorney be contacted for further information.

SECTION 11.

Sets up a procedure for full appeal of any denial in the area of firearms. In addition if either sides loses, they can appeal to the next higher court.

An attorney is not required, but a person can have one if they want one.

The court is given instruction as to what they are to do in the case--grant relief, or deny relief.

If a governmental entity files an appeal, and does not prevail, it shall be ordered to pay the attorneys fees for the prevailing party. This means that if you win on appeal you can get your attorney costs paid.

SECTION 12.

"Where appropriate, a person may enforce the legal duties imposed by sections 2 and 31 of this Act by the provisions of ORS 30.260 to 30.300 and chapter 183.

This means that the court can order performance of any government agency to comply with the provisions of the Act.

Section 13:

This section defines unlawful possession of a firearm.

A person under 18 can not possess long gun(s). [supposedly the same as Federal law].

The section still has the mental health provisions. (see previous discussion)

The way the section is written an exemption is made for minors to have long guns for hunting, target practice and other lawful purposes. The way the exemption section is written, a minor can not have or possess a handgun. Senator Peg Jolin held a news conference and pointed out the "no handgun" for minors problem.

Section 16:

This section changes the present law for dealer purchase of firearms from private parties.

Whenever a dealer purchases a firearm, they must make out a two part form and mail one copy to the local police on the day of purchase for police use to see if the firearm was stolen or any other check they might want to make.

Section 18:

This section mandates a specified prison term if a person uses or attempts to use a firearm in a crime of violence or drug trafficking crime.

The problem with this section as written is that the firearm charge could be "plea bargained away". There is no requirement that a person arrested be charged with the firearm part of the crime.

In addition first offenses were charged and sentenced the same; the judge could not find mitigating circumstances and levy a lesser penalty.

SECTION 13:

This section defines unlawful possession of a firearm.

The 18 year old provision is still the same. However, the exemption section was extensively rewritten. It now specifically allows minors to possess firearms if the firearm was transferred to them by a parent, guardian, or another person with the consent of the minor's parent or guardian. Handgun by minors is allowed but the transfer can not be a permanent one.

The mental health problem (provision) was changed so that a court under ORS426.130 had to make the decision, not a doctor as before. (See previous discussion)

SECTION 16:

No change. [We tried to amend this portion of the bill but were not successful.]

(It should be noted that under this section 16, that the police will now have a permanent record of all sales by citizens to dealers. Nowhere in the bill is their a requirement that such records must be destroyed and not kept.)

SECTION 18:

This section mandates a specified term if a person uses a firearm in commission of a crime.

The firearm charge can not be "plea bargained away", instead the firearm portion of the crime becomes the main charge. This means that any one using a firearm in the commission of a crime must be tried, and if convicted go to jail for not less than 5 years.

A provision was added that if the punishment was a first time punishment, the judge could "suspend the execution of the sentence" when the judge finds mitigating circumstances.

Section 21

Stops concealed carry of "switch blade knives", dirk, dagger, etc.

This change in the law puts into effect a recent State of Oregon Supreme Court opinion.

Section 23:

This section deals with the sale or transfer of firearms brought into the state. Unless the firearm is sold-transferred as per HB 3470 and other ORS's, any person selling or transferring the firearm can be charged with a class B felony.

Section 24:

This section deals with the changing or altering of serial number of a firearm. (bill used term "identification number")

Section 25:

This section exempts antique handguns from specified sections of the bill.

Section 29:

This is the "study section". Requires that state police make a study, and all dealers send copies of all sales to the state police.

The problem with this section as introduced in the bill, was that the study period did not have a starting or ending date. That meant that the study could go on as long as the police wanted to make the study.

SECTION 21:

No change.

SECTION 23:

This section deals with the sale or transfer of firearms brought into the state. Technical changes were made in wording to be sure the language was clear and easily understood. The class B felony was not changed.

SECTION 24:

This section deals with the changing (alter) the identification number of a firearm.

The bill was amended to require that the alteration or change was "intentional--and for an unlawful purpose".

SECTION 25:

This section exempts all antiques from specified sections of the bill and present unchanged law.

SECTION 29:

This is the "study section". The section was not really changed except the study now starts one year before January 1, 1991. In addition all records from the study (except that material used in the published report must be destroyed.

House Bill as introduced stopped at section 32. As amended it contains 41 sections. The following is a summary of what each section does.

Section 36. This section amends ORS 426.130 so that the court can order that the person (before the court) be prohibited from purchasing or possessing a firearm. The court is to make their decision based on past behavior and/or specific acts done by the person before the court. It should be noted that ORS 426.-series; has many safeguards for persons that are to appear before the court in this type case.

Section 37. This section directs that a study be made for an Oregon unified state identification card. The idea is that with such a card the waiting period could be done away with for any firearm purchase. <The Oregon Pro Gun Civil Rights Lobby Inc.> proposed such a system during the hearings. The committees did not want to go into all the details such a system would entail, hence; the study.

Section 38. This section is shown as adopted. **Except as otherwise provided by law, cities counties and other political subdivisions of this state may regulate only the possession of firearms and ammunition in a public place, as defined in ORS 161.015.**

There is much confusion about this section. It is supposed to be a "preemption section". However, we obtained a legislative council (the lawyer who wrote HB 3470 and all the amendments) opinion. The opinion says that this section is an "enabling section" that allows for passage of ordinances by cities--counties--others, to regulate the possession of firearms and ammunition in public places. It should be noted, that a "public place is just about anywhere outside private property."

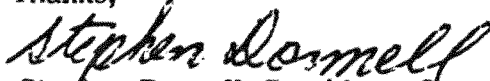
Section 41. "This Act takes effect on January 1, 1990"

This summary is just part of the changes made in HB 3470 from the time of introduction till passage by both houses. The bill has now been signed into law by the governor and will take effect on January 1, 1990. Only time will tell as to what effect other than a positive effect the legislation will have for the law abiding Oregon gun owner. The amendments made to the bill were the result of intense lobbying and work on the part of "Oregon Pro Gun Civil Rights Lobby Inc.". The lobbying effort was made possible by the donations and financial contributions of gun owners across the state. Without that help, the lobbying effort and bill changes would not have occurred. The people who wrote the bill in the first place, testified that no changes were needed, because the bill was carefully written and any changes would destroy the effectiveness of the bill. How right they were! Without the changes the Oregon firearm (gun) owner would have had to live with one of the most oppressive gun bill ever adopted. **It is strongly urged that you read the bill as introduced, and then read the final version. Compare the two, remember the bill went through 22 revisions before it passed both the senate and house of representatives.**

The battle over gun owners rights is not over. The effort to amend HB 3470 was costly, time consuming and required the expenditure of more funds than the amount contributed by those who knew that HB 3470 had to be amended. We need your help. Contribution can be sent to the corporation address: Rt. 1, Box 1237, LaGrande, Oregon, 97850. Checks should be made out to the corporation name. We are a non-profit corporation chartered under the laws of Oregon.

If you would like to have this writer speak before your club or association, I would be pleased to do so. Call me at (503) 963-3686. If schedule permits I can come to the meeting. A donation will be requested to pay expenses and further the cause of law-abiding firearms owners civil rights.

Thanks,



Stephen Donnell, President, Oregon Pro Gun Civil Rights Lobby Inc.

BCC

1494 NW 15th
Gresham, OR 97030
(503) 665-7902

December 6, 1989

HAND DELIVERED

Multnomah County Board
of Commissioners
Multnomah County Courthouse
1021 SW Fourth Ave.
Portland, OR 97204

12/7/89
TESTIMONY

1989 OCT - 7 PM 4:00
MULTNOMAH COUNTY
OREGON
CLERK OF
COUNTY COMMISSIONERS

Re: Proposed Semi-Automatic Firearms Ordinance

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Experience shows that laws such as the proposed ordinance do not work. Their main effect is to unjustifiably interfere with the rights of law abiding citizens. Such laws are ignored and circumvented by criminal elements.

In addition, the preamble to the ordinance contains calculated and misleading statements respecting the use of "assault weapons" in criminal activity. You will find the use of such weapons in firearms-related crimes and accidents is substantially less than the level represented in the preamble.

In conclusion, I again urge you to vote against the proposed ordinance. It exceeds both the constitutional and statutory authority of the county. It is ill conceived and would not serve its stated purpose. A less restrictive means of regulating possession of such firearms in public places may be possible, but such is not obtained in the present ordinance. Please vote no on the proposed ordinance.

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Eugene A. Frassetto

EAF:v-m

BCC

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(503) 665-7902

December 6, 1989

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of Commissioners
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1021 SW Fourth Ave.
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Eugene A. Frassetto

EAF:v-m

GM
NOV 20 1989
C. J. J.

gun

15 November 1989

Gladys McCoy
Chair, Multnomah County Commission
1021 S.W. 4th Av
Portland, OR 97204

Greetings.

This letter is intended to express my opposition to the proposed county gun control ordinances.

I consider them a thinly disguised effort to register certain types of firearms based on appearance. The federal Bureau of Alcohol, Tobacco, and Firearms has testified in Senate Committee hearings that there is no functional difference between post-World War II military-pattern semi-auto rifles and those more traditional semi-autos used by hunters since the turn of the century. They are no more deadly than earlier designs, either. One firearms expert, Jeff Cooper, has stated in print he would rather face an opponent armed with a military-pattern semi-auto rifle than an opponent armed with a bolt-action rifle, simply because the bolt-action rifle encouraged deliberate, aimed fire and he was much more likely to be shot with it.

Gun safety in this case is an excuse to compell firearms registration. Gun owners have reason to fear it, as it has historically resulted in many cases in confiscatory efforts. Typical compliance with such efforts, viewed by most people as excessive and non-productive, runs about 20%, and when confronted with this, many jurisdictions have abandoned what they started and personnel changes undoubtedly occurred at election time.

Firearms-involved accidents have steadily declined for many years, while firearms ownership has steadily gone up. This is in many ways due to the efforts of an organization which has never required gun registration as a condition of safety education. Like it or not, this organization is the National Rifle Association.

If firearm safety were the true issue here, it would be a very simple and acceptable matter to require proof of successful completion of a N.R.A. Hunter Safety Course within a certain period of a firearm purchase. This method of further increasing firearms safety also would cost the taxpayer nothing. (I predict the majority of the first \$200,000 estimated cost of the ordinances, to cover the additional clerical and instruction personnel, will come from the county coffers, once people start making their purchases in other counties and relying more heavily on private purchases which are exempt from the "tax". The fact that our officials have gone straight to gun registration

rather than safety education and measures concentrating on criminals speaks volumes about the true motivation behind these proposed ordinances.

Not only is there the constitutional conflict, the difficulty in defining the mythical "assault weapon" (current definitions run from .22 rifles used for over 50 years to full sized civilian versions of military battle rifles, currently used in national competition. In between, laws have entangled semi-auto deer rifles and pump shotguns used weekly for breaking millions of clay birds.), but these proposals lack any common sense if the purpose is to keep firearms out of the hands of criminals. The very image of drug distributors and addicts, armed robbers, and other criminal types getting in line to take their firearm safety course so that they may get a "permit" is an act of insanity in itself, or at the very least, silly. The private transfer exemption is there not because of someone's good nature, but because to include such transactions would be impossible to enforce. Criminals don't sign their names on gunstore paperwork. Federal statutes already cover firearms transfers of all types. Local laws already regulate the carrying and possession of firearms. (the Oregonian article said permits would be required for carry in such places as highways (state jurisdiction?) and parks. I thought it was unlawful already to possess firearms in parks. Maybe with a permit, citizens could conduct firearms safety classes in the parks?) Maybe, somehow I doubt it. The article also mentioned apartment hallways. I was under the impression these were on private property.) Would a permit be required to participate in a sanctioned high-power rifle match at a public rifle range? What criminal would be caught amongst several dozen heavily armed law-abiders? What about the accessible woodlands, where most people are forced through lack of firing ranges in this area to practice their marksmanship, either by busting clay birds, punching paper, or shooting cans with their kids? These are public places.

The Oregonian stated in the November 14th issue that the current proposals in the county were prompted by the passage of a tougher law on a state level, one drawn up with the cooperation and the input of the Oregon State Rifle and Pistol Association. I am not convinced this is true. I believe the proposals were formulated because certain people in Multnomah County felt the need to impose additional restrictions on citizens who have done nothing unlawful, but simply enjoy an interest in "ugly guns". These people, doctors, ministers, plumbers, laborers, and civil servants and normal, regular people use these "assault" firearms every day. Formal and informal marksmanship practice, Competition of state, regional, and national levels. And Hunting. HUNTING. Pauline Anderson shows she does not know what she is talking about when she states that nobody buys these types of firearms to hunt with. "assault style" rifles that shoot lower powered rounds are ideal for smaller game. "assault style" rifles shooting full sized high-powered rifle rounds, which are no different than those used in

"traditional" firearms, are perfectly suitable for a wide variety of big game. Characteristics such as reliability, advanced design, technological refinement, and ease of repair make such firearms ideal in the hunting role. Don't tell me nobody buys them to hunt with, because I did, over 10 years ago, when I could not afford several rifles to fulfill multiple roles. I needed 1 rifle to be usable for everything, and a box-magazine fed semi-automatic rifle that took inexpensive and available spare parts filled my requirements. If this is not believed, you need only avail yourself of any of numerous firearms related publications for photo illustrated articles about hunting with these "ugly guns". Just because the traditionalists avoid such things does not mean they are not put to such uses.

In the November 15th Oregonian, Elizabeth Moore stoops to what has become a typical media confusion tactic. It is used when the facts are not enough to put people in a panic. In the last paragraph of her article, she describes briefly the mechanical function of a machine gun. The article basically had nothing to do with machine guns, which true "assault rifles" as defined by the Defense Department are, but the connection so implied between machine guns and the proposed ordinances is compelling and yet patently false. (awhile back I wrote a letter to the Oregonian on the topic of gun control. It was rejected because it was stated that the topic had been well covered. This may be true if and when the media achieves an acceptable level of accuracy. Miss Moore apparently had consulted her own newspaper or Gun Control, Inc literature, rather than acknowledged experts in the field of firearms. Otherwise, she would have understood the difference. Such misunderstandings are usually required to push through ill-considered laws on an ill-informed public.)

Law breakers will not suddenly obey the law as a result of the proposed ordinances. Likewise, the only people that will obey them are those who are not the problem, the law abiding gun owner. No law that requires the cooperation of the criminal to function will work. I tend to think the proposed laws are merely designed to harass those who like this class of firearm.

I feel ~~inf~~ingfed already.

About myself, to dispose of any idea the writer is just another crazed gun nut: I am married, father of 2 preschool girls who know how to be safe around firearms, a former Boy and Cub scout, Multnomah County Sheriff Explorer Scout, and a police dispatcher since 1976. Gun owner since 1978, and N.R.A. member since 1987. I am currently paying off a Life membership in installments, and this latest development has prompted me to join the Oregon State Rifle and Pistol Association. I also just fired off another \$20 check to the N.R.A.'s legislative arm. At the very least, I feel local government will come out of this a bit better educated on this issue.

Sincerely,
M. L. Whiteman
828 N.E. 114th Av
Portland, OR 97220

County officials seek new limits on gun ownership

□ The proposed Multnomah County ordinances would go further than a new state law, especially in regard to assault weapons

By ELIZABETH MOORE
of The Oregonian staff

Two Multnomah County commissioners will propose ordinances to require permits for carrying assault weapons in some public places, ban the sale of such weapons in public places and impose fees on gun sales in the county.

The four ordinances, sponsored by Commissioners Rick Bauman and Pauline Anderson, were prompted by a new state law that extends the waiting period for handgun purchases and tightens restrictions on who can buy or possess guns.

The county proposals go a step farther in controlling local gun purchases and the carrying of guns in public places.

The commissioners, who have not formally presented the ordinances to the Board of Commissioners, will discuss the proposals at a news conference at 11:30 a.m. Tuesday in Room 602 of the Multnomah County Courthouse.

In a letter summarizing the ordinances, Bauman said the state law was "an excellent first step" in firearms regulation but more rules were needed to control "unregulated firearms" in the county.

A lobbyist for the Oregon State Rifle and Pistol Association, however, said the ordinances were

"They're trying to . . . institute gun control under the guise of implementing a state law."

— John Nichols,
gun association lobbyist

Guns: Gun safety knowledge required

■ Continued from Page One
unconstitutional.

"They're trying to gut the entire intent of the bill and institute gun control under the guise of implementing a state law," John Nichols said.

The proposed ordinances would:

- Require that people get permits to carry assault weapons in public places in unincorporated areas of the county. Anyone who wanted to carry an assault weapon on highways and in parks, apartment hallways and other public places in those unincorporated areas would have to have a permit from the Multnomah County sheriff's office.

To get a permit, a purchaser must be willing to be photographed, submit fingerprints, go through a background check and demonstrate a knowledge of gun use and storage.

- Prohibit the sale of assault weapons in public places, such as gun shows that often are held in public arenas such as the Multnomah County Exposition Center.

- Impose a \$40 fee on all gun purchases in the county to help pay for the enforcement of the new laws. The fee would be reduced to \$15 if the purchaser completed a gun

safety and training course offered through the sheriff's office. The money would be used to pay for additional sheriff's deputies and clerical staff who would do training and background checks for gun purchasers.

- Require that persons who have guns in public places carry documentation for their weapons by 1991. The documentation would include a training certificate from the sheriff's office and a proof of purchase from a federally licensed dealer for guns bought after the law goes into effect.

Under the proposed regulations, violaters could incur a \$1,000 fine and their guns could be confiscated.

The new state law, which was sponsored by House Speaker Vera Katz, extends the waiting period for handgun purchases from five to 15 days and more tightly restricts who can buy and possess any kind of firearm. That law goes into effect in January.

It also requires that handgun purchasers submit thumbprints and two pieces of identification to gun dealers for a background check by state police.

Anderson said the county ordinances were written to improve

"firearms safety" measures, particularly for assault weapons, which are "associated with narcotics and maniacal killings."

"They are not bought for hunting," she said.

Maureen Leonard, an aide to Bauman, said the specific ordinances were being reviewed by the county counsel's office, and the public would be invited to comment on them at hearings scheduled for Dec. 7 and Dec. 21. The times and places have not been determined.

Leonard said the commissioners had already received complaints from pro-gun groups.

Leonard estimated that it would cost about \$200,000 to hire at least four persons in the sheriff's office to handle the extra administrative and gun training work.

Multnomah County Undersheriff Chuck Fessler said the sheriff's office supported the training portion of the ordinance to teach the "serious responsibility of owning and using a weapon." Fessler said a typical training course would last for two to three hours and probably would require the gun owner to demonstrate the safe loading and discharging of a gun.

Sheriff supports gun ordinances

□ Opponents of the county proposals on assault weapons raise the constitutional argument and say new laws aren't needed



ANDERSON

By ELIZABETH MOORE
of The Oregonian staff

Proposed Multnomah County ordinances that would require permits to carry assault weapons and other guns in some public places received support Tuesday from the sheriff's office, but opponents said the proposals were unconstitutional.

County commissioners Rick Bauman and Pauline Anderson, who wrote the ordinances, discussed the rules Tuesday at a news conference that was crowded with gun advocates and journalists.

Multnomah County Undersheriff Chuck Fessler said deputies had been concerned about the proliferation of assault-type weapons and supported training programs for gun owners.

Fessler said that although only about 1 percent of weapons were assault weapons, they were used in 10 percent to 20 percent of crimes. *

Chareundi Van-Si, who works with the

Portland Refugee Forum, said many Southeast Asians agreed with the ordinances and advocated mandatory training and certification for gun owners.

"They are here to shoot and kill and hurt people," Van-Si said. "Guns are no longer toys for adults for games anymore. They are in the hands of the youngsters."

In drafting the laws, commissioners tried to take into account the views of Southeast Asians, who were concerned about the use of weapons in their community.

The ordinances would impose a \$40 fee on all county gun sales and would require that people who carry guns in public places such as highways and parks carry documentation for their weapons by 1991. The fee would go down to \$15 if gun purchasers complete a safety and training course through the sheriff's office.

Please turn to
GUNS, Page C3

* IF THIS FIGURE IS ACTUALLY CHECKED, I THINK IT WILL BE FOUND THAT, DEPENDING ON WHATEVER DEFINITION IS USED, 10-20 PERCENT OF ARRESTS RESULT IN CONFISCATION. POSSESSION HARDLY EQUATES WITH USE IN CRIME.

THE OREGONIAN, WEDNESDAY, NOVEMBER 15, 1989

METRO/NORTHWEST

Guns: Training course would lower fee on sale

■ Continued from Page C1

Fees from gun purchases would be used to pay for gun safety instructors and clerical staff at the sheriff's office.

In addition, public sales of assault weapons would be banned, and owners of such weapons would be required to get a permit from the sheriff's office to carry them in public places in unincorporated areas of the county.

Documentation would include a training certificate from the sheriff's office and a proof of purchase from a federally licensed dealer for guns bought after the law goes into effect.

But the proposed ordinances, which have not yet been presented

to the full board of commissioners, already have come under fire from gun advocates who claim that they are unconstitutional and intrusive.

John Sweeney, a member of the Oregon State Rifle and Pistol Association, said he did not think new laws for gun owners were needed.

A lobbyist from the association, John Nichols, said the group would pursue an injunction against the county if it tried to put the ordinances into effect. The Second Amendment of the U.S. Constitution guarantees the right to keep and bear arms, a provision that gun groups have used to fight laws restricting weapons.

The ordinances were prompted by

a new state law that extends the waiting period for handgun purchases from five to 15 days and more tightly restricts who can buy and possess any kind of firearm.

The law, which goes into effect in January, also requires that handgun purchasers submit thumbprints and two pieces of identification to gun dealers for a background check by the Oregon State Police.

County officials said they did not know how many people the ordinances would affect. The fees would not apply to sales between private individuals.

Anderson said the county ordinances would improve "firearms safety" measures, particularly for assault weapons, which she said were associated with narcotics and marital killings.

Bauman displayed several types of U.S., European and Middle Eastern semiautomatic rifles, pistols and shotguns that were classified as assault weapons. Included in the dis-

play were semiautomatic Uzis, AK-47/S, Colt AR-15 and Street Sweeper rifles and shotguns.

Maureen Leonard, an aide to Bauman, said the ordinances were being reviewed by the county counsel's office and the public would be invited to comment on them at hearings scheduled for Dec. 7 and Dec. 21. The times and places have not been determined.

The moves to place restrictions on assault weapons came after a man with an AK-47 fired on a schoolyard in Stockton, Calif., killing five children. The January incident prompted a national outcry over the availability of the weapons.

The gun had been purchased at a store in Sandy, which is in Clackamas County.

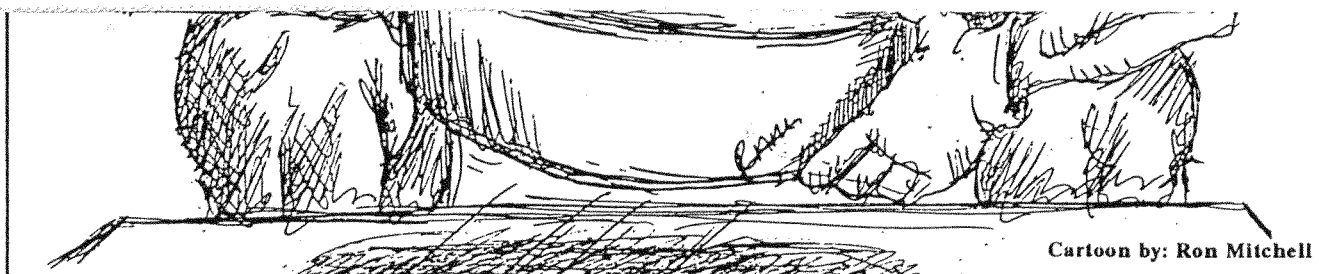
Unlike guns made strictly for sport, assault rifles are capable of firing bullets continuously, as long as the trigger is held. They have become weapons of choice for many drug dealers and other criminals.

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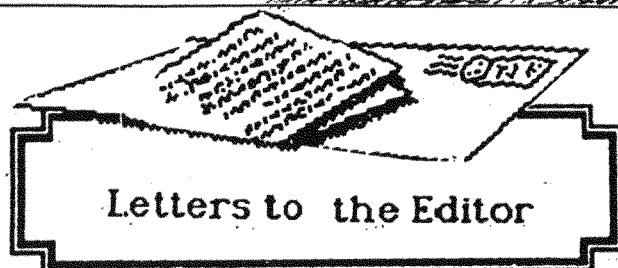
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Cartoon by: Ron Mitchell



Firearms Questions

Dear Editor:

The firearms ordinances proposed by Multnomah County Commissioners Rick Bauman and Pauline Anderson are of concern to many individuals. Three of the four ordinances, I believe, will be found in conflict with the new state law. The state law, by its terms and prior court decision, is preemptive and the ordinances will not be enforceable. However, the fourth ordinance concerning the training in the use of firearms and safety represents the generosity of Commissioners Bauman and Anderson with money of the taxpayer of Multnomah County.

To implement the firearms safety program, the sheriff's department is going to have to allocate a large portion of their scarce assets into school programs, presentations to service groups and organizations, to churches and to the public at large. In fact, it appears that they will have to educate the entire state of Oregon as people throughout the state, including those from southwest Washington, travel to and through Multnomah County.

This training effort will require an extensive, sophisticated and elaborate range facility. Based on statements made about the training ordinance by the commissioners and the sheriff's office, the range will have to be capable of handling pistol, rifle, shotgun and machine guns and other destructive devices that are lawfully owned in the state and regularly used pursuant to the constitutional protections of the state and federal constitution. This firearms range will obviously

have to be centrally located in Multnomah County and will have to encompass at least 1,000 acres.

I must compliment Commissioners Bauman and Anderson for having the moral courage to provide such a state-of-the art range at public expense; a range that will have to be the most sophisticated and complex range in the Northwest, if not on the West Coast. This range, including land acquisition, dislocation of businesses and homes to establish this range, equipment, design and staffing will run into multi-million dollars per year.

These two commissioners are to be commended that they have the moral courage to provide a public range for the citizens of Multnomah County of the state of Oregon, and of the state of Washington out of the pockets of the taxpayers of Multnomah County. It is long overdue. To be able to face the taxpayers and say that we need to staff this with sheriff's department personnel in the face of growing property crime, the proliferation of assault baseball bats, assaults on ethnic minorities, and the abuse, molestation and murder of our young children takes great moral courage. I commend them. Every taxpayer of Multnomah county should applaud these commissioners in their attempt to ensure that the law-abiding, tax-paying, responsible firearms owners will be supervised by sheriff's deputies at the most modern and sophisticated range available at public expense.

Of course, there are people out there who say this is not what the commissioner intend. They claim that the commissioners will, through the sheriff's department, say that we have no training facility, therefore we cannot issue certificates of training, establishing a defacto gun ban. I do not believe that. I believe that the commissioners do not have a hidden agenda, that there is no dark side to their claim to be safety-minded. I believe that they fervently want to spend the public's money to train peaceable citizens in the use of their firearms of choice by establishing the most sophisticated range in the Northwest, and I, as a citizen of Washington, commend them.

Stephen L. Wozhy
Vancouver

ROSE CITY GUN COLLECTORS

KEN GLASS
P.O. BOX 16754 • PORTLAND, OREGON 97216
(503) 254-5782

November 29, 1989

Ken Glass
DEC 05 1989

Commissioner Gladys McCoy
Multnomah County Courthouse
1021 SW Fourth Avenue
Portland, Or 97204

Dear Commissioner:

I hereby voice my strong objection to the proposed ordinances which seek to place more restrictions on the right of the citizen of the County to own and use certain types of firearms.

By separate letter my attorney has requested that the County Counsel seek an advisory opinion from the Attorney General regarding the constitutionality of the proposed restrictions. A copy is attached.

In addition to the constitutional issues, however, the ordinances would have a drastic economic effect on me personally, and the County in general. I currently organize and promote three firearms shows each year which are held at the Expo Center. Each show is attended by an average of 15,000 people, and has 500 exhibitors. By banning these shows, legitimate business people will be denied the opportunity to display and sell products which are perfectly legal. It is likely that I would be forced to move the shows to another location outside of Multnomah County, thus denying much-needed revenues to the County and the many businesses which benefit from the presence of the shows in the Portland area.

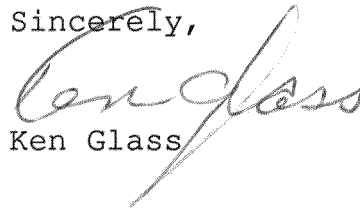
In conclusion, these ordinances are not the best method to fight the crime problem. The County has a new jail, and has won approval for even more jail cells. Rather than taking deputies off of the streets and into the classroom as instructors, the county should use its resources to

Ltr/Gladys McCoy
November 29, 1989
Page two

apprehend, convict and incarcerate wrong-doers. Trying to deter the activities of a few criminals by drastically restricting the rights of all residents of the County makes absolutely no sense.

I urge you to vote against these ordinances.

Sincerely,

A handwritten signature in cursive script that reads "Ken Glass". The signature is written in dark ink and is positioned above the printed name "Ken Glass".

Ken Glass

JPL/jck
Enclosure

cc: Pauline Anderson
Gretchen Kafoury
Rick Bauman
Sharon Kelley

MAYLIE & GRAYSON

ATTORNEYS AT LAW

JOSEPH W. MAYLIE
JOEL E. GRAYSON
JAMES R. LOSK

*DOUGLAS B. GORDON
OF COUNSEL

November 28, 1989

*AMERICAN BANK BUILDING, SUITE 1410
621 S.W. MORRISON STREET
PORTLAND, OREGON 97205
(503) 228-0500

7959 S.E. FOSTER ROAD
PORTLAND, OREGON 97206
(503) 771-7929
FAX (503) 775-1765

Mr. Lawrence Kressel
Multnomah County Counsel
1120 SW Fifth Avenue
Portland, OR 97204

Dear Mr. Kressel:

This office represents Rose City Promotions, Inc., dba Rose City Gun Collectors, and its owner, Mr. Ken Glass. Mr. Glass is most concerned with the four ordinances recently introduced by Commissioners Bauman and Anderson. The ordinances appear to encroach upon the powers of the state legislature and the Congress with regard to the possession and sale of firearms.

On behalf of Mr. Glass, we therefore request and strongly urge that you seek an advisory opinion from the Attorney General regarding the constitutionality of these ordinances, and that further action on the ordinances be delayed until that opinion is rendered.

Thank you for your attention to this matter.

Very truly yours,

Joseph W. Maylie

JPL/jck

L-LK

cc: D. Frohnmayer, Attorney General
Gladys McCoy ✓
Pauline Anderson
Gretchen Kafoury
Rick Bauman
Sharon Kelley

12/3/89

DEAR COMMISSIONERS,

AFTER READING OVER THE COPY OF YOUR PROPOSED GUN ORDINANCE I HAVE BECOME VERY CONCERNED. I BELIEVE THIS IS A VERY MIS-DIRECTED EFFORT AND WILL HAVE NO IMPACT ON THE CRIMINAL ELEMENT. EIGHTY-FIVE PERCENT OF THE GUNS CRIMINALS USE (ALMOST ALL ARE COMMON HANDGUNS) ARE BOUGHT THROUGH THE UNDERGROUND BLACK MARKET. WHAT EFFECT WILL A LAW LIKE YOURS HAVE ON THIS MARKET OR THE CARRYING OF THESE GUNS?

I WOULD ALSO LIKE TO UP DATE YOUR FACTS: "DRUG CZAR" WILLIAM BENNETT HAS JUST GIVEN TESTIMONY 11/1/89 ON CAPITOL HILL THAT "HANDGUNS NOT ASSAULT WEAPONS ARE CRIMINALS WEAPONS OF CHOICE; FEDERAL AGENCIES HAVE ALSO RECENTLY STATED THEY NEED "NO NEW ASSAULT WEAPON LEGISLATION."; YOUR MATERIAL ON ASSAULT WEAPONS BEING USED IN ONE OF EVERY TEN CRIMES THAT RESULTED IN A FIREARMS TRACE HAS LEFT OUT AN IMPORTANT FACT. THERE WERE THOUSANDS OF OTHER CRIME GUNS NOT TRACED. WHY? BECAUSE POLICE HAVE A TENDENCY TO TRACE NEW MILITARY LOOK A LIKE WEAPONS AND NOT PUT A TRACE ON A COMMON EVERYDAY HANDGUN.

LETS PUT THE PRESSURE ON CRIME WHERE IT COUNTS: STOP THE PLEA BARGAINING, HAVE CRIMINALS SPEND THEIR FULL TIME IN JAIL, GIVE EXTRA PRISON TIME FOR USE OF FIREARMS IN CRIMES.

IF THIS ORDINANCE IS PASSED IT WILL PUT A HARDSHIP ON ONLY THE HONEST GUN OWNING CITIZEN. MANY HONEST CITIZENS WILL SIMPLY NOT FOLLOW THIS LAW BECAUSE THEY CAN'T TAKE TIME FROM WORK, FAMILY OR HAVE THE MONEY TO SPEND ON THIS NEW GUN PROCESS. AS A RESULT YOU WILL HAVE A NEW CLASS OF LAW BREAKERS AND WE WILL HAVE ONE MORE UN-WORKABLE LAW ON THE BOOKS THAT IS NOT FOLLOWED BY CRIMINALS NOR A MAJORITY OF THE HONEST PUBLIC OF GUN OWNERS.

THANK YOU,

William C. Britt

WILLIAM C. BRITT
25754 S. GARD RD.
BEAVERCREEK, ORE. 97004

P.S. I WILL BE MOVING INTO YOUR COUNTY IN ABOUT 60 DAYS.

December 6, 1989

Board of County Commissioners
Room 605, County Courthouse
1021 SW Fourth Avenue
Portland, Oregon 97204

Dear Commissioners:

Because of my job I am unable to attend the December 7 hearings on the proposed firearm ordinances. I am writing this letter to express my strong opposition to these proposals. I am opposed to them for the following reasons:

1. Enforcement of such ordinances would divert resources from fighting crime and protecting citizens and property to administrative work.
2. Similar ordinances in other parts of the country have not been proved to be effective in reducing crime.
3. They would make, in certain circumstances, criminals of citizens who are committing no crime except the violation of one of these proposed ordinances.
4. I don't believe these ordinances would be effective in reducing crime involving the use of firearms. Criminals can and will obtain firearms by illegal means.
5. The proposals have the effect of harassing citizens who own and use firearms for sport and recreation.

I believe that the only effective deterrent to the use of firearms in the commission of crimes is to legislate mandatory and severe penalties to those who use them and to publicize this information.

I am a registered voter in Multnomah County.

Sincerely,
William B. Pashley

William B. Pashley
4121 NE Holman
Portland, Oregon

Submitted by → PATRICK ONLEY, 1st dist

Please Stop these Anti Rights Ordinance's

Today our constitutional rights are under direct attack by the politicians of this county. The right of our citizens to protect themselves, their family, the community, and our country must never be infringed. Yet there is an antigun campaign going on all over the country and Portland Politicians want to join the fray to make a name for themselves. Like Joe McCarthy in the 1950's looking for communists these Politicians would like us to believe every gun owner is an agent of the devil.

We as citizens must protect one another's rights whether you like pornography or not you must protect the right to free speech, likewise whether or not you like Assault Weapons you must protect our fellow citizens who desire to possess them. The Politicians are eating away at our rights and if we don't fight back this great country will loose all our forefathers have fought for in the last two hundred years.

Listen to what the fathers of our country said about the second amendment and the right to bear arms:

"The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government", Thomas Jefferson

"Arms in the hands of citizens [may] be used at individual discretion .. in private self defense ...", John Adams

"Firearms stand next in importance to the Constitution itself. They are the American People's liberty, teeth and keystone under independence, from the hour the Pilgrims landed to the present day. Events, occurrences and tendencies prove that to insure peace, security and happiness, the rifle and pistol are equally indispensable and they preserve a place of HONOR with all that is good", George Washington, the Father of our great country

"The supreme power in America cannot enforce unjust laws by the sword, because the whole body of people are armed and constitute a force superior to any band of regular troops that can be, on any pretense, raised in the United States", Noah Webster

"The advantage of being armed, which the Americans possess over the people of other countries, notwithstanding the Military establishments in several Kingdoms of Europe, which are carried as far as the public resources will bear, the Governments are afraid to trust the people with arms", James Madison, Author of the Bill of Rights

(OVER)

"The Constitution shall never be construed to prevent the people of the United States, who are peaceable citizens, from keeping their own arms", Samuel Adams

"Everyone who is able may own a gun, the great object is that every man be armed", Patrick Henry

All of today's guns involve technology that is over a hundred years old, yet the media has us thinking there is something new, this is simply misinformation. Guns have not changed considerably since the signing of the constitution and yet today some people think their use has been outdated. The truth is that guns have not changed at all in last two hundred years and people are just as power hungry now as they were then.

Today we live in a world of poverty and crime caused by the selfish programs of our elite. Honest young people are not provided an adequate education to deal with the real world. As a result our prisons are full of poor people with no hope. Virtually everyone in this country is a drug addict whether it be alcohol, cigarettes, prescription drugs, marijuana, or whatever. The reason is lack of hope, boredom, and misery. Yet today our prisons are growing faster than the crime rate the solution is to lock away the poor and take away their guns, and rights and act like they simply don't exist

3
If America stay on the path of taking away the rights of citizens in the name of the drug war and incarcerating the poor then America will become the most evil empire on the face of this planet. God loving people must not let this happen. We as people need to protect each others rights. We need to demand all elected officials to spend our tax money on food not bombs. Schools not prisons.

Americas power elite say gun's are bad because they kill people, yet the automobile followed by cigarettes and alcohol are the number one killers in this country. However, the automobile lobbies protect there interests in spite of deaths attributed to the automobile.

At no time in our history have our Bill of Rights been under direct attack as the last twenty years, Since the Nixon administration prison construction has expedited. Congressional review teams have been assigned to simplify the constitution especially the first and second amendments. Because of what college students did during the Vietnam war to protest our involvement the politicians of the time. i.e. Reagan, Nixon, Bush, have made sure they control campus funding and thinking. Our engineering capacity is a shame. It is virtually impossible to hire native Americans trained to think and work. Most of our engineering and mental talent today comes from immigrants abroad ready, educated and willing to work. Our country is only generating prison candidates. Today the biggest growth industries in Oregon are Prisons and Garbage, all the bureaucrats are moving to these "growth" industries and protecting there interests. In fact the defense industries are moving their assets into prison corporation because in the future of America this is where the action will be.

THIS IS WRITTEN IN DIRECT REBUTTAL OF THE PROPOSAL CONCERNING NEW GUN LAWS. AFTER READING THE PROPOSAL BY BAUMAN AND ANDERSON I FIND ALL THE ORDINANCES LISTED IN DIRECT VIOLATION OF THE OREGON CONSTITUTION. I AM A LAW ABIDING CITIZEN AND FEEL THAT THE VALUES OF OUR CONSTITUTION ARE BEING IGNORED. I REPUTE THE FACT THAT WE, WHO OWN HAND GUNS OR ASSAULT TYPE RIFLES, MUST NOW BE PENALIZED FOR OUR PRIVATE OWNERSHIP. I AGREE THOROUGHLY WITH THE FACT THAT GUN OWNERS SHOULD HAVE FIREARMS TRAINING TO INSURE THAT ALL SAFETY MEASURES ARE MADE APPARENT.

I; HOWEVER, WILL NOT BE MADE RESPONSIBLE FOR THE DELINQUENTS WHO DECIDE TO USE HIS OR HER FIRE ARMS IN ORDER TO DO HARM. I DON'T EVEN BELIEVE IN THE KILLING OF ANIMALS AS IN THE SCOPE OF LEGALIZED HUNTING, BUT, I FEEL TO NEGATE THE HUNTERS RIGHTS WOULD ALSO BE AGAINST THEIR CONSTITUTIONAL RIGHTS.

THE MULTNOMAH COUNTY REQUIRES THESE FINES TO BE MANDATORY BECAUSE OF INCREASING COSTS. IF I HAVE TO PAY OTHER TAXES THAT DON'T PERTAIN TO ME, PERSONALLY, I FEEL THIS MOVE IS A HIGHLY PERSONAL PREJUDICED MOVE AGAINST GUN OWNERS.

THE NATIONAL RIFLE ASSOCIATION ESTABLISHES FIREARM SAFETY AND COMPETENCY TRAINING. "CURRENTLY MANY SAFETY PROGRAMS ARE AVAILABLE TO THE PUBLIC THROUGH GUN CLUBS AND PRIVATE INDIVIDUALS AT NO COST TO TAXPAYERS AND WITHOUT GOVERNMENT INVOLVEMENT." AS STATED IN THE N.R.A. NEWSLETTER DATED, DECEMBER 1, 1989.

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1989 DEC - 7 AM 11:55

IN ORDINANCE #4 OF THE ALLEGED PROPOSAL, IT IT DISCUSSES
PROHIBITING OUR INDIVIDUAL RIGHTS TO PRIVATELY SELL FIREARMS AND
IMPOSE FINES UP TO \$1000.00 AND INCLUDE CONFISCATION OF ALL FIREARMS
FOR VIOLATION OF THE ORDINANCE.

WHAT IS HAPPENING TO OUR FREEDOM? THIS IS CONTROL AND SHOULD
NOT BE SO SEVERE. I FEEL THERE IS A MORE JUSTIFIABLE WAY TO DO THIS
WITHOUT CONDEMNING GUN OWNERS. I FEEL, AS AN AMERICAN CITIZEN THAT
THIS WILL BE STRIPPING OUR FREEDOM AS "A FREE CITIZEN" IN THIS
DEMOCRATIC SOCIETY. THIS MUST BE CHANGED OR A GROSS INJUSTICE WILL BE
MADE.

SINCERELY,

JAMES A. VANEK

7246 N. MOHAWK
PORTLAND, OR 97203
(503) 286-5462

Handout #

12-7-89

Persons paying ad valorem taxes
or property taxes should not pay

The type of fees indicated in your
ordinance for firearms ownership

as Article II of the U.S. Bill of Rights
and ~~Article~~ ^{Section} XXVII of the Oregon Constitution
Bill of Rights
protect firearms ownership.

Emotional decisions lead
to distort your judgement in this

matter is faulty - ~~Article~~ Section 16 of

the Bill of Rights of the Oregon Constitution

prohibits excessive fees.

JH Bergeron 282-6090

BOARD OF
COUNTY COMMISSIONERS
1989 DEC - 7 AM 11:55
MULTNOMAH COUNTY
OREGON

I thought this was America and we voted on what we wanted. I noticed that everything about this law is kept quiet. Only NRA members and special people are informed. What happened to the general public. I can see the rich are going to get richer on this one. I believe in selling guns to responsible people, but this is going to hurt the gun dealers and regular Joes. Since the president banned the assault weapon prices have doubled or tripled and are almost impossible to purchase.

Background checks for safe sales are fine; however, it should only be a one time thing and not charged every time you buy a gun.

That's ridiculous! If more people knew what you are trying to do you, would never get away with it.

The assault weapon's permit is absurd and just another money maker. It serves no purpose but revenue. It says in the letter about carrying an assault weapon in public places like school yards, parks, etc.; if I ever saw anyone of this nature, I would be very suspicious in that they are probably going to do something illegal anyway. How many people do you see walking around with a gun in public places except in a vehicle (truck) window going hunting.

I bought my "so called" assault rifles for hunting which I have gotten deer with both; and I didn't carry more than 5 rounds which is the legal limit. Now I'm supposed to pay to use my own guns, or I have to buy a non-assault rifle which will cost me extra on top of what I have paid so far. —
I just won't do it! —

Why should you descriminate against assault weapons only — Why not all guns! But that appears to be the next step in your campaign. You get your foot in the door and eventually you want all guns.

Disarm America!!

Don't you think all weapons are seriously dangerous, in the wrong hands. For example, a large knife or machette, at rose festival carnival or any crowded place, an individual could run through the crowd and mame ^{or kill} several people without being noticed until out of sight. This weapon does not run out of bullets as does a gun. A knife also makes no disturbance and is easily concealable moreso than an assault rifle.

Does this mean we will be needing a permit for this also!

I have a lot of friends that didn't want to come today to this meeting because

They live out of the county. I know better—you are going to try to pass these regulations in this county and then every county hereafter. This is only the beginning.

There is competition and sport with everything man makes from horse shoes to national competition matches with a 50 caliber rifle. Everything is a sport including going up to the woods with cans and milk jugs and practicing with a couple hundred dollars of bullets with my wife, family and friends, once or twice a year, is my own damned business and I should not have to pay extra for it. Background checks are a good thing for people who want to purchase guns but only one time. Why not issue a stamp on your Driver's license and maybe \$5.00 extra upon renewal instead of repeated background check and overcharging of fees. It would ^{cost} ~~be~~ less ~~and~~ accomplish the same task. The next thing you'll want to know is what kinds of guns we have so you can take them away. What happened to the right to bear arms — not what kind we can bear, when we can bear them but that we can have the freedom to own any arm. That's why we have never been invaded.

7028 N Mohawk
Portland Ore
97203

Gene C.P. Vanek
Alan S. Vanek

June 22, 1989

Representative Nancy Peterson, Sub-Com. Chr.
Human Resources of Ways & Means Committee
Oregon State Capitol, H--178
Salem, Oregon 97310

Dear Chairman Peterson, and Members of the Sub-Committee,
HB 3470 must not finger print or penalize honest citizens owning fire arms!

"When guns
are outlawed
only outlaws
will have
guns!"

Teen struggles with fateful choice

□ The decision to stay home and study is the catalyst for a fatal confrontation

By DENISE McVEA
of The Oregonian staff

On Thursday, 18-year-old Kurt F. Jensen chose to stay home from school in the afternoon and study English so he could graduate with his high school class.

That same afternoon, 32-year-old Alex L. Rahm chose to break into Jensen's home in a quiet Northeast Portland neighborhood.

The consequences of those choices cost Rahm his life and left Jensen struggling with the knowledge that he was the one who took it.

The Parkrose High School student was home alone, studying upstairs in his room about 2 p.m. when he heard the doorbell ring. He went to an upstairs window that overlooks the front yard but saw no cars.

He saw a 10-speed bicycle but did not recognize it.

When he answered the door, no one was there. Jensen went back upstairs.

Within minutes, he heard glass breaking as someone began to kick in a downstairs door.

He quickly went to his parents' bedroom where he got his father's handgun. "My first thought was that I had to stop this person before I got pinned down in the house," Jensen said.

An Eagle Scout who has won a scholarship to attend the Oregon Police Academy in Monmouth, he had fired his father's revolver several times before for target practice. That he would use it to stop an intruder from breaking into his home rarely had crossed his mind.

Crouching upstairs, he listened as more glass fell to the floor. The gun was in his right hand. He put his left hand on the floor to keep his trembling body from falling.

"I went downstairs and when I was halfway down the stairs is when I first yelled, 'Stop, I have a gun!' There was no response, just glass breaking. I thought he might be deaf so I moved down. He still couldn't see me, and I said 'stop' again," Jensen said.

He saw Rahm on his hands and knees, breaking door panes and trying to get into the house through the opening he had created. Stepping into Rahm's view, Jensen aimed the gun at Rahm's head and told him to stop again.

"He didn't stop, he just looked at me and kept coming."

Jensen said he considered firing a

The attached article shows the need for citizens to protect themselves!

Please help make it a responsible bill, protecting our Constitutional rights to keep and bear arms... "shall not be infringed!"

Louise Weidlick
Louise Weidlick
Director

Please turn to
JENSEN, Page A12

Jensen: Man not deterred

Continued from Page One

warning shot, but fearful that Rahm had a gun, he did not want to lose ammunition. He opted for a wound-ing shot, and then he fired. A bullet hit Rahm's shoulder.

Jensen expected Rahm to retreat and try to get away. In his mind, he was trying to devise a plan to detain Rahm for the police — hold him or shoot him in the knee.

But Rahm only grunted, looked up at Jensen and grinned. Jensen described the grin as maniacal and frightening as Rahm continued to come through the door.

Jensen shot Rahm in the head, then emptied the handgun. Jensen said that he remembers only firing two shots. Another bullet hit Rahm, he rest went wild. "I had a pretty good feeling that I had killed him or he was hurting pretty bad."

Jensen, trembling in panic, ran to the phone to call the police. Then, afraid that Rahm might have an accomplice nearby, he dropped the phone and ran to a neighbor's home. It was there that the teen-ager called police.

When the police arrived, Jensen broke down. Crying, he told them, "I killed him. I didn't want to."

In an interview with The Oregonian on Saturday, Jensen said he shot Rahm because he feared for his life and wanted to protect his home. "I think of my home as a sanctuary, the only place where somebody can go and be safe. When people come into that house, they're invited. And

when people are invited into the house, they're safe. And when someone tries to intrude, forcibly, you've got to use whatever means possible to stop that person."

The police later identified Rahm as an habitual criminal and ex-convict who, at the time of the shooting, was wanted on three outstanding felony warrants and parole violation.

Rahm died later that afternoon in a Portland hospital of three gunshot wounds to the head and chest, according to Dr. Karen Gunson, deputy state medical examiner.

An articulate, thoughtful teen-ager, Jensen's voice choked with emotion as he talked.

"I mainly feel remorse to the family. No matter how bad somebody is... I don't agree with what he did, I don't condone what he did, but he's somebody's son. I hope they understand the circumstances, that I didn't want to kill him."

The shooting haunts him, and he has not been able to sleep.

"What really gets to me is that I had to take a human life. I believe that everyone should have the chance to change. And now he doesn't have that chance. But like the police said, that guy made his own choices. He made his decision, and all I could do was react to his decision."

Jensen has tried to go on with his life. On Saturday, he graduated with his class in ceremonies in Civic Auditorium. He attended his class's all-night party after graduation.

At the graduation ceremony, his classmates and the rest of the audience gave him a standing ovation. His neighbors speak highly of him, and many think of him as a hero.

He said he just wanted to be a good person and live a full life. And make the right choices.

THE OREGONIAN, WEDNESDAY, JUNE 21, 1989

Would infringe liberty

To the Editor: Our Legislature is considering a gun-control bill that affects our right to possess both handguns and long guns.

This bill, if it becomes law, will allow local law enforcement agencies to keep a registry not only of guns, but of their owners as well. House Bill 3470 will allow the Oregon State Police to create a gun ban by simply refusing to acknowledge that a potential gun owner's thumbprints are legible.

This law promises to protect us from those who are mentally incompetent or who chronically abuse alcohol, yet the state will provide mental-health information to a local law enforcement agency conducting a background check only upon request.

This bill does not even bother to define alcohol abuse. Provided you can pony up the \$700 to \$1,200 for fees and an attorney to appeal an adverse ruling, the bill indemnifies those who would deny you your civil rights through civil penalties.

The cost of appeal is such that this bill is discriminatory to the economically disadvantaged, the very people who need their guns the most to protect themselves from the anarchy of crime.

Supporters of this bill are trying to sell it, with its many flaws, through tougher penalties on those who break the law. Our state cannot keep its violent offenders behind bars for a third of their sentences.

Criminals, by definition, are not going to obey any gun-control law. We all stand to lose much from this dangerous bill, which offers very little in return for its infringement upon our rights to keep and bear arms.

DAVID A. PALMER
Gaston

"Remember Pearl Harbor"

PEARL HARBOR SPEECH

949

THE PRESIDENT'S PEARL HARBOR SPEECH TO CONGRESS

After Japan joined Germany and Italy in a defensive alliance in 1940 it was expected that sooner or later she would take an active part against the Allies. In December of 1941 Japanese envoys were discussing relations in the Pacific at Washington when planes wearing the red sun insignia blasted Pearl Harbor. On the next day, December 8, 1941, President Roosevelt addressed this message to a joint session of Congress. The War Declaration of Congress follows on the next page.

Submitted
BY
LOUISE
WEIDLICH

MR. Vice-President, Mr. Speaker, members of the Senate and House of Representatives: Yesterday, December 7, 1941—a date which will live in infamy—the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan.

The United States was at peace with that nation and, at the solicitation of Japan, was still in conversation with its government and its Emperor looking toward the maintenance of peace in the Pacific.

Indeed, one hour after Japanese air squadrons had commenced bombing in the American island of Oahu, the Japanese Ambassador to the United States and his colleague delivered to our Secretary of State a formal reply to the recent American message. While this reply stated that it seemed useless to continue the existing diplomatic negotiations, it contained no threat or hint of war or armed attack.

It will be recorded that the distance of Hawaii from Japan makes it obvious that the attack was deliberately planned many days or even weeks ago. During the intervening time the Japanese government has deliberately sought to deceive the United States by false statements and expressions of hope for continued peace.

The attack yesterday on the Hawaiian Islands has caused severe damage to American naval and military forces. I regret to tell you that many American lives have been lost. In addition, American ships have been reported torpedoed on the high seas between San Francisco and Honolulu.

Yesterday the Japanese government also launched an attack against Malaya.

Last night Japanese forces attacked Hongkong.

Last night Japanese forces attacked Guam.

Last night Japanese forces attacked the Philippine Islands.

Last night the Japanese attacked Wake Island.

And this morning the Japanese attacked Midway Island.

Japan has, therefore, undertaken a surprise offensive extending throughout the Pacific area. The facts of yesterday and today speak for themselves. The people of the United States have already formed their opinions and well understand the implications to the very life and safety of our nation.

As Commander-in-Chief of the Army and Navy I have directed that all measures be taken for our defense.

Always will our whole nation remember the character of the onslaught against us.

No matter how long it may take us to overcome this premeditated invasion, the American people in their righteous might will win through to absolute victory.

I believe I interpret the will of the Congress and of the people when I assert that we will not only defend ourselves to the uttermost but will make it very certain that this form of treachery shall never again endanger us.

Hostilities exist. There is no blinking at the fact that our people, our territory and our interests are in grave danger.

With confidence in our armed forces—with the unbounding determination of our people—we will gain the inevitable triumph—so help us God.

I ask that the Congress declare that since the unprovoked and dastardly attack by Japan on Sunday, December 7, 1941, a state of war has existed between the United States and the Japanese Empire.

"COMMENT"

Sharron Kelley
County Commissioner
County Courthouse
Room 606
1021 S.W. Fourth Ave.
Portland, Oregon
97204

December
7,
1989
Subject:
"Mult. Co.
Firearms
Ordinance."

Dear Ms. Kelley:

I Vote "No" on this Ordinance because—

① Too many permits are required. This will be a paper jungle of huge proportions. Over 100,000 citizens in the County own guns. The Sheriff "will not sign" 1000's of permits per week—I was told this!

② Cost of all these permits "WILL GO UP." Only well-off citizens will possess guns when fees go to, say \$100 per firearm. This is wrong—it is like the old POLL-TAX.

③ Crime will not be stopped as criminals will not submit to this. If this measure is not drafted to put penalties on CRIMINAL + FELON uses of guns instead of penalties on otherwise honest citizens—I will print & handout in various neighborhoods a "notice" that as written this bill is a ANTI CIVIL RIGHTS ordinance!

With Respect to you,

Jim Guthrie
8438 S.E. Yamhill
Portland, Oregon
97216

"COMMENT"

Rick Bauman
County Commissioner
County Courthouse
Room 606
1021 S.W. Fourth Ave.
Portland, Oregon
97204

December

7,

1989

Subject:

Mult. Co.

"Firearms
Ordinance"

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With Respect to You,

Jim Guthrie
8438 S.E. Yamhill
Portland, Oregon
97216

"COMMENT"

Gretchen Kaboury
County Commissioner
County Courthouse
Room 605
1021 S.W. Fourth Ave.
Portland, Oregon
97204

December
7,
1989
Subject:
Mult. Co-
"Firearms
Ordinance".

Dear Ms. Kaboury:

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Jim Guthrie
8438 S.E. Yamhill
Portland, Oregon
97216

"COMMENT"

Pauline Anderson
County Commissioner
County Courthouse
Room 605
1021 S.W. Fourth Ave.
Portland, Oregon
97204

December
7,
1989
Subject:
Mult. Co.
"Firearms
Ordinance".

Dear Ms. Anderson:

I Vote "No" on this Ordinance because-

- ① Too many permits are required. This will be a paper jungle of huge proportions. Over 100,000 citizens in the county own guns. The sheriff "will not sign" 1000's of permits per week - I was told this!
- ② Cost of all these permits "WILL GO UP!" Only well-off citizens will possess guns when fees go to, say \$100 per firearm. This is wrong - it is like the old POLL-TAX.
- ③ Crime will not be stopped as criminals will not submit to this. If this measure is not drafted to put penalties on CRIMINAL + FELON uses of guns instead of penalties on otherwise honest citizens - I will print + handout in various neighborhoods a "notice" that as written this bill is a ANTI CIVIL RIGHTS ordinance!

With Respect to You,

Jim Guthrie
8438 S.E. Yamhill
Portland, Oregon
97216

"COMMENT"

Gladys McCoy
County Commissioner
County Courthouse
Room 134
1021 S.W. Fourth Ave.
Portland, Oregon
97204

December
7,
1989
Subject:
Mult. Co.
"Firearms
Ordinance"

Dear Ms. McCoy:

- I Vote "No" on this ordinance because-
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Please Stop these Anti Rights Ordinance's

Today our constitutional rights are under direct attack by the politicians of this county. The right of our citizens to protect themselves, their family, the community, and our country must never be infringed. Yet there is an antigun campaign going on all over the country and Portland Politicians want to join the fray to make a name for themselves. Like Joe McCarthy in the 1950's looking for communists these Politicians would like us to believe every gun owner is an agent of the devil.

We as citizens must protect one another's rights whether you like pornography or not you must protect the right to free speech, likewise whether or not you like Assault Weapons you must protect our fellow citizens who desire to possess them. The Politicians are eating away at our rights and if we don't fight back this great country will loose all our forefathers have fought for in the last two hundred years.

Please listen to what the fathers of our country said about the second amendment and the right to bear arms:

"The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government", Thomas Jefferson

"Arms in the hands of citizens [may] be used at individual discretion ... in private self defense ...", John Adams

"Firearms stand next in importance to the Constitution itself. They are the American People's liberty, teeth and keystone under independence, from the hour the Pilgrims landed to the present day. Events, occurrences and tendencies prove that to insure peace, security and happiness, the rifle and pistol are equally indispensable and they preserve a place of HONOR with all that is good", George Washington, the Father of our great country

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"The Constitution shall never be construed to prevent the people of the United States, who are peaceable citizens, from keeping their own arms", Samuel Adams

(OVER)

**"Everyone who is able may own a gun, the great object is that every man be armed",
Patrick Henry**

All of today's guns involve technology that is over a hundred years old, yet the media has us thinking there is something new, this is simply misinformation. Guns have not changed considerably since the signing of the constitution and yet today some people think their use has been outdated. The truth is that guns have not changed at all in last two hundred years and people are just as power hungry now as they were then.

Today we live in a world of poverty and crime caused by the selfish programs of our elite. Honest young people are not provided an adequate education to deal with the real world. As a result our prisons are full of poor people with no hope. Virtually everyone in this country is a drug addict whether it be alcohol, cigarettes, prescription drugs, marijuana, or whatever. The reason is lack of hope, boredom, and misery. Yet today our prisons are growing faster than the crime rate the solution is to lock away the poor and take away their guns, and rights and act like they simply don't exist

If America stays on the path of taking away the rights of citizens in the name of the drug war and incarcerating the poor then America will become the most evil empire on the face of this planet. God loving people must not let this happen. We as people need to protect each others rights. We need to demand all elected officials to spend our tax money on Schools not prisons. Education not Misinformation.

Americas power elite say gun's are bad because they kill people, yet the automobile followed by cigarettes and alcohol are the number one killers in this country. However, the automobile lobbies protect there interests in spite of deaths attributed to the automobile.

At no time in our history have our Bill of Rights been under direct attack as the last twenty years, Since the Nixon administration prison construction has expedited. Congressional review teams have been assigned to weaken the constitution especially the first and second amendments. Because of what college students did during the Vietnam war to protest our involvement in the war. The politicians of the time. i.e. Reagan, Nixon, Johnson, have made sure they control campus funding and thinking. Our engineering capacity is a shame. It is virtually impossible to hire native Americans trained to think and work. Most of our engineering and mental talent today comes from immigrants abroad ready, educated and willing to work. Our country is only generating prison candidates. Today the biggest growth industries in Oregon are Prisons and Garbage, all the bureaucrats are moving to these "growth" industries and protecting there interests. In fact the defense industries are moving their assets into prison building because in the future of America this is where the "GROWTH" will be.

This was provided by "America First, Politics Last". An absolutist organization for the protection and preservation of the Bill of Rights. AFPL 19586 Portland, OR 97219

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Vera Katz

SPEAKER

OREGON HOUSE OF REPRESENTATIVES

7 December 1989

Board of Commissioners
Multnomah County
1021 SW Fourth Avenue
Portland, OR 97204

Re: Testimony for House Speaker Vera Katz

Chair McCoy and Commissioners:

Speaker Katz does not wish to take a position either in support or opposition to the Safe Streets Ordinance before you for consideration today.

During the 1989 legislative session, Speaker Katz devoted months of study and work to the gun control issue. Speaker Katz believes the carefully balanced public safety provisions included in HB 3470 -- a bill sponsored in conjunction with law enforcement agencies, gun lobbyists, and gun control advocates -- enhance public safety without violating the constitutional rights of gun owners.

Quite frankly, HB 3470 was an acknowledgement that Oregon's gun control laws were not keeping guns out of the hands of dangerous individuals: criminals and mentally unbalanced persons. The bill made significant changes to Oregon's firearm laws, including:

- * Increasing the waiting period on handgun purchases from five to fifteen days to give law enforcement officials sufficient time to conduct detailed background checks on purchasers.
- * Imposing new identification requirements on firearm purchasers, including fingerprinting handgun purchasers, to more accurately identify prohibited individuals.
- * Expanding the list of prohibited persons to include individuals convicted of six specified misdemeanor crimes involving violence and individuals with histories of mental illness.

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- * Establishing uniform state-wide requirements and procedures for obtaining concealed handgun licenses.
- * Allowing concealed handgun license holders -- those who have undergone a 45 day waiting period, passed a thorough background check, and submitted to photographing and fingerprinting -- to by-pass waiting periods on subsequent handgun purchases.
- * Imposing criminal penalties for unlawful sales and purchases of firearms, and increasing penalties for crimes committed with firearms.

HB 3470 and the proposed Safe Streets Ordinance approach gun control from markedly different directions. Therefore, it is important to understand the assumptions used when preparing HB 3470.

First, the working group preparing HB 3470 saw accurate identification of prohibited persons as the largest obstacle to ensuring that firearms remain in the hands of law abiding and mentally stable persons. The waiting period and enhanced background check allow law enforcement to keep guns away from dangerous individuals, without violating rights of lawful gun owners.

Second, HB 3470 focused on handguns, because statistics indicated that handguns are responsible for a disproportionate share of firearm related crimes. Speaker Katz initially supported extending the waiting period to "assault weapon" purchases, but chose to tighten up handgun regulations when she learned that, between 1986 and 1988, handguns were involved in 66% of the murders and 75% of the robberies in Oregon committed with firearms.

Third, HB 3470 sought to provide a uniform system of firearm laws and procedures throughout the state. Speaker Katz philosophically is opposed to the state "preempting" the ability of cities, counties and other subdivisions from enacting laws they deem necessary. As a state official, she often is angered when Congress limits the state's ability to adopt laws, and does not like to do this to local governments. Nevertheless, some uniformity was needed to rectify the Byzantine system of gun control laws that occurred under local control.

The preemption clause, Section 38 of HB 3470, attempted to provide uniform laws throughout the state, but still allow cities and counties the ability to adopt public carry and public discharge ordinances as circumstances dictated. After reviewing

Multnomah County Commissioners
Safe Streets Ordinance testimony
Page 3

the Safe Streets Ordinance, we question whether some of the provisions of the ordinance are allowed under the preemption clause of HB 3470 and the Oregon Constitution. We have requested guidance from the Attorney General to clarify these issues.

Speaker Katz and the other sponsors of HB 3470 saw the bill as the first step in revising Oregon's firearm laws. The Legislature made significant changes during the last session, but felt uncomfortable undertaking further reforms without additional information. The one-year study of all firearm transactions by licensed gun dealers was designed to present us with needed information upon which to base any subsequent modifications to the law.

I hope this information proves of assistance to you when considering the Safe Streets Ordinance. Please do not hesitate to contact me at 378-8977 should you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Lloyd Athearn". The signature is written in dark ink and is positioned above the printed name and title.

Lloyd Athearn
Legislative Assistant to Vera Katz
Speaker of the House

Attachments

OREGON FIREARMS ACT

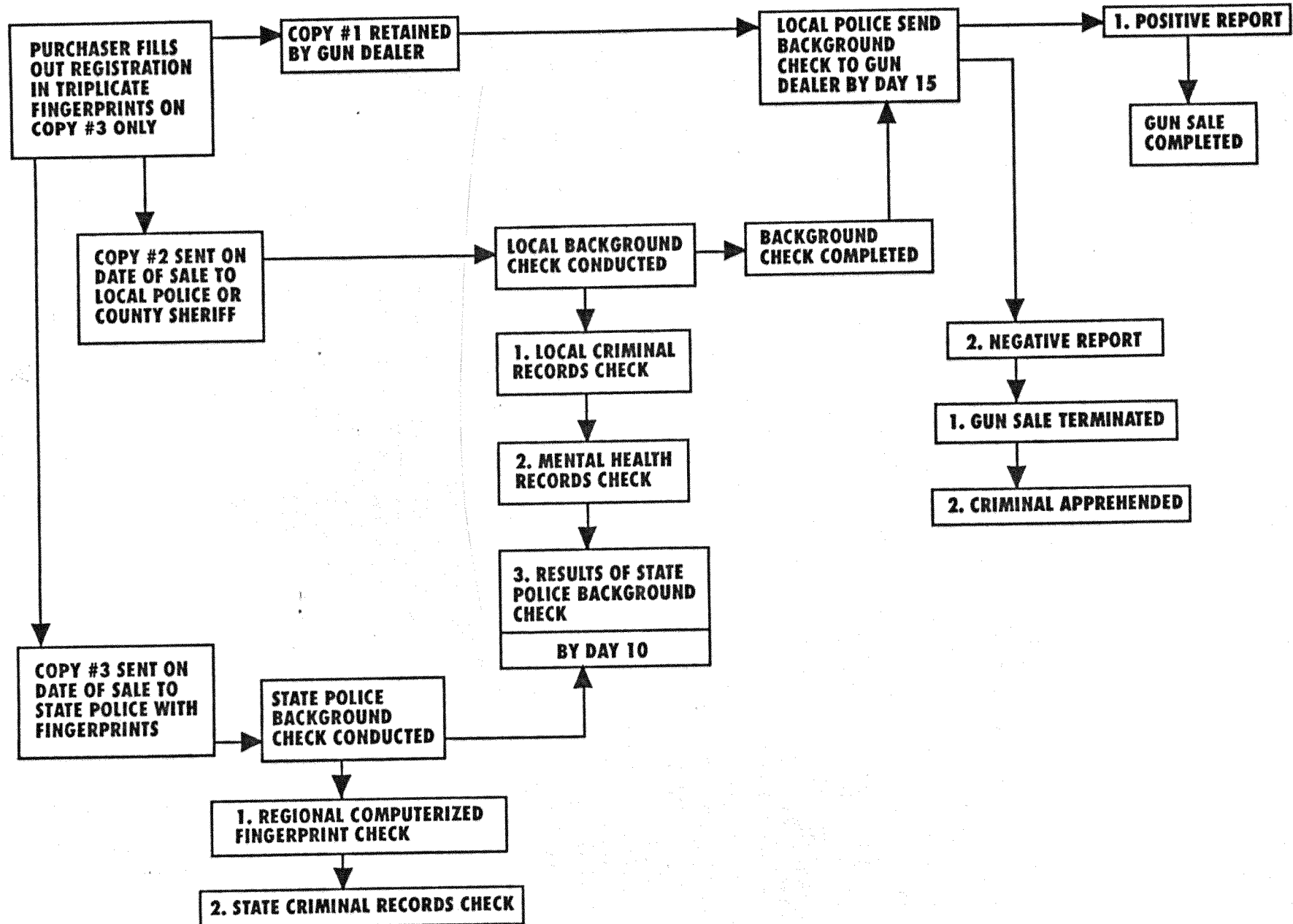
HB 3470

Handgun Sales

DAY #1

DAY #10

DAY #15

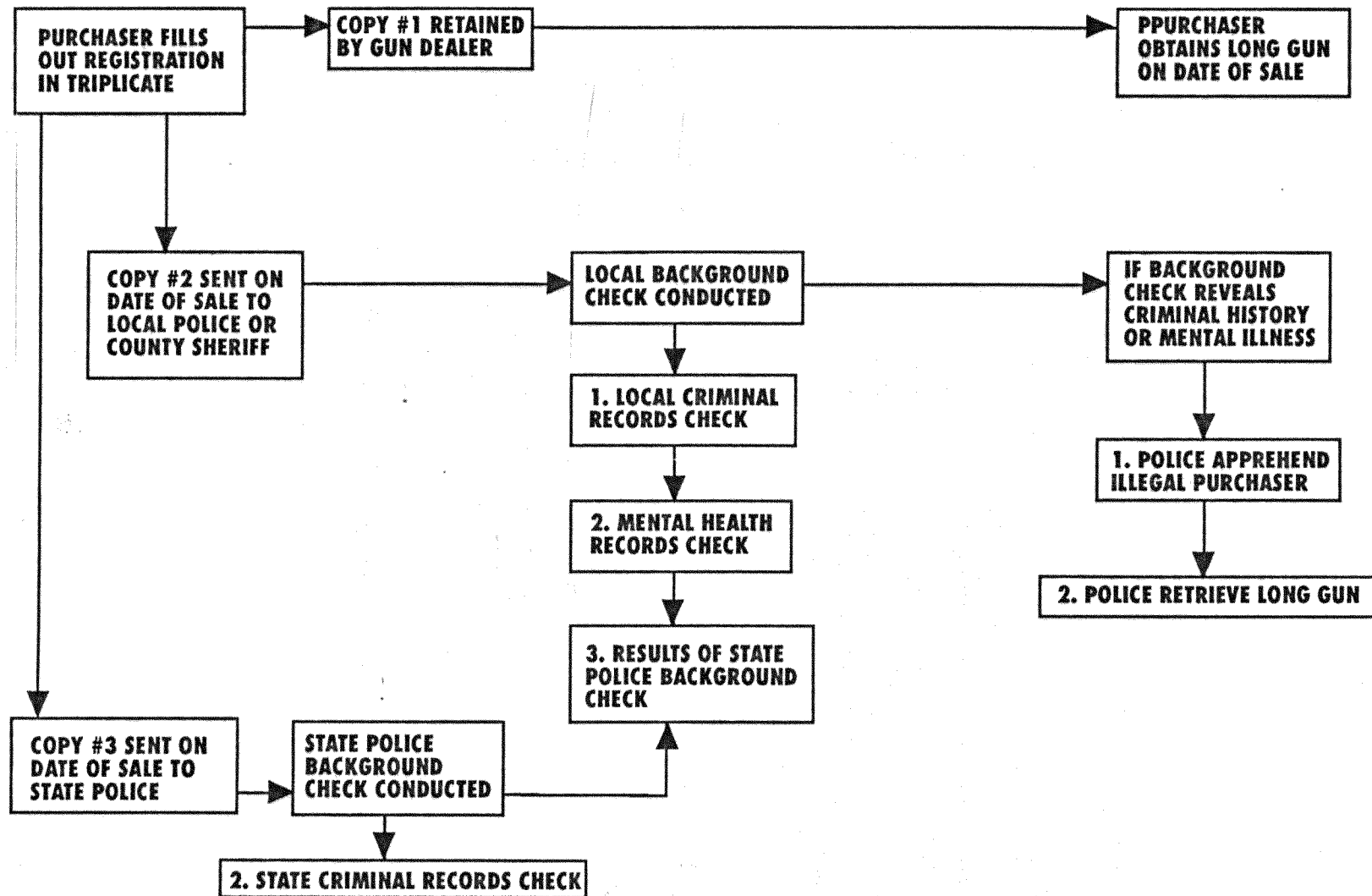


OREGON FIREARMS ACT

HB 3470

Long Gun Sales - STUDY ONLY

DAY #1



DAY #1

Gun Ordinance

BCC



Reuben Lenske

Nov. 22, 1989

A second open letter to:
Oregon's Members of the House of Representatives
and
Oregon's U. S. Senators.

I

Enclosed is a copy of a letter I mailed today to
the editor of U. S. News and World Report.

2

When I wrote you recently about passing strict gun
control laws I was unaware of the eloquent visual testimony that
would be published of James Brady, a prominent victim of the
failure of preceding Congresses to act.

Respectfully,

Reuben Lenske

cc: Sen. Howard Metzenbaum
Sen. Paul Simon

and

All members of Oregon's legislature
and
Multnomah County Commissioners

7243 SE 34th Ave.
Portland, Ore. 97202

Reuben Lenske
7243 SE. 34th Avenue
Portland, OR 97202
503-771-7996

Nov. 20, 1989

Editor,
U. S. News & World Report,
Washington, D.C.

Dear Editor:

It took only six working days and the question arises, What Was the quid pro quo? What promises did President George Bush get from the Democratic leaders in Congress for his legitimizing and initiating the quick fix of the raises of the salaries of our Senators and Congressmen? Continued appropriations for our Vietnamlike and CIA interference in the political and military affairs of the Central American states? No increase in taxes to stop immediately the increase in our deficit? No substantial decrease in our military budget? (Senator Mark Hatfield called on the world super powers to cut their military budgets in half). Or what?

Respectfully,

Reuben Lenske



Associated Press

James Brady, the former White House press secretary wounded in the 1981 presidential assassination attempt, and his wife, Sarah, are joined by Sens. Howard Metzenbaum, D-Ohio, (left) and Paul Simon, D-Ill.

Brady makes heated plea for gun bill, berating 'cowardly lions' in Congress

By **WILLIAM M. WELCH**
The Associated Press

WASHINGTON — For the first time since he was shot with President Reagan eight years ago, former White House Press Secretary James Brady personally asked Congress on Tuesday to require a seven-day wait before buying handguns and said lawmakers "have been gutless" on gun control.

"They have closed their eyes to tragedies like mine," Brady said of Congress. "They ignore the statistics. Well, this statistic has decided to break his silence."

"I understand," Brady said, "that many of you are intimidated by the gun lobby. But you've got to look squarely at the facts."

Brady, who was nearly killed when he was shot in the head during John Hinckley's attack on Reagan in 1981, appeared in a wheelchair and with his wife, Sarah, at a hearing on the so-called Brady Bill by the Senate Judiciary Committee's Constitution subcommittee.

The bill, defeated a year ago in the House, would establish a national seven-day waiting period for the purchase of handguns. In addition to

providing a cooling-off period for buyers, it would require that gun dealers obtain identifying information from handgun buyers and send it to police, who would check to see if the purchaser was a convicted felon barred by law from purchasing a weapon.

The bill has been pushed by Sarah Brady, who heads Handgun Control Inc., a lobbying and citizens' action group. She said that this was the first time her husband had appeared with her before Congress.

With a strong voice, Brady read a prepared statement and responded to comments from members of the committee.

Brady said that he was appearing out of "anger at a Congress that just a year ago failed to pass a measure which would reduce the handgun violence plaguing our nation."

"I had no choice but to be here today because too many members of Congress have been gutless on this issue," he said. "There are too many cowardly lions walking the halls of Congress."

Brady described the impairment he has endured as a result of his profound gunshot wound to the brain, and how it destroyed his realized

dream of serving as presidential press secretary.

He said, "I experience pain — pain sometimes so intense I cry," but that even that was less difficult to endure than the loss of independence he suffers. "I need help getting out of bed, help taking a shower and help getting dressed. And damn it, I even need help to go to the bathroom."

"Those members of Congress who oppose a simple seven-day waiting period should try being in my wheels for just one day," Brady said.

[Oregon House Speaker Vera Katz, D-Portland, appeared before the committee to boost Oregon's 15-day waiting period to purchase handguns and testified in support of the national seven-day law, saying that both measures shared a common goal. "Countless incidents of handgun-related violence during the past year alone could have been prevented had an effective mechanism been in place denying prohibited individuals easy access to handguns," she told the Judiciary Committee.

[Katz sponsored the Oregon bill during the 1989 Legislature. It takes effect Jan. 1, 1990, and increases Oregon's waiting period for handgun purchases from five days to 15.]

NOVEMBER 22, 1989

WEDNESDAY, NOVEMBER 22, 1989



KNOW REPORT

MASS MURDERER LINK

By NEAL KNOX

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To the nation's sorrow, Wesbecker refused.

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Three days later, in almost a rerun of the endlessly rebroadcast videotapes of the Purdy assault, Wesbecker killed eight former co-workers and wounded 12 more with an AK-47S, like Purdy, before killing himself with a 9mm pistol, like Purdy.

Dr. Coleman's notes, apparently written immediately after Wesbecker's last visit, state: "Plan - Discontinue Prozac, which may be cause."

There is a lot of evidence that Dr. Coleman was right in blaming the drug.

On Oct. 19, Louisville Coroner Dr. Richard Greathouse told a television reporter, "Prozac, in certain individuals has caused a violent hostile type of reaction."

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While psychiatric drugs can be shown to help some people, the chances of an individual patient being hurt and/or hurting others as a result of taking those drugs is significantly greater than the chances of an individual gun ever being used in a crime of violence.

Only a tiny percentage of those given legal mind-altering drugs will become mass murderers, but the drugs that are triggering the Wesbeckers, Hinckleys, Purdys, Dannels, Wilsons, et al, are being ignored - while the nation's news media, and most of the medical establishment, focuses solely upon the triggers they pulled.

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WASHINGTON, D.C. (Nov. 9)
- On Sept. 11, three days before Joseph Wesbecker copied Patrick Purdy's incessantly publicized schoolyard attack, the psychiatrist who had treated Wesbecker for two years pleaded with him to commit himself to a mental institution.
To the nation's sorrow, Wesbecker refused.
According to Dr. Lee A. Coleman's notes, released under court order for the coroner's inquest into the Louisville printing plant murders, the psychiatrist was shocked by Wesbecker's deterioration in the month since he had put him on a combination of "lithium" and "Prozac", both mind-altering drugs.
Three days later, in almost a rerun of the endlessly rebroadcast videotapes of the Purdy assault, Wesbecker killed eight former co-workers and wounded 12 more with an AK-47S, like Purdy, before killing himself with a 9mm pistol, like Purdy.
Dr. Coleman's notes, apparently written immediately after Wesbecker's last visit, state: "Plan - Discontinue Prozac, which may be cause."
There is a lot of evidence that Dr. Coleman was right in blaming the drug.
On Oct. 19, Louisville Coroner Dr. Richard Greathouse told a television reporter, "Prozac, in certain individuals has caused a violent hostile type of reaction."
Two years ago Dr. David L. Richman, a critic of excessive reliance upon drugs in the treatment of mental illness, wrote "Anti-depressants (like Prozac) are being used... usually in combination with lithium. The ability of anti-depressants to trigger manic episodes is now being more clearly recognized... Thus caution is needed when considering the use of anti-depressants and lithium."
Another psychiatrist has commented that while almost all mind-altering drugs have adverse effects in some people, including hostility and violence, the effect of a combination of drugs is as unpredictable as the bounce of a football.
A sample of Wesbecker's blood taken during his autopsy showed "therapeutic amounts" of lithium and Prozac, plus a significant amount of "Restoril," sold as

ANVA REPORT MASS MURDERER LINK By NEAL KNOX

a sleeping pill, and traces of two other anti-depressant drugs.
Even the "sleeping pill" Restoril is said to sometimes cause "hallucinations... extreme restlessness, freak-outs", in some people.
As of last month, some 5,700 voluntary reports of adverse effects from persons taking Prozac - including violent reactions - had been received by the Food and Drug Administration. Those reports - said to be an unprecedented number for such a new drug - were obtained under the Freedom of Information Act by the Citizens Commission on Human Rights (an international group focusing on psychiatric abuse).
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Dec. 7, 1989

Board of county Commissioners,
Multnomah County, Or.

I just read your "gun control ordinance" proposal and will sum it up in one word- DISGUSTING --.

The people who use a gun to commit a crime will not bother to get a permit so why make it tough for the honest people to own any gun of their choice and at the same time burden your sheriff with the task of "permitting" all gun owners instead of going after the criminal?

I see this gun control ordinance as a smoke screen to cover up your inability to enforce existing laws.

Making new laws will not stop crime, enforcing the law will.

Gene Schmutzler

Gene Schmutzler

8830 S.W. Hamlet

Tigard, Or. 97224

December 7, 1989

Dexter W. Zinke
P.O. Box 20532
Portland, Oregon
97220-0532

Multnomah County Commissioners
County County Courthouse
1021 S.W. Fourth Avenue
Portland, Oregon 97204

Dear Commissioners:

I am here today to protest this sham hearing on your proposed ordinances to regulate assault weapons.

I call this a sham hearing because three of you have histories as gun grabbers and clearly are using these proposed ordinances to get media attention for yourselves. You know you lost your anti gun argument in the State Legislature last summer. Now you are trying to pass anti gun ordinances through the back door.

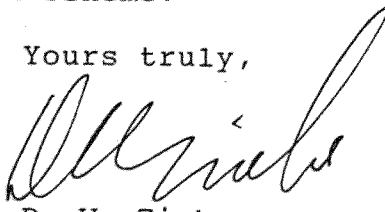
Violators of your ordinances will be impossible to detect until AFTER they have used your outlawed weapon. The ordinances you propose are clearly unenforceable without some method of weapons detection. There is no clear way of detecting violators without violation of a citizens Constitutional rights regarding search and seizer. Do you propose to stop vehicles indiscriminately or are you just going stop and search members of Minority groups?

In the future, do you see this as an opportunity to squander public moneys in the courts attempting to defend your ordinances so as to keep getting media attention for yourselves?

Quit wasting citizens money and time by proposing ordinances designed to get yourselves on television and in the newspaper.

You know full well that criminals will not obey these proposed ordinances. Only law abiding citizens will be effected by your firearm tax scheme.

Yours truly,

A handwritten signature in dark ink, appearing to read 'D. W. Zinke', written in a cursive style.

D. W. Zinke



Vera Katz

SPEAKER

OREGON HOUSE OF REPRESENTATIVES

7 December 1989

Board of Commissioners
Multnomah County
1021 SW Fourth Avenue
Portland, OR 97204

Re: Testimony for House Speaker Vera Katz

Chair McCoy and Commissioners:

Speaker Katz does not wish to take a position either in support or opposition to the Safe Streets Ordinance before you for consideration today.

During the 1989 legislative session, Speaker Katz devoted months of study and work to the gun control issue. Speaker Katz believes the carefully balanced public safety provisions included in HB 3470 -- a bill sponsored in conjunction with law enforcement agencies, gun lobbyists, and gun control advocates -- enhance public safety without violating the constitutional rights of gun owners.

Quite frankly, HB 3470 was an acknowledgement that Oregon's gun control laws were not keeping guns out of the hands of dangerous individuals: criminals and mentally unbalanced persons. The bill made significant changes to Oregon's firearm laws, including:

- * Increasing the waiting period on handgun purchases from five to fifteen days to give law enforcement officials sufficient time to conduct detailed background checks on purchasers.
- * Imposing new identification requirements on firearm purchasers, including fingerprinting handgun purchasers, to more accurately identify prohibited individuals.
- * Expanding the list of prohibited persons to include individuals convicted of six specified misdemeanor crimes involving violence and individuals with histories of mental illness.

- * Establishing uniform state-wide requirements and procedures for obtaining concealed handgun licenses.
- * Allowing concealed handgun license holders -- those who have undergone a 45 day waiting period, passed a thorough background check, and submitted to photographing and fingerprinting -- to by-pass waiting periods on subsequent handgun purchases.
- * Imposing criminal penalties for unlawful sales and purchases of firearms, and increasing penalties for crimes committed with firearms.

HB 3470 and the proposed Safe Streets Ordinance approach gun control from markedly different directions. Therefore, it is important to understand the assumptions used when preparing HB 3470.

First, the working group preparing HB 3470 saw accurate identification of prohibited persons as the largest obstacle to ensuring that firearms remain in the hands of law abiding and mentally stable persons. The waiting period and enhanced background check allow law enforcement to keep guns away from dangerous individuals, without violating rights of lawful gun owners.

Second, HB 3470 focused on handguns, because statistics indicated that handguns are responsible for a disproportionate share of firearm related crimes. Speaker Katz initially supported extending the waiting period to "assault weapon" purchases, but chose to tighten up handgun regulations when she learned that, between 1986 and 1988, handguns were involved in 66% of the murders and 75% of the robberies in Oregon committed with firearms.

Third, HB 3470 sought to provide a uniform system of firearm laws and procedures throughout the state. Speaker Katz philosophically is opposed to the state "preempting" the ability of cities, counties and other subdivisions from enacting laws they deem necessary. As a state official, she often is angered when Congress limits the state's ability to adopt laws, and does not like to do this to local governments. Nevertheless, some uniformity was needed to rectify the Byzantine system of gun control laws that occurred under local control.

The preemption clause, Section 38 of HB 3470, attempted to provide uniform laws throughout the state, but still allow cities and counties the ability to adopt public carry and public discharge ordinances as circumstances dictated. After reviewing

the Safe Streets Ordinance, we question whether some of the provisions of the ordinance are allowed under the preemption clause of HB 3470 and the Oregon Constitution. We have requested guidance from the Attorney General to clarify these issues.

Speaker Katz and the other sponsors of HB 3470 saw the bill as the first step in revising Oregon's firearm laws. The Legislature made significant changes during the last session, but felt uncomfortable undertaking further reforms without additional information. The one-year study of all firearm transactions by licensed gun dealers was designed to present us with needed information upon which to base any subsequent modifications to the law.

I hope this information proves of assistance to you when considering the Safe Streets Ordinance. Please do not hesitate to contact me at 378-8977 should you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lloyd Athearn". The signature is written in dark ink and is positioned above the typed name.

Lloyd Athearn
Legislative Assistant to Vera Katz
Speaker of the House

Attachments

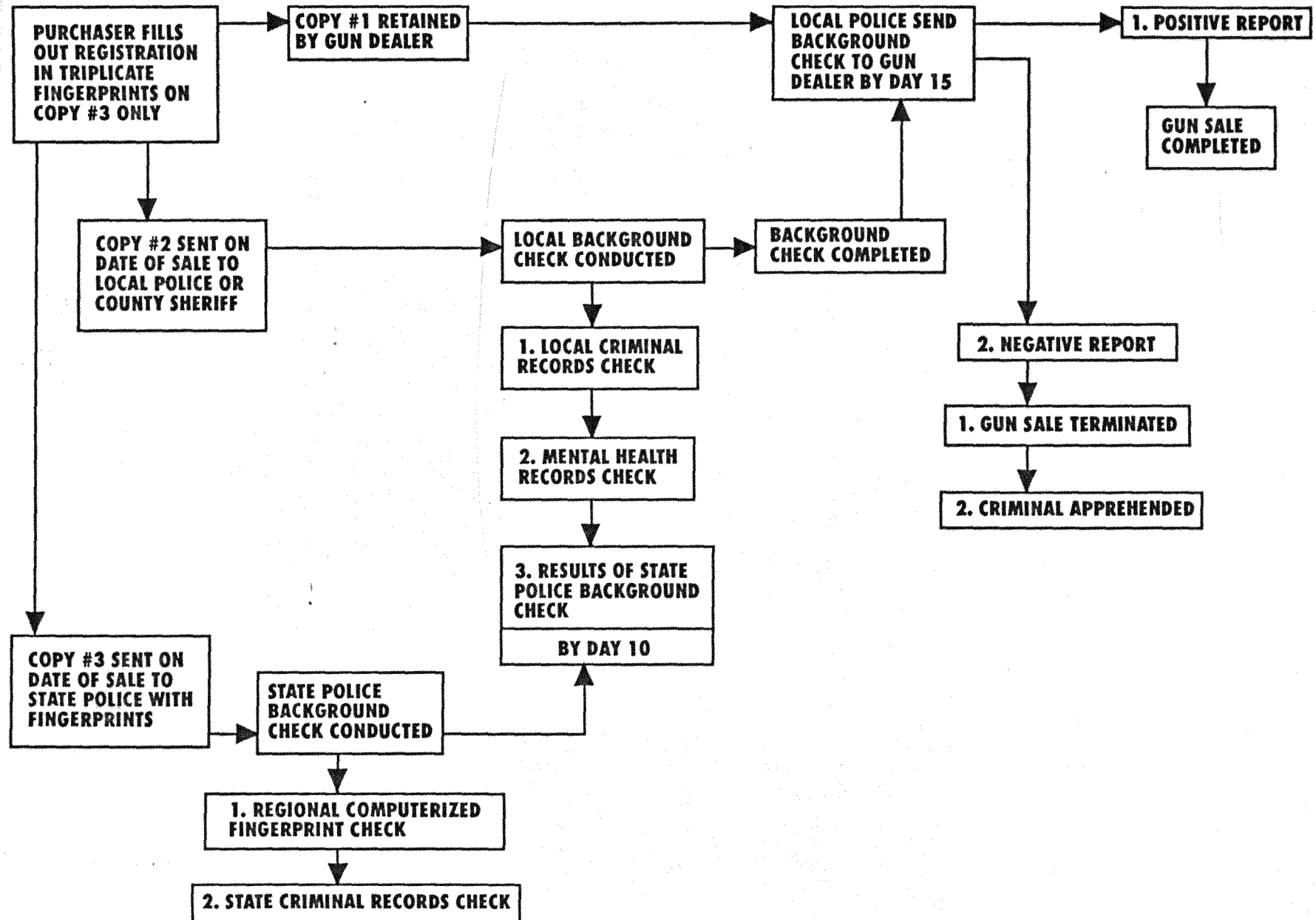
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HB 3470 Handgun Sales

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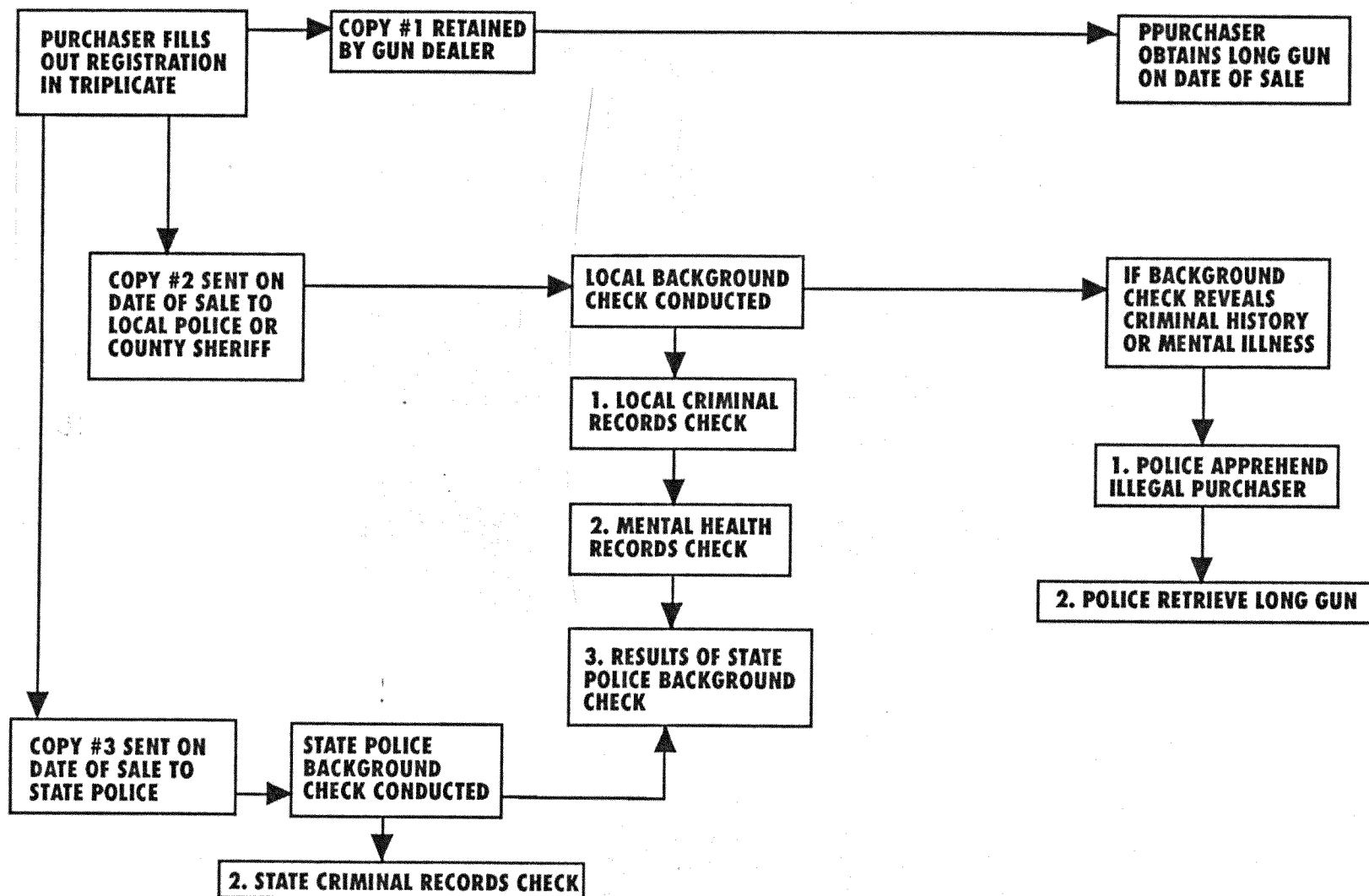
OREGON FIREARMS ACT

HB 3470

Long Gun Sales - STUDY ONLY

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HOUSE BILL 3470

AS WRITTEN BY JOHN NICHOLS OF OSR&PA, BRIAN JUDY OF NRA,
JOHN HOSFORD OF CITIZENS COMMITTEE FOR RIGHT TO KEEP & BEAR ARMS
STATE POLICE, SHERIFF ASSOCIATION, AND OTHERS.

WHAT THE BILL DID AS INTRODUCED VERSUS WHAT THE BILL DOES NOW AFTER ADOPTION OF AMENDMENTS PROPOSED AND SUPPORTED BY

OREGON PRO GUN CIVIL RIGHTS LOBBY INC.

The Oregon Pro Gun Civil Rights Lobby Inc. was incorporated in April of this year to fight HB 3470. We were successful in having the bill amended. A comparison between the bill as introduced and the 22nd edition that was passed; C Engrossed HB 3470 is shown. This information is made available so that you the gun owner can know the **true** facts as to what the bill did as originally drafted and supported by the Pro firearm organizations.

Remember, Vera Katz did not write the bill: She introduced it at the request of the Pro firearm organizations. They wrote it, supported it, and testified that the bill should not be amended because amendments would destroy the carefull work and agreements worked out by all parties concerned.

All we ask is that you read this material and then draw your own conclusions as to whether the original bill was a PRO GUN BILL OR
- ANTI GUN BILL.

Oregon Pro Gun Civil Rights Lobby Inc.
Rt. 1, Box 1237
LaGrande, Oregon
97850

Ph. (503) 963-3686

July 1989

Note: The Oregon Pro Gun Civil Rights Lobby Inc. proposed most of the amendments that were adopted. We supported those that would make the legislation more pro gun and opposed those that would make it antigun. For instance, one proposed amendment would have included the California law just passed banning the ownership of semi automatic firearms. Basically our amendments were used as the "road map" for amending the bill. We supplied copies to John Gardner of NRA and he used that material for instruction to John Nichols of OSR&PA to try and clean up the bill. Copies of our amendments are available. We do require a contribution to the corporation to defray cost of printing and other expenses. The before and after bill comparison is not claimed to be all inclusive. We have only touched the highlights and most important areas of concern to the law abiding gunowner.

Many people asked: Who wrote HB3470: Why was it introduced? Why did the Oregon Pro Gun Civil Rights Lobby Inc. fight the bill?

BILL INTRODUCTION: Quote from "Gun News" publication of Washington Arms Collectors Inc. (Article quoting John Hosford of CCRKBA)---Through the concerted efforts of the Oregon R&P, the CCRKBA and the NRA, HB 3470 is now on Governor Goldschmidt's desk awaiting his signature. ---HB 3470 came about as a result of extensive negotiation between law enforcement and the pro-gun groups under the direction of House Speaker Vera Katz.---"Actually, the major provisions of this bill were drafted long before Katz ever became involved," said John Hosford, Executive Director of the Citizens Committee and W.A.C. Board Member. "I'd been involved in discussions with John Nickles, (misspelling in original article) legislative chairman for the ORSPA, for at least four months prior to the meeting with Katz.---The efforts of the pro-gun groups were hindered slightly by a tremendous amount of mis-information being distributed by uninformed individuals as well a small group of gun owners who had their own personal agendas." (From Volume 5, Issue 8)

WHY WAS THE BILL INTRODUCED? Quote John Hosford in news release "This a landmark day for Oregon Gun Owners," said John Hosford, Executive Director of the Citizens Committee for the Right to Keep and Bear Arms. "This proves that when people can agree to disagree, and then direct their efforts to those workable issues where there is room for compromise, that great things can be accomplished."----"there was give and take from both sides during these negotiations. At times, the process became very frustrating. If it had not been for Speaker Katz's leadership, I am sure this would have fallen apart. She really wanted a great piece of legislation, fair to all involved, I submit that she did just that and I salute her for it. She's an outstanding woman and a class act."¹

Quote from a letter to Representatives in Salem, letter by John Hosford: "The foremost reason to support this bill is that it addresses criminal misuse of firearms while recognizing the rights of law-abiding Oregonians to own, possess and carry firearms." **Note: this letter was dated June 12, 1989 long before the bill had been amended so as to take out most of the anti-gun owner provisions.**

Quote from letter dated May 20, 1989 signed by John Nichols of Oregon State Rifle and Pistol Association."---When asked by speaker Katz to join in the negotiations, the firearms groups were faced with a clear choice: we could have either refused to talk and faced a costly political battle which even now I'm not sure we could have won; or we could enter into the discussion and attempt to refocus the debate away from controlling guns to controlling criminals and others----."

NRA news release dated April 6, 1989. "In an effort to create resonable and effective gun legislation, Oregon gun and State law enforcement officials have announced - their combined support for H.B. 3470-----. The carefully balanced bill ---. "We offer our qualified support of the bill in the belief that gun owners and law enforcement have created a balanced bill that is beneficial to all the people in this state."----"We hope people take notice that this is another case of the National Rifle Association and law-abiding gun owners working with law enforcement and state officals to create good gun laws," said Judy. (Mr. Judy was the NRA representative for Oregon)

Comment: The reader can for themselves draw their own conclusions as to whether the bill as introduced was a pro or anti gun bill. Remember the bill had 22 amendments because we were the "small group of gun owners who had their own personal agendas." That statement is correct. Our agenda was to make sure that the Oregon gun owners were not sold down the river on their gun rights by those who wrote and had the bill introduced.

Why did the Oregon Pro Gun Civil Rights Lobby Inc. fight the bill, as introduced?

We fought the bill because it was the most restrictive violation of gun owners "civil rights" that we had ever seen introduced into the Oregon legislative process. Attached are copies of the original testimony we made on the bill. That material speaks for itself. In fact, we were told that because of our testimony the bill almost died because the legislators did not know whether the bill could be amended and cleaned up to the point it would meet constitutional requirements. Remember, Hand Gun Control Inc. testified that "HB 3470 was a good bill, it only did not go far enough".² In addition American Civil Liberties Union (ACLU) also opposed the bill because of the constitutional issues raised in the bill. You know that when Hand Gun Control Inc. and ACLU take these stands, on a legislative issue, something is bad wrong with the legislation as far as gun owners are concerned. So---we fought the bill and hopefully were successful in amending it so that now it is mostly a pro-gun piece of legislation. We had no success in amending Section 38. Please see letter to NRA and letter reply.

Stephen Donnell--President, Oregon Gun Owners Pro Gun Civil Rights Lobby Inc.
July 1989

1. Undated news release to newspapers and media. 2. Oral testimony at hearing

A PROPOSAL TO ~

AMEND

HOUSE BILL 3470

Testimony of:

STEPHEN DONNELL

Rt. 1, Box 1237
LaGrande, Oregon
97850

Dated: APRIL 21, 1989

Pa. (503) 963-3686

TESTIMONY: HB 3470

Stephen Donnell

April 21, 1989

Mr. Chairman, my name is Stephen Donnell. I have spent many hours studying HB 3470.

I understand Speaker Katz' frustration in the matter of sound, legal and effective firearm legislation to deal with Oregon criminals' misuse of firearms. Speaker Katz should be commended for bringing together those who are considered to be the Oregon pro gun experts on this issue.

However, careful analysis and scrutiny of HB 3470 shows that the bill is fatally flawed and, if passed without amendments, would constitute a gross attack on, and deprivation of Oregon citizens' civil rights.

At the present time there are two philosophical approaches to the so-called firearm problem.

Premise No. 1: Firearms are evil and anyone who sells, uses or possesses firearms has by that association been tainted and is therefore suspect as being up to no good and a potential violator of society's laws.

Premise No. 2: Firearms are not the problem. Anyone who has firearms for any legal purpose is exercising his civil rights under the U.S. Bill of Rights, second amendment and Oregon Constitution, Article 1, Section 27.

Today's firearm problem is the criminal's use of firearms against society, thus causing death, mayhem, injury and loss of goods and property.

HB 3470 adopts Premise No. 1 as the philosophical base to draft its legal impositions on the Oregon population. In doing so, bill language wipes out many civil rights granted under the Oregon Constitution.

For instance:

*Section 4: Allows most any person who is licensed in Oregon to engage in the practice of psychology, psychiatry or medicine to, by one fell swoop of the pen, turn Oregon citizens into persons prohibited from owning or possessing any firearm. This provision violates the Oregon Constitution, Article 1, Section 12 on "self incrimination" and "rights of accused in criminal prosecution," Article 1, Section 11.

The way the bill is written, anyone visiting a mental health person or doctor can be put on the prohibited list and not even know about it. The bill does not require notice to the patient that the doctor has written the mental health notice and sent the notice to the Health Division. This provision violates Article 1, Section 10 of the Oregon Constitution concerning secret courts.

HB 3470, Section 2, 13 and 23 provides for criminal prosecution for anyone in the prohibited class, as that class is defined in the bill. Among those prohibited from owning firearms

are those who have a letter of record concerning them on file with the Mental Health Division.

HB 3470 has, therefore, trampled all over our present system of allowing an accused person to be represented by counsel, hear and be heard in criminal prosecution and challenge his accuser before a court of law and have a court of law determine his guilt or innocence, especially by jury trial.

HB 3470, Section 12 and 16 specifically define "being in the business as being defined in 18 U.S.C. 921."

By these sections the legislature has abrogated its power in the Oregon Constitution, Article IV, Section 17, to the federal government.

Therefore, whenever Federal Code changes, so does Oregon law. This aspect of HB 3470 violates the Oregon Constitution, Article IV, Sections 18, 20, 21 and 22.

The violation is that this legislation has no control over federal code and law, but has made the people of Oregon subject to that Federal Code of law specified in the bill, all in violation of the Oregon Constitution, Article IV, Section 28, which states when statutes take effect.

HB 3470, Section 13 creates an interesting legal situation. Under this section, if a person becomes a prohibited person as defined in this section, he immediately cannot possess firearms.

It is well accepted that before one loses his civil rights he must be found guilty of a felony or have had the lost civil

right taken away by a due process of a court of law.

Thus Section 13, and to a certain extent, Section 1, negate this principle of constitutional and criminal law: before one loses his civil rights he has the right as provided under the Oregon Constitution, Article 1, Section 10 to have an open, full hearing in a court of law, or hearing before a board established by statute. In addition, the court of board's determination can be appealed to high courts.

HB 3470 allows for no appeal and even worse, does not require notice to the affected person that the action that negates his right to bear arms under the Oregon Constitution, Article 1, Section 27, has been taken away from him.

Bill Ambiguities:

Section 13 and Section 2: These two sections are in conflict with each other as to the rights of a minor to possess handguns.

Section 13: Prohibited classes cannot carry concealed firearms; it is not clear if they can carry them openly.

Section 13: Persons are exempt from provisions of Sections 7 and 8 if they fall under ORS 166.260. It is not clear as to what happens if they are just traveling and not under ORS 260.

No provisions have been made to carry firearms, other than a handgun, with a permit, out of sight in a vehicle.

Last but not least, under Section 3 a person could be arrested for having a boat load of marijuana, be convicted of a

felony, come to Oregon and have and carry all the firearms they want.

This is an outline of just some of the problems with HB 3470 as presently written.

As part of my testimony, I have supplied proposed amendments to the Bill so as to rectify these problems. These amendments are on the colored paper. I would be pleased to work with the committee in any way to make HB 3470 a strong, effective criminal control piece of legislation.

I would be pleased to answer any questions.

Thank you.

Mr. Richard Gardner
NRA/ILA
1600 Rhode Island Ave. NW
Washington, D.C.
20036

July 6, 1989
Rt. 1, Box 1237
LaGrande, Oregon
97850
Ph. 503-963-3686

Dear Mr. Gardner:

Mr. Ron Harder, a member of the committee that drafted the first edition of HB 3470 (the gun bill written by NRA, OSR&PA, CCRK&BA and others) contacted me in the capitol building on the morning of July 1, 1989. He advised that he had talked to you by phone, when you were at your home, and told you that I had changed position on outright opposing HB BEng. 3470 (as amended by Senate Judiciary cmtg. C Eng. HB 3470) to one of support of the bill.

This letter is being written to clarify the record on this matter. As of the time Mr. Harder talked to me in the capitol, I was neither supporting the proposed legislation, or opposing the proposed legislation. As President of the Oregon Pro Gun Civil Rights Lobby Inc., our position consisted of advising the legislators that we neither opposed or supported the bill. We were satisfied that most of the provisions we knew had to be in the proposed legislation (from onset of the bill into the political process) so as to protect Oregon gun owner's civil rights, had been incorporated into the bill. We still did not like the bill, because of section 38, the preemption section (which senate judiciary committee legal counsel advised is an enabling section for political subdivision to enact ordinances for controlling the possession of firearms and ammunition in public places) and other bill provisions.

Mr. Harder indicated that he and Mr. Nichols of OSR&PA had talked to you about this matter because the Senate Judiciary committee would not release HB 3470 to the floor until the committee had received a letter (fax) from NRA approving the bill. That letter (fax) was received in Speaker Vera Katz's office at 12:12 hrs. on July 1, 1989. Therefore, HB 3470 C Eng version was passed by the senate and sent to the house for concurrence. It passed the house on a 49 yes vote.

I want it thoroughly understood that those of us in the Oregon Pro Gun Civil Rights Lobby Inc. do not approve of the bill as passed by both houses because of section 38, and other bill problems. However, C Eng HB 3470 is now of such a nature that OPGCVR Inc. can live with bill requirements because some parts of the legislation are a step forward for gun owners rights here in Oregon.

It is my considered opinion and that of the attorney working with us, that NRA has made a very large blunder in allowing section 38 to remain in the bill as now written. I have told Mr. Harder and our supporters that since NRA created the forthcoming problem(s), NRA must be looked to for assistance in fighting any problems that engender from section 38. This letter is being written to you so you will be informed of that position and warn your office of what will most probably result from having section 38, as presently composed, enacted into law.

Respectfully yours,

Stephen Donnell
President,
Oregon Pro Gun Civil Rights Lobby Inc.



NATIONAL RIFLE ASSOCIATION OF AMERICA
INSTITUTE FOR LEGISLATIVE ACTION
1600 RHODE ISLAND AVENUE, N.W.
WASHINGTON, D. C. 20036

July 13, 1989

Mr. Stephen Donnell
President
Oregon Pro Gun Civil Rights Lobby, Inc.
Route 1, Box 1237
LaGrande, Oregon 97850

Dear Mr. Donnell,

Thank you for your letter of July 1, 1989 concerning Oregon H.B. 3470.

For the record, it was my understanding from Mr. Harder that the Oregon Pro Gun Civil Rights Lobby, Inc. "neither opposed or supported the bill." It was not my understanding that the Oregon Pro Gun Civil Rights Lobby, Inc. supported the bill.

With regard to potential problems with Section 38 of the bill, please be assured that the NRA will "assist[] in fighting any problems that engender from (sic) section 38."

In closing, let me say that I appreciate your continued vigilance on behalf of Oregon gun owners and your efforts to bring to our attention the problems you saw with H. 3470. I hope that we can continue to work together in the future.

Sincerely yours,

Richard E. Gardiner
Director, State & Local Affairs

REG/rcs

Corrected

C-Engrossed House Bill 3470

Ordered by the Senate July 1
Including House Amendments dated June 8 and June 26 and Senate
Amendments dated July 1

Sponsored by Representatives KATZ, BURTON, Senator L. HILL, Representatives BAUMAN, BRIAN, CARTER, CEASE, FORD, HANLON, HOSTICKA, HUGO, KEISLING, KOTULSKI, MANNIX, MASON, MINNIS, PETERSON, STEIN, Senators CEASE, COHEN, GOLD, HAMBY, KENNEMER, KITZHABER, SHOEMAKER, TROW (at the request of Oregon State Police, National Rifle Association, Oregon State Rifle and Pistol Association, Oregon State Sheriffs' Association, Oregon Association Chiefs' of Police, Citizens' Committee For The Right To Keep And Bear Arms, Oregon Catholic Conference, Oregon Department of Justice)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Expands information to be included on record of sale of handgun. Requires 15-day waiting period. Expands grounds for prohibiting purchase of handgun. Provides that felons cannot own or possess any firearms. Revises procedure for obtaining concealed handgun license. Allows person who holds valid concealed handgun license to purchase handgun without waiting period. Provides for appeal of denial or revocation of license. Provides for judicial relief for persons barred from purchasing or possessing firearms. Requires Department of State Police to study purchases of handguns, rifles, shotguns and other long guns and issuance of concealed handgun licenses. Defines terms.]

[Creates crime of making false statements on concealed handgun license application. Punishes by maximum one year imprisonment, \$2,500 fine, or both.]

[Creates crime of unlawfully attempting to purchase firearm. Punishes by maximum five years imprisonment, \$100,000 fine, or both.]

[Creates crime of failure to register used firearms transactions. Punishes by maximum one year imprisonment, \$2,500 fine, or both.]

[Creates crime of shipping, receiving, selling or furnishing firearm in furtherance of felony. Punishes by maximum 10 years imprisonment, \$100,000 fine, or both.]

[Establishes mandatory sentences for certain crimes when firearm used in commission of crime.]

[Creates crime of unlawful possession of machine gun, short-barreled rifle or shotgun or firearm silencer. Punishes by maximum 10 years imprisonment, \$100,000 fine, or both.]

[Appropriates moneys from General Fund to Department of State Police for purposes of Act.]

Regulates sale of handguns. Requires fingerprinting for all handgun sales and enacts 15-day waiting period for purpose of conducting criminal and mental history records check. Provides Attorney General shall notify Legislative Assembly when identification system using biological factors to identify convicted felons and certain mentally ill persons is developed. Sunsets fingerprinting and waiting period requirements when such technology is developed.

Regulates sale or transfer of firearms to recipients under 18 years of age, convicted of misdemeanors involving violence within previous four years, having outstanding felony warrants or on pretrial release for felony or having specified conditions relating to mental illness.

Revises crime of exconvict in possession of firearm.

Provides scheme for issuance of concealed weapons permit.

Creates crime of unlawful possession of machine gun, short-barreled rifle or shotgun or firearms silencer. Imposes maximum \$100,000 fine, 10 years imprisonment, or both.

Requires register of firearms transfer be kept and mailed to local law enforcement officers by persons selling firearms.

Increases penalties for use of firearms during commission of crimes.

Directs interim study and report to Sixty-sixth Legislative Assembly concerning unified state identification card.

A BILL FOR AN ACT

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Relating to firearms; creating new provisions; amending ORS 46.060, 51.080, 161.610, 166.210, 166.240, 166.250, 166.270, 166.370, 166.410, 166.420, 166.450, 166.460, 166.470, 166.480, 166.715, 181.150 and

NOTE: Matter in bold face in an amended section is new; matter [italic and bracketed] is existing law to be omitted.

Bill as introduced:

Section one is now section 2.

Section 1.

1. Requires any one licensed by the Federal Government to send copies of the sale registration slips to local and state police. The record was supposed to be only used to determine if the buyer was a prohibited person who could not buy a handgun. After the ID use the records were to be destroyed. No provision was made for a criminal penalty if the police did not destroy the records.
2. Requires thumb print at time of purchase from a licensed dealer.
3. Waiting period if a person does not have a concealed weapons permit.
4. Violation of any part of the law (section) resulted in a possible Class C felony. It did not make any difference if the violation was intentional or not.

Please note that these amendments materially changed the thrust of the bill. They brought antiques and replicas out from under the concealed weapons (handgun) provisions for purchase and also allowed a court defense if a dealer made a mistake was not intentional in nature. Also a change was made for definition of a "firearm" so that it applies to weapons that only use smokeless powder. The phrase "black powder or" was deleted.

Bill as passed:

SECTION 1. As originally introduced the bill did not contain any definition for antiques or replicas of antiques.

In the passed version replica's are the same as antiques as long as they have not been altered to use rimfire or conventional ammunition. This means that a person can buy a replica without going thru the waiting period or having a concealed weapons permit. At the present time handgun antiques or replicas are treated the same as modern handguns. ie. waiting period for purchase etc.

SECTION 2.

1. Now provides for a Class A Misdemeanor if the records are not destroyed. The crime applies to any one who has responsibility for record destruction.
2. No change.
3. No change.
4. As passed the violation must be an intentional one. In other words, non intentional mistakes can be pleaded in court to assist in defeating any criminal charge.

Bill as introduced:

The bill as introduced did not have a SECTION 2a, or 2b.

Section 2. Is now Section 3.

1. Defines people who can't receive firearms by purchase or by transfer. Now includes persons convicted of misdemeanor involving violence (the problem was violence was not defined) within the previous 4 years prior to the application, or has outstanding warrants for arrest, chronic abuser of alcohol, adjudged mentally ill, or has been diagnosed as dangerous to self or others, etc.

2. Makes violation a "Class C felony." (was a misdemeanor).

3. As written could be interpreted as not allowing a parent (or any one else) to supply a handgun to a minor for instruction, hunting, or any other purpose.

The bill as now passed resolved most of the problems in the original bill (for these sections). Language is now clear and easily understood. For the most part the changes reverse the original proposed legislation.

Bill as passed:

SECTION 2a. This section allows and provides for a stop to the waiting period when the Federal ID system is in place.

SECTION 2b. Implements the use of the Federal ID system, so that the waiting period no longer is required.

The problem with this section is that the Oregon law requires identification of persons who will not be identified by the Federal ID system. This means that for all intents and purposes, the 15 day waiting period will always be with us.

People who will not be identified by the Federal system are: persons convicted of misdemeanors ie. ORS 163.160, 163.190, 163.195, 163.208, 166.155 (1)(b) and people listed in the mental health register maintained by the Mental Health Division.

SECTION 3.

1. Provides relief if a person is a prohibited person by record expunction of this state or other state with equivalent law. Outstanding warrant must be a felony warrant requires commitment by Mental Health Division (not as in the original bill, by an opinion decision of a medical practitioner allows an order under 426.130 that a person can not have firearms. (426.130) has many checks and balances as to who and how a person gets on the list.

2. Returns the penalty to a Class A misdemeanor.

3. Allows temporary transfer of any firearm to a minor for hunting, target practice or any other lawful purpose.

Bill as introduced:

Section 4. (This section does not exist in the passed version of the bill. It was superseded by Senate Bill 412. Senate Bill 412 was not passed out of committee (it passed both houses, but the senate and house versions were not the same. The bill went to conference committee and did not come out of committee.)
[The full bill language is shown so you the reader can know what was introduced.]

SECTION 4.

Note: This proposed section allows any person who is licensed in Oregon to engage in the practice of psychology, psychiatry or medicine to, by one fell swoop of the pen, turn Oregon citizens into persons prohibited from owning or possessing any firearm. This provision violates the Oregon Constitution, Article 1, Section 12 on "self incrimination" and "rights of accused in criminal prosecution, Article 1, Section 11.

The way the bill is written, anyone visiting a mental health person or doctor can be put on the prohibited list and not even know about it. The bill does not require notice to the patient that the doctor has written the mental health notice and sent the notice to the Health Division. This provision violates Article 1, Section 10 of the Oregon Constitution concerning secret courts.

(1) A superintendent or director of the following shall report to the Health Division every client and patient who in the opinion of the superintendent or director, should not purchase or possess firearms because of the client's or patient's mental condition:

- (a) A hospital for the mentally ill or training center for the mentally retarded;
- (b) A private mental health care facility; or
- (c) A community mental health program.

(2) All persons licensed by the State of Oregon to engage in the practice of psychology, psychiatry or medicine shall report immediately to the Health Division every client or patient diagnosed as being dangerous to self or others.

(3) Reports required under this section shall be upon forms prescribed or provided by the Health Division. Each report shall include the person's name, address, date of birth, sex and diagnosis.

(4) Upon request by a local law enforcement agency conducting a background information check under ORS 166.420 or sections 7 and 8 of this Act regarding a particular person, the Health Division shall provide the agency with information concerning that person, if any, that has been reported as required by subsections (1) and (2) of this section. The reports are confidential and shall be used by the agency only to determine the qualifications of a person to purchase a firearm under ORS 166.420 and 166.470 or to obtain a concealed handgun license under section 7 and 8 of this Act.

(5) The reports required by this section shall be made notwithstanding any confidentiality or privilege statute.

(6) Any one participating in good faith in the making of a report pursuant to this section, and who has reasonable grounds for the making thereof, shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of such report. Any such participant shall have the same immunity with respect to participating in any judicial proceeding resulting from such report.

Section 5.

Allows for reporting misdemeanor involving violence.

Section 7.

Sets up procedure for issuance of a concealed handgun license. Requires demonstration of competence with a handgun by proof of prior handgun instruction.

Allows for denial if adjudged mentally ill; chronic abuser of alcohol. Has not been found to be or diagnosed as dangerous to self or others; (This section puts into effect section 4, where the doctor makes the decision.)

Requires two Character references. (The bill does not provide protection for the character references from any type of court action if the person vouched for does something while having the license. The bill expressly protects the police or public official, but not the private citizen!)

Provides for sheriff to have judgment as to whether a person will be issued a license. Does provide an appeal process. (Note: more will be said about the so called appeal process later under appropriate section.)

Note: These sections were some of the most hotly debated sections of the bill. It is impossible to discuss the total issues raised in committee and on the House and Senate floor(s). Suffice to say, that as now written the gun owner is protected as much as possible, within the framework that the legislature would permit. The issues were complex, involved with prior court decisions, and provisions of the Oregon constitution and laws. Only time will tell if the changes made will be sufficient to protect the law abiding gun owner so that all will have equal rights in applying and having a license issued to them.

SECTION 4.

Defines felon in possession of a firearm.

Allows relief from disability by using appeal process as allowed in SECTION 11.

SECTION 5.

Requires reporting of persons identified as per Senate Bill 412 (the mental health section) that are prohibited from purchase or possession of firearms. [Note: Senate Bill 412 did not pass. See previous discussion.]

SECTION 8.

Sets up procedure for issuance of a concealed handgun license. Basically the same criteria is used as before. But the only denial items are now; no outstanding warrants for arrest, and is not free on any form of pretrial release, the long list of other items is gone from the bill.

Competence is still required; the list is the same as before

Outright non issuance for a misdemeanor of violence is now changed to "within the previous 4 years", commitment to Mental Health Division now must have been within 4 years prior to the effective date of the Act.

Added is the provision that if a court orders that a person is not to have firearms, a concealed license is not allowed.

Allows for relief from the disability by using the relief process allowed for in section 11 of the Act.

Character references still required. (Still no protection for a person signing as a character reference.)

section 8.

Requires issuance of a concealed handgun license by the sheriff within 45 days after application.

Paragraph (2) Failure of a person who carries a concealed handgun also to carry a concealed handgun license is prima facie evidence that the person does not have such a license. [This means you must have the license on your body when carrying a concealed handgun.]

Section 9.

Provides for renewal of concealed license.

An extensive discussion arose about a police officer being able to revoke the license by serving a notice of revocation. This meant that any police officer could revoke the license whenever they wanted to. [This was changed in the final bill]

Section 10.

Sets up a relief process for persons barred from having firearms or denied a concealed license under provisions of the act.

Burden of proof is upon the person appealing the denial. The mental health history is still a significant part of reasons not to allow ownership or issuance of a license.

The changes in these section were complex, involved, and revolved around present court interpretation of language and phrases. For full meaning as to what was accomplished by the changes a person must study the as introduced bill and the edition that passed.

SECTION 9.

Requires issuance of a concealed handgun license by the sheriff within 45 days after application.

Paragraph (2) is the same as in the original bill. We tried to get this provision changed so that a person could present in court the license as defense against the charge of not having a license if the person was not carrying the license at time of arrest. We were not successful in this effort. (It must be pointed out that this same provision was put into prior bills as introduced by OSR&PA in previous sessions. Somehow they will not learn from previous mistakes.)

Allows for use of prior issued license, this means that a license holder will not have to automatically renew their license if time still remains on the presently held license. (The way the bill was introduced everyone would have to reapply on January 1, 1990)

SECTION 9a.

Sets up method that sheriff must use if a license is to be denied. Allows for an appeal procedure.

SECTION 10.

Sets up procedure for issuance of a renewal for concealed license.

The change here is that only the sheriff can revoke the concealed license. In addition the reason for revoking the license must be given. In addition the revocation can be appealed as allowed for in the bill.

Section 11.

This section states: "A person denied a concealed handgun license under sections 7 and 8 of this Act, or whose license is revoked or not renewed under section 9 of this Act, may petition the circuit court to review the denial or revocation.

First off, the only denial that can be appealed is the denial of a concealed license. Denial of purchase of a handgun is not included. Also review of a decision that a person can not have firearms is not appealable.

The most important issue is: the appeal process means **nothing**. The NRA just lost a case in the court of appeals that simply said that the sheriff does not have to issue a license under present law. Since the appeals process only requires the court to be petitioned, there is nothing to say that the court must review the petition. (This is in essence, the same as the sheriff must consider the concealed weapons application under current law, but he does not have to act on it.)

Nothing in this section tells the court what they are to do if they do review the denial. Sum and substance of this section is that it looks good but does not do anything for the denied firearms owner.

Section 12.

Defines "Firearm". Includes the use of black powder in the definition.

Defines "Firearms silencer" & "Handgun". The way this definition is written does define antiques as defined under present federal law. Defines federal law prohibited firearms.

Again the amendments were technical and involved. In the case of the appeals process, what was a noneffective process that would not protect the lawful firearm owner, was amended to give full protection to the firearm owner in any appeal to the court, including appeal to higher courts. To fully understand the legal ramifications of the appeals process, it is suggested that an attorney be contacted for further information.

SECTION 11.

Sets up a procedure for full appeal of any denial in the area of firearms. In addition if either sides loses, they can appeal to the next higher court.

An attorney is not required, but a person can have one if they want one.

The court is given instruction as to what they are to do in the case--grant relief, or deny relief.

If a governmental entity files an appeal, and does not prevail, it shall be ordered to pay the attorneys fees for the prevailing party. This means that if you win on appeal you can get your attorney costs paid.

SECTION 12.

"Where appropriate, a person may enforce the legal duties imposed by sections 2 and 31 of this Act by the provisions of ORS 30.260 to 30.300 and chapter 183.

This means that the court can order performance of any government agency to comply with the provisions of the Act.

Section 13:

This section defines unlawful possession of a firearm.

A person under 18 can not possess long gun(s).[supposedly the same as Federal law].

The section still has the mental health provisions. (see previous discussion)

The way the section is written an exemption is made for minors to have long guns for hunting, target practice and other lawful purposes. The way the exemption section is written, a minor can not have or possess a handgun. Senator Peg Jolin held a news conference and pointed out the "no handgun" for minors problem.

Section 16:

This section changes the present law for dealer purchase of firearms from private parties.

Whenever a dealer purchases a firearm, they must make out a two part form and mail one copy to the local police on the day of purchase for police use to see if the firearm was stolen or any other check they might want to make.

Section 18:

This section mandates a specified prison term if a person uses or attempts to use a firearm in a crime of violence or drug trafficking crime.

The problem with this section as written is that the firearm charge could be "plea bargained away". The ir was no requirement that a person arrested be charged with the firearm part of the crime.

In addition first offenses were charged and sentenced the same; the judge could not find mitigating circumstances and levy a lessor penalty.

SECTION 13:

This section defines unlawful possession of a firearm.

The 18 year old provision is still the same. However, the exemption section was extensively rewritten. It now specifically allows minors to possess firearms if the firearm was transferred to them by a parent, guardian, or another person with the consent of the minor's parent or guardian. Handgun by minors is allowed but the transfer can not be a permanent one.

The mental health problem (provision) was changed so that a court under ORS426.130 had to make the decision, not a doctor as before. (See previous discussion)

SECTION 16:

No change. [We tried to amend this portion of the bill but were not successful .]

(It should be noted that under this section 16, that the police will now have a permanent record of all sales by citizens to dealers. No where in the bill is their a requirement that such records must be destroyed and not kept.)

SECTION 18:

This section mandates a specified term if a person uses a firearm in commission of a crime.

The firearm charge can not be "plea bargained away", instead the firearm portion of the crime becomes the main charge. This means that any one using a firearm in the commission of a crime must be tried, and if convicted go to jail for not less than 5 years.

A provision was added that if the punishment was a first time punishment, the judge could "suspend the execution of the sentence" when the judge finds mitigating circumstances.

Section 21

Stops concealed carry of "switch blade knives", dirk, dagger, etc.

This change in the law puts into effect a recent State of Oregon Supreme Court opinion.

Section 23:

This section deals with the sale or transfer of firearms brought into the state. Unless the firearm is sold-transferred as per HB 3470 and other ORS's, any person selling or transferring the firearm can be charged with a class B felony.

Section 24:

This section deals with the changing or altering of serial number of a firearm. (bill used term "identification number")

Section 25:

This section exempts antique handguns from specified sections of the bill.

Section 29:

This is the "study section". Requires that state police make a study, and all dealers send copies of all sales to the state police.

The problem with this section as introduced in the bill, was that the study period did not have a starting or ending date. That meant that the study could go on as long as the police wanted to make the study.

SECTION 21:

No change.

SECTION 23:

This section deals with the sale or transfer of firearms brought into the state. Technical changes were made in wording to be sure the language was clear and easily understood. The class B felony was not changed.

SECTION 24:

This section deals with the changing (alter) the identification number of a firearm.

The bill was amended to require that the alteration or change was "intentional--and for an unlawful purpose".

SECTION 25:

This section exempts all antiques from specified sections of the bill and present unchanged law.

SECTION 29:

This is the "study section". The section was not really changed except the study now starts one year before January 1, 1991. In addition all records from the study (except that material used in the published report must be destroyed.

House Bill as introduced stopped at section 32. As amended it contains 41 sections. The following is a summary of what each section does.

Section 36. This section amends ORS 426.130 so that the court can order that the person (before the court) be prohibited from purchasing or possessing a firearm. The court is to make their decision based on past behavior and/or specific acts done by the person before the court. It should be noted that ORS 426.-series; has many safeguards for persons that are to appear before the court in this type case.

Section 37. This section directs that a study be made for an Oregon unified state identification card. The idea is that with such a card the waiting period could be done away with for any firearm purchase. <The Oregon Pro Gun Civil Rights Lobby Inc.> proposed such a system during the hearings. The committees did not want to go into all the details such a system would entail, hence; the study.

Section 38. This section is shown as adopted. **Except as otherwise provided by law, cities counties and other political subdivisions of this state may regulate only the possession of firearms and ammunition in a public place, as defined in ORS 161.015.**

There is much confusion about this section. It is supposed to be a "preemption section". However, we obtained a legislative council (the lawyer who wrote HB 3470 and all the amendments) opinion. The opinion says that this section is an "enabling section" that allows for passage of ordinances by cities--counties--others, to regulate the possession of firearms and ammunition in public places. It should be noted, that a "public place is just about anywhere outside private property."

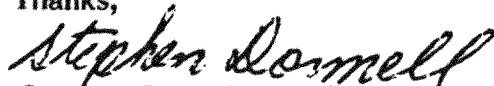
Section 41. "This Act takes effect on January 1, 1990"

This summary is just part of the changes made in HB 3470 from the time of introduction till passage by both houses. The bill has now been signed into law by the governor and will take effect on January 1, 1990. Only time will tell as to what effect other than a positive effect the legislation will have for the law-abiding Oregon gun owner. The amendments made to the bill were the result of intense lobbying and work on the part of "Oregon Pro Gun Civil Rights Lobby Inc.". The lobbying effort was made possible by the donations and financial contributions of gun owners across the state. Without that help, the lobbying effort and bill changes would not have occurred. The people who wrote the bill in the first place, testified that no changes were needed, because the bill was carefully written and any changes would destroy the effectiveness of the bill. How right they were! Without the changes the Oregon firearm (gun) owner would have had to live with one of the most oppressive gun bills ever adopted. **It is strongly urged that you read the bill as introduced, and then read the final version. Compare the two, remember the bill went through 22 revisions before it passed both the senate and house of representatives.**

The battle over gun owners rights is not over. The effort to amend HB 3470 was costly, time consuming and required the expenditure of more funds than the amount contributed by those who knew that HB 3470 had to be amended. We need your help. Contribution can be sent to the corporation address: Rt. 1, Box 1237, LaGrande, Oregon, 97850. Checks should be made out to the corporation name. We are a non-profit corporation chartered under the laws of Oregon.

If you would like to have this writer speak before your club or association, I would be pleased to do so. Call me at (503) 963-3686. If schedule permits I can come to the meeting. A donation will be requested to pay expenses and further the cause of law-abiding firearms owners civil rights.

Thanks,



Stephen Donnell, President, Oregon Pro Gun Civil Rights Lobby Inc.

Submitted BY → PATRICK ONLEY, 1st dist

Please Stop these Anti Rights Ordinance's

Today our constitutional rights are under direct attack by the politicians of this county. The right of our citizens to protect themselves, their family, the community, and our country must never be infringed. Yet there is an antigun campaign going on all over the country and Portland Politicians want to join the fray to make a name for themselves. Like Joe McCarthy in the 1950's looking for communists these Politicians would like us to believe every gun owner is an agent of the devil.

We as citizens must protect one another's rights whether you like pornography or not you must protect the right to free speech, likewise whether or not you like Assault Weapons you must protect our fellow citizens who desire to possess them. The Politicians are eating away at our rights and if we don't fight back this great country will loose all our forefathers have fought for in the last two hundred years.

Listen to what the fathers of our country said about the second amendment and the right to bear arms:

"The strongest reason for the people to retain the right to keep and bear arms is, as a last resort, to protect themselves against tyranny in government", Thomas Jefferson

"Arms in the hands of citizens [may] be used at individual discretion .. in private self defense ...", John Adams

"Firearms stand next in importance to the Constitution itself. They are the American People's liberty, teeth and keystone under independence, from the hour the Pilgrims landed to the present day. Events, occurrences and tendencies prove that to insure peace, security and happiness, the rifle and pistol are equally indispensable and they preserve a place of HONOR with all that is good", George Washington, the Father of our great country

"The supreme power in America cannot enforce unjust laws by the sword, because the whole body of people are armed and constitute a force superior to any band of regular troops that can be, on any pretense, raised in the United States", Noah Webster

"The advantage of being armed, which the Americans possess over the people of other countries, notwithstanding the Military establishments in several Kingdoms of Europe, which are carried as far as the public resources will bear, the Governments are afraid to trust the people with arms", James Madison, Author of the Bill of Rights

(OVER)

"The Constitution shall never be construed to prevent the people of the United States, who are peaceable citizens, from keeping their own arms", Samuel Adams

"Everyone who is able may own a gun, the great object is that every man be armed", Patrick Henry

All of today's guns involve technology that is over a hundred years old, yet the media has us thinking there is something new, this is simply misinformation. Guns have not changed considerably since the signing of the constitution and yet today some people think their use has been outdated. The truth is that guns have not changed at all in last two hundred years and people are just as power hungry now as they were then.

Today we live in a world of poverty and crime caused by the selfish programs of our elite. Honest young people are not provided an adequate education to deal with the real world. As a result our prisons are full of poor people with no hope. Virtually everyone in this country is a drug addict whether it be alcohol, cigarettes, prescription drugs, marijuana, or whatever. The reason is lack of hope, boredom, and misery. Yet today our prisons are growing faster than the crime rate the solution is to lock away the poor and take away their guns, and rights and act like they simply don't exist

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If America stay on the path of taking away the rights of citizens in the name of the drug war and incarcerating the poor then America will become the most evil empire on the face of this planet. God loving people must not let this happen. We as people need to protect each others rights. We need to demand all elected officials to spend our tax money on food not bombs. Schools not prisons.

Americas power elite say gun's are bad because they kill people, yet the automobile followed by cigarettes and alcohol are the number one killers in this country. However, the automobile lobbies protect there interests in spite of deaths attributed to the automobile.

At no time in our history have our Bill of Rights been under direct attack as the last twenty years, Since the Nixon administration prison construction has expedited. Congressional review teams have been assigned to simplify the constitution especially the first and second amendments. Because of what college students did during the Vietnam war to protest our involvement the politicians of the time. i.e. Reagan, Nixon, Bush, have made sure they control campus funding and thinking. Our engineering capacity is a shame. It is virtually impossible to hire native Americans trained to think and work. Most of our engineering and mental talent today comes from immigrants abroad ready, educated and willing to work. Our country is only generating prison candidates. Today the biggest growth industries in Oregon are Prisons and Garbage, all the bureaucrats are moving to these "growth" industries and protecting there interests. In fact the defense industries are moving their assets into prison corporation because in the future of America this is where the action will be.

THIS IS WRITTEN IN DIRECT REBUTTAL OF THE PROPOSAL CONCERNING NEW GUN LAWS. AFTER READING THE PROPOSAL BY BAUMAN AND ANDERSON I FIND ALL THE ORDINANCES LISTED IN DIRECT VIOLATION OF THE OREGON CONSTITUTION. I AM A LAW ABIDING CITIZEN AND FEEL THAT THE VALUES OF OUR CONSTITUTION ARE BEING IGNORED. I REPUTE THE FACT THAT WE, WHO OWN HAND GUNS OR ASSAULT TYPE RIFLES, MUST NOW BE PENALIZED FOR OUR PRIVATE OWNERSHIP. I AGREE THOROUGHLY WITH THE FACT THAT GUN OWNERS SHOULD HAVE FIREARMS TRAINING TO INSURE THAT ALL SAFETY MEASURES ARE MADE APPARENT.

I; HOWEVER, WILL NOT BE MADE RESPONSIBLE FOR THE DELINQUENTS WHO DECIDE TO USE HIS OR HER FIRE ARMS IN ORDER TO DO HARM. I DON'T EVEN BELIEVE IN THE KILLING OF ANIMALS AS IN THE SCOPE OF LEGALIZED HUNTING, BUT, I FEEL TO NEGATE THE HUNTERS RIGHTS WOULD ALSO BE AGAINST THEIR CONSTITUTIONAL RIGHTS.

THE MULTNOMAH COUNTY REQUIRES THESE FINES TO BE MANDATORY BECAUSE OF INCREASING COSTS. IF I HAVE TO PAY OTHER TAXES THAT DON'T PERTAIN TO ME, PERSONALLY, I FEEL THIS MOVE IS A HIGHLY PERSONAL PREJUDICED MOVE AGAINST GUN OWNERS.

THE NATIONAL RIFLE ASSOCIATION ESTABLISHES FIREARM SAFETY AND COMPETENCY TRAINING. "CURRENTLY MANY SAFETY PROGRAMS ARE AVAILABLE TO THE PUBLIC THROUGH GUN CLUBS AND PRIVATE INDIVIDUALS AT NO COST TO TAXPAYERS AND WITHOUT GOVERNMENT INVOLVEMENT." AS STATED IN THE N.R.A. NEWSLETTER DATED, DECEMBER 1, 1989.

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1989 DEC - 7 AM 11:55

IN ORDINANCE #4 OF THE ALLEGED PROPOSAL, IT IT DISCUSSES
PROHIBITING OUR INDIVIDUAL RIGHTS TO PRIVATELY SELL FIREARMS AND
IMPOSE FINES UP TO \$1000.00 AND INCLUDE CONFISCATION OF ALL FIREARMS
FOR VIOLATION OF THE ORDINANCE.

WHAT IS HAPPENING TO OUR FREEDOM? THIS IS CONTROL AND SHOULD
NOT BE SO SEVERE. I FEEL THERE IS A MORE JUSTIFIABLE WAY TO DO THIS
WITHOUT CONDEMNING GUN OWNERS. I FEEL, AS AN AMERICAN CITIZEN THAT
THIS WILL BE STRIPPING OUR FREEDOM AS "A FREE CITIZEN" IN THIS
DEMOCRATIC SOCIETY. THIS MUST BE CHANGED OR A GROSS INJUSTICE WILL BE
MADE.

SINCERELY,

JAMES A. VANEK

7246 N. MOHAWK
PORTLAND, OR 97203
(503) 286-5462

12-7-89

Persons paying ad valorem taxes
or property taxes should not pay

The type of fees indicated in your
ordinance for firearms ownership

as Article II of the U.S. Bill of Rights
and ~~Article~~ ^{Section} XXVII of the Oregon Constitution
Bill of Rights
protect firearms ownership.

Emotional decisions lead
to discredit your judgement in this

matter is faulty - ~~Article~~ Section 16 of

the Bill of Rights of ^{the} Oregon Constitution

prohibits excessive fees.

JH Bergeron 282-6090

BOARD OF
COUNTY COMMISSIONERS
CLATSOP COUNTY
OREGON
1989 DEC - 7 AM 11:55

I thought this was America and we voted on what we wanted. I noticed that everything about this law is kept quiet. Only NRA members and special people are informed. What happened to the general public. I can see the rich are going to get richer on this one. I believe in selling guns to responsible people, but this is going to hurt the gun dealers and regular Joes. Since the president banned the assault weapon prices have doubled or tripled and are almost impossible to purchase.

Background checks for safe sales are fine; however, it should only be a one time thing and not charged every time you buy a gun.

That's ridiculous! If more people knew what you are trying to do you, would never get away with it.

The assault weapon's permit is absurd and just another money maker. It serves no purpose but revenue. It says in the letter about carrying an assault weapon in public places like school yards, parks, etc.; if I ever saw anyone of this nature, I would be very suspicious in that they are probably going to do something illegal anyway. How many people do you see walking around with a gun in public places except in a vehicle (truck) window going hunting.

I bought my "so called" assault rifles for hunting which I have gotten deer with both; and I didn't carry more than 5 rounds which is the legal limit. Now I'm supposed to pay to use my own guns, or I have to buy a non-assault rifle which will cost me extra on top of what I have paid so far. -
I just won't do it! -

Why should you descriminate against assault weapons only - Why not all guns! But that appears to be the next step in your Campaign. You get your foot in the door and eventually you want all guns.

Disarm America!!

Don't you think all weapons are seriously dangerous, in the wrong hands. For example, a large knife or machette, at rose festival carnival or any crowded place, an individual could run through the crowd and mame ^{or kill} several people without being noticed until out of sight. This weapon does not run out of bullets as does a gun. A knife also makes no disturbance and is easily concealable moreso than an assault rifle.

Does this mean we will be needing a permit for this also!

I have a lot of friends that didn't want to come today to this meeting because

they live out of the county. I know better—you are going to try to pass these regulations in this county and then every county hereafter. This is only the beginning.

There is competition and sport with everything man makes from horse shoes to national competition matches with a 50 caliber rifle. Everything is a sport including going up to the woods with cans and milk jugs and practicing with a couple hundred dollars of bullets with my wife, family and friends, once or twice a year, is my own damned business and I should not have to pay extra for it. Background checks are a good thing for people who want to purchase guns but only one time. Why not issue a stamp on your Driver's license and maybe \$5.00 extra upon Renewal instead of repeated background check and overcharging of fees. It would ^{cost} ~~be~~ less ~~to~~ and accomplish the same task. The next thing you'll want to know is what kinds of guns we have so you can take them away. What happened to the right to bear arms — not what kind we can bear, when we can bear them but that we can have the freedom to own any arm. That's why we have never been invaded.

7028 N. Mohawk
Portland Ore
97203

Gene C.P. Vanek
Alan S. Vanek

June 22, 1989

Representative Nancy Peterson, Sub-Com. Chr.
Human Resources of Ways & Means Committee
Oregon State Capitol, H--178
Salem, Oregon 97310

Dear Chairman Peterson, and Members of the Sub-Committee,
HB 3470 must not finger print or penalize honest citizens owning fire arms!

"When guns
are outlawed
only outlaws
will have
guns!"

Teen struggles with fateful choice

□ The decision to stay home and study is the catalyst for a fatal confrontation

By DENISE McVEA
of The Oregonian staff

On Thursday, 18-year-old Kurt F. Jensen chose to stay home from school in the afternoon and study English so he could graduate with his high school class.

That same afternoon, 32-year-old Alex L. Rahm chose to break into Jensen's home in a quiet Northeast Portland neighborhood.

The consequences of those choices cost Rahm his life and left Jensen struggling with the knowledge that he was the one who took it.

The Parkrose High School student was home alone, studying upstairs in his room about 2 p.m. when he heard the doorbell ring. He went to an upstairs window that overlooks the front yard but saw no cars.

He saw a 10-speed bicycle but did not recognize it.

When he answered the door, no one was there. Jensen went back upstairs.

Within minutes, he heard glass breaking as someone began to kick in a downstairs door.

He quickly went to his parents' bedroom where he got his father's handgun. "My first thought was that I had to stop this person before I got pinned down in the house," Jensen said.

An Eagle Scout who has won a scholarship to attend the Oregon Police Academy in Monmouth, he had fired his father's revolver several times before for target practice. That he would use it to stop an intruder from breaking into his home rarely had crossed his mind.

Crouching upstairs, he listened as more glass fell to the floor. The gun was in his right hand. He put his left hand on the floor to keep his trembling body from falling.

"I went downstairs and when I was halfway down the stairs is when I first yelled, 'Stop, I have a gun!' There was no response, just glass breaking. I thought he might be deaf so I moved down. He still couldn't see me, and I said 'stop' again," Jensen said.

He saw Rahm on his hands and knees, breaking door panes and trying to get into the house through the opening he had created. Stepping into Rahm's view, Jensen aimed the gun at Rahm's head and told him to stop again.

"He didn't stop, he just looked at me and kept coming."

Jensen said he considered firing a

The attached article shows the need for citizens to protect themselves!

Please help make it a responsible bill, protecting our Constitutional rights to keep and bear arms... "shall not be infringed!"

Louise Weidlich
Louise Weidlich
Director

Please turn to
JENSEN, Page A12

Jensen: Man not deterred

Continued from Page One

warning shot, but fearful that Rahm had a gun, he did not want to lose ammunition. He opted for a wounding shot, and then he fired. A bullet hit Rahm's shoulder.

Jensen expected Rahm to retreat and try to get away. In his mind, he was trying to devise a plan to detain Rahm for the police — hold him or shoot him in the knee.

But Rahm only grunted, looked up at Jensen and grinned. Jensen described the grin as maniacal and frightening as Rahm continued to come through the door.

Jensen shot Rahm in the head, then emptied the handgun. Jensen said that he remembers only firing two shots. Another bullet hit Rahm, he rest went wild. "I had a pretty good feeling that I had killed him or he was hurting pretty bad."

Jensen, trembling in panic, ran to the phone to call the police. Then, afraid that Rahm might have an accomplice nearby, he dropped the phone and ran to a neighbor's home. It was there that the teen-ager called police.

When the police arrived, Jensen broke down. Crying, he told them, "I killed him. I didn't want to."

In an interview with The Oregonian on Saturday, Jensen said he shot Rahm because he feared for his life and wanted to protect his home. "I think of my home as a sanctuary, the only place where somebody can go and be safe. When people come into that house, they're invited. And

when people are invited into the house, they're safe. And when someone tries to intrude, forcibly, you've got to use whatever means possible to stop that person."

The police later identified Rahm as an habitual criminal and ex-convict who, at the time of the shooting, was wanted on three outstanding felony warrants and parole violation.

Rahm died later that afternoon in a Portland hospital of three gunshot wounds to the head and chest, according to Dr. Karen Gunson, deputy state medical examiner.

An articulate, thoughtful teenager, Jensen's voice choked with emotion as he talked.

"I mainly feel remorse to the family. No matter how bad somebody is... I don't agree with what he did, I don't condone what he did, but he's somebody's son. I hope they understand the circumstances, that I didn't want to kill him."

The shooting haunts him, and he has not been able to sleep.

"What really gets to me is that I had to take a human life. I believe that everyone should have the chance to change. And now he doesn't have that chance. But like the police said, that guy made his own choices. He made his decision, and all I could do was react to his decision."

Jensen has tried to go on with his life. On Saturday, he graduated with his class in ceremonies in Civic Auditorium. He attended his class's all-night party after graduation.

At the graduation ceremony, his classmates and the rest of the audience gave him a standing ovation. His neighbors speak highly of him, and many think of him as a hero.

He said he just wanted to be a good person and live a full life. And make the right choices.

THE OREGONIAN, WEDNESDAY, JUNE 21, 1989

Would infringe liberty

To the Editor: Our Legislature is considering a gun-control bill that affects our right to possess both handguns and long guns.

This bill, if it becomes law, will allow local law enforcement agencies to keep a registry not only of guns, but of their owners as well. House Bill 3470 will allow the Oregon State Police to create a gun ban by simply refusing to acknowledge that a potential gun owner's thumbprints are legible.

This law promises to protect us from those who are mentally incompetent or who chronically abuse alcohol, yet the state will provide mental health information to a local law enforcement agency conducting a background check only upon request.

This bill does not even bother to define alcohol abuse. Provided you can pony up the \$700 to \$1,200 for fees and an attorney to appeal an adverse ruling, the bill indemnifies those who would deny you your civil rights through civil penalties.

The cost of appeal is such that this bill is discriminatory to the economically disadvantaged, the very people who need their guns the most to protect themselves from the anarchy of crime.

Supporters of this bill are trying to sell it, with its many flaws, through tougher penalties on those who break the law. Our state cannot keep its violent offenders behind bars for a third of their sentences.

Criminals, by definition, are not going to obey any gun-control law. We all stand to lose much from this dangerous bill, which offers very little in return for its infringement upon our rights to keep and bear arms.

DAVID A. PALMER
Gaston

"Remember Pearl Harbor"

PEARL HARBOR SPEECH

949

THE PRESIDENT'S PEARL HARBOR SPEECH TO CONGRESS

After Japan joined Germany and Italy in a defensive alliance in 1940 it was expected that sooner or later she would take an active part against the Allies. In December of 1941 Japanese envoys were discussing relations in the Pacific at Washington when planes wearing the red sun insignia blasted Pearl Harbor. On the next day, December 8, 1941, President Roosevelt addressed this message to a joint session of Congress. The War Declaration of Congress follows on the next page.

Submitted
BY
LOUISE
WEIDLICH

MR. Vice-President, Mr. Speaker, members of the Senate and House of Representatives: Yesterday, December 7, 1941—a date which will live in infamy—the United States of America was suddenly and deliberately attacked by naval and air forces of the Empire of Japan.

The United States was at peace with that nation and, at the solicitation of Japan, was still in conversation with its government and its Emperor looking toward the maintenance of peace in the Pacific.

Indeed, one hour after Japanese air squadrons had commenced bombing in the American island of Oahu, the Japanese Ambassador to the United States and his colleague delivered to our Secretary of State a formal reply to the recent American message. While this reply stated that it seemed useless to continue the existing diplomatic negotiations, it contained no threat or hint of war or armed attack.

It will be recorded that the distance of Hawaii from Japan makes it obvious that the attack was deliberately planned many days or even weeks ago. During the intervening time the Japanese government has deliberately sought to deceive the United States by false statements and expressions of hope for continued peace.

The attack yesterday on the Hawaiian Islands has caused severe damage to American naval and military forces. I regret to tell you that many American lives have been lost. In addition, American ships have been reported torpedoed on the high seas between San Francisco and Honolulu.

Yesterday the Japanese government also launched an attack against Malaya.

Last night Japanese forces attacked Hong-kong.

Last night Japanese forces attacked Guam.

Last night Japanese forces attacked the Philippine Islands.

Last night the Japanese attacked Wake Island.

And this morning the Japanese attacked Midway Island.

Japan has, therefore, undertaken a surprise offensive extending throughout the Pacific area. The facts of yesterday and today speak for themselves. The people of the United States have already formed their opinions and well understand the implications to the very life and safety of our nation.

As Commander-in-Chief of the Army and Navy I have directed that all measures be taken for our defense.

Always will our whole nation remember the character of the onslaught against us.

No matter how long it may take us to overcome this premeditated invasion, the American people in their righteous might will win through to absolute victory.

I believe I interpret the will of the Congress and of the people when I assert that we will not only defend ourselves to the uttermost but will make it very certain that this form of treachery shall never again endanger us.

Hostilities exist. There is no blinking at the fact that our people, our territory and our interests are in grave danger.

With confidence in our armed forces—with the unbounding determination of our people—we will gain the inevitable triumph—so help us God.

I ask that the Congress declare that since the unprovoked and dastardly attack by Japan on Sunday, December 7, 1941, a state of war has existed between the United States and the Japanese Empire.

TOM CROPPER
P.O. BOX 18025
PORTLAND, OR 97218
(503)281-2024

December 8, 1989

MULTNOMAH COUNTY COMMISSIONERS

ON GUN CONTROL

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Resolution (1) Section IV Part D should drop the words or any other state. In fact I wonder why volunteer members of the militia should not have the same restriction on semiautomatic assault type weapons the rest of us have. Military personnel on military duty, subject to proper laws, is another matter.

Resolution (1) Section V Part (5) is weak where an applicant can be denied an assault permit if the applicant has been convicted of a misdemeanor. There should be a definition of what is included under disqualifying misdemeanor. I would suggest modifying as follows: Has not been convicted of a misdemeanor involving acts of violence or threats of violence...within the four years prior to the application.

Thank you, I hope I this has been of some help to you.

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Resolution (1) Section IV Part B should give a specified number of days for an owner of a confiscated weapon to file a written claim for the weapon with the Multnomah County Sheriff's office. Whether the weapon should be returned must be decided on a determination by the Sheriff's office of the owner's past history in the prior four years of mental illness, or mental instability related to violent acts, or conviction for criminal felony, or outstanding warrants for arrest. These should be considered.

Resolution (1) Section IV Part D should drop the words or any other state. In fact I wonder why volunteer members of the militia should not have the same restriction on semiautomatic assault type weapons the rest of us have. Military personnel on military duty, subject to proper laws, is another matter.

Resolution (1) Section V Part A is weak where an applicant can be denied an assault permit if the applicant has been convicted of a misdemeanor. There should be a definition of what is included under disqualifying misdemeanor. I would suggest modifying as follows: Has not been convicted of a misdemeanor involving acts of violence or threats of violence...within the four years prior to the application.

Thank you, I hope I this has been of some help to you.

Tom Cropper

TOM CROPPER
Northeast Portland

14 November, 1989

Gladys McCoy
Mult. County Commissioner
1021 S.W. Fourth
Portland, Oregon
97207

Gm
C. Comm. Anderson
Comm. Bauman

Dear Sir:

The recent and ongoing furror concerning the banning of Semi automatic firearms and the ultimate confiscation of all weapons has finally prompted me to write the enclosed article.

It seems quite apparent that the motives behind the backers of Hand Gun Control Inc., the National Coalitation to Ban Handguns and other subversive groups is to change and perhaps void our cherished Constitution by destroying the only means that we, the people, have in preserving our way of life - the Second Amendment of the Bill of Rights. These groups are using the free speech and expression of the First Amendment (protected and guaranteed by the Second Amendment) by subtly brainwashing the general public with falsehoods and outright lies regerding the use of firearms.

It is ironic to note that the very people and groups who seek to impose their views and despotism on the American populace are using this very tool to accomplish their goals by destroying the only means that can insure the preservation of our Constitution, the Right of the People to Keep and Bear Arms.

With this chilling fact in mind, it is the right and duty of every law abiding American citizen to own and possess the firearm(s) of their choice in order to preserve our precious Liberties. I sincerely urge you to resist and defeat any and all attempts to futher restrict legal ownership of any type of firearms by the citizens of this country.

Respectfully yours,

Guy G. Rizor
Guy G. Rizor
14142 N.E. Glisan
Portland, Oregon
97230
(503) 252-9177

WHY I OWN A FIREARM

Since receiving my first .22 rifle at the age of six, I have been asked the question: "Why do you own a firearm?" many times. I am amazed at the lack of knowledge shown by those asking the question. The most satisfying answer seems to be citing the Second Amendment of the Bill of Rights and then asking the inquirer what they believe to be the primary reason behind our Founding Fathers' decision to amend the Constitution with the "right to keep and bear arms".

Some may say the Second Amendment was created to protect the rights of all citizens to hunt for food and engage in the shooting sports. Yes, these are two good reasons, but far from the original intent. I have been an avid outdoorsman and hunter all my life and am also a competition rifle, pistol and shotgun shooter. However, these are not the reasons I own a firearm.

Another person may say the Second Amendment was passed to guarantee each citizen the right of self defense by ensuring the ability of every law abiding person to protect his life, family and property from the criminal element. This is also true, however, the right of self defense was already a well established fact in both English Common Law and in America at the time of the drafting of our Constitution.

My reasons for owning a firearm are best described in the paragraphs that follow.

When the first U.S. Congress drafted the Bill of Rights, the "right to keep and bear arms" was high on the list of priorities. Nine of the original amendments were designed to limit the government's ability to oppress a free people and to guarantee their rights. One amendment, the second, was (and is) intended to give the people the means to resist this oppression from their own federal government should it ever abandon the democratic principles by which this republic was formed. It also prevents the rise of a totalitarian state.

During the debate on the framing of the Bill of Rights, George Washington stated: "Firearms stand next in importance to the Constitution itself. They are the American people's liberty, teeth and keystone under independence, from the hour the Pilgrims landed to the present day. Events, occurrences and tendencies prove that to insure peace, security and happiness, the rifle and pistol are equally indispensable and they deserve a place of honor with all that is good."

A quote from Richard Henry Lee, the Virginia delegate to the First U.S. Continental Congress states: "To preserve liberty, it is essential that the whole body of people

possess firearms, and be taught alike, especially when young, how to use them."

The threat of foreign invasion is another response given to the underlying question: Why is there a Second Amendment? Such an invasion was a distinct possibility when this country was in its early years. The War of 1812 proved this to be true. By allowing the population to possess their own firearms, citizens could be and, indeed, were mobilized during emergencies for repelling military invasions from foreign countries. By utilizing the citizen's militia, the federal forces were able to repel the British during the War of 1812.

The latest threat of an armed invasion occurred at the onset of World War II. In September, 1939, President Roosevelt mobilized the National Guard, thus leaving the individual states unprotected. In early 1942, shortly after Pearl Harbor, an invasion of the West Coast by Japan was a distinct possibility. Several western states formed their own States Militia, comprised of private citizens who supplied their own firearms and were trained by regular and reserve military officers. These militia were subject to call for emergencies by each governor and by federal forces if necessary. I am certain this was on the minds of our Founders, but was still not the principal reason for the Second Amendment.

For a person to understand the primary reason behind the Second Amendment, bear in mind that following the Revolutionary War, the original Thirteen American States began to create the very thing that they had fought against - a permanent central government.

After completion of the new Constitution, many states were hesitant about ratifying the document. Eleven of the original thirteen states made their ratification on the condition of the adoption of a Bill of Rights that would protect their population from an oppressive, centralized government.

Noah Webster wrote on the wisdom of the Second Amendment by stating: "Before a standing army can rule, the people must be disarmed, as they are in almost every Kingdom in Europe. The Supreme power in America cannot enforce unjust laws by the Sword, because the whole body of people are armed and constitute a force superior to any band of regular troops that can be, on any pretense, raised in the United States."

James Madison, author of the Bill of Rights, commented on the Second Amendment by saying: "The advantage of being armed, which the Americans possess over the people of all other countries, notwithstanding the Military establishments in several Kingdoms of Europe, which are carried as far as

the public resources will bear, the Governments are afraid to trust the people with arms."

Samuel Adams, while drafting the Constitution, stated: "The Constitution shall never be construed to prevent the people of the United States, who are peaceable citizens, from keeping their own arms."

The famous patriot, Patrick Henry, also stated: "Everyone who is able may own a gun, the great object is that every man be armed."

The great wisdom of Alexander Hamilton is revealed in his statement: "That if circumstances should at any time oblige the government to form an Army of any magnitude, that army can never be formidable to the Liberties of the people, while there is a large body of citizens who stand armed and ready to defend their rights and those of their fellow citizens."

Regarding the Second Amendment, the foregoing statements made by our Founding Fathers, the wise men who compiled our Constitution, leave no doubt as to the intent that all law abiding citizens have an individual right and duty to keep and bear arms.

During the past three decades, and especially today, this right has endured heavy assault from many quarters. It is being attacked by the news media who are using subtle brainwashing techniques to sway the weak and uninformed.

A majority of the media is opposed to the Second Amendment while defending the First Amendment right of free speech, according to their views. Many religious leaders oppose the Second Amendment while defending to the death their right to freedom of religion under the Bill of Rights. It is coming under attack from lawyers who oppose it while defending the Fourth, Fifth and Sixth Amendment's rights of due process. It is coming under attack by certain unscrupulous, naive, and sometimes sinister politicians wishing to instill their despotism on the American people.

All the rights of the people as set forth in the Constitution and Bill of Rights have been secured and maintained by the most important amendment of all, the "right to keep and bear arms". The Declaration of Independence prescribes: "when a long train of abuses and usurpation, pursuing invariably the same object, evidences a design to reduce the citizens under absolute Despotism, it is their right, it is their duty to throw off such government by means of the armed citizens."

Today it is quite apparent our Forefathers, the signers of our Constitution, had a far greater wisdom in setting forth

our cherished freedoms and rights than some of our present elected officials and civic leaders have in preserving these rights.

The Communist (Dusseldorf) Manifesto published by Karl Marx in 1918 outlined the Communist universal rules for infiltrating and overthrowing any democratic country. The eighth rule of the Manifesto states simply: "Cause the registration of all firearms on any pretext, with view to confiscate them and leave the population helpless to prevent an overthrow of their government". It would seem that today's leaders of the anti-gun forces are adhering to the Manifesto rather than to our cherished Constitution and Bill of Rights. All the misguided followers of the anti-gun groups seem to agree that the Second Amendment has to be destroyed...or at least weakened. Anti-gun forces preach that the Second Amendment really means something other than what it says and argue that it is not needed in America today.

During my lifetime, I have spent 32 years in service to this country and have had the opportunity to visit 84 countries of the world. I have observed, first-hand, the results of disarming a populace. I have also seen the results of tyranny ruling a squalid mass of people because the populace and citizens were not allowed to possess arms to defend themselves.

The Second Amendment of the Bill of Rights states: "A well regulated Militia, being necessary to the security of a Free State, the right of the people to keep and bear arms, shall not be infringed."

According to Noah Webster, there are several words or phrase used in framing the Second Amendment. The word "Militia" was used to describe a universally armed population. The words "well regulated" were used in reference to people who are highly skilled and disciplined in the use of firearms. The "security of a Free State" means just that: all citizens enjoy the democratic principals we have in our Republic. To guarantee the security of a free state, the "right of the people" was used in the amendment to insure all citizens their right to arms. The Second Amendment does not say "the right of the State". Anyone capable of reading or even anyone remotely fluent in the English language can read the true intent of the Second Amendment.

As a patriotic citizen of this country, it is difficult for me to understand the motives behind the ultra liberals, questionable groups and organizations such as Handgun Control, unless it is to completely disarm the American public in order to instill their own or a foreign power's control of our country. The very sad truth is that the criminals will still have the guns while the honorable

citizens will not. Their very defense of their families and property as set forth in the Bill of Rights will be taken away from them.

Not since the War of 1812 has any country tried an invasion of America, solely because of the armed citizenry. Even Germany and Japan during World War II did not have an invasion plan for the U.S. simply because their losses would have been catastrophic against the armed citizens of this country.

A few short years ago, in the early 1950's, a proposed military takeover of the government was rejected because of the fear of retaliation from the armed populace.

Today, more than ever before, the fundamentals of our freedoms as set forth in our Declaration of Independence, Constitution and Bill of Rights are coming under direct attack by those who seek to destroy the American way of life. Their first priority is to void the Second Amendment and then disarm the private citizen. Next will come control of the population by controlling the press and the First Amendment.

With over 25,000 different laws in effect governing gun control, what more can be enacted unless total confiscation? Why not enforce the laws now in effect and keep the criminals behind bars where they belong? How many people remember the recent TV mini-series, "AMERIKA"? People say it can never happen in this country. Again, the sad truth is, it is already in process and will succeed unless the average citizen becomes aware of the sinister motives behind those who seek to disarm the American people by whatever means or pretext. It is imperative we unite to correct the ultra-liberal media and politician's interpretation of the Constitution and force them to report their intent other than their interpretation thereof.

If the foes of Democracy ever succeed in deleting the Second Amendment, then may "God Bless America", as no one else will be able to do so.

Sincerely,


Guy Rizor

PUBLIC SPEAKERS/GUN SAFETY ORDINANCE HEARINGS

12/7/89 & 12/18/89

NICK ALBRECHT

DONALD G. ALLEN

STEVE BACH

ROGER D. BACON

HAROLD BANGS

DON BARTON

BOB BELL *

MARCEL BENDSHADLER

SHERMAN BISHOP

JIM BLEAKLEY

DEWALD BOSWELL

JON SCOTT BRADFIELD

PAUL D. CARRIER

DANA CARTER

CLIFFORD CHENEY *

CHARLES F. CLARK

ROBERT COGGBURN

PATRICK CONLEY

JEFF CONNOR

ALLEN COOK

KATHRYN COOK

RICHARD A. COWYER

RALPH DAWSON

DAVID DEMARKEY

* TESTIFIED AT BOTH
HEARINGS

BILL DICKSON
STEPHEN DONNELL
DARRELL DURFEY
BOB ENRIGHT
AUGIE ENRIQUEZ *
CHUCK FOLEY
BRUCE FORBUSH
CHRIS FURROW
DENNIS GELFAND
ROBERT A. GEORGE *
KEN GLASS *
ROBERT GRAHAM *
JIM GUTHRIE
BILL HENDRIX
ALFRED S. HERRING
JERRY HOFFMAN
JOHN A. HOSFORD
CLARENCE KOENNECKE
MARTIN KOCHAN
ANNA KROUT
STEVE LAVALLEY
JOHN LEBRUN
PAUL LISAC *
CLEE LLOYD
CHARLES LOKEY
L. H. LONDON
ERNEST E. MCWHORTER

LARRY MCQUAIN
PATRICK MARSON
CLINT MARTINDALE
WALTER J. MILFORD
BILL MONTGOMERY *
TED MORFORD
THOMAS MOSER *
DUKE NEWBY
WILLIAM H. NEWHOUSE
JOHN NICHOLS
LEWIS NOREN
CHARLES OAKES
ROBERT ORTH
GREGORY PEKRUL
MOLLIE PETERS
JON PETERSON
LADDIE POLANEK
DOUG RENFROW
EARL RHEA
RONALD L. RICHERT
RUTH ROBINSON
JOHN SAEMANN
CRAIG SCHIMSCHOK
WALLACE SCHMIDT
JACK L. SMITH
JULIE STERLING
WARD C. STEVENS

JOAN E. STOVALL *

SHAWN SUTTON *

WAYNE SWANSON

JOHN SWEENEY

MARLIN E. TERRY

BUDDY TILLMAN

JESS M. TOWNSEND

RICK TUNISON

SCOTT VALLANCE

MIKE VLISS

DAVID R. WAGONER

RALPH WATSON

RODGER WEHAGE

LOUISE WEIDLICH

BRIAN WHEELER

LEWIS WHITE

GREG WHITON *

TYE WOOD

DEXTER ZINKE

0717C.1
12/19/89

GUN SAFETY ORDINANCE HEARING
CARDS ONLY/DID NOT SPEAK

12/18/89

KEN ADAMS
STEPHEN ROBERT BACH*
ROGER BAKER
ROGER D. BACON*
KRISTOPHER BARRETT
MARCEL BENDSHADLER*
BRIAN BILYEU
WILJAM C. BRITT
KEN BUNKER
LLOYD R. BURNS
JAY DEENA BYNUM
JOYCE D. BYNUM
MARY J. BYNUM
JIMMY D. BYNUM
GERALD A. CARLSON
CRISTAL CHRTISSER
RICHARD CARTISSER
ROLAND A. CARTISSER
R.E. CARTISSER
I.M. DARMBEY
RALPH DAWSON*
SAM ELLIOTT
DENNIS A. FREDERICK
CHRIS FURROW*

* THEY SPOKE AT 12/1/89
MEETING

GLEN GRAHAM
ERVIN HARING
STEVE HAWKINS
JIM HUBBARD
DANFORD JOHNSON
JON JOHNSON
RAYMOND JONES
GEORGE KITZMILLER
GAIL LAFERRIERE
LARENCE H. LEINNIGER, JR.
VALL H. MILLER
GARY ORCUTT
GREGORY PEKRUL*
GARY RASMUSSEN
CRAIG SCHIMSCHOK*
RAYMOND STELZER
B.L. STEVENS
WARD C. STEVENS*
DAN SWICK
ALAN P. THOMPSON
LAWRENCE TURNER
JIM VANEK
JOHN VAUTHIERS
KELLY WEAVER
JOHN WELLS
THOMAS A. WILKES
MAX E. WINN

JAMES WOLFF

0717C.2
CAP