

Annola DeJong

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Cover Letter: Testimony to be entered in the matters of **SB 347, 699, 700, 758, and 796** some of which are to be considered on April 5, 2013 at 8:30 a.m. in Hearing Room 50. At this time I do NOT plan to drive all the way to Salem to be in attendance to give a limited 3 minutes of testimony. The following testimony is in MS and PDF for ease of submission and includes this cover letter.

The 60+ pages outline the unconstitutionality of these Senate Bills grouping them and HB 3200 and 3114 as a part of an unconstitutional scheme to circumvent the lawful legislative process of engaging gun control in Oregon.

There is a pattern showing Burdick and gang desire the deaths of children on school grounds and their desire to give aid and comfort to the enemies of Oregon in their for as yet secret agenda.

The testimony shows a fact pattern counter to the thrust of these bills. Shown with specificity are the positive benefits for the purposes of constitutionally protected personal rights which includes in our Bill of Rights the unfettered restraint of lawful carrying pursuant to Article I, Section 27 for personal protection. Part of the somewhat hidden reality shown in the attachment is that if these same people would properly fund protection through our State Police, and Sheriffs they could possibly have a positive impact on the criminal element, i.e. enforce the current laws. These politicians are trying to dodge the bullet on this one by subterfuge. What they really want is to protect themselves (SB 636) knowing they are stomping on the fundamental rights of those who love liberty, wanting to keep us from being able to protect ourselves from their tyranny.

Also shown are the legal tests this type of legislation must be able to pass if it somehow otherwise appeared lawful on its face before such laws could be implemented. As can be seen from the testimony I provide, they will not be able to pass these tests. So even if passed at the local level, these laws would fail on constitutional grounds.

The reality is that I do not expect to even be heard on rational and reasonable basis at this level. This testimony is provided so there will be a factual record for review in the subsequent court reviews.

These laws, while a little more subtle, are of the same genre as SB 796. They are at best a fantasy wet dream derived from the same place the dream came from, the fabric of a deviant mind with no rational touch of sanity in the real world concerning these matters. The numbers used by Polanski are made up from gossamer science fiction with no relation to scientific anything, especially FBI, CIA, Military, Police, or NRA studies or reports showing these particular "competencies" are real and would provide any meaningful societal protection. Nor is there any rational basis for limiting these laws to those who carry concealed firearms. The only possible explanation for this type of limitation at this time is that these proponents' of evil want to encroach on our fundamental inalienable rights in a manner much the same as turning the heat up on the proverbial frog swimming in the pan. Ultimately they would have full gun control. That means they would have all of our guns.

All of the matters addressed above are set forth in the testimony attached in specific detail.

To the best of my knowledge Oregon does not have a "Concord" bridge. This Legislature is on the path of creating one. It is in fear of the tyranny of government I reluctantly submit the testimony incorporated herein by this submission knowing I make myself a target of unlawful government, a portion of which is certainly out of control and is attempting to fully embraced tyranny as their modes' operands.

In apology for not being more respectful but the authors of these bills do NOT deserve respect. They are our enemies. They openly and actively engage in Treason.

Most sincerely,



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March 12, 2013

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Testimony in the matters of HB 3114, 3200, and SB 347, 699, 700, 758, and 796
Cover Letter

Cover Letter

Dear Ms. DeJong:

I appreciate the opportunity to address the above House and Senate Bills. My advance apologies for spelling and grammar issues. In defense; I am a product of the public schools systems in Oregon and simply did not have enough time to have an editor work magic.

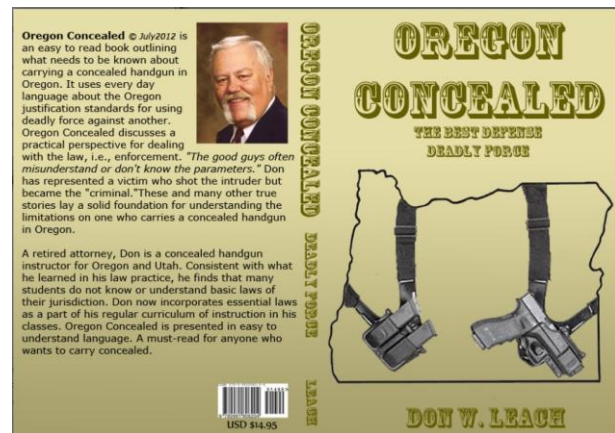
The short version of the following missive is that each and every one of these bills is a violation of my constitutional rights set forth in the Oregon Constitution Bill of Rights with a focus on Article I, Section 27.

I state/declare I believe the authors/supporters of these bills are in the actual commission of the crime of Treason engaging the process as they have. I have supported that position throughout this testimony as I have in the past. See Endnote¹ for a representative example.

I understand the first real audience is the court system if any of these bills should pass. I also understand in matters of fundamental and inalienable rights the ultimate real audience is the responsible population of the state of Oregon.

In my submissions to the last group of such bills in the 2012 Legislature insiders told me the legislators who submitted SB 1500, 1501 and 1596 (? - Peter Courtney) were personally offended by my submissions. I too was personally offended. It offends my core belief in our system of government when legislators take oaths of office and then blatantly violate that oath.

With that said, what this testimony is not about are the Ds or Rs. What this testimony is about the duty of the Ds and Rs to protect me, my family, my friends. And they have deliberately failed to do so by their failure to appropriately fund our sheriffs in Oregon.



What is worse, reprehensible, vile, and evil, is that in violation of the protections guaranteed to me, and in violation of their oaths of office these legislators have begun to engage a process that could lead to circumvention of said protections belonging to me and generally to the citizens of the state of Oregon.

I find myself getting exercised in writing this cover letter. It should be enough to end this with my assurances my intentions are noble and in appreciation for what you do. If I have failed in some way in the process of this submission, please let me know.

A complete copy of this submission is available at:
<http://www.oregonconcealedlaw.com/Oregon-Concealed-Law-and-Politics-d18.htm>. There click on the red **Enemies Within - 2013** tab.

Most sincerely and respectfully,

A handwritten signature in black ink, appearing to read "Don W. Leach". The signature is stylized with a large, looping initial "D" and a long, sweeping underline.

Don W. Leach

REFERENCES*

<p>Pending Legislation</p> <p>50 HB 3114</p> <p>25 HB 3200</p> <p>33 SB 347</p> <p>43 SB 699</p> <p>47 SB 700</p> <p>47 SB 758</p> <p>48 SB 796</p> <p>Oregon Law</p> <p>8 <i>General Laws of Oregon</i> 1843-1872 by Matthew P. Deady and LaFayette Lane</p> <p>8 <i>Lord's Oregon Laws</i> 1910 by the Honorable William Paine Lord and Richard Ward Montague</p> <p>Oregon Case Law</p> <p>30 <i>Benzinger</i></p> <p>30 <i>Moonan</i></p> <p>30 <i>DIKA</i></p> <p>Federal Constitution</p> <p>9 2nd Amendment</p> <p>Federal Cases</p> <p>6 <i>District of Columbia v. Heller</i>, 554 U.S. 579, 171 L. Ed. 2d 637 (2008)</p> <p>6 <i>McDonald v. Chicago</i>, 561 U.S. 3025, 130 S. Ct. 3020 (2010)</p> <p>15 <i>John Bad Elk v. U.S.</i>, 177 U.S. 529</p> <p><i>United States v. Miller</i>, 307 U.S. 174 (1939)</p> <p>Federal Law</p> <p>Dick Act of 1902</p> <p>National Firearms Act</p> <p>52 18 U.S.C. 231</p> <p>Internet Web Sites</p> <p>cl http://www.oregonconcealedlaw.com and http://www.oregonconcealedlaw.com/Oregon-Concealed-Law-and-Politics-d18.htm</p> <p>6 http://en.wikipedia.org/wiki/United_States_Bill_of_Rights</p> <p>6 http://en.wikipedia.org/wiki/Fundamental_rights</p> <p>6 http://en.wikipedia.org/wiki/Human_rights</p> <p>8 http://www.leg.state.or.us/orcons/orcons.html</p> <p>20 http://www.nydailynews.com/news/national/lanza-rival-norwegian-bomber-anders-breivik-article-1.1267411</p> <p>20 http://www.easybakegunclub.com/blog/1968/Concealed-Carry-Hero-at-Portland-Mall---The-Full-S.html</p> <p>7 http://www.ochlc.com/50-states-can-t-be-wrong-d14.htm?</p> <p>22 November Defensive Gun Use Report</p> <p>25 http://cureprotectingfreedom.org/neveragain</p> <p>4 http://www.oregonconcealedlaw.com</p> <p>23 http://en.wikipedia.org/wiki/Ruby_Ridge</p> <p>24 http://www.youtube.com/watch?v=xKMAbC1-d2I & http://www.youtube.com/watch?v=M1u0Byq5Qis</p> <p>Writings</p> <p>10 <i>The American Revolution against British Gun Control</i> By David B. Kopel</p> <p>8 <i>The Tyranny of Good Intentions</i> by Paul Craig Roberts and Lawrence M. Stratton (March 25, 2008)</p> <p>52 <i>Of Wisdom and of Law</i> by Wayne W. Maynard Sr.</p>	<p>Oregon Constitution</p> <p>4 Article I, Section 1</p> <p>Article I, Section 8</p> <p>Article I, Section 27</p> <p>10 Article I, Section 33</p> <p>10 Article I, Section 34</p> <p>6 Article III, Section 1</p> <p>8 Article IV, Section 1</p> <p>9 Article IV, Section 31</p> <p>8 Article XVII, Section 1</p> <p>8 Article XVII, Section 2</p>
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***NOTE: These references list the page number of where the particular reference is first substantively found. It is not intended to be exhaustive and is listed only for the convenience of the reader.**

ENEMIES WITHIN

Treason under SB 347, HB 3200
(Also included SB 699, 700, 758, 796; HB 3114)

As a stakeholder

In exercise of my Oregon Constitutional Bill of Rights [Article I, Section 8](#) I say as follows: I am Don W. Leach of 84058 N. Pacific Highway, Creswell, Oregon (97426). I was born to citizens of the state of Oregon and citizens of the Republic of the United States of America; Lester James Leach and Doris Elaine (Stroup) Leach on April 30, 1947 in Cottage Grove, Oregon. I attended public schoolsⁱⁱ in Oregon leading to my graduation from Cottage Grove High School in 1965 and eventually receiving a Juris Doctorate from Willamette College of Law in 1988. As a side note, often my peer group in my practice of law throughout the state of Oregon called me the “constitutional attorney.”

Married to my high school sweet heart Linda Elaine McKillop (born in Eugene, Oregon) in 1967 (and I am still married to her) we now have 6 married children and 21 grandchildren; most of whom were born and reside here in Oregon. We own Oregon real property free and clear. Said property from the time of federal Patent has through my predecessors in interest never been alienated, said federal rights being vested in us.

I started competitive shooting at the age of 9 at the Cottage Grove Eugene Sportman’s Club located between Cottage Grove and Eugene Oregon. I have shot in various firearms competitions in Canada, Washington, Oregon, Idaho, Utah, and California.

I started teaching concealed handgun classes about 5 years ago. Currently when health permits I teach handgun safety and firearms familiarization classes as a volunteer for Oregon Concealed Handgun License Class Co., an Oregon corporation ([OCHLC.COM](#)). I have been and am certified as an Instructor to teach handgun safety for the state of Utah concealed handgun licensing process through a Law Enforcement Agency, the Bureau of Criminal Identification in Utah. I hold 2 certifications from the NRA. One certification is as a NRA Instructor. The other is to teach NRA Basic Pistol.

I authored [Oregon Concealed, The Best Defense. Oregon Concealed](#) was published and made available to the general public August 4, 2012 after being printed by an Oregon company in Bend, Oregon. [Oregon Concealed](#) is written in a simple and straight forward style designed to be a compendium for students of those teaching concealed handgun classes in Oregon for Oregonians. It is available on Amazon.com and at <http://www.oregonconcealedlaw.com>.

I am a member of the NRA. I am also a MENSA member. I am a member of the Church of Jesus Christ of Latter Day Saints attending the Cottage Grove 2nd Ward which meets in Cottage Grove. I am a contributor to my church, the NRA, the Oregon Firearms Federation, and other worthy causes. I have no other affiliations at this time which includes no political affiliations. I am not a Democrat, not a Republican, and not an Independent. I am one of the politically non-affiliated that both the Ds and the Rs reach out to.

I have 5 current licenses. The Oregon Drivers' License was first issued to me shortly after my 16th birthday (1963). My hunting/fishing license is current and I am listed in the current Oregon Department of Fish and Wildlife database for a Big Game Controlled Hunt. I have Oregon, Utah, and Arizona concealed handgun licenses covering 35 states with recognition and/or reciprocity through this licensing with that small multitude of covered states.

In 2012 OCHLC certified approximately 6,000 people as a part of the process for getting a concealed handgun license. The goal for this year is 15,000 certifications for that purpose.

As an Oregon resident I volunteered to be in the armed forces of the United States of America (Army) from July 11, 1966 through July 10, 1970 (active) to July 10, 1972 (inactive reserve) as a Cold War spy. I was trained to be a killer of humans for and in behalf of the United States of America with specific training in hand-to-hand combat and with a rifle. I have a 100% military connected disability.

I vote in Oregon.

From the age of 6 until now firearms have been a part of my life. As I sit here typing and reflecting, I own a Sig Sauer .22 Mosquito; a Sig Sauer 516 AR 15 .223/5.56; Glocks, a Model 19 9mm and Model 30 .45 cal.; NAA pocket pistol .22; a Tarus Judge .410/.45 Long Colt; Kimbers .45 calibersⁱⁱⁱ; Ruger Mini 14 .223; a .45 caliber and a .50 caliber muzzleloader, and a small multitude of other firearms with enough ammunition to support their intended uses. Consistent with my absolute fundamental and inalienable constitutional rights federal and state I use these firearms for personal defense, home defense, defense of family, defense of others, hunting, competitive shooting, and instruction.

It follows I am fully vested in firearm usage and qualified to address the matters set forth herein concerning exactions on my constitutional rights. More importantly, the proposed laws if passed will unlawfully impact my fundamental constitutional rights as a stakeholder in the outcome of these proposals.

Foundations in Constitutional Law

Obvious self-evident truths should not need to be addressed or even discusses except during the communication dialog when it is necessary to lay a foundation between differing viewpoints.

One self-evident truth: If we were to lay all of the firearms of the world in a single pile, never again to be touched by mankind, they would harm no one. Second self-evident truth: If we were to place all of the laws of mankind in a building (should there be one big enough), never again touched or used by mankind, they would harm no one. Self evident truth number 3: Of these first two truths, each unto itself is harmless without the intervention of mankind. Yet each has been used by mankind as tools to the great harm and detriment of mankind, with untold millions killed and ruined.

As a sad part of this introduction the governments of man have used firearms in the hands of their minions to carry out the desires of the collective of individuals called government. It follows whether firearms or governments, without the aid of individuals neither can be a harm to the general populations of mankind.

It is with great care I write, citing as foundational to this discussion the Oregon Constitution generally and at this time specifically [Article I](#), Sections 1 (Natural rights inherent in people), 24 (Treason), 27 (Right to bear arms; military subordinate to civil power), and [Article III](#), Section 1 (Separation of powers). I incorporate the Wikipedia discussion on the United States Bill of Rights as if set forth fully. See internet http://en.wikipedia.org/wiki/United_States_Bill_of_Rights. I incorporate the Wikipedia discussions on "Fundamental Rights" and "Inalienable Rights". See respectively http://en.wikipedia.org/wiki/Fundamental_rights and http://en.wikipedia.org/wiki/Human_rights

Basic to this discussion is the Colonial American *Declaration of Independence*, July 4, 1776 which ultimately was adopted unanimously between the original 13 states and which were to become the Democratic Republic of the United States of America. It too addresses the concept of "inalienable rights" which arose out of the *Magna Carta* of 1215 through a progression leading to the Bill of Rights in 1689, the inspiration and foundation for the *Bill of Rights* as set forth in the first 10 amendments to the modern Constitution for the Democratic Republic of the United States of America. More easily stated this *Declaration* acknowledges God given rights addressing the fundamental nature of man to be free in his pursuit of life, liberty and the pursuit of happiness.

Therein it states:

"When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, -- That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

Further incorporated into discussion by this reference as if set forth fully are the recent Federal Supreme Court decisions of *Heller* and *McDonald* for the basic proposition the 2nd Amendment to the Republic of the United States of America holds that we each and individually have the right to protect ourselves, said right being the right to keep and bear arms for that purpose. See *District of Columbia v. Heller*, 554 U.S. 579, 171 L. Ed. 2d 637 (2008) and *McDonald v. Chicago*, 561 U.S. 3025, 130 S. Ct. 3020 (2010).

Generally *Heller* held the right to own a gun is a personal right "for lawful purposes" such as self-defense within the home.

In McDonald Justice Thomas said: " In my view, the record makes plain that the Framers of the Privileges or Immunities Clause and the ratifying-era public understood—just as the Framers of the Second Amendment did—that the right to keep and bear arms was essential to the preservation of liberty. The record makes equally plain that they deemed this right necessary to include in the minimum baseline of federal rights that the Privileges or Immunities Clause established in the wake of the War over slavery."

Justice Scalia notes: "[T]he Court's approach intrudes less upon the democratic process because the rights it acknowledges are those established by a constitutional history formed by democratic decisions; and the rights it fails to acknowledge are left to be democratically adopted or rejected by the people, with the assurance that their decision is not subject to judicial revision... ."

Justice Alito in writing for the majority said in support of rejection of the Court of Appeal and on remand: "In Heller, we held that the Second Amendment protects the right to possess a handgun in the home for the purpose of self-defense. Unless considerations of *stare decisis* counsel otherwise, a provision of the *Bill of Rights* that protects a right that is fundamental from an American perspective applies equally to the Federal Government and the States. [Cite omitted.] We therefore hold that the Due Process Clause of the Fourteenth Amendment incorporates the Second Amendment right recognized in Heller."

Heller and McDonald at the federal level of government are consistent with the will of the people of Oregon wherein we have clearly stated as a part of our inalienable rights also called "our God given rights," that we shall have the right to bear arms for the defense of ourselves, and the State, but the Military shall be kept in strict subordination to the civil power. Oregon Constitution Article I, Section 27 (which is noted in the preamble is our "Bill of Rights").

Further, a simple reading of the 2nd Amendment provides no limitations on the firearms used. It is enough they are "firearms." The Oregon "amendments" have been added to, and subtracted from, the people of Oregon having had ample opportunity to change Article I, Section 27 over the years. We have not done so.

When we compare this to other states it helps our understanding. For a representative example states such as Alabama, Alaska, Connecticut, Delaware, Indiana, Michigan and others have their respective constitutional rights which are similar or the same as we have here in Oregon. Colorado, Florida, Kentucky, Mississippi and others have elected by their people to limit such constitutional rights with respect to the carrying of concealed firearms. Georgia and perhaps some others have NO right to carry concealed firearms. Go to and see <http://www.ochlc.com/50-states-can-t-be-wrong-d14.htm?#AL>

The people of Oregon in the foundation of the state could have limited their right to carry concealed handguns such as those representative states such as Colorado, Florida, Kentucky, etc. outlined above. We could have eliminated the right to carry concealed at all such as Georgia and perhaps others. We did not do so. Until the Burdick gang offers a changed as already outlined, the Oregon Legislature is limited by our inalienable and fundamental right to keep and carry concealed or otherwise.

This is NOT the place for further discussion on whether the prohibitions on current carry concealed laws in Oregon are lawful and I do not enter upon those grounds at this time.

I have read and researched my copy of the first edition of the *General Laws of Oregon* 1843-1872 by Matthew P. Deady and LaFayette Lane. I believe this work to be the first authorized compilation of Oregon Laws. They are incorporated herein by this reference as if set forth fully. Therein I found no reference to any prohibitions or restrictions on the general carrying of firearms, whether concealed or openly carried; whether a pistol, revolver, or military rifle; while in the endeavor of personal protection, protection of the state, or otherwise limiting the use of any firearms in the pursuit of life, liberty and/or the pursuit of happiness.

I have read and researched my copy of the *Lord's Oregon Laws* 1910 by the Honorable William Paine Lord and Richard Ward Montague as authorized by an Act approved March 19, 1909 by the then Oregon law makers. Therein I found no reference to any prohibitions or restrictions on the general carrying of firearms while in the endeavor of personal protection, protection of the state, or otherwise limiting the use of firearms in the pursuit of life, liberty and the pursuit of happiness.

In review of *Deady* and *Lord's* I find the Oregon Constitution with the same language as used today and set forth on the Internet. See the Oregon State Legislative Web Site at <http://www.leg.state.or.us/orcons/orcons.html>. It follows that from before statehood (1843) to the present time (2013) or perhaps more understandably presented, for the last 170 years there have been no changes in the organic (constitutional) laws of Oregon protecting my personal right to carry firearms, whether concealed, or openly, nor any restriction on the type of firearm I chose to carry.

We learned in Constitutional Law (Willamette College of Law, Salem, Oregon) constitutions are a limitation on the powers of government, not a granting of power to government. In case law study that was repeatedly reaffirmed. For my convenience do to the shortness of time those cites are not presented here. Notwithstanding the outlaw acts of Burdick and gang, the foundational principals being so well established they should not need to be cited. It easily follows that nothing in the Oregon Constitution appearing to grant powers actually grants powers but functionally operate to limit powers as outlined in that document.

Limiting power to its Legislature the people of Oregon have reserved all other powers, rights, and abilities to create law to themselves, the people. This is consistent with the Oregon Constitutional Bill of Rights at Article I, Section 1. Not to beat the proverbial "dead horse" but absent some constitutional change the Oregon Legislature does not have the authority to make and exact laws concerning how or what firearms its citizens choose to carry to protect their lives, liberty, and/or happiness.

To overlay fundamental constitutional law we have the federal concepts contained within the federal Bill of Rights which include the 2nd Amendment. It has long been held, predating this nation, that one of the fundamental rights of a free citizenry is to have the ability to protect themselves, their liberty, their pursuit of happiness. As an extension of that fundamental concept the 2nd Amendment covers them and their families from the tyranny of governments, including

their own. Now incorporated by this reference are the *Federalist Papers*. Also incorporated at this point is *The Tyranny of Good Intentions* by Paul Craig Roberts and Lawrence M. Stratton (March 25, 2008).

From there to today the question is begged, have the people of Oregon somehow vested in the Oregon Legislature a vehicle to substantively change their Bill of Rights without a change in the operative historical law? Part of the definite answer is an unqualified "Yes!" See Oregon Constitution [Article IV, Section 1](#) and [Article XVII Sections 1 and 2](#). Note the Oregon Constitutional amendment process requires such action be referred to the people for a vote.

While premature, the question now bubbling to the surface and presented is: Why haven't authors of SB 347, Senator Burdick, Representative Tomei; Senators Dingfelder, Hass, Rosenbaum, Steiner Hayward, and Representatives Doherty, Frederick, Gallegos, Greenlick, and Williamson; and authors of HB 3200 as sponsored by Representative Greenlick; Representatives Bailey, Buckley, Dembrow, Frederick, Read, Reardon, Tomei, Senators Burdick, Dingfelder, Hass, Monnes Anderson, Monroe, Shields, and Steiner Hayward engaged this process of constitutional change rather than operate outside of the Oregon Constitution?

In coming to an understanding it is helpful to see their required "oath of office" at [Article IV, Section 31](#) of the Oregon Constitution and for your convenience quoted here: *"The members of the Legislative Assembly shall before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation; — I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of Senator (or Representative as the case may be) according to the best of my Ability, And such oath may be administered by the Governor [sic], Secretary of State, or a judge of the Supreme Court. —"* (With emphasis added in red by me."

The answer to the question presented 2 paragraphs above is that it will be shown below these Oregon Senators and Representatives have entered into a conspiracy arising to a level of treason against the peoples of Oregon, having waged war and are waging war against the citizens of Oregon and our children and grandchildren and in some instances, our great-grandchildren. Further, they give aid and comfort to our enemies (declared enemies of the state of Oregon) in the form of providing our enemies safe havens in which to work their illegal and disastrous deeds. To protect these war criminals they conspire to deprive us of our constitutional right to protect ourselves, our families, our liberties, and to protect our opportunity for our happiness. It is their collective and individual desires to see us murdered and to see our children murdered for whatever causes these secret combinations have joined together for that is the outcome of their actions if they are on the surface successful.

With this addition to the discussion foundation and before addressing further the said Senate and House Legislators who signed on to this proposed legislation, we turn to an understanding of our inalienable or more commonly called fundamental right under the Oregon Constitution Article I, Section 27 and Federal Constitution 2nd Amendment, or what is commonly called "the right to keep and bear arms," or "the right to keep and bear firearms."

We know at the federal level through *Heller* and *McDonald* we have the right to protect ourselves, our person, or in other words to engage in "self defense" in our homes and for our liberty. Notwithstanding the federal nature of this perspective, we also know this is a basic personal right under the Oregon Constitution that extends beyond the home because it is without reservation.

This is a right going to the core of our freedoms considered God given, fundamental to our nature and our desire to exist. It is a part of our right to be free from slavery. Under the umbrella of our constitution here in Oregon the constitution is mandated not to be construed to impair or deny rights retained by the people, which under one line of argument is the collective of the citizenry. See [Article I, Sections 34 and 33](#) respectively.

For the Oregon Legislature to "privilege" a right, to "encumber" that right, it has to be able to pass 3 tests and then a vote of the citizens. The first test is one of "strict scrutiny." Notwithstanding the pure judicial fabrication of these three tests, the state legislature has to be able to actually show when judicially challenged there is a compelling governmental interest in the imposition on the fundamental right. The state's challenge to the fundamental right has to be something more than merely preferred. It has to rise to the level of actually being necessary or crucial in judicial eyes (rejecting the fundamental right of the people to insist that if the Congress or state Legislators offer a change in the constitution). It follows it is prudent for the Legislature to make this determination prior to enacting laws designed to restrict or burden fundamental rights. I believe that is what this hearing and if any, subsequent hearings will be about.

When overlaying on an exaction also called a limitation on a fundamental right the law doing so must be the least restrictive means for achieving the interest driving the law. There has to be no other way to achieve the intended result that is less intrusive. Again prudence dictates such attacks have as a part of the legislative history the factual basis to support and maintain the load of restriction and/or burden the state would put on the otherwise God granted guaranteed fundamental right. For those who do not believe these rights are derived from God, it is enough the concepts of fundamental "human rights" as already inserted through reference do apply.

If the proposed law is overbroad, that is it has not been narrowly tailored to achieve the desired goal of the law, then it will not pass the test. It follows the goal has to be so narrowed it can be sufficiently weighed to achieve the driving purpose of the legislature.

The challenge is even greater for the state when the proposed law infringes on either "liberty" or "due process." The strict scrutiny test is viewed by the reviewing judicial tribunal even more critically, or at least so they declare.

Within the framework of this simplex overview, I now take the briefest historical view of impetus leading to the Revolutionary War ending in our personal freedom guaranteed by the Bill of Rights. This review is by David B. Kopel, lifted from the internet for the self evident purposes of providing a common historical understanding of the mindset surrounding our core belief in being free from the tyranny of governments.

The American Revolution against British Gun Control

By David B. Kopel*

Administrative and Regulatory Law News ([American Bar Association](#)). Vol. 37, no. 4, Summer 2012. More by Kopel on the [right to arms in the Founding Era](#).

This Article reviews the British gun control program that precipitated the American Revolution: the 1774 import ban on firearms and gunpowder; the 1774-75 confiscations of firearms and gunpowder; and the use of violence to effectuate the confiscations. It was these events that changed a situation of political tension into a shooting war. Each of these British abuses provides insights into the scope of the modern Second Amendment.

Furious at the December 1773 Boston Tea Party, Parliament in 1774 passed the Coercive Acts. The particular provisions of the Coercive Acts were offensive to Americans, but it was the possibility that the British might deploy the army to enforce them that primed many colonists for armed resistance. The Patriots of Lancaster County, Pennsylvania, resolved: "That in the event of Great Britain attempting to force unjust laws upon us by the strength of arms, our cause we leave to heaven and our rifles." A South Carolina newspaper essay, reprinted in Virginia, urged that any law that had to be enforced by the military was necessarily illegitimate.

The Royal Governor of Massachusetts, General Thomas Gage, had forbidden town meetings from taking place more than once a year. When he dispatched the Redcoats to break up an illegal town meeting in Salem, 3000 armed Americans appeared in response, and the British retreated. Gage's aide John Andrews explained that everyone in the area aged 16 years or older owned a gun and plenty of gunpowder.

Military rule would be difficult to impose on an armed populace. Gage had only 2,000 troops in Boston. There were thousands of armed men in Boston alone, and more in the surrounding area. One response to the problem was to deprive the Americans of gunpowder.

Modern "smokeless" gunpowder is stable under most conditions. The "black powder" of the 18th Century was far more volatile. Accordingly, large quantities of black powder were often stored in a town's "powder house," typically a reinforced brick building. The powder house would hold merchants' reserves, large quantities stored by individuals, as well as powder for use by the local militia. Although colonial laws generally required militiamen (and sometimes all householders, too) to have their own firearm and a minimum quantity of powder, not everyone could afford it. Consequently, the government sometimes supplied "public arms" and powder to individual militiamen. Policies varied on whether militiamen who had been given public arms would keep them at home. Public arms would often be stored in a special armory, which might also be the powder house.

Before dawn on September 1, 1774, 260 of Gage's Redcoats sailed up the [Mystic River](#) and seized hundreds of barrels of powder from the Charlestown powder house.

The "Powder [Alarm](#)," as it became known, was a serious provocation. By the end of the day, 20,000 militiamen had mobilized and started marching towards Boston. In Connecticut and Western Massachusetts, rumors quickly spread that the Powder Alarm had actually involved fighting in the streets of Boston. More accurate reports reached the militia companies before that militia reached Boston, and so the war did not begin in September. The message, though, was unmistakable: If the British used violence to seize arms or powder, the Americans would treat that violent seizure as an act of war, and would fight. And that is exactly what happened several months later, on April 19, 1775.

Five days after the Powder Alarm, on September 6, the militia of the towns of Worcester County assembled on the Worcester Common. Backed by the formidable array, the Worcester Convention took over the reins of government, and ordered the resignations of all militia officers, who had received their commissions from the Royal Governor. The officers promptly resigned and then received new commissions from the Worcester Convention.

That same day, the people of Suffolk County (which includes Boston) assembled and adopted the Suffolk Resolves. The 19-point Resolves complained about the Powder Alarm, and then took control of the local militia away from the Royal Governor (by replacing the Governor's appointed officers with officers elected by the militia) and resolved to engage in group practice with arms at least weekly.

The First Continental Congress, which had just assembled in Philadelphia, unanimously endorsed the Suffolk Resolves and urged all the other colonies to send supplies to help the Bostonians.

Governor Gage directed the Redcoats to begin general, warrantless searches for arms and ammunition. According to the *Boston Gazette*, of all General Gage's offenses, "what most irritated the People" was "seizing their Arms and Ammunition."

When the Massachusetts Assembly convened, General Gage declared it illegal, so the representatives reassembled as the "Provincial Congress." On October 26, 1774, the Massachusetts Provincial Congress adopted a resolution condemning military rule, and criticizing Gage for "unlawfully seizing and retaining large quantities of ammunition in the arsenal at Boston." The Provincial Congress urged all militia companies to organize and elect their own officers. At least a quarter of the militia (the famous Minute Men) were directed to "equip and hold themselves in readiness to march at the shortest notice." The Provincial Congress further declared that everyone who did not already have a gun should get one, and start practicing with it diligently.

In flagrant defiance of royal authority, the Provincial Congress appointed a Committee of Safety and vested it with the power to call forth the militia. The militia of Massachusetts was now the instrument of what was becoming an independent government of Massachusetts.

Lord Dartmouth, the Royal Secretary of State for America, sent Gage a letter on October 17, 1774, urging him to disarm New England. Gage replied that he would like to do so, but it was impossible without the use of force. After Gage's letter was made public by a reading in the British House of Commons, it was publicized in America as proof of Britain's malign intentions.

Two days after Lord Dartmouth dispatched his disarmament recommendation, King George III and his ministers blocked importation of arms and ammunition to America. Read literally, the order merely required a permit to export arms or ammunition from Great Britain to America. In practice, no permits were granted.

Meanwhile, Benjamin Franklin was masterminding the surreptitious import of arms and ammunition from the Netherlands, France, and Spain.

The patriotic Boston Committee of Correspondence learned of the arms embargo and promptly dispatched Paul Revere to New Hampshire, with the warning that two British ships were headed to Fort William and Mary, near Portsmouth, New Hampshire, to seize firearms, cannons, and gunpowder. On December 14, 1774, 400 New Hampshire patriots preemptively captured all the material at the fort. A New Hampshire newspaper argued that the capture was prudent and proper, reminding readers that the ancient Carthaginians had consented to "deliver up all their Arms to the Romans" and were decimated by the Romans soon after.

In Parliament, a moderate minority favored conciliation with America. Among the moderates was the Duke of Manchester, who warned that America now had three million people, and most of them were trained to use arms. He was certain they could produce a stronger army than Great Britain.

The Massachusetts Provincial Congress offered to purchase as many arms and bayonets as could be delivered to the next session of the Congress. Massachusetts also urged American gunsmiths "diligently to apply themselves" to making guns for everyone who did not already have a gun. A few weeks earlier, the Congress had resolved: "That it be strongly recommended, to all the inhabitants of this colony, to be diligently attentive to learning the use of arms"

Derived from political and legal philosophers such as John Locke, Hugo Grotius, and Edward Coke, the ideology underlying all forms of American resistance was explicitly premised on the right of self-defense of all inalienable rights; from the self-defense foundation was constructed a political theory in which the people were the masters and government the servant, so that the people have the right to remove a disobedient servant.

The British government was not, in a purely formal sense, attempting to abolish the Americans' common law right of self-defense. Yet in practice, that was precisely what the British were attempting. First, by disarming the Americans, the British were attempting to make the practical exercise of the right of personal self-defense much more difficult. Second, and more fundamentally, the Americans made no distinction between self-defense against a lone criminal or against a criminal government. To the Americans, and to their British Whig ancestors, the right of self-defense necessarily implied the right of armed self-defense against tyranny.

The troubles in New England inflamed the other colonies. Patrick Henry's great speech to the Virginia legislature on March 23, 1775, argued that the British plainly meant to subjugate America by force. Because every attempt by the Americans at peaceful reconciliation had been rebuffed, the only remaining alternatives for the Americans were to accept slavery or to take up arms. If the Americans did not act soon, the British would soon disarm them, and all hope would be lost. "The millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us," he promised.

The Convention formed a committee—including Patrick Henry, Richard Henry Lee, George Washington, and Thomas Jefferson—"to prepare a plan for the embodying, arming, and disciplining such a number of men as may be sufficient" to defend the commonwealth. The Convention urged "that every Man be provided with a good Rifle" and "that every Horseman be provided . . . with Pistols and Holsters, a Carbine, or other Firelock." When the Virginia militiamen assembled a few weeks later, many wore canvas hunting shirts adorned with the motto "Liberty or Death."

In South Carolina, patriots established a government, headed by the "General Committee." The Committee described the British arms embargo as a plot to disarm the Americans in order to enslave them. Thus, the Committee recommended that "all persons" should "immediately" provide themselves with a large quantity of ammunition.

Without formal legal authorization, Americans began to form independent militia, outside the traditional chain of command of the royal governors. In Virginia, George Washington and George Mason organized the Fairfax Independent Militia Company. The Fairfax militiamen pledged that "we will, each of us, constantly keep by us" a firelock, six pounds of gunpowder, and twenty pounds of lead. Other independent militia embodied in Virginia along the same model. Independent militia also formed in Connecticut, Rhode Island, New Hampshire, Maryland, and South Carolina, choosing their own officers.

John Adams praised the newly constituted Massachusetts militia, "commanded through the province, not by men who procured their commissions from a governor as a reward for making themselves pimps to his tools."

The American War of Independence began on April 19, 1775, when 700 Redcoats under the command of Major John Pitcairn left Boston to seize American arms at Lexington and Concord.

The militia that assembled at the Lexington Green and the Concord Bridge consisted of able-bodied men aged 16 to 60. They supplied their own firearms, although a few poor men had to borrow a gun. Warned by Paul Revere and Samuel Dawes of the British advance, the young women of Lexington assembled cartridges late into the evening of April 18.

At dawn, the British confronted about 200 militiamen at Lexington. "Disperse you Rebels—Damn you, throw down your Arms and disperse!" ordered Major Pitcairn. The Americans were quickly routed.

With a "huzzah" of victory, the Redcoats marched on to Concord, where one of Gage's spies had told him that the largest Patriot reserve of gunpowder was stored. At Concord's North Bridge, the town militia met with some of the British force, and after a battle of two or three minutes, drove off the British.

Notwithstanding the setback at the bridge, the Redcoats had sufficient force to search the town for arms and ammunition. But the main powder stores at Concord had been hauled to safety before the Redcoats arrived.

When the British began to withdraw back to Boston, things got much worse for them. Armed Americans were swarming in from nearby towns. They would soon outnumber the British 2:1. Although some of the Americans cohered in militia units, a great many fought on their own, taking sniper positions wherever opportunity presented itself. Only British reinforcements dispatched from Boston saved the British expedition from annihilation—and the fact that the Americans started running out of ammunition and gun powder.

One British officer reported: "These fellows were generally good marksmen, and many of them used long guns made for Duck-Shooting." On a per-shot basis, the Americans inflicted higher casualties than had the British regulars.

That night, the American militiamen began laying siege to Boston, where General Gage's standing army was located. At dawn, Boston had been the base from which the King's army could project force into New England. Now, it was trapped in the city, surrounded by people in arms.

Two days later in Virginia, royal authorities confiscated 20 barrels of gunpowder from the public magazine in Williamsburg and destroyed the public firearms there by removing their firing mechanisms. In response to complaints, manifested most visibly by the mustering of a large independent militia led by Patrick Henry, Governor Dunmore delivered a legal note promising to pay restitution.

At Lexington and Concord, forcible disarmament had not worked out for the British. So back in Boston, Gage set out to disarm the Bostonians a different way.

On April 23, 1775, Gage offered the Bostonians the opportunity to leave town if they surrendered their arms. The Boston Selectmen voted to accept the offer, and within days, 2,674 guns were deposited, one gun for every two adult male Bostonians.

Gage thought that many Bostonians still had guns, and he refused to allow the Bostonians to leave. Indeed, a large proportion of the surrendered guns were "training arms"—large muskets with bayonets, that would be difficult to hide. After several months, food shortages in Boston convinced Gage to allow easier emigration from the city.

Gage's disarmament program incited other Americans to take up arms. Benjamin Franklin, returning to Philadelphia after an unsuccessful diplomatic trip to London, "was highly pleased to find the Americans arming and preparing for the worst events."

The government in London dispatched more troops and three more generals to America: William Howe, Henry Clinton, and John Burgoyne. The generals arrived on May 25, 1775, with orders from Lord Dartmouth to seize all arms in public armories, or which had been "secretly collected together for the purpose of aiding Rebellions."

The war underway, the Americans captured Fort Ticonderoga in upstate New York. At the June 17 Battle of Bunker Hill, the militia held its ground against the British regulars and inflicted heavy casualties, until they ran out of gunpowder and were finally driven back. (Had Gage not confiscated the gunpowder from the Charleston Powder House the previous September, the Battle of Bunker Hill probably would have resulted in an outright defeat of the British.)

On June 19, Gage renewed his demand that the Bostonians surrender their arms, and he declared that anyone found in possession of arms would be deemed guilty of treason.

Meanwhile, the Continental Congress had voted to send ten companies of riflemen from Pennsylvania, Maryland, and Virginia to aid the Massachusetts militia.

On July 6, 1775, the Continental Congress adopted the Declaration of Causes and Necessity of Taking Up Arms, written by Thomas Jefferson and the great Pennsylvania lawyer John Dickinson. Among the grievances were General Gage's efforts to disarm the people of Lexington, Concord, and Boston.

Two days later, the Continental Congress sent an open letter to the people of Great Britain warning that "men trained to arms from their Infancy, and animated by the Love of Liberty, will afford neither a cheap or easy conquest."

The Swiss immigrant John Zubly, who was serving as a Georgia delegate to the Continental Congress, wrote a pamphlet entitled *Great Britain's Right to Tax . . . By a Swiss*, which was published in London and Philadelphia. He warned that "in a strong sense of liberty, and the use of fire-arms almost from the cradle, the Americans have vastly the advantage over men of their rank almost every where else." Indeed, children were "shouldering the resemblance of a gun before they are well able to walk." "The Americans will fight like men, who have everything at stake," and their motto was "DEATH OR FREEDOM." The town of Gorham, Massachusetts (now part of the State of Maine), sent the British government a warning that even "many of our Women have been used to handle the Cartridge and load the Musquet."

It was feared that the Massachusetts gun confiscation was the prototype for the rest of America. For example, a newspaper article published in three colonies reported that when the new British generals arrived, they would order everyone in America "to deliver up their arms by a certain stipulated day."

The events of April 19 convinced many more Americans to arm themselves and to embody independent militia. A report from New York City observed that "the inhabitants there are arming themselves . . . forming companies, and taking every method to defend our rights. The like

spirit prevails in the province of New Jersey, where a large and well disciplined militia are now fit for action.”

In Virginia, Lord Dunmore observed: “Every County is now Arming a Company of men whom they call an independent Company for the avowed purpose of protecting their Committee, and to be employed against Government if occasion require.” North Carolina’s Royal Governor Josiah Martin issued a proclamation outlawing independent militia, but it had little effect.

A Virginia gentleman wrote a letter to a Scottish friend explaining in America:

We are all in arms, exercising and training old and young to the use of the gun. No person goes abroad without his sword, or gun, or pistols. . . . Every plain is full of armed men, who all wear a hunting shirt, on the left breast of which are sewed, in very legible letters, “*Liberty or Death.*”

The British escalated the war. Royal Admiral Samuel Graves ordered that all seaports north of Boston be burned.

When the British navy showed up at what was then known as Falmouth, Massachusetts (today’s Portland, Maine), the town attempted to negotiate. The townspeople gave up eight muskets, which was hardly sufficient, and so Falmouth was destroyed by naval bombardment.

The next year, the 13 Colonies would adopt the Declaration of Independence. The Declaration listed the tyrannical acts of King George III, including his methods for carrying out gun control: “He has plundered our seas, ravaged our Coasts, burnt our Towns, and destroyed the Lives of our people.”

As the war went on, the British always remembered that without gun control, they could never control America. In 1777, with British victory seeming likely, Colonial Undersecretary William Knox drafted a plan entitled “What Is Fit to Be Done with America?” To ensure that there would be no future rebellions, “[t]he Militia Laws should be repealed and none suffered to be re-enacted, & the Arms of all the People should be taken away, . . . nor should any Foundry or manufactory of Arms, Gunpowder, or Warlike Stores, be ever suffered in America, nor should any Gunpowder, Lead, Arms or Ordnance be imported into it without Licence”

To the Americans of the Revolution and the Founding Era, the theory of some late-20th Century courts that the Second Amendment is a “collective right” and not an “individual right” might have seemed incomprehensible. The Americans owned guns individually, in their homes. They owned guns collectively, in their town armories and powder houses. They would not allow the British to confiscate their individual arms, nor their collective arms; and when the British tried to do both, the Revolution began. The Americans used their individual arms and their collective arms to fight against the confiscation of any arms. Americans fought to provide themselves a government that would never perpetrate the abuses that had provoked the Revolution.

What are modern versions of such abuses? The reaction against the 1774 import ban for firearms and gunpowder (via a discretionary licensing law) indicates that import restrictions are unconstitutional if their purpose is to make it more difficult for Americans to possess guns. The federal Gun Control Act of 1968 prohibits the import of any firearm that is not deemed “sporting” by federal regulators. That import ban seems difficult to justify based on the historical record of 1774-76.

Laws disarming people who have proven themselves to be a particular threat to public safety are not implicated by the 1774-76 experience. In contrast, laws that aim to disarm the public at large are precisely what turned a political argument into the American Revolution.

The most important lesson for today from the Revolution is about militaristic or violent search and seizure in the name of disarmament. As Hurricane Katrina bore down on Louisiana, police officers in St. Charles Parish confiscated firearms from people who were attempting to flee. After the hurricane passed, officers went house to house in New Orleans, breaking into homes and confiscating firearms at gunpoint. The firearms seizures were flagrantly illegal under existing state law. A federal district judge soon issued an order against the confiscation, ordering the return of the seized guns.

When there is genuine evidence of potential danger—such as evidence that guns are in the possession of a violent gang—then the Fourth Amendment properly allows no-knock raids, flash-bang grenades, and similar violent tactics to carry out a search. Conversely, if there is no real evidence of danger—for example, if it is believed that a person who has no record of violence owns guns but has not registered them properly—then militaristically violent enforcement of a

search warrant should never be allowed. Gun ownership *simpliciter* ought never to be a pretext for government violence. The Americans in 1775 fought a war because the king did not agree.

I move towards SB 347 and HB 3200 and the other offered legislation in leaps of time stopping in April of 1900. In the case of *John Bad Elk v. U.S.*, 177 U.S. 529. I found this case absolutely fascinating and have included it in its entirety at Endnote #1^{IV}.

During an attempt to arrest Mr. Bad Elk without probable cause he killed a policeman attempting the arrest. Bad Elk was found guilty at trial and sentenced to death. In review the Supreme Court ruled Bad Elk had the right to use any force, including lethal force, to prevent his false arrest, even if the policeman was only trying to arrest him and not kill him. They held a citizen has the right to defend against their civil rights being violated using any force (deadly force) necessary to prevent the violation, even if the offending party isn't trying to kill them. This is consistent with and in support of the values our founding fathers put on their lives, liberty, and pursuit of happiness and for which they pledged their lives and fortunes.

Notwithstanding the fundamental nature of the 2nd Amendment, there are those who believe in federalism and governmental rights to the point they refuse to accept anything that limits the federal or state governments, including their respective Bill of Rights.

I next turn to the Dick Act of 1902. Rather than incorporate particular sections set forth on the Internet, it is enough to say it appears the Dick Act of 1902 although altered is alive and well. The substance of said Act is 1) able bodied men from the ages of 18 to 45 are by operation of law a member of the militia. 2) The militia is currently divided into 2 parts, the unorganized and the organized militia. 3) Militia units can be called into the National Guard, but cannot be required to serve outside of the United States.

Stopping again, this time in May, 1939 the U.S. Supreme Court in *United States v. Miller* addressed fundamental 2nd Amendment issues of whether an unregistered shotgun with a barrel less than 18 inches is protected contra to the ban of National Firearms Act. See 307 U.S. 174 (1939), incorporated herein by this reference as if set forth fully.

Miller argued he had a right to bear the shotgun under the 2nd Amendment. The Supreme Court ruled against him holding sawed-off shotguns were not being used in a military application and therefore was not protected. Notwithstanding the Court missed a fundamental point that at one time the "sawed-off" shotgun was an instrument of general use by the militia part of the substantive outflow of this decision is that protected firearms have a military use. Today the military uses shotguns of various lengths including such firearms of even a shorter length. It follows that Miller's shotgun would be lawful today under this analysis.

Projecting from Miller, the AK-47, AR-15, AR-10, AR-16, the various shotguns and all other such firearms used by the military would be and are protected weapons for the Unorganized Militia as outlined not only in the Kopel law review above but in the *Miller* case now being discussed. Under the umbrella of current federal laws prohibiting discrimination this line of application includes just about every American citizen.

For our personal use any firearm applicable to military use is clearly protected under the 2nd Amendment Article II including "large capacity magazines" used by the military.

Even though the 2nd Amendment was initially conceptually limited to rights emanating from "inalienable rights" of persons through their role in a militia, it was and is today still clearly understood to include rights for personal protection as well as protection of our personal liberties. Again see *Heller* and *McDonald* in support. The history behind the 2nd Amendment is projected to and overlaid on the Oregon Constitutional [Article I, Section 27](#). At this point the reminder is Oregon intended those rights be clearly understood. Thus, the statement that we have within this Section the guaranteed inalienable "right to bear arms for the defense of themselves,..." stands resolute.

In review of *Heller*, *McDonald*, *John Bad Elk* and *Miller*; the outlined history to this point, it becomes clear and it is my understanding if the state of Oregon were to attempt to collect my guns or otherwise interfere with my inalienable fundamental right to protect myself, my family, friends in my presence, my liberty, I have an absolute right to defend myself and these causes unto the death of another who is wrongfully interfering with those rights.

As a part of that understanding I know the state of Oregon Legislature does not have the legal power to lawfully interfere through law promulgation of exactions, limitations, or the guise of "privileges" burdens on my inalienable fundamental rights as set forth in the outlined constitutions without first submitting to the people of Oregon constitutional changes to be approved by the people or in the alternative, and then only after they show those proposed laws can meet the tests outlined above.

I am not so uneducated, foolish, and/or lacking in understanding to mistake "war" for something it is not. One of the self-evident truths goes to the heart of issues outlined in the questionable proposals in SB 347, HB 3200, and other proposed legislation outlined herein is that the state of Oregon is at War. It has declared on numerous occasions we have joined the federal government in its War on Crime and independently, we have engaged our own War on Drugs and War on Crime. I know "war" for what it is.

Independent of that cooperative effort between the feds and Oregon I have heard and read about these "wars" from the Governor, and various legislators over time.

With that as a given I lack understanding why any politician would sign a document, a proposal for legislation that so clearly gives aid and comfort to the enemies of these United States, and who are also enemies of Oregon. The signers of SB 347 and HB 3200 and the other proposed legislation this missive addresses have declared their support for these enemies of the state and in doing so, have joined in conspiracy with other members of the legislature showing their intent to give aid and support to the enemies of the state. They provide no rationale for attempting to circumvent our constitutional protections.

These enemies of the state like wolves at the guts of sheep are: Burdick, Tomei, Dingfelder, Hass, Rosenbaum, Steiner Hayward, Doherty, Frederick, Gallegos, Greenlick,

Williamson, Bailey, Buckley, Dembrow, Read, Reardon, Monnes Anderson, Monroe, Shields, and others.

We already know the police cannot and do not respond to many of the calls being made for assistance in protection against criminal elements. We know they are not effective in stopping or even in slowing down crime and the drug trade. We know without a shadow of a doubt that if we want the assurance of protection we have to be able to protect ourselves. That is consistent with what several sheriffs in Oregon have told me directly, citing the legislative failure to fund their jurisdictions.

I had "Kelly" in a concealed handgun class a few months ago. At the end of the class Kelly told me this story:

Some period in time before that class Kelly was 280 pounds, working 2 jobs, engaged to be married and excited about starting life. In order to achieve his goals his second job was as a bouncer in a night club in the city of Portland.

During an evening shift on the weekend he and another bouncer broke up a fight between two who had been seriously drinking. No blows were exchanged between the bouncers and the combatants. One bouncer escorted a combatant out one door and Kelly escorted the other combatant out the front door.

Standing in the dimly lit doorway the combatant turned to face Kelly and said as he made his right hand into the form of a gun with the finger barrel pointing at Kelly's belly, "I am gonna come back and shoot you, in the guts." He made a thrusting of that hand towards Kelly as if shooting.

This was serious enough to Kelly that he called 911 and reported it.

911: "Was anyone hurt?"

Kelly said, "No."

The 911 response from the lady on the other end, "If no one was hurt, we cannot respond. We will not be dispatching but we will make a record of it for you."

Later that night Kelly died 3 times on the operating table but do to a miracle emergency trauma team he survived. In my class he was about 130 lbs. He walks bent over like a very old man. He told me that he is missing more than a quarter of his liver, seven feet of intestines. He wears bib-overalls to cover the permanent colostomy. He is a student now hoping to find someone new who can live with him and the challenges he will face the rest of his life.

Almost 2 years ago I taught a personal class to "Vanna." She was not yet ready to re-enter the public. Prior to coming to a decision to carry a handgun she had not only been opposed to firearms but was an "anti-gun" advocate.

Her conversion came on a Friday night. Her roommate and best friend left their apartment on the SE side Portland to go on a date. While rare on a Friday, Vanna did not have a date and had decided to stay home.

The rustling at the door did not concern Vanna, she thinking it was the roommate returning for some forgotten thing. Obviously from the direction this is going, it was not the roommate that entered her apartment. The knife wielding rapist had his way with her for almost 2 hours.

He held the knife at her throat at one point while he sodomized her. He kept demanding she tell him how much she like it. The rapist forced her to perform orally demanding she look at him. He went to cut her hair out of the way so he could look into her eyes. The scalp not completely cut off, I could still see the micro stitching where it had been reattached.

Somewhere in the middle of the ordeal he stopped for a break. He left her in the bedroom alone. Vanna said that if she had of had anything she could use for a weapon, she would have used it.

She told me, "My first prayer was that I might survive and live. My second prayer was for a weapon. Then I realized if I would have had a gun, it would have been in that bedroom with me. But I did not." Later she told me she now prays for normalcy and an innocence she knows she will never have again. She prays she will never have to use the handgun, but assured me whether for her or another, she will not hesitate. She said, "The only warning that Mexican bastard criminal will get is the sound of the gun, if I miss!"

With both Kelly and Vanna, where were the police? The real answer does not matter. We know where they were not and it follows, while perhaps most simplistic in thought, we know why on an individual basis we need to be prepared to protect ourselves and those in our presence.

These are only two examples of many disclosed to me and for which the general public record is replete. I have had discussions with sheriffs across the state. With budget cuts, reductions, and the inability or refusal of our legislatures to make meaningful choices that would economically allow enforcement in Oregon to perform the most vital function of government, to protect us, we cannot help but wonder what the secret combinations and relationships with the criminals and drug lords are between them and the authors of SB 347, HB 3200 and the other proposed legislation this testimony addresses.

The bottom line is that if the senators and representatives were to have their way, none of those we currently call "lawful" would have a way to defend themselves within the constraints of the laws they propose.

For proposals that are so blatantly unconstitutional it begs the question of who is providing the pay-offs for these legislators? The picture of corruptibility actually looks worse than presented here when we shine more light on the subject.

Sandy Hook has been used by these Oregon legislators as an excuse for their far flung and otherwise unjustified and meaningless union with the enemies of the state of Oregon.

Burdick and her ilk want to see your children and grand children including my grandchildren who attend public schools murdered. It is their expressed desire in the documents they present restricting us from any lawful way, or any others for that matter, to even have the ability to protect our children at schools.

What the political whores and prostitutes (Burdick and her ilk) do not address is the recent report by CBS and others that Adam Lanza, the shooter at Sandy Hook, targeted that school of innocents because investigators "... also found evidence that Lanza had zeroed in on Sandy Hook Elementary School because he felt it was the "easiest target" with the "largest cluster of people." See <http://www.nydailynews.com/news/national/lanza-rival-norwegian-bomber-anders-breivik-article-1.1267411>. Two officials said evidence had been uncovered suggesting that Lanza was determined to top Breivik's death count. The officials added that investigators had found credible evidence that Lanza was probably even obsessed with Breivik (a Norwegian who killed 77 people, most of whom were teenagers).

Sandy Hook was a place where Lanza could be free to do his dastardly deed with the least amount of interference from others, and have the greatest impact to achieve his insane goals. Senator Burdick and her ilk join with him in attempting to and assuring other demented people like him continue to have killing fields of innocence where they can carry out misdeeds without interference here in Oregon.

I compare that with the stark reality of the Clackamas Town shootings. I note the substantive part of the ultimate failure on the part of shooter Jacob Tyler Roberts was poorly published in the media. This leads to further support in my belief system the media wants horrific incidents to sell their papers. For Jacob's story from the Internet:

Posted By: [Jason](#)

Posted On: 12/17/12 08:52 AM

<http://www.easybakegunclub.com/blog/1968/Concealed-Carry-Hero-at-Portland-Mall---The-Full-S.html>

The news is a funny thing sometimes. When something shocking comes out, everyone rushes to get more and more information as quickly as possible. When it comes to active shooter or active gunman situations, that rush for information often runs into the chaos of the situation. We saw that with the **Newton, Connecticut** shooting where media outlets worldwide put the picture and information of the wrong person up as the gunman only to have egg on their face later.

In **Portland, Oregon**, that same rush for information had the mainstream media skip past the fact that a **concealed carrier** confronted an active shooter and caused him to abandon his plans, run for a service corridor and stairway and kill himself as these shooters typically do.

We saw the story, it's lack of coverage, and knew it was news that needed to get out. Obviously important for concealed carriers / gun owners, we knew the story demonstrated how these situations can be stopped quickly by a determined, well-practiced concealed carrier.

We spoke to **Nick Meli, Casey, and Ashley** late Sunday and got the full story direct from the people who were there... in that moment with the gunman still active and approaching. While plenty of people want to second guess, or make assumptions, we're here to bring the full story to [light](#) here and putting all facts on the table.

On Tuesday evening Casey and Ashley went to the mall with Casey's close friend Nick and Ashley's 4-month-old son **Noah**. Ashley's boyfriend (who is also Casey's brother) works at the mall and the group was waiting for him to get out of a meeting. They had been in the mall for a short while and were heading to the food court to get a bite to eat. Just as the group passed the Macy's Home Store and came to Morgan [Jewelers](#) three gunshots rang out.

What we now know was the beginning of gunman Jacob Tyler Roberts's shooting spree

came as a [complete](#) shock to everyone. Nick, holding young Noah at the time, turned to Casey and said, "Are you serious?!?". Casey's simple answer? "Yes". As Ashley told us, Nick tossed Noah to her and drew his concealed carry weapon in a single motion.

Not believing the shots to be real Ashley wondered if it was possible the mall was doing active shooter training, something her boyfriend said they had done in the evenings before. Then a long series of 10-15 gunshots rang out. "Once I saw Casey under the jewelry counter and heard the other shots, I knew it was real," Ashley told us.

Holding young Noah, Ashley's first reaction was to turn her back to the gunfire and use her body to shield young Noah. Casey yelled at Ashley to get down so Ashley crawled under the jewelry counter, placing Noah between the two of them to keep him safe. As the girls took cover Nick, with his gun drawn, moved behind a pillar and looked towards the shots - and saw the gunmen moving towards them.

While keeping eyes on the gunman, Nick told the girls to find better cover - the counter they were under was just glass held aloft by metal legs.

Casey got to her feet and unlocked and opened the half door to get behind the store counter. She then told the others, "follow me". In the back area of the jewelry store the girls found a closet sized bathroom and Ashley, Noah, and Casey crammed in, along with four other people who had been trapped in the open. Once in the relative safety of the bathroom one of the women, a Morgan Jewelers employee, asked Casey why Nick had a gun. Casey's answer? **"He works for a security company. He's one of the good guys"**.

That's when the girls realized Nick had not gone to cover with them and was still faced with the gunman... and that Ashley's boyfriend was somewhere in the mall as well - in his meeting. All the while, young Noah is crying. Knowing the gunman was still outside and not wanting to be found, Ashley started feeding Noah to keep him calm and keep him from making any noise.

Knowing the girls were more secure, Nick was now alone and the gunman was still approaching. Like most malls, Clackamas Town Center's second floor has walkways by the storefronts with an open middle area so that light gets through to the bottom floor. The gunman was across that opening from Nick and continued to approach. Nick noted that the gunman seemed unfamiliar with the rifle we now know was stolen. Instead of clearing a malfunction cleanly, the gunman was slapping the gun and pulling the charging handle with seemingly no plan in mind.

As the gunman came closer, he turned to cross a walkway bridging the open space and connecting the two sides of the mall so he could continue his rampage inside the large Macy's Home Store on the other side - right where Nick was standing. Nick lined up his front sight on the man's head and put his finger on the trigger. Nick has extensive firearms experience with both rifles and handguns, at the range of approximately 15-20 yards, this was a shot he knew he could make, and then... movement from behind the shooter, inside of Charlotte Russe.

As all firearms owners know, Colonel Jeff Coopers Rule #4 is to know your target and what is behind it. Now Nick knew for sure that, while he had a good target, what was behind it were innocent people who were terrified. He removed his finger from the trigger while keeping the gun on the gunman.

Then a dangerous confrontation got worse. Nick heard the distinctive sound of a malfunction being cleared in the rifle and saw the gunman reach for another magazine. As the gunman was inserting the fresh magazine, Nick quickly backed into the Macy's Home Store and took cover while keeping his eyes on the gunman. Despite being outgunned, Nick stayed in cover but visible to the gunman.

Knowing he had an armed person in the mall and that this was no longer his gun-free zone, the gunman avoided the Macy's Home Store and ended his rampage by fleeing to a service corridor and into the stairwell to the lower level. He then took his life, unbeknownst to everyone in the mall. "It seemed like forever but we actually heard the last shot the shooter put into himself," said Ashley. That single ominous shot after the deafening silence that covered the mall during the gunman's malfunction was replaced by Nick's familiar voice shouting, **"It's me! It's me!"** right before he opened the door.

Nick said nothing of his encounter, he just said he did not know where the shooter was and that they should all remain quiet. An elderly woman in the bathroom asked where her purse was as she was not feeling well and wanted one of her blood pressure pills. Nick retrieved her

medicine, told them all to remain quiet and went back in front of the store in case the gunman returned.

Knowing nothing good would come from police seeing an armed man in the mall yet knowing he could not put his gun away without knowing the mall was secure, Nick did what every concealed carrier should know to do - he called the police. Nick told the 911 operator that he was in the Clackamas Town Center, that he was armed, and that he did not know where the gunman was at that time. Nick gave a description of himself to the police so they would know he was one of the good guys and would not engage on sight.

As police arrived, Nick went back and told the girls police were on scene but to stay in place. Nick holstered his weapon and began speaking with investigators and covering everything that happened - having definitive answers to much of the chaos and conflicting report. No, there was only one shooter. No, he was not white, he was Hispanic (Nick noticed that from a small gap of neck that was uncovered between the shirt and mask).

While it seemed like yet another eternity, police came and got the girls and led them out under an armed escort of seven officers. The police took them past the Macy's Home Store which was blocked off by officers and down a service corridor to the outside. Only later did Ashley and Casey realize they had walked past the staircase the gunman had retreated to before taking his own life.

Friday night, before the story of Nick's action had made it anywhere, Nick, Casey, Ashley, and Noah attended the vigil for **Steve Forsyth** and **Cindy Ann Yuille** the two victims killed at the very outset of the gunman's attack. While hundreds of people gathered by candlelight and sang songs in remembrance, none outside of the small group realized that Nick had stopped the gunman and cut his rampage short - saving the people inside the mall and our nation a much greater tragedy.

No recognition is exactly what Nick would like. He has eschewed interviews and plans to continue doing so simply because he did what he felt he had to. Nick doesn't feel he is a hero so Ashley gets the final word:

"What Nick did and the actions he took saved lives. Whether he shot or not, he changed the situation and he is the reason nobody else was shot"

For those out there that question Nick's actions - Nick wasn't reading words on a screen. He was faced with an active gunman who had already shot more than 20 rounds, two close friends with a small child to protect, shocked people in the mall, and it all happened in an instant. From the time the gunman *entered the mall* until the time he ended his life was almost 4 minutes. That's about half the time it took to read this article.

For more stories of the everyday heroes among us, take a look at the [November Defensive Gun Use Report](#)

In each of these above instances, the defensive person who had a firearm had a handgun. In the following true story Steve did not have a handgun, but his father did.

Three years ago Steve's father received a phone call. Steve's sister who then lived with her father, having left her abusive boyfriend had received a restraining/stalking order against the former lover, Juan.

One Saturday afternoon Juan called the father telling him, "I am going to come over, slit your throat, and then gut the bitch!"

Father, who lived in one of the nicer areas in NE Portland overlooking the river, was concerned. 911 instructed him they were calling for the police and if he had one, to get a gun and be ready to defend himself.

Father did not share this information with Steve, the Daughter, or anyone else in the family. He went quietly to his closet where he kept a 5 shot .38 revolver. Then he went outside to watch his son and grandson playing.

Steve was playing in the yard with his almost 5 year old son when Juan pulled up. Steve said to Juan, "Hey, you shouldn't be here." Then he noticed the knife in Juan's hand. Father stood up and warned Juan, "Get out of here, now!"

Juan didn't say anything. He just advanced on Father. Father pulled the .38 Special out of his pants pocket, pointing it at Juan. Juan took another step and then lunged. Father shot Juan 5 times, all that was in the cylinder of the pistol. Juan kept coming and a physical fight ensued with Juan trying to cut and stab father.

Juan was on top of Father, trying to push the knife down, to slice Father's throat. Steve had picked up the son's little aluminum bat. Just as the police were pulling to a stop they saw Steve bean Juan, killing Juan with the one blow. It was ruled justified.

Steve told me he took our class because of our reputation, that he wanted to learn Oregon law, and more importantly, he never again wanted to feel so helpless in the face of life and death danger.

While this may appear to be a "bird walk" bear with me for a moment.

When the US sends its armed forces into potential combat we send our troops with the latest in firearms. We send them with enough ammunition to get the job done. And we make sure the magazines they use are sufficient to sustain an initial assault or defensive response. We make sure they have enough magazines to do the job.

When the feds use our National Guard, the soldiers are again given enough ammunition and magazines to make sure that whether an assault or defensive response, they have the firearms and support to insure their success. At least that is the ideal situation.

When our state police, S.W.A.T. teams, and local police are sent into potential combat situations, yet again we do our best to insure that whether an assault or defensive response, our enforcement support have the equipment to do the job that needs to be done.

Our militia needs that same ability. For the most part we have that. At one time I belonged to the un-organized militia for Douglas County, Oregon. I was called up and would have gone but for things in my life at that particular moment in time were out of control and restrained me. This was in the latter part of August, 1991. A contingent of that militia did go to Ruby Ridge. See for one account: http://en.wikipedia.org/wiki/Ruby_Ridge

For the next few days in response to various requests for legal advice I talked with elements of the militia contingent focusing on those from southern Oregon. Our militia arrived in vehicles of the period, a small multitude pickups, SUVs and passenger cars. It was reported to

me they had all manner of firearms and ammunition necessary to intervene on behalf of the Weavers provided the already out-of-control US government took any further aggressive actions.

Here in Oregon under our fundamental inalienable right to keep and bear arms and consistent with our federal guaranteed right under the Bill of Rights, we absolutely and unequivocally have the right to our firearms of choice, and magazines with enough ammunition to protect ourselves and our liberties from the intrusion of others. It is a clear given one of the "others" is our own government when it is out of control or even deliberately acts against our fundamental rights. See YouTube Suzanna Hupp's testimony on the importance of the Right to Keep and Bare Arms before the Federal Judiciary Subcommittee - February 12, 2013 <http://www.youtube.com/watch?v=xKMABc1-d2I> See an earlier testimony of the same thing with a little different ending from 6:04 minutes through 6:23minutes: <http://www.youtube.com/watch?v=M1u0Byq5Qis>

The arrogance of those who would limit our ability to defend ourselves by restrictions on those fundamental rights is second only to when they cross the line such as Burdick and her ilk already have. Who can possibly know who the attackers are? Who can know how they are armed? Who can tell, can predetermine how much ammunition we will need, or how much our firearms should have in them?

For a moment I will go to the arrogance of the Oregon Legislative contingent made up of these political whores and prostitutes, Ginny Burdick and the remainder in support of SB 347 and HB 3200, as well as the other proposed legislation - and why they are in fear. Why they want gun confiscation is self evident as a "truth."

These legislators do not want or care about our children. This is all about them. The recent lawful gathering in Salem of those who lawfully carry concealed handguns as the law is generally understood met in Salem. No one was shot. There were no instances of significance between those who lawfully carry concealed and those opposed to such.

Yet Burdick and her ilk try to lever that into a need to restrict access to government by those who lawfully carry. Why?

I retreat to a few years ago when I was on a school board and for a while chairman of that board. We had at times discussions about guns in the school and in our board meetings. There were a couple of members who were concerned.

What the conversation eventually boiled down to was that as public servants we have a charge, a duty. Part of that is vested in the oaths we take. Part of it is the mantel of the charges we accept by operation of the office we aspired to and were ultimately elected to. When we look to accountability, there is some form of impeachment as one of the forms of removal from office.

However, there is another form of impeachment. One of the final pictures to paint is ultimate impeachment. When we as public officials actively work against the inalienable and fundamental rights of man, we become the perception of evil. That can be from the more common viewpoint of an acceptance of the inalienable rights being God given, or the cultural

secular viewpoint that inherent in the nature of man is embracement of freedom and an almost unbelievable opposition to slavery.

For a brief 30 second statement on slavery and the fact that gun control is unacceptable in America go to: <http://cureprotectingfreedom.org/neveragain/> and click on "Watch the Video."

On an individual basis I apply these core judicial standards and tests for the protection of my fundamental right to protect myself and my family under Oregon law, said protection being by way keeping and bearing of firearms in self defense, for liberty, and in the pursuit of happiness. I turn to the language of HB 3200 and SB 347:

77th OREGON LEGISLATIVE ASSEMBLY--2013 Regular Session

House Bill 3200

Sponsored by Representative GREENLICK; Representatives BAILEY, BUCKLEY, DEMBROW, FREDERICK, READ, REARDON, TOMEI, Senators BURDICK, DINGFELDER, HASS, MONNES ANDERSON, MONROE, SHIELDS, STEINER HAYWARD

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 as introduced.

Creates crime of unlawful possession or transfer of assault weapon or large capacity magazine. Punishes by maximum penalty of 10 years' imprisonment, \$250,000 fine, or both.

Requires current owners to dispose of or register assault weapons and large capacity magazines.

Directs Department of State Police to conduct background checks and maintain registry of assault weapons and large capacity magazines.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to firearms; and declaring an emergency.
Be It Enacted by the People of the State of Oregon:

SECTION 1. { + Sections 2 to 5 of this 2013 Act are added to and made a part of ORS 166.410 to 166.470. + }

No comment or evidence at this time.

SECTION 2. { + As used in sections 2 to 5 of this 2013 Act:

(1)(a) 'Assault weapon' means any:

(A) Semiautomatic rifle that has the capacity to accept a detachable magazine and has one or more of the following:

(i) A pistol grip or thumbhole stock;

(ii) Any feature capable of functioning as a protruding grip that can be held by the nontrigger hand;

(iii) A folding or telescoping stock; or

(iv) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the

firearm with the nontrigger hand without being burned, but excluding a slide that encloses the barrel;

(B) Semiautomatic pistol, or any semiautomatic, centerfire or rimfire rifle with a fixed magazine, that has the capacity to accept more than 10 rounds of ammunition;

(C) Semiautomatic pistol that has the capacity to accept a detachable magazine and has one of more of the following:

(i) Any feature capable of functioning as a protruding grip that can be held by the nontrigger hand;

(ii) A folding, telescoping or thumbhole stock;

(iii) A shroud attached to the barrel, or that partially or completely encircles the barrel, allowing the bearer to hold the firearm with the nontrigger hand without being burned, but excluding a slide that encloses the barrel; or

(iv) The capacity to accept a detachable magazine at any location outside of the pistol grip;

(D) Semiautomatic shotgun that has one or more of the following:

(i) A pistol grip or thumbhole stock;

(ii) Any feature capable of functioning as a protruding grip that can be held by the nontrigger hand;

(iii) A folding or telescoping stock;

(iv) A fixed magazine capacity in excess of five rounds; or

(v) An ability to accept a detachable magazine;

(E) Shotgun with a revolving cylinder; and

(F) Conversion kit, part or combination of parts from which an assault weapon can be assembled if those parts are in the possession or under control of the same person.

The irony built into this portion is that it fully describes almost every modern rifle and shotgun made, including all of those used by the military, state police, local police, and county enforcement. It is unbelievable broad and cannot on its face fit any acceptable constitutional interpretive analysis.

(b) 'Assault weapon' does not include any firearm that has been made permanently inoperable.

(2) 'Criminal background check' has the meaning given that term in ORS 166.432.

(3) 'Detachable magazine' means an ammunition feeding device that can be loaded or unloaded while detached from a firearm and readily inserted into a firearm.

(4) 'Fixed magazine' means an ammunition feeding device contained in or permanently attached to a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(5) 'Large capacity magazine' means any ammunition feeding device with the capacity to accept more than 10 rounds or any conversion kit, part or combination of parts from which such a device can be assembled, but does not include any of the following:

(a) A feeding device that has been permanently altered so that it cannot accommodate more than 10 rounds;

(b) A .22 caliber tube ammunition feeding device; or

(c) A tubular magazine that is contained in a lever-action firearm. + }

This section is patently unconstitutional on its face in that it violates fundamental guiding principles of my constitutional right to keep and bear arms. That right includes but is not limited to the scope of what the military has as outlined above.

SECTION 3. { + (1) A person commits the crime of unlawful possession or transfer of an assault weapon or large capacity magazine if the person manufactures, imports, possesses, purchases, sells or transfers any assault weapon or large capacity magazine.

This subsection is patently unconstitutional on its face in that it violates fundamental guiding principles of my constitutional right to keep and bear arms. That right includes but is not limited to the scope of what the military has as outlined above.

(2) Subsection (1) of this section does not apply to:

(a) Any government officer, agent or employee, member of the Armed Forces of the United States or peace officer as that term is defined in ORS 133.005 if that person is otherwise authorized to acquire or possess an assault weapon or large capacity magazine and does so while acting within the scope of that person's duties;

In that we are all members of the state militia it follows this section would not apply to us. Otherwise this subsection is patently unconstitutional on its face in that it violates fundamental guiding principles of my constitutional right to keep and bear arms. That right includes but is not limited to the scope of what the military has as outlined above.

(b) The manufacture of an assault weapon or large capacity magazine by a firearms manufacturer for the purpose of sale to any branch of the Armed Forces of the United States or to a law enforcement agency in this state for use by that agency or its employees, provided the manufacturer is properly licensed under federal, state and local laws; or **No comment or evidence to add at this time.**

(c) The sale or transfer of an assault weapon or large capacity magazine by a firearms dealer licensed under 18 U.S.C. 923 to any branch of the Armed Forces of the United States or to a law enforcement agency in this state for use by that agency or its employees for law enforcement purposes. **No comment or evidence to add at this time.**

(3) Any person who, prior to the effective date of this law, was legally in possession of an assault weapon or large capacity magazine shall, within 120 days after the effective date of this 2013 Act, without being subject to prosecution:

(a) Remove the assault weapon or large capacity magazine from the state;

This subsection unlawfully restricts my ability to protect my person and liberty under both the 2nd Amendment and Oregon Constitution Article I, Section 27. It is an unconstitutional burden these inalienable and fundamental constitutional rights. I reserve the right to add additional evidence once the clear intention of those supporting and offering this legislation.

(b) Sell the assault weapon or large capacity magazine to a firearms dealer licensed under 18 U.S.C. 923 for lawful sale or transfer under subsection (2) of this section;

This subsection unlawfully restricts my ability to protect my person and liberty under both the 2nd Amendment and Oregon Constitution Article I, Section 27. It is an unconstitutional burden these inalienable and fundamental constitutional rights. I reserve the right to add additional evidence once the clear intention of those supporting and offering this legislation.

(c) Surrender the assault weapon or large capacity magazine to

a law enforcement agency for destruction;

This subsection unlawfully restricts my ability to protect my person and liberty under both the 2nd Amendment and Oregon Constitution Article I, Section 27. It is an unconstitutional burden these inalienable and fundamental constitutional rights. I reserve the right to add additional evidence once the clear intention of those supporting and offering this legislation.

(d) Render the assault weapon permanently inoperable; or

This subsection unlawfully restricts my ability to protect my person and liberty under both the 2nd Amendment and Oregon Constitution Article I, Section 27. It is an unconstitutional burden these inalienable and fundamental constitutional rights. I reserve the right to add additional evidence once the clear intention of those supporting and offering this legislation.

(e) If eligible, register the assault weapon or large capacity magazine as provided in section 4 of this 2013 Act.

This subsection unlawfully restricts my ability to protect my person and liberty under both the 2nd Amendment and Oregon Constitution Article I, Section 27. It is an unconstitutional burden these inalienable and fundamental constitutional rights. I reserve the right to add additional evidence once the clear intention of those supporting and offering this legislation.

(4) A person acquiring an assault weapon or large capacity magazine by inheritance, bequest or succession shall, within 120 days after acquiring title, without being subject to prosecution under this section:

(a) Surrender the assault weapon or large capacity magazine to a law enforcement agency for destruction;

This subsection unlawfully restricts my ability to protect my person and liberty under both the 2nd Amendment and Oregon Constitution Article I, Section 27. It is an unconstitutional burden these inalienable and fundamental constitutional rights. I reserve the right to add additional evidence once the clear intention of those supporting and offering this legislation.

(b) Transfer the assault weapon or large capacity magazine to a firearms dealer licensed under 18 U.S.C. 923 for lawful sale or transfer under subsection (2) of this section;

This subsection unlawfully restricts my ability to protect my person and liberty under both the 2nd Amendment and Oregon Constitution Article I, Section 27. It is an unconstitutional burden these inalienable and fundamental constitutional rights. I reserve the right to add additional evidence once the clear intention of those supporting and offering this legislation.

(c) Render the assault weapon permanently inoperable; or

This subsection unlawfully restricts my ability to protect my person and liberty under both the 2nd Amendment and Oregon Constitution Article I, Section 27. It is an unconstitutional burden these inalienable and fundamental constitutional rights. I reserve the right to add additional evidence once the clear intention of those supporting and offering this legislation.

(d) If eligible, register the assault weapon or large capacity magazine as provided in section 4 of this 2013 Act.

This subsection unlawfully restricts my ability to protect my person and liberty under both the 2nd Amendment and Oregon Constitution Article I, Section 27. It is an unconstitutional burden these inalienable and fundamental constitutional rights. I reserve the right to add additional evidence once the clear intention of those supporting and offering this legislation.

(5) Unlawful possession or transfer of an assault weapon or large capacity magazine is a Class B felony. + }

This subsection makes my exercise of my constitutional rights as outlined above a crime. It is patently unlawful on its face.

SECTION 4. { + (1) Any person seeking to register an assault weapon or large capacity magazine shall do so as provided in this section within 120 days after the effective date of this 2013 Act.

I choose not to seek to register my firearms. Therefore this subsection does not apply to me.

(2) In order to register an assault weapon under this section, a person must:

I choose not to seek to register my firearms. Therefore this subsection does not apply to me.

(a) Be the lawful owner of the assault weapon prior to the effective date of this 2013 Act; and

I choose not to seek to register my firearms. Therefore this subsection does not apply to me.

(b) Submit to a criminal background check conducted by the Department of State Police to confirm that the person is not a prohibited possessor under ORS 166.250.

I choose not to seek to register my firearms. Therefore this subsection does not apply to me. It follow that in choosing not to seek to register my firearms, the entirety of this subsection (2) does not apply to me.

(3) In order to register a large capacity magazine under this section, a person must:

(a) Be the lawful owner of the large capacity magazine prior to the effective date of this 2013 Act; and

I choose not to seek to register my large capacity under this subsection. Therefore this subsection does not apply to me. In the alternative, this subsection does not apply to me because it is an impermissible act in violation of my constitutional rights as set forth above. Further, it works an impermissible burden on my right to freely transfer, exchange, sell, gift, or otherwise change ownership of items I use to protect my liberty and my person pursuant to my inalienable rights as outlined above.

(b) Submit to a criminal background check conducted by the

department to confirm that the person is not a prohibited possessor under ORS 166.250.

I choose not to seek to register my large capacity under this subsection. Therefore this subsection does not apply to me. In the alternative, this subsection does not apply to me because it is an impermissible act in violation of my constitutional rights as set forth above. Further, it works an impermissible burden on my right to freely transfer, exchange, sell, gift, or otherwise change ownership of items I use to protect my liberty and my person pursuant to my inalienable rights as outlined above.

(4) A person may not register more than one assault weapon and three large capacity magazines under this section. Additional assault weapons and large capacity magazines must be disposed of in the manner specified in section 3 of this 2013 Act.

This is an impermissible and unlawful limitation of my constitutional right to protect myself, my family, my state, and my liberty. Read the federal Constitution at the 2nd Amendment and the Oregon Constitution Article I, Section 27.

(5) A registered owner of an assault weapon or large capacity magazine is required to:

This section and these subsections ignore the reality of what is considered an assault weapon generally in the world, in the world of the United States military, and amongst police forces throughout the United States and the State of Oregon. I understand the principal that if the Oregon Legislature chooses to call the night day and the day night, then that is so if the law creating that change is constitutional. However in the instance case none of these laws are constitutional so to take a moment to tell the Burdick gang a little of the reality concerning the real world around us should not be wasted. You have not got it right. You cannot get it right. In your conspiracy to violate the constitutional rights of Oregon citizens for your own secret combinations and nefarious reasons you miss the bulls eye.

(a) Securely store the assault weapon or large capacity magazine pursuant to rules and regulations adopted by the department;

Notwithstanding judicial legislation of the past, *Benzinger*, *Moonan*, and *DIKA* cases to the contrary, this subsection violates the fundamental constitutional principal outlined in Article III, Section 1 of the Oregon Constitution wherein it states with clarity and unequivocally, "The powers of the Government shall be divided into three separate [sic] departments, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided." Having read the Oregon Constitution I found no place in it wherein the Constitution has expressly provided for State of Oregon Administrative agencies to make laws having the force and impact of statutes of general application for these purposes. What we have here is an open view of one of the vilest forms of the mingling of Oregon's Executive, Judicial, and Legislative branches of Oregon's government.

(b) Allow an inspector from the department to inspect the storage of assault weapons and large capacity magazines to ensure compliance with this subsection;

(c) Possess the assault weapon or large capacity magazine only:
(A) On property owned or immediately controlled by the registered owner;
(B) On the premises of a firearms dealer or gunsmith licensed under 18 U.S.C. 923 for the purpose of lawful repair;
(C) While engaged in the legal use of the assault weapon or large capacity magazine at a public or private shooting range, shooting gallery or other area designed and built for the purpose of target shooting; or
(D) While transporting the weapon in a vehicle as permitted in ORS 166.250; and
(d) Report the loss or theft of a registered assault weapon or large capacity magazine to the appropriate law enforcement agency within 48 hours of the discovery of the loss or theft.
(6) A registered owner of an assault or large capacity magazine may not sell or transfer the assault weapon or large capacity magazine except to a firearms dealer or gunsmith licensed under 18 U.S.C. 923 for lawful sale or transfer under section 3 (2) of this 2013 Act or for the purpose of disposal as provided in section 3 of this 2013 Act. + }

The burden of item by item response is great. It is enough at this point to incorporate the responses above as if set forth fully and declare them to be responsive as within the context they are submitted they are applicable hereto.

SECTION 5. { + (1) Upon receipt of a request from a person seeking to register an assault weapon or large capacity magazine, the Department of State Police shall determine from criminal records and other available information whether the potential registrant is disqualified under ORS 166.250 from possessing the assault weapon or large capacity magazine.

I will not be seeking to register under this section so it does not apply to me. It would not apply to me anyway because I insist on my 2nd Amendment right and Oregon Constitutional rights to keep and bear arms in my defense, for the defense of others, defense of my liberty, and in my pursuit of happiness. This section sets up an impermissible data base and violates my right to privacy. It discriminates against my lawful nature in that the framer of these laws knows criminals will not comply. These laws are designed to eliminate my ability to be free from the evil forces of the group who submitted these laws for consideration and to be free to protect myself from other criminals. I don't know why Burdick wants to see our children and grandchildren killed by wackos and other criminal elements, but I do not want that and I am not going to join those like Burdick and her ilk who do.

(2) The department may adopt a fee schedule for criminal background checks as provided in ORS 166.414.

Notwithstanding judicial legislation of the past, *Benzinger*, *Moonan*, and *DIKA* cases to the contrary, this subsection violates the fundamental constitutional principal outlined in Article III, Section 1 of the Oregon Constitution wherein it states with clarity and unequivocally, "The powers of the Government shall be divided into three seperate [sic] departments, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided." Having read the Oregon Constitution I found no place in it wherein the Constitution has expressly provided for State of Oregon Administrative agencies to

make laws having the force and impact of statutes of general application for these purposes. What we have here is an open view of one of the vilest forms of the mingling of Oregon's Executive, Judicial, and Legislative branches of Oregon's government.

(3) The department shall create and maintain a registry for owners of assault weapons and large capacity magazines who qualify for registration under section 4 of this 2013 Act. The department may adopt rules concerning the administration of the registry, including but not limited to renewal and revocation procedures and storage requirements for assault weapons and large capacity magazines. I will not be "seeking" anything under Section 4 of this act so it does not apply to me. For all of the applicable reasons outlined above and by this reference adopted herein I object to these laws.

(4) The department may conduct inspections of registered owners of assault weapons and large capacity magazines to ensure compliance with the storage requirements of section 4 of this 2013 Act. + }

Being one who will not be a "registered" owner, this subsection does not apply to me. I note that I do not in this process at any time waive my constitutional rights to due process of law. I object to the concept of warrantless searches. I object to any law that pretends to give authority for a warrantless search.

SECTION 6. { + This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage. + }

Nothing in this act shows it is necessary for the immediate preservation of the public peace, health and/or safety. There are no facts showing an emergency exists. In fact, real facts show just the opposite. It has not been and it is not those who have engaged a currently lawful process for carrying concealed handguns and firearms who are the demonstrated problem. In actual fact, just the opposite has been demonstrated.

The real problem is a Legislature that has refused to engage fiscal responsibility necessary for protection of Oregon citizens. I have talked to my sheriff, Tom Turner, here in Lane County and others sheriffs throughout the state. They all tell me the same type of thing. They hope more and more people get their concealed licenses and start carrying firearms concealed. They admit they can no longer protect their jurisdictions and it is up to the people to protect themselves.

The issues surrounding HB 3200 can be reduced to the gang of Burdick. Like those who wage war on Oregonians, they too engage that war. They want to make sure they do not become the actual targets of otherwise lawful citizens. To do that they must take firearms out of the hands of those who at this time are the lawful citizens of the state of Oregon.

In the balance is an outlaw group of legislators who support the enemy of Oregon as this state wages war. The Burdick gang wants to see children killed. They want to see the citizens raped and pillaged by the enemies of the state. They support crime and drugs.

One of the questions to help bring an understanding of where this is at is: What will happen when a person who with their constitutional rights in place could have protected their

family or their children but now cannot because of the unconstitutional laws outlined above? I suggest the Burdick gang's real fear is derived from a practical application of Oregon Constitutional Article I, Section 1. Hereunder the aggrieved person knowing the core evil design of the Burdick gang exercises his or her right to defend his or her life and the lives of their loved ones, those remaining alive. In that process the grieving person takes their hidden rifle out of hiding.

Knowing there is no justice in the system, they execute a member or members of those they know are responsible for elimination of Article I, Section 27 rights to keep and bear firearms.

I think there are many more than a person really wants to think about who would vote on the law from the jury box, finding the executioner "Not Guilty!" It is my personal belief this is consistent with Article 27 in that the clear message would be sent from the "people" those people having exercised their right to alter, reform, or abolish the government in such manner as they may think proper.

With this, I turn to SB 347.

Senate Bill 347

Sponsored by Senator BURDICK, Representative TOMEI; Senators DINGFELDER, HASS, ROSENBAUM, STEINER HAYWARD, Representatives DOHERTY, FREDERICK, GALLEGOS, GREENLICK, WILLIAMSON (Presession filed.)

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 as introduced.

Modifies crime applicable to possession of firearm, or instrument used as dangerous weapon, while in or on school grounds. Requires entity controlling school grounds to adopt written policy before concealed handgun licensees may assert affirmative defense to crime.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to weapons on school grounds; creating new provisions; amending ORS 166.173, 166.262, 166.360, 166.370, 166.380 and 419A.004; and declaring an emergency.

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

SECTION 1. ORS 166.370 is amended to read:
166.370. (1) { + (a) + } { - Any - } { + A + } person who intentionally possesses a { - loaded or unloaded - } firearm or any other instrument used as a dangerous weapon, while in or on a public building, { - shall upon conviction be guilty of - } { + commits + } a Class C felony.

The right to carry concealed has been removed (below) from otherwise lawful citizens, this subsection of the statute works to deprive me from exercising my federal and Oregon constitutional right to keep and bear firearms which is also in violation of Heller and McDonald as already laid out herein above.

{ + (b) A person who intentionally possesses a firearm or any other instrument used as a dangerous weapon, while in or on school grounds, commits a Class C felony. + }

The right to carry concealed has been removed (below) from otherwise lawful citizens, this subsection of the statute works to deprive me from exercising my federal and Oregon constitutional right to keep and bear firearms which is also in violation of Heller and McDonald as already laid out herein above.

(2) (a) Except as otherwise provided in paragraph (b) of this subsection, a person who intentionally possesses:

(A) A firearm in a court facility { - is guilty, upon conviction, of - } { + commits + } a Class C felony. A person who intentionally possesses a firearm in a court facility shall surrender the firearm to a law enforcement officer.

The right to carry concealed has been removed (below) from otherwise lawful citizens, this subsection of the statute works to deprive me from exercising my federal and Oregon constitutional right to keep and bear firearms which is also in violation of Heller and McDonald as already laid out herein above.

(B) A weapon, other than a firearm, in a court facility may be required to surrender the weapon to a law enforcement officer or to immediately remove it from the court facility. A person who fails to comply with this subparagraph { - is guilty, upon conviction, of - } { + commits + } a Class C felony.

(b) The presiding judge of a judicial district may enter an order permitting the possession of specified weapons in a court facility.

(3) Subsection (1) of this section does not apply to:

(a) A sheriff, police officer, other duly appointed peace officers or a corrections officer while acting within the scope of employment.

(b) A person summoned by a peace officer to assist in making an arrest or preserving the peace, while the summoned person is engaged in assisting the officer.

(c) An active or reserve member of the military forces of this state or the United States, when engaged in the performance of duty.

{ - (d) A person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun. - }

The right to carry concealed has been removed from otherwise lawful citizens, this subsection of the statute works to deprive me from exercising my federal and Oregon constitutional right to keep and bear firearms which is also in violation of Heller and McDonald as already laid out herein above.

{ - (e) - } { + (d) + } A person who is authorized by the { - officer or agency - } { + person or entity + } that controls the public building { + or the school grounds + } to possess a firearm or dangerous weapon in { - that - } { + or

on the + }public building { + or in or on the school grounds + }.

In substance this piece of work places in an ad hoc basis the right and power to pick and choose who of their favored sons and daughters may carry firearms onto the campus where everyone other than those excepted above are otherwise denied their constitutional rights as so numerous listed above. There are so many other things wrong with this. The Burdick gang should have run this by legislative counsel before submission. At least they are consistent in making sure there is no defense possible for our kids. They so obviously want to see them murdered.

{ - (f) - } { + (e) + } An employee of the United States Department of Agriculture, acting within the scope of employment, who possesses a firearm in the course of the lawful taking of wildlife.

{ - (g) - } { + (f) + } Possession of a firearm on school property if the firearm:

- (A) Is possessed by a person who is not otherwise prohibited from possessing the firearm; and
- (B) Is unloaded and locked in a motor vehicle.

Yet again this subsection wrongfully works as a limitation on fundamental constitutional principles already outlined.

{ + (4) (a) Subsection (1) (a) of this section does not apply to a person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun.

(b) Subsection (1) (b) of this section does not apply to a person who is licensed under ORS 166.291 and 166.292 to carry a concealed handgun, if the school district or other entity that controls the school grounds adopts a written policy authorizing persons licensed under ORS 166.291 and 166.292 to possess a firearm in or on the school grounds under the control of the district or other entity. + }

This leaves to school districts on an ad hoc basis the authority to make the equivalent of statutory law. It is possible this would lead to literally hundreds of statutes varying from district to district in the actual language of the newly created statute AND the other school policies supporting the newly created statutes. Notwithstanding judicial legislation of the past, *Benzinger*, *Moonan*, and *DIKA* cases to the contrary, this subsection also violates the fundamental constitutional principal outlined in Article III, Section 1 of the Oregon Constitution wherein it states with clarity and unequivocally, "The powers of the Government shall be divided into three separate [sic] departments, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided." Having read the Oregon Constitution I found no place in it wherein the Constitution has expressly provided for State of Oregon Administrative agencies to make laws having the force and impact of statutes of general application for these purposes. What we have here is an open view of one of the vilest forms of the mingling of Oregon's Executive, Judicial, and Legislative branches of Oregon's government.

{ - (4) - } { + (5) + } The { - exceptions listed in subsection (3) (b) to (g) - } { + defenses described in subsections (3) (b) to (f) and (4) + } of this section

{ - constitute - } { + are + } affirmative defenses { - to a charge of violating subsection (1) of this section - } .

{ - (5) (a) - } { + (6) (a) + } { - Any - } { + A + } person who knowingly, or with reckless disregard for the safety of another, discharges or attempts to discharge a firearm at a place that the person knows is a school { - shall upon conviction be guilty of - } { + commits + } a Class C felony.

There is an absolute right, a fundamental right, an unalienable right to protect myself, others in my presence, my liberty, and the state. This statute as offered denies that right and in doing so is unconstitutional whether as a federal right, state right, or judicially explained right. See Heller and McDonald above.

(b) Paragraph (a) of this subsection does not apply to the discharge of a firearm:

(A) As part of a program approved by a school in the school by an individual who is participating in the program;

This leaves to school districts on an ad hoc basis the authority to make the equivalent of statutory law and provides no constitutional protections under authority of both the federal and state of Oregon constitutions outlined above. It is possible this ad hoc approach would lead to literally hundreds of statutes and/or policies varying from district to district in the actual language of the newly created statute AND the other school policies supporting the newly created statutes. Notwithstanding judicial legislation of the past, *Benzinger*, *Moonan*, and *DIKA* cases to the contrary, this subsection also violates the fundamental constitutional principal outlined in Article III, Section 1 of the Oregon Constitution wherein it states with clarity and unequivocally, "The powers of the Government shall be divided into three separate [sic] departments, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided." Having read the Oregon Constitution I found no place in it wherein the Constitution has expressly provided for State of Oregon Administrative agencies to make laws having the force and impact of statutes of general application for these purposes. What we have here is an open view of one of the vilest forms of the mingling of Oregon's Executive, Judicial, and Legislative branches of Oregon's government.

(B) By a law enforcement officer acting in the officer's official capacity; or

(C) By an employee of the United States Department of Agriculture, acting within the scope of employment, in the course of the lawful taking of wildlife.

{ - (6) - } { + (7) + } { - Any - } { + A + } weapon carried in violation of this section is subject to the forfeiture provisions of ORS 166.279.

Direct deprivation of the ability to carry out my right to protect myself, my family, my liberty, and my state, especially where the constitutional protections have already been unlawfully over ridden by the language of the statute as outlined.

{ - (7) - } { + (8) + } Notwithstanding the fact that a person's conduct in a single criminal episode constitutes a violation of both subsections { - (1) and (5) - } { + (1) (b) and (6) + } of this section, the district attorney may charge the person with only one of the offenses.

Neither 1b nor 6 are constitutional. It follows the DA has no authority to designate either for the purposes of prosecution.

{ - (8) - } { + (9) + } As used in this section, 'dangerous weapon' means a dangerous weapon as that term is defined in ORS 161.015. { + + }

SECTION 2. ORS 166.360 is amended to read:

166.360. As used in ORS 166.360 to 166.380, unless the context requires otherwise:

(1) 'Capitol building' means the Capitol, the State Office Building, the State Library Building, the Labor and Industries Building, the State Transportation Building, the Agriculture Building or the Public Service Building and includes any new buildings which may be constructed on the same grounds as an addition to the group of buildings listed in this subsection.

(2) 'Court facility' means a courthouse or that portion of any other building occupied by a circuit court, the Court of Appeals, the Supreme Court or the Oregon Tax Court or occupied by personnel related to the operations of those courts, or in which activities related to the operations of those courts take place.

{ - (3) 'Loaded firearm' means: - }

{ - (a) A breech-loading firearm in which there is an unexpended cartridge or shell in or attached to the firearm including but not limited to, in a chamber, magazine or clip which is attached to the firearm. - }

{ - (b) A muzzle-loading firearm which is capped or primed and has a powder charge and ball, shot or projectile in the barrel or cylinder. - }

{ - (4) - } { + (3) + } 'Public building' means a hospital, a capitol building, { - a public or private school, as defined in ORS 339.315, - } a college or university, a city hall or the residence of any state official elected by the state at large, and the grounds adjacent to each such building. The term also includes that portion of any other building occupied by an agency of the state or a municipal corporation, as defined in ORS 297.405, other than a court facility { + or a building on school grounds + }.

{ + (4) 'School grounds' means a school as defined in ORS 339.315. + }

(5) 'Weapon' means:

(a) A firearm;

(b) Any dirk, dagger, ice pick, slingshot, metal knuckles or any similar instrument or a knife other than an ordinary pocket knife, the use of which could inflict injury upon a person or property;

(c) Mace, tear gas, pepper mace or any similar deleterious agent as defined in ORS 163.211;

(d) An electrical stun gun or any similar instrument;

(e) A tear gas weapon as defined in ORS 163.211;

(f) A club, bat, baton, billy club, bludgeon, knobkerrie, nunchaku, nightstick, truncheon or any similar instrument, the use of which could inflict injury upon a person or property; or

(g) A dangerous or deadly weapon as those terms are defined in ORS 161.015.

SECTION 3. ORS 166.380 is amended to read:

166.380. { - (1) A peace officer may examine a firearm possessed by anyone on the person while in or on a public building to determine whether the firearm is a loaded firearm. - }

{ - (2) Refusal by a person to allow the examination

authorized by subsection (1) of this section constitutes reason to believe that the person has committed a crime and the peace officer may make an arrest pursuant to ORS 133.310. - } { + For purposes of ORS 166.370 (4)(b), a school district or other entity that controls school grounds may adopt a written policy that authorizes persons licensed under ORS 166.291 and 166.292 to possess a firearm in or on the school grounds under the control of the district or other entity. + }

This leaves to school districts on an ad hoc basis the authority to make the equivalent of statutory law and provides no constitutional protections under authority of both the federal and state of Oregon constitutions outlined above. It is possible and probable this ad hoc approach will lead to literally hundreds of statutes and/or policies varying from district to district in the actual language of the newly created statute AND the other school policies supporting the newly created statutes. Notwithstanding judicial legislation of the past, *Benzinger*, *Moonan*, and *DIKA* cases to the contrary, this subsection also violates the fundamental constitutional principal outlined in Article III, Section 1 of the Oregon Constitution wherein it states with clarity and unequivocally, "The powers of the Government shall be divided into three separate [sic] departments, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided." Having read the Oregon Constitution I found no place in it wherein the Constitution has expressly provided for State of Oregon Executive Branch Administrative Agencies to make laws having the force and impact of statutes of general application for these purposes. What we have here is an open view into one of the vilest forms of the mingling of Oregon's Executive, Judicial, and Legislative branches of Oregon's government.

SECTION 4. ORS 166.173 is amended to read:
166.173. (1) A city or county may adopt ordinances to regulate, restrict or prohibit the possession of loaded firearms in public places as defined in ORS 161.015.

This leaves to cities and counties on an ad hoc basis the authority to make the equivalent of statutory law and provides no constitutional protections under authority of both the federal and state of Oregon constitutions outlined above. It is possible this ad hoc approach would lead to literally hundreds of statutes and/or policies varying from jurisdiction to jurisdiction in the actual language of the newly created statute AND the other city and county supporting the newly created statutes. It would create a nightmare of law impossible for a person who otherwise wants to be lawful to navigate. Notwithstanding judicial legislation of the past, *Benzinger*, *Moonan*, and *DIKA* cases to the contrary, this subsection also violates the fundamental constitutional principal outlined in Article III, Section 1 of the Oregon Constitution wherein it states with clarity and unequivocally, "The powers of the Government shall be divided into three separate [sic] departments, the Legislative, the Executive, including the administrative, and the Judicial; and no person charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided." Having read the Oregon Constitution I found no place in it wherein the Constitution has expressly provided for State of Oregon Administrative agencies to make laws having the force and impact of statutes of general application for these purposes. What we again have here is an open view of one of the vilest forms of the mingling of Oregon's Executive, Judicial, and Legislative branches of Oregon's government.

(2) Ordinances adopted under subsection (1) of this section do not apply to or affect:

(a) A law enforcement officer in the performance of official duty.

(b) A member of the military in the performance of official duty.

(c) A person licensed to carry a concealed handgun.

(d) A person authorized to possess a { - loaded - } firearm while in or on a public building { + , in or on school grounds + } or { + in a + } court facility under ORS 166.370.

(e) An employee of the United States Department of Agriculture, acting within the scope of employment, who possesses a loaded firearm in the course of the lawful taking of wildlife.

SECTION 5. ORS 166.262 is amended to read:

166.262. A peace officer may not arrest or charge a person for violating ORS 166.250 (1)(a) or (b) or 166.370 (1) { + (a) + } if the person has in the person's immediate possession a valid license to carry a firearm as provided in ORS 166.291 and 166.292.

With the exceptions outlined above, this section is also unconstitutional.

SECTION 6. ORS 419A.004, as amended by section 30, chapter 97, Oregon Laws 2012, is amended to read:

419A.004. As used in this chapter and ORS chapters 419B and 419C, unless the context requires otherwise:

(1) 'CASA Volunteer Program' means a program that is approved or sanctioned by a juvenile court, has received accreditation from the National CASA Association and has entered into a contract with the Oregon Volunteers Commission for Voluntary Action and Service under section 4, chapter 97, Oregon Laws 2012, to recruit, train and supervise volunteers to serve as court appointed special advocates.

(2) 'Child care center' means a residential facility for wards or youth offenders that is licensed under the provisions of ORS 418.240.

(3) 'Community service' has the meaning given that term in ORS 137.126.

(4) 'Conflict of interest' means a person appointed to a local citizen review board who has a personal or pecuniary interest in a case being reviewed by that board.

(5) 'Counselor' means a juvenile department counselor or a county juvenile probation officer.

(6) 'Court' means the juvenile court.

(7) 'Court appointed special advocate' means a person in a CASA Volunteer Program who is appointed by the court to act as a court appointed special advocate pursuant to section 2, chapter 97, Oregon Laws 2012.

(8) 'Court facility' has the meaning given that term in ORS 166.360.

(9) 'Department' means the Department of Human Services.

(10) 'Detention' or 'detention facility' means a facility established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063 for the detention of children, wards, youths or youth offenders pursuant to a judicial commitment or order.

(11) 'Director' means the director of a juvenile department established under ORS 419A.010 to 419A.020 and 419A.050 to 419A.063.

(12) 'Guardian' means guardian of the person and not guardian of the estate.

(13) 'Indian child' means any unmarried person less than 18 years of age who is:

(a) A member of an Indian tribe; or

(b) Eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe.

(14) 'Juvenile court' means the court having jurisdiction of juvenile matters in the several counties of this state.

(15) 'Local citizen review board' means the board specified by ORS 419A.090 and 419A.092.

(16) 'Parent' means the biological or adoptive mother and the legal father of the child, ward, youth or youth offender. As used in this subsection, 'legal father' means:

(a) A man who has adopted the child, ward, youth or youth offender or whose paternity has been established or declared under ORS 109.070 or 416.400 to 416.465 or by a juvenile court; and

(b) In cases in which the Indian Child Welfare Act applies, a man who is a father under applicable tribal law.

(17) 'Permanent foster care' means an out-of-home placement in which there is a long-term contractual foster care agreement between the foster parents and the department that is approved by the juvenile court and in which the foster parents commit to raise a ward in substitute care or youth offender until the age of majority.

(18) 'Planned permanent living arrangement' means an out-of-home placement other than by adoption, placement with a relative or placement with a legal guardian that is consistent with the case plan and in the best interests of the ward.

(19) 'Public building' { - has the meaning given that term in ORS 166.360. - } { + means:

(a) A public building as defined in ORS 166.360; or

(b) School grounds as defined in ORS 166.360. + }

(20) 'Reasonable time' means a period of time that is reasonable given a child or ward's emotional and developmental needs and ability to form and maintain lasting attachments.

(21) 'Records' means any information in written form, pictures, photographs, charts, graphs, recordings or documents pertaining to a case.

(22) 'Resides' or 'residence,' when used in reference to the residence of a child, ward, youth or youth offender, means the place where the child, ward, youth or youth offender is actually living or the jurisdiction in which wardship or jurisdiction has been established.

(23) 'Restitution' has the meaning given that term in ORS 137.103.

(24) 'Serious physical injury' means:

(a) A serious physical injury as defined in ORS 161.015; or

(b) A physical injury that:

(A) Has a permanent or protracted significant effect on a child's daily activities;

(B) Results in substantial and recurring pain; or

(C) In the case of a child under 10 years of age, is a broken bone.

(25) 'Shelter care' means a home or other facility suitable for the safekeeping of a child, ward, youth or youth offender who is taken into temporary custody pending investigation and disposition.

(26) 'Short-term detention facility' means a facility established under ORS 419A.050 (3) for holding children, youths and youth offenders pending further placement.

(27) 'Sibling' means one of two or more children or wards related:

(a) By blood or adoption through a common legal parent; or

(b) Through the marriage of the children's or wards' legal or biological parents.

(28) 'Substitute care' means an out-of-home placement directly supervised by the department or other agency, including placement in a foster family home, group home or other child caring institution or facility. 'Substitute care' does not include care in:

(a) A detention facility, forestry camp or youth correction facility;

(b) A family home that the court has approved as a ward's permanent placement, when a private child caring agency has been appointed guardian of the ward and when the ward's care is entirely privately financed; or

(c) In-home placement subject to conditions or limitations.

(29) 'Surrogate' means a person appointed by the court to protect the right of the child, ward, youth or youth offender to receive procedural safeguards with respect to the provision of free appropriate public education.

(30) 'Tribal court' means a court with jurisdiction over child custody proceedings and that is either a Court of Indian Offenses, a court established and operated under the code of custom of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings.

(31) 'Victim' means any person determined by the district attorney, the juvenile department or the court to have suffered direct financial, psychological or physical harm as a result of the act that has brought the youth or youth offender before the juvenile court. When the victim is a minor, 'victim' includes the legal guardian of the minor. The youth or youth offender may not be considered the victim. When the victim of the crime cannot be determined, the people of Oregon, as represented by the district attorney, are considered the victims.

(32) 'Violent felony' means any offense that, if committed by an adult, would constitute a felony and:

(a) Involves actual or threatened serious physical injury to a victim; or

(b) Is a sexual offense. As used in this paragraph, 'sexual offense' has the meaning given the term 'sex crime' in ORS 181.594.

(33) 'Ward' means a person within the jurisdiction of the juvenile court under ORS 419B.100.

(34) 'Young person' means a person who has been found responsible except for insanity under ORS 419C.411 and placed under the jurisdiction of the Psychiatric Security Review Board.

(35) 'Youth' means a person under 18 years of age who is alleged to have committed an act that is a violation, or, if done by an adult would constitute a violation, of a law or ordinance of the United States or a state, county or city.

(36) 'Youth care center' has the meaning given that term in ORS 420.855.

(37) 'Youth offender' means a person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005 for an act committed when the person was under 18 years of age.

SECTION 7. { + The amendments to ORS 166.262 and 166.370 by sections 1 and 5 of this 2013 Act apply to conduct occurring on or after the effective date of this 2013 Act. + }Exceptions noted above.

SECTION 8. { + This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage. + }

Nothing in this act shows it is necessary for the immediate preservation of the public peace, health and/or safety. There are no facts showing an emergency exists. In fact, real facts show just the opposite. It has not been and it is not those who have engaged a currently lawful process for carrying concealed handguns and firearms who are the demonstrated problem. In actual fact, just the opposite has been demonstrated.

The real problem is a Legislature that has refused to engage fiscal responsibility necessary for protection of Oregon citizens. I have talked to my sheriff, Tom Turner, here in Lane County and with others sheriffs throughout the state. They all tell me the same type of thing. They hope more and more people get their concealed licenses and start carrying firearms concealed. They admit they can no longer protect their jurisdictions and it is up to the people to protect themselves.

The issues surrounding SB 347 and HB 3200 and the other laws being presented can be reduced to the gang of Burdick. Like those who wage war on Oregonians, these legislators proactively engage in that war, but do so in support of the enemies of the State. Part of their hidden purpose and agenda is they want to make sure they do not become the actual targets of otherwise lawful citizens while they embrace the very essence of evil. To do that they must take firearms out of the hands of those who at this time are the lawful citizens of the state of Oregon.

In the balance is an outlaw group of legislators who support the enemies of Oregon as this state wages war on crime and illegal drugs. The Burdick gang wants to see children killed. They want to see the citizens raped and pillaged by the enemies of the state. They support crime and drugs and the criminals who engage in their evil acts.

To those who would say this is ridiculous we simply turn to ancient scriptures wherein even if not believers, we can learn self-evident truths. I choose to use writings other than the Holy Bible to focus outside of accepted mainstream Christianity so that these quotes will be less offensive to non-believers:

“We are justified by our works and not our words” (Clement of Rome, 1:13). In this matter we see the attempted works of Burdick and gang.

“The tree is made manifest by its fruit. So those who profess themselves to be Christians will be recognized by their conduct” (Ignatius, 1:55). The first sentence is enough for these purposes. Again, we know Burdick and her ilk for what she is through her actions.

“This, then, is our reward if we will confess Him by whom we have been saved. But in what way will we confess Him? We confess Him by doing what He says, not transgressing His commandments. . . . For that reason, brethren, let us confess Him by our works, by loving one another” (Second Clement, 7:518). With this we turn to the oath of office Burdick and gang took. By her works we know without a doubt she does NOT support the federal or state of Oregon constitutions. It follows her words are hollow, with no substance. She is a demonstrated liar as are those legislators who would embrace this political whore.

“Let those who are not found living as He taught, be understood not to be Christians, even though they profess with the lips the teachings of Christ. For it is not those who make profession, but those who do the works, who will be saved” (Justin Martyr, 1:168). Reworded we might say those who do not follow the constitution (after having sworn to do so) are not friends of the state, that they are in fact enemies of the state.

“The matters of our religion lie in works, not in words” (Justin Martyr, 1:288). Of course this concept would be restated, "The matters of our politics lay in our works, not our words." For a public official who has taken an oath of office and failed is one thing, but one who has taken an oath of office only to work against the very fabric of that creations, is something else. That is what this document is all about, those who have at their core and in their secret combinations created whoredoms and prostituted themselves to the enemies of the state of Oregon by violation of their oath of office.

On a more personal level is to ask one of the questions helping bring an understanding of where these concepts lead us: What will happen when a person who with their constitutional rights in place could have protected their family or their children but now cannot because of the unconstitutional laws outlined above?

I suggest the Burdick gang's real fear is derived from a practical application of Oregon Constitutional Article I, Section 1. Hereunder the aggrieved person knowing the core evil design of the Burdick gang chooses to exercise his or her right to defend his or her life and the lives of their loved ones, those remaining alive. They choose to defend their liberty much the same as *John Bad Elk*. In that process the grieving person takes their hidden rifle out of hiding.

Knowing there is no justice in the system, they execute a member or members of those they know are responsible for elimination of Article I, Section 27 rights to keep and bear firearms, to deny them the ability to protect their families.

I think there are many more than a political person really wants to think about who would vote on the law from the jury box, finding the executioner "Not Guilty!" It is my personal belief this is consistent with Article XXVII of the Oregon Constitution in that the clear message would be sent from the "people," those people having exercised their right to alter, reform, or abolish the government in such manner as they may think proper through the process of ruling on the law for freedom.

Having pondered SB 347 and HB 3200 I find myself baffled. I respond to SB 699, 700, 758, 796 and HB 3114 respectively.

Senate Bill 699

Sponsored by COMMITTEE ON JUDICIARY -- SUMMARY

Modifies laws prohibiting possession of firearms in public buildings. Eliminates exemption for person with concealed handgun license if person possesses firearm in Capitol without written permission from Legislative Administrator.

Declares emergency, effective on passage.

All comments above discussing constitutionality at the federal and state of Oregon level are adopted here as if set forth fully. There is no meaningful reason for SB 699 except for the fear of the sponsors of retaliation for their unconstitutional acts. They know they have to first

change the Oregon constitution before they can take this step. Whether D or R, they individually engage in providing aid and comfort to the avowed enemies of the state of Oregon and attempting this process commit treason.

For whatever their individual reasons they work on creating even more security for these enemies of the state by providing a safe haven among the innocents, the children of the state, by creating locations safe places for the enemies to commit their atrocities.

I have no way of knowing the secret combinations of support for these legislators or where or how they are being funded for these unconstitutional acts in violation of my inalienable fundamental right, but I wish I did have such a means of funding. It has long been said, "follow the money."

It is inconceivable a rational person could possibly believe these types of restrictions will 1) reduce crime, 2) will motivate criminal elements to do less crime, 3) this will reduce the number of firearms in the hands of criminals, 4) or protect public officials in the lawful conduct of the affairs of the public. It follows these legislators are either irrational, or are acting in conspiracy against us so they can have their dastardly way without fear of retribution.

I found the following post on my FB page and found it interesting in reducing it to a general comment at the local level. The conversationalists all served in the military, are near my age. They include the legals, judges and attorneys, law enforcement, and others. All are retired. They are talking about what is happening at the national level but in projecting, this could and would be the local level as well. Some may consider it instructive:

FIRST WRITER: "If you read the summary of Sen. Diane Feinstein's proposed assault weapons ban (read it here on her Senate page) it's very clear that — despite having no idea what an assault weapon actually is, or how it differs from a semi-automatic hunting rifle (hint: it doesn't) — Feinstein's ultimate motive is no different than it was back in 1995 when she told for the complete ban and confiscation of ALL weapons from American citizens:

Dianne Feinstein: "If I could have gotten 51 votes in the Senate of the United States, for an outright ban, picking up [every gun]... Mr. and Mrs. America, turn 'em all in."

I was discussing this Feinstein's newest assault on our second amendment rights last night with some neighbors — men who have spent more hours hunting and shooting guns than most people spend watching television. Then I brought up this 1995 video. Our conversation naturally turned to "what if..." scenarios and how they would unfold.

A rifle behind very blade of grass. And blending into every tree.

As in, "What if...the government banned all semi-automatic weapons and ordered them be turned in or confiscated from US citizens who would not do so voluntarily?"

We all quickly agreed a violent revolution and rebellion would occur almost immediately. Most, if not all, members of Congress who voted for the ban/confiscation would be assassinated. In fact, what Bob Owens describes in this post "What You'll See At the Revolution" is exactly what we described would happen.

Tens of millions of Americans will refuse to comply with an order that is clearly a violation of the explicit intent of the Second Amendment. Among the most ardent opposing these measures will be military veterans, active duty servicemen, and local law enforcement officers. Many of these individuals will refuse to carry out what they view as Constitutionally illegal orders. Perhaps 40-50 million citizens will view such a law as treason. Perhaps ten percent of those, 4-5 million, would support a rebellion in some way, and maybe 40,000-100,000 Americans will form small independently-functioning active resistance cells, or become lone-wolves.

Testimony before the Senate Judiciary Committee on SBs 347, 699, 700, 758, 796, and HBs 3114, 3200 by Don W. Leach, 84058 N. Pacific Highway, Creswell, Oregon 97426; 541.579.3500; donwleach@gmail.com pg. 44

They will be leaderless, stateless, difficult to track, and considering the number of military veterans that would likely be among their number, extremely skilled at sabotage, assassination, and ambush.

After a number of carefully-planned, highly-publicized, and successful raids by the government, one or more will invariably end "badly." Whether innocents are gunned down, a city block is burned to ash, or especially fierce resistance leads to a disastrously failed raid doesn't particularly matter. What matters is that when illusion of the government's invincibility and infallibility is broken, the hunters will become the hunted.

Which very closely follows the thoughts described in this oft-linked and -discussed post: "What I Saw At The Coup".

And the very first prey that would find themselves in the scopes of the rebels would be the members of Congress who passed this ban and the members of the media who have been their willing mouthpieces and agents of propaganda. ""

WRITER V: I agree with what you say, and don't see any alternative to resistance.

WRITER V: But, one outcome of resistance on a large scale will be Hussein declaring martial law. This will likely lead to full scale civil war with some percentage of the military following orders and some refusing to. Those percentages will determine the outcome. I like to think a majority of the US Military will refuse to fire on civilians who are standing up for their constitutional rights. I hope I am right.

WRITER R: Insightful rant which I wish I could share on my timeline identifying authorship, but no "share" option shows. So, I require your permission, else I'll not compromise you or your thoughts sans your permission.

WRITER M: From a logistics stand point look at the red states or population locations vs the blue states. The blue states can't flank us. What do the blue states have that we need? Reminds me of the movie wolverines. There is no doubt in my mind that the Military would never follow a Presidential order to fire on Americans that despise their President. The real fight would be within the Military. Generals don't pull triggers. Our President knows the Military doesn't like him. I think the dumbest of dumb, the press/media will start blinking long before this would take place. What we really need is for the Republicans to unite and join the ranks of the tea party, Rand Paul etc. The empty suit in Washington doesn't realize how out of touch with American values he is because the press hasn't panicked yet, and they will. They can't kill us with Obama Phones!

WRITER C: That is funny. Come after my guns. This will start what they really won't understand. And we have home field.

WRITER R: M, I concur. I expect most of the military would recognize that firing on American citizens standing up for their Constitutional rights would be illegal and potentially render them liable for war crimes. I also suspect that most distrust the SOB in chief as much as we do.

WRITER M: R, I gave most of my guns away years ago. Down to 12ga Remington mod 1100, 20ga pump, 357 S&W. I like the Idea of #4 shot in the house. I don't want to shoot through the wall. I keep the 357 in the truck. Thinking about a .45 next to the bed. Within reason, what do you recommend?

WRITER S: Remember Kent State? I do, and although I didn't agree with the student protest. They didn't have to be killed. They were shot by dumb young guys in the military, we still have dumb young guys in the military!

WRITER R: M, I like both the Colts and the Kimbers both use the 1911 type frame that we are both familiar with. S&W also makes a good pistol.

WRITER B: I love my S&W .357 w/6 in. barrel and speed-loaders. Practice, practice, practice. Remember to use empty shell casings for the first change of ammo. You won't be dumping 6 live rounds to put 6 live rounds back if you're in the field/fire situation.

WRITER T: S...Those idiots didn't have to be out there. Still dumb guys in the military? Yes More on the outside.

WRITER C: T, I was who they were protesting against, or at least all my brothers in Vietnam, I was home by then. I was just saying that there are young dumb boys in the military that will follow blindly orders from their officers without thinking about what they're really doing, and just want to shoot someone. I was one of them at one time,

because I didn't know better. Why do you think it's young men they want in the military, it's because they're malleable to suggestion. So, if the shit hits the fan, I will be shooting back, American GI's or whoever. Let's just hope that doesn't happen...

WRITER D: Something to think about is the fact that if an order was given to the military members to "enforce" this law or that law, in the homeland, WE (the ones on the outside of the Military/Law enforcement.) will be the domestic enemies stated in the "all enemies, foreign and domestic" in the oath they took. It will be explained that way to the young military members. Dumb or not, most will comply. There is even room for a long discussion about the anger that will swell up against American Citizens by the young military, as citizens "Fight" against the military and their brothers get hurt. This is serious stuff and not to be taken lightly. This is why is so important to stop this anti-gun movement in the Congress BEFORE it becomes law. CALL and email your Reps/Senators NOW, today, tomorrow and tell them NO!

WRITER S: Well, I sure hope it doesn't come to that, I never want to be what is called a "domestic enemy", and I really don't want to harm my countrymen, but if it does you can call me the Vietcong! I haven't forgotten my training...
. . . By the way, I hope you know we're already on a government list somewhere, they do read Facebook...

WRITER B: Don't forget their computers are set to flag certain words that I won't put here for that reason.

WRITER B: If this all blows up my worry is communication. You know they will take down cell phone towers, scanners are now useless as they went digital, won't be able to trust any news outlet for the truth. Very few landlines still exist. May have to bring back a version of the pony express using stretched out Harleys.

WRITER C: S...I had just gotten out then and was totally against the protest. So I wasn't shocked or sorry. I also remember when we were training for riot duty in DC when King was killed. No ammo was to be issued and we would be going nowhere other than DC. I question if member's of today's military would turn against civilians. If so, it could get nasty. They are vastly outnumbered and I wouldn't ever want it to come to that. To others...Yes, I imagine we as former military or those who have been vocal are on lists. It's a wonder there hasn't been a knock on my door.

WRITER T: What would happen if the moon crashed into the earth? Geesh!

WRITER B: Basically the same here when the teamsters struck in '74 or '75 I was in the guard and they stationed us under interstate bridges with no ammo. We have a totally different military today though. When I was active duty if I was ordered to fire on ANYONE I would have done so. That's how naive I was then. Today of course I know better having studied law and rights and being exLEO. We can hope that we can convince the soldier of today that their commanders are under the influence of a dictator(s) and that when they finish with us they'll turn on them also. Hate thinking about this crap.

WRITER M: As a Red Neck If the Army issued a rifle with no ammo, I wouldn't go. The sole purpose of the Military is to "KILL!" We are not trained to make friends. I would not shoot an American while wearing the uniform. I would have no problem killing a crook trying to steal from me. Stealing means any form of property, and or redistribution of my assets "WEALTH" etc.

WRITER S: Yes, when Kent St. happened, at the time it didn't bother me, but upon later reflection, it was wrong. I too was trained in riot patrol in '67 when stationed in San Fran and would've went if there were riots in San Fran. And my mind set back then was "us" against "them" also. Luckily, there were no riots in my area of California, but I did get to finally shoot someone shortly afterwards when they sent me to Vietnam, now those actions are permanently etched in my mind, never thinking that 40 something years later they'd be as vivid as back then. I don't plan on adding any more memories...

WRITER B: All I can add is this. Yes the majority of the enlisted ranks are those 18-21, maybe. We would have to pray that the senior enlisted and higher ups, would have the balls to stand up and point out the facts about firing on American citizens. And the HELL storm that would follow should they be ordered to. Remember The people who "Give the Order" are never on site and hide behind a freaken desk.

WRITER T: S...A guy I went to high school with got out of the Marine Corps in 1968 or 69 and went to school at Kent State. He was there when it happened and was interviewed on national TV. His reply to the question was that 'they shouldn't have been there.' While I still believe that to be true, it still was a sad time. I went up there in the spring

of 1970, shortly after I got out and couldn't believe the tension that was still in the air. At that time I felt it best to keep my mouth shut.

WRITER H: In answer to the original question, WAR!

Senate Bill 700

Sponsored by COMMITTEE ON JUDICIARY SUMMARY

Requires person to request criminal background check before transferring firearm to any other person outside the transferor's immediate family.

Punishes violation with maximum term of 30 days' imprisonment, \$1,250 fine, or both for first offense, maximum term of one year's imprisonment, \$6,250 fine, or both for second offense, and maximum term of five years' imprisonment, \$125,000 fine, or both for third or subsequent offense.

Declares emergency, effective on passage.

This Senate Bill is a blatant attempt to circumvent the Oregon constitution, Article I, Section 27. It works to become a restriction on my fundamental inalienable right. Such restriction was never contemplated in reservation of my protections in the Bill of Rights. If government wants this kind of restriction, it needs to first change the constitution for permission to make these kind of laws.

SB 700 is much too broad. What about my friends I have known all my life? What about the kids I went to school with that I have known all my life? What about the members of my church I have known all my life? What about law enforcement that does not enforce the laws against theft or a system of enforcement including judges and attorneys who do not do their jobs. Before tacking some piece of crap legislation such as this on the law abiding, why not focus on the criminals. Opps! I forgot, Burdick and gang support them. Why not fund our Sheriffs? Why are you all using this backdoor method to try and deny me and those like me our constitutional right to protect ourselves and help our neighbors to protect themselves?

And what part of this do you think will keep the guns out of the hands of criminals? There are many studies out there that show most of the guns get into the hands of criminals from other criminals we call "criminal arms dealers." Then of course there are the guns we as a government send to Mexico and other places so that they can be used against American citizens and our own law enforcement. Guns that come back into the hands of criminals here in the USA. Does "Fast and Furious" ring any bells of recollection? By that reference I incorporate the public record on this topic at the federal level which has been made a part of the federal congressional record.

Senate Bill 758 Sponsored by Senator DINGFELDER; Senator BURDICK, Rep. DEMBROW

Requires person that owns firearm to obtain and maintain in effect liability insurance policy that covers firearm and complies with provisions specifying coverage and other requirements for liability insurance policy. Excludes peace officers and persons in military service from requirement under specified conditions. Subjects person that fails to obtain and maintain insurance to civil penalty of not more than \$10,000 for each firearm that is not covered as required.

Provides that person may not sell or transfer firearm or ammunition for firearm to another person unless person verifies that other person has liability insurance policy for firearm.

Provides that person that owns firearm is strictly liable for injury caused by discharge of firearm up to limits of liability insurance coverage.

Requires insurer to issue, and person that owns firearm to carry, evidence of liability insurance coverage.

Specifies minimum coverage amounts and other requirements for liability insurance for firearms.

Becomes operative January 1, 2014.

Declares emergency, effective on passage.

Article I, Section 27 of the Oregon Constitution outlines in our Bill of Rights a fundamental inalienable right. This piece of shit flies in the face of responsible legislation. Its sole purpose is to limit firearms, to effectively circumvent our constitutional protections, to end-run my constitutional protections both federally and locally. It clearly attacks the poor who cannot even afford the basics of life, yet would put the burden of financing their constitutional right belonging to me and to them by operation of our natural right to exist as free persons. There can be no doubt this unconstitutional proposition.

It also makes a person a criminal for having firearms to protect themselves. I incorporate all of the discussion above talking about what is and is not an inalienable right under the Bill of Rights as if set forth yet again.

This back-door approach to constitutional change and attack of fundamental rights not only abhorrent, it is one of the most contemptible methods of continuing approach to law abiding citizens so that the real criminals in office do not have to worry about a *John Bad Elk* response to their unlawful actions in attacking our defense of our personal rights and to protecting our liberty.

Senate Bill 796 Sponsored by Senator PROZANSKI

Requires person applying for concealed handgun license to pass firing range test.

(10) For the purposes of subsection (1)(f) of this section, in order to demonstrate competence with a handgun a person must:

(a) Receive a score of at least 70 percent on a firing range test, with a maximum of three attempts, using a National Rifle Association B27 or similar silhouette target and consisting of the following course of fire:

(A) 20 rounds fired from a distance of three yards, with:

(i) Five rounds fired one at a time with two seconds allowed for each shot;

(ii) 10 rounds fired two at a time with three seconds allowed for each two shots; and

(iii) Five rounds fired with 10 seconds allowed for all five shots;

(B) 20 rounds fired from a distance of seven yards, with:

(i) Five rounds fired with 10 seconds allowed for all five shots;

(ii) Five rounds fired with four seconds allowed for the first two shots and six seconds allowed for the remaining three shots;

(iii) Five rounds fired one at a time with three seconds allowed for each shot; and

(iv) Five rounds fired with 15 seconds allowed for all five shots; and

(C) 10 rounds fired from a distance of 15 yards, with:

(i) Five rounds fired with six seconds allowed for the first

two shots and nine seconds allowed for the remaining three shots;
and

(ii) Five shots fired with 15 seconds allowed for all five
shots; and

(b) Provide proof of one of the following:

(A) Completion of any hunter education or hunter safety course
approved by the State Department of Fish and Wildlife or a
similar agency of another state if handgun safety was a component
of the course;

(B) Completion of any National Rifle Association firearms
safety or training course if handgun safety was a component of
the course;

(C) Completion of any firearms safety or training course or
class available to the general public offered by law enforcement,
community college, or private or public institution or
organization or firearms training school utilizing instructors
certified by the National Rifle Association or a law enforcement
agency if handgun safety was a component of the course;

(D) Completion of any law enforcement firearms safety or
training course or class offered for security guards,
investigators, reserve law enforcement officers or any other law
enforcement officers if handgun safety was a component of the
course;

(E) Equivalent experience with a handgun through participation
in organized shooting competition or military service;

(F) That the person is licensed or has been licensed to carry a
firearm in this state, unless the license has been revoked; or

(G) Completion of any firearms training or safety course or
class conducted by a firearms instructor certified by a law
enforcement agency or the National Rifle Association if handgun
safety was a component of the course.

Burdick is worthy of all of the names I have called her in this evidentiary response to the proposed legislation which includes calling her a political whore and prostitute, and inferring I believe she has a direct connection to evil in support of and giving aid to the enemies of the state of Oregon on its war on crime and drugs. With as strongly as I feel about her as the ringleader of secret combinations and being in collusion with evil and these forces, SB 796 is the most offensive. It is inherently offensive to the Oregon Constitution and our Bill of Rights. With that as a given, and my personal belief as a result of this proposed legislation that Senator Prozanski is her political bed partner, this is beyond contemptible in the vilest form.

I spent the better part of a year doing my time in the military training to eventually become a cold war spy. During basic training I was identified based on certain skill sets as an instructor of rifle shooting and safety. None of that appears on my DD214. I had the highest percentage of "hits" in my formal shooting at the end of basic. I did NOT score expert, but rather marksman. My .45 training did not go onto my training list. A lot of other stuff also did not go onto my DD214.

There are others out there in a similar situation. Prozanski would make me and all of them under his legislation pass a competency test. At the core of our collective constitutional rights is a clear statement in the laws cited above that we do NOT have to prove anything to anyone. This right to keep and bear arms is inalienable and belongs to us individually. We do not have to prove anything to our government, or our neighbor to keep and to bear arms. There are other jurisdictions where the peoples of those states may have to do that but not in Oregon. We,
Testimony before the Senate Judiciary Committee on SBs 347, 699, 700, 758, 796, and HBs 3114, 3200 by Don W. Leach, 84058 N. Pacific Highway, Creswell, Oregon 97426; 541.579.3500; donwleach@gmail.com pg. 49

THE PEOPLE, established our rights in our Bill of Rights in such a way as to be free from such burdens. Now Senator Prozanski wants to change our constitution without a vote of the people. Why?

What has he done or in the alternative, what is he going to do that he has to work to see the guns removed from the hands of the people? Who is paying him off? How has he embraced the minions of evil, the criminals that he desires this? Why doesn't he want to follow the organic law?

When we look at the proposal, how did the Senator of Evil come up with the numbers he proposes? 20 rounds from a distance of 3 yards?

Perhaps because 3 yards is the NRA standard for "contact" shooting? The answer is NO! We taught the NRA standard to approximately 6,000 people last year. "Contact" distance is 21'. That is 7 yards! If the bad guy intends to get you, how long will it take him to cover 3 yards? The answer is substantially less than 1 second. What kind of joke are the proposed standards? What are their purpose? Why is this applied only to people with concealed handgun licensing requests? Why isn't it applied to anyone who would carry a firearm of any type in self-defense or the defense of a third party in their presence?

Senator Evil Polanski would have us all believe his arbitrary and capricious standard has some sort of real world meaningful impact or demonstration for our protection that is significant. But to even declare so flies in the face of reason and/or logic. So I again turn to the question, why?

Part of the irony built into this ridiculous position leads to the question: How can Polanski ever know when we will need more than 1 or 3 or 16 or some other magic number of bullets in our magazines - unless he as a secret pact with the criminal element and guarantees from them that they will not make a situation require this type of defensive fire power?

Another part of the irony built into this ridiculous position leads to the question: How can Polanski ever know when we will need more than 1 or 3 or 16 or some other magic number of bullets in our magazines - unless he as a secret pact with the criminal tyrannical element of government and has guarantees from them that they will not make a situation require this type of defensive fire power?

The real answer is that Polanski is in league with Burdick. That can be the only answer. It follows that it is his desire to see our children killed, my grandchildren! It is his desire to see the evils of those who engage in war against Oregon citizens be allowed to run amok without meaningful resistance. He is one of an army of legislators who has seen to it funding problems for enforcement have NOT been adequately addressed and he is not going to. But for Article I, Section 27, we would have no protections and he works to see to it that protective clause is gutted.

To that end Polanski is in league with Senator Burdick to bring about our actual demise. In doing so whether unwittingly or with purpose, he with the criminal element and Burdick and her ilk are on a path that will bring us to civil war.

House Bill 3114

Sponsored by COMMITTEE ON HIGHER EDUCATION AND WORKFORCE DEVELOPMENT SUMMARY

Modifies authority of Oregon Health and Science University to establish police departments.

Permits community college districts to establish police departments.

Authorizes public universities, Oregon Health and Science University and community college districts to prohibit possession of firearms on campus, including by persons with concealed handgun licenses. Eliminates exemption for crime of possession of firearm in public building for person with concealed handgun license if university or district has prohibited such possession.

Declares emergency, effective on passage.

Rather than address these one at a time, I look to what they in conjunction with SB 347 and HB 3200 really accomplish. These are an unconstitutional attempt to implement firearms/gun control. They are flagrant in their abuse of Article I, Section 27 of the Oregon Constitution and the federal Constitution 2nd Amendment.

There is no evidence for the need and no rational for the need of this kind of control except to give assurances to the minions of evil in Oregon they are supported by Burdick and her ilk who are so obviously members of the minions of evil. I of course have no way of knowing where her or their pay-off is going to come from but I know her for what she is doing. I spoke out against this very kind of thing during the last legislative session (2012) in SB 1500, 1501, and 1594 (Peter Courtney). I outlined the fundamental constitutional issues outlined here in this brief discussion.

Burdick and gang simply do not want us to be able to hold them accountable, and if things get too bad they do not want us to be able to hold them personally ultimately accountable.

Part of the discussion is to require those who want to exercise their unalienable constitutional fundamental right to keep and bear firearms to have to take a proficiency shooting class. SB796.

Each concealed handgun class I teach I ask how many have experience with revolvers and pistols. Only once in almost 5 years has that number been less than 90% of the class. Yet Burdick and gang would make all take shooting to "prove" they are safe and society is safe. I am trying to understand. What part of "inalienable" and "fundamental" do these persons not understand. Of course the answer is that they understand all of it and want nothing to do with it as they set our children up to be murdered by the crazies they will do nothing about.

I have heard, "well we have to be sure they can handle a gun before we allow them to carry a concealed handgun." They do not have the authority to "allow" us to carry or to keep us from carrying a concealed handgun. I carry a concealed handgun as a matter of right. The only reason I have concealed licenses is to reduce the negatives from having to deal with enforcement. In 40+ years the only place I have been asked whether I have a handgun has been at traffic stops, and then seldom.

I have on numerous occasions in the past given testimony before the Oregon legislative committees. No one has asked me whether I had a handgun. Burdick and gang have said they

need to keep the public safe, while in the same breath they have conspired to keep handguns out of the hands of those who would keep society and the public safe.

Burdick and the supporters of SB 347, 699, 700, 758, 796; and HB 3200, 3114 have entered into a conspiracy deprive each one of us here in Oregon of our fundamental inalienable rights under the Oregon and federal constitutions: See 18 U.S.C. 241 wherein it states,

"If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District 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 on 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 under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death." See <http://www.justice.gov/crt/about/crm/241fin.php>.

I am sure there are those who would argue that they have some form of immunity from prosecution under 18 U.S.C. 241 due to their elected positions. One of the claims might be that they were unaware there is a potential liability, that they did not know. I incorporate my written testimony during the 2012 Oregon Legislative session.

In closing Wayne W. Maynard Sr. who is a student of history and government made some comments a couple of days ago or so worthy of adopting here and projecting on the government of Oregon:

...**Of wisdom and of law.** The American Founders of our nation were not ignorant frontiersmen with brawling habits and empty heads. John Adams, one of the greatest of the Founders, observed that the movement--the "revolution"--began before the war began; it started simmering during the 1760s and 1770s. England had ruled the people of the Colonies for more than a hundred years.

The revolution, he observed, was in the hearts and minds of the people; a change in their religious judgments, principles, opinions and affections was the real revolution. It was a revolution of all; it was led by lawyers, merchants and property owners—people that had a stake in the social and political power afterwards. Many of the essential leaders were well read in history, law, political philosophy and the writings of the modern and classical world.

The wisdom of the Founders came from both scholarly erudition but experience with tyranny and its suppression of individualism and personal liberty. Sir William Blackstone, English Barrister, judge and law professor and his famous, widely circulated Commentaries powerfully influenced

early legal thought and practice in the Colonies and early America.

It was a time when most learned men could master—or at least have a knowledge of—all Western scholarship and fields of endeavor; they were conversant with Polybius, Cicero, Locke, Blackstone, Montesquieu and others, not to mention the Bible and Shakespeare constantly quoted and cited. The Founders could mine a thousand years of history, law, wisdom and experience.

Some people in our country say we live in a democracy. What is a democracy? During the Pennsylvania Ratification Convention in 1787, James Wilson had occasion to define the simple kinds of government known throughout the world; he said, "...is that government in which the people retain the supreme power and exercise it either collectively or by representation. This Constitution declares this principle, in its terms and in its consequences, which is evident from the manner in which it is announced—'we the people of the United States.' "

Some people say we live in a Republic—a country where people elect officials to govern for them. The fact is we live in a democratic republic; it is called an indirect democracy. We, as citizens, do not handle the affairs of government ourselves (as is done in a direct democracy); instead we elect representatives to make our wishes known in government.

The new state and federal government the Founders established enshrined traditional English liberties, some of which dated back to the time of the Magna Carta. The Founders acted to preserve a way of life against new, imperialistic British encroachments on Colonial freedoms.

These Memorandums have not the space to examine the powerful debates of the era leading to our Constitution and method of government; but be aware debate was fierce, intuitive, intellectual and inevitably political. The tenants about human rights and equality written in the Declaration of Independence were not new; for example, much of the substance therein was borrowed from English thinkers like John Locke.

The distinctiveness was it ensconced these values as a cornerstone of a nation's way of life, a basic creed of what may be called Americanism. The next Memorandum will discuss some of the deep-seated issues examined through debate by the Founders, many of which will inspire great admiration and a resolve to never forget our common faith in our system of government and the liberty protected thereby. We'll look closely at where the United States Government gets its limited power to govern.

For now, remember our government in Washington D.C. is called by different names, i.e., the United States Government, the central government, the national government, or the federal government. The states make up a federation (a tightly joined group of states giving certain powers, duties, and responsibilities that can best be carried out in the interest of all the states to a central government).

The central government is comprised of three branches: the Executive Branch; the Legislative Branch and the Judiciary.

The Executive Branch is comprised of the elected President and Vice President, the president's staff, Secretaries of various departments and law enforcement agencies (it is vast). The Legislative Branch (Congress) is comprised of two houses--the Senate (100 members) and the House of Representatives (435 members). The Judiciary is the Supreme Court comprised of nine justices, one of which is a Chief Justice.

Let's do some math. 100 Senators, 436 Legislators, nine Justices and One President and one Vice President equal 546 people within the decision-making, rule making, holders of governmental power that affect the essentials of life and freedom of more than 230 million Americans. Do we fear them ... or do they fear us—their employers—us—the true holders of the purse strings?

By Wayne W. Maynard Sr.

In projecting these concepts on the state of Oregon we end with the same question. Burdick and her conspiracy want to protect themselves while engaged in their efforts to insure we are murdered and subject to the criminals outside of government. They take money out of the hands of our sheriffs and at the same time attempt to take the very guns we need to protect ourselves. And they violated the very populace they have taken an oath to protect.

None of these bills are worth the paper they are printed on. Burdick and gang should be investigated for and ultimately charged with Treason. Unfortunately I write to the fox guarding the hen house asking for equity in reducing the risks to the chickens. And I laugh at me. I am reminded of Forest Gump, "stupid is as stupid does!" But out of love for my country and state I write in hopes of having some positive impact. And now I remind me of Don Quixote.

I am not Don Quixote! I am Don Leach, an Oregon citizen. I didn't swim the river, I was born here. I deserve to be heard and regret I do not have the time nor the health to drive to Salem to testify for 3 minutes.

A handwritten signature in dark ink that reads "Don W. Leach". The signature is written in a cursive, flowing style with a large loop at the beginning and a long horizontal stroke at the end.

Don W. Leach



ⁱ **WRITTEN TESTIMONY
IN OPPOSITION TO SB 1550 AND 1551
FEBRUARY 7, 2012
By Don W. Leach
Before the Judiciary Committee**

Dear Chairperson and members of the Judiciary Committee. My apologies for submission of my testimony without being present but I am unavoidably out of state for the hearings on such short notice in these matters. I will be back in state on or about February 22, 2012. Upon your timely request I can attend meetings after that date.

INTRODUCTION: I am Don Leach, currently of Creswell, Oregon. I am a father of 6 with 21 grandchildren. I was born in Cottage Grove, Oregon, attended grade school (2 rooms, 8 grades) at Lynx Hollow Grade School in the community of Walker located on old Highway 99 between Cottage Grove and Creswell, Oregon; graduated from Cottage Grove High School; attended undergraduate college "around" with about 7 years of credits and no degree. Going back to school at age 39 I attended Willamette College of Law in Salem, Oregon. I completed the experience a full semester ahead of my class. In passing the Bar on my first try I was practicing law without an undergraduate degree before the rest of my class graduated.

I joined the U.S. Army July 11th, 1966. My military experience included 1 year of training and 3 years as a spy. I have a military service connected disability rating of 100%. After my year of training I was attached to the Air Force. Assigned under the umbrella of Military Intelligence through NSA I spent 1 year in Turkey and 2 years in Japan. I returned stateside July 10th, 1970. After 2 years of inactive reserve I received my honorable discharge in 1972. (Vietnam era.)

From those of us generationally at my last class reunion 11 have passed as a direct result of their military service, the most recent about a year ago from the long term terminal impacts of Agent Orange. Not of my class but one of my very best friends, George Paul Leatham, passed about 8 months ago, Agent Orange.

I have a heartfelt feeling and belief my generation and I have paid our price to be allowed to speak and be heard. Further, that price paid for our country gives us the right to talk about the freedoms enumerated in the Federal and Oregon Constitutions we collectively gave our lives for, whether we bled on the soils of a foreign country or as a result of our service watch the deterioration of our brothers as we too wrestle with the impacts of our service.

As I said earlier, I served in Turkey and Japan, yet when I processed out in Southern California in 1970, while in my military uniform I too was taunted and spit on by those who did not favor actions of the US military and our involvement in Vietnam. It is with a critical eye I watched what has happened in our country the last 40 years that brings me to a point where I feel compelled to give this testimony. It is with some of those same feelings I had as a young man walking the corridor of the airport I view the offering by Senator Burdick in SB 1550 and 1551.

TESTIMONY: I looked for a place to start and found it in a Burdick press release of June 7, 2006 where in she states "If we're going to fully protect our citizens, we need to examine every aspect of our criminal justice system and constantly be looking for ways to make improvements."

Many would agree the criminal justice system in Oregon is broken. Some advocates such as Burdick believe that to keep guns out of the hands of otherwise law-abiding citizens is some miracle cure for the problem posed by criminals who use guns, more specifically, handguns.

With this background we can look at the impacts of criminals who engage in various forms of illegal activity with the use of handguns by the impacts of those illegal actions. I doubt Burdick condones murder. She probably does not condone theft. Those two types of crime are fundamentally the same. A murderer wrongfully takes a life in one fell swoop where a thief takes it a small piece at a time. If she stands against those criminal concepts embraced in Oregon law, she would certainly stand with the majority of people in Oregon.

A small part of Oregon's treatment of that class of criminal is to allow self-defense. If the criminal is wrongfully using force that is intended to or would likely deprive another person of their life or cause them serious bodily injury then the "victim" is authorized to use deadly force in response. Further, the use of deadly force authorization for defense of the victim is extended to another when the victim is in the others presence.

This is NOT a blanket license to kill. The person using the deadly force response in defense of self or another in his or her presence must reasonably believe the deadly force response was necessary and may only use it to the point of effectively stopping the criminal from the wrongful imposition of force.

This treatment of victims, the allowance to protect themselves is well preserved in Oregon's laws. With statehood Oregon adopted a social compact for governance of our internal political affairs and as a part of that agreement between the people of the state of Oregon and the political body of the state of Oregon, they enumerated rights reserved to and vested in the citizens of Oregon.

At the core of those lay Article 1, Section 1 of the Oregon Constitution where in it states: "**Natural rights inherent in people.** We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper. —"

The clear responsibility for this legislative governing body is embraced in Section 1 and for which you all have been elected, which is for my and our collective peace, safety, and happiness.

From here take a very small step to Article 1, Section 27. "**Right to bear arms; military subordinate to civil power.** The people 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[.]"

I am one of the people who has the right to bear arms in the defense of myself and pursuant to statutes, to protect others who are wrongfully the victims of unlawful force intended or likely to cause us death or serious bodily injury.

What I find in the proposals of SB 1550 and 1551 are direct attacks on my guaranteed fundamental right to protect myself from criminals who would do me and others in my presence severe bodily harm, even unto death. What part of this proposed legislation protects me, my family, and my friends from the fiends who would hurt us?

As legislators you already are failures in protecting us and now Burdick in violation of my constitutional fundamental rights wants to guarantee I, my family, and my friends will be victims. The worst part of this in the 2 places I most need to be able to protect myself and my family she would take away my ability to do so, leaving me exposed and totally defenseless against the very criminal element she is otherwise supposed to be protecting us from.

What do any of you think would be my and others like me feelings if one of our grandchildren were the victim, killed by a gunman or gun woman because we had been denied the ability to defend them in the place where they are otherwise most vulnerable?

Because of your constitutional mandated duties under the social compact if you all go down this path, then you have a duty in the absence of my ability to protect myself, to protect me. It is an actual duty. It is not enough you collectively by some majority vote deem some political solution as meeting that requirement. You have to make it happen. And folks, you don't have the budget to make that happen. It is that simple.

I have often said that as a product of the 60s in my youth I can complain but I don't have to have a solution. In this case I do have a solution. First you follow the Oregon Constitution in allowing me and other law abiding citizens statutory unfettered right to keep and bear arms in my defense. Second and more effective when combined with the first suggestion, you list a number of crimes that by their very nature are an authorization for an armed citizenry to use deadly force in defense of themselves and third parties in their presence. Of course murder in any of its forms would be at the top of the list. Serious crimes such as rape, sodomy, and other sexual crimes would be on the list.

Testimony before the Senate Judiciary Committee on SBs 347, 699, 700, 758, 796, and HBs 3114, 3200 by Don W. Leach, 84058 N. Pacific Highway, Creswell, Oregon 97426; 541.579.3500; donwleach@gmail.com pg. 56

And those crimes that often are intended to cause death or serious bodily injury such kidnapping, arson, etc. would be on the list.

While you are engaged in this treatment to put a band-aid on your failures in controlling crime you can also truly make my home my castle. You can pass legislation that in substance says people who enter one's home, my home, without permission are without a legal defense against the use of force in response to their entry. As a part of the "reasonable belief" concept for the use of deadly force, you can deem as a matter of law it is "reasonable to believe a person wrongfully entering one's home or place of residence intends to engage in a pattern of conduct which would cause death or serious bodily injury to the resident(s)". Extend this "castle doctrine" (as it is known in other states) to include the curtilage when it is properly posted, with a gate, etc.

It would not take long for this type of legislative treatment of criminals to have an impact on the criminal element (no pun intended), a strong deterrent to their criminal activity.

In closing this section of my testimony and in keeping with a view of how to protect me and the citizens of Oregon against criminal activity we need to examine every aspect of our criminal justice system and constantly be looking for ways to make improvements. Having provided a way, I urge you regardless of party to see through the sham of Burdick's SBs for what they really are. It is my hope you will stand up for the Oregon citizenry and our constitutional rights by standing in opposition to SB 1550 and 1551.

I have 2 other matters for this body at this time as a natural flow from the offering of SB 1550 and 1551:

First: While various dictionaries semantically differ on what "war" is, the general theme is that "war" is a state of armed conflict between different nations or states or different groups within a nation or state. In the national newspaper headlines we often read about "the war on drugs," or "the war on crime." Here in Oregon I think most people would agree that we are at war internally. We are at war against criminals and drugs, much more so than a mere microcosm of the national scene.

I suggest that Senator Burdick through her proposed legislation is an enemy of the state. By attempting to circumvent my and rest of the citizens of the state of Oregon's Constitutional Right as enumerated in Article 1, Sections 1 and 27 she has engaged in levying war against the State. As a natural consequence of her attempted actions she has demonstrated she adheres to our enemies, the drug and other criminal elements giving them aid and comfort by freeing the criminal element from fear of immediate response to their unlawful use of force when the use of such force is likely or intended to cause death or serious bodily injury to the citizenry of Oregon and in fact has done just that. There is a proper way within the system to change the Constitution but she, having been rejected in this arena several times, refused and continues to refuse to use that way. Instead she intends to "end-run" the system and in that process achieve her goal of disarming an otherwise lawful citizenry and dismantling the statutory scheme designed to allow us to protect ourselves and our families.

Second and last: I owe an apology to the men on the Judiciary Committee. I assumed Burdick was male. I assumed "he" has not committed even one day of real and meaningful service in defense of this country and/or this state. Last, I assumed that with the stupidity of the proposed SB 1550 and 1551, defying any meaningful logic, that the elected senator was new to politics.

I have learned Burdick is a female. Senator Ginney Burdick is NOT new to politics and in the particular arena of the current SB 1550 and 1551 she has failed several times. It follows she has engaged in a nefarious scheme and pattern of conduct in support of the criminal element within the state of Oregon. By her open refusal to follow the rules of law in attacking my fundamental rights via fundamental changes in the Constitution of Oregon, repeatedly, and those of my fellow citizen brothers and sisters she has and continues to wage war on us as surely as if she were directly linked to that criminal element. In doing so, she is identified in Article I, Section 24 of the Oregon Constitution: "**Section 24. Treason.** Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid or comfort.—No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open Court.—"

Testimony before the Senate Judiciary Committee on SBs 347, 699, 700, 758, 796, and HBs 3114, 3200 by Don W. Leach, 84058 N. Pacific Highway, Creswell, Oregon 97426; 541.579.3500; donwleach@gmail.com pg. 57

I view her and those who support her much the same as I view the actions of Hanoi Jane. I understand that I am at least a generation away from most of you, but even so, treason is treason. Hanoi Jane was never charged and convicted. Burdick will also probably avoid that, but those of you who have to deal with her should know her for what she is, regardless of your political affiliation. I would and do stand opposed to all who engage in this pattern of activity, regardless of political affiliation. To that end I not only urge you to reject SB 1550 and 1551 but to start the appropriate inquiries into the funding sources where she must be getting paid off for her treasonous activity by the criminal element she is protecting by attacking law abiding persons such as myself.

Most sincerely,

Don W. Leach

ⁱⁱ I was educated in the Oregon public system of schools. I did not have time to edit this document and pre-apologize for errors in spelling, grammar, and layout.



ⁱⁱⁱ My first magazine with my then new Kimber Custom II .45 caliber at 21' in the Barron's Den, Eugene, Oregon. With my background, but without a concealed license, under Prozanski's proposed SB 796 I would have to take an arbitrary and capricious range course that has no meaning to the real world; a burden overlaid on my fundamental right and a statute that would functionally change Oregon's constitution in order to obtain a concealed permit.

^{iv} U.S. Supreme Court

JOHN BAD ELK v. U S, 177 U.S. 529 (1900)

177 U.S. 529

JOHN BAD ELK, Plff. in Err.,

v.

UNITED STATES.

No. 350.

Submitted February 26, 1900.

Decided April 30, 1900.

[177 U.S. 529, 530] Messrs. Thos. B. McMartin and S. B. Van Buskirk for plaintiff in error.

Assistant [Attorney General](#) Boyd for defendant in error.

Mr. Justice Peckham delivered the opinion of the court:

The plaintiff in error was convicted in April, 1899, in the [circuit court](#) of the United States, in South Dakota, of the murder on March 13, 1899, of John Kills Back at the Pine Ridge Indian reservation, in South Dakota, and sentenced to be hanged. The case is brought here on writ of error to the circuit court.

Both the deceased and the plaintiff in error were Indians and policemen, residing on the reservation at the time of the killing.

Upon the trial it appeared that the plaintiff in error, on March 8, 1899, while out of doors, fired a couple of shots from [177 U.S. 529, 531] his gun at or near the place where he resided. Soon after the firing, one Captain Gleason, who stated that he was what is called an 'additional farmer' on the same reservation, having heard the shots, and meeting the plaintiff in error, asked him if he had done that shooting, and he said that he had; that 'he had shot into the air for fun;' to which Gleason responded by saying to him, 'Come around to the office in a little while, and we will talk the matter over.' Thereupon they separated. As he did not come to the office, Gleason, after waiting several days, gave verbal orders to three of the Indian policemen to go and arrest plaintiff in error at his mother's house near by and take him to the agency, some 25 miles distant. No reason for making the arrest was given, nor any charge made against him. The policemen, one of whom was the deceased, went to the house where the plaintiff in error was stopping, and came back and reported to Gleason that he was not there, and they were then ordered to return and wait for him and to arrest him. They returned to the house, but came back again and reported that the plaintiff in error said that he would go with them to the agency in the morning; that it was too late to go with them that night. Gleason then told them to watch him and see that he did not go away, and in the morning to take him to the Pine Ridge agency.

The policemen then again went back to the house where plaintiff in error was staying and met him coming towards his mother's place. He went into the house, and one of their number followed him; found him smoking, and told him that they had come to take him to the agency at Pine Ridge. Plaintiff in error refused to go, and the policeman went outside. Another of them then went into the house, and in a few minutes both he and the plaintiff in error came out, and the latter saddled his horse and went over to the house of a friend, and they followed him. It was getting dark when he came back to his mother's house, still followed by them, and while following the plaintiff in error to his house on this last occasion they were joined by others, so that when he went into the house there were four or five men standing about it. In a short [177 U.S. 529, 532] time the plaintiff in error came out, and asked of those outside, 'What are you here bothering me for?' The deceased said: 'Cousin, you are a policeman, and know what the rules and orders are.' To which plaintiff in error replied: 'Yes; I know what the rules and orders are, but I told you I would go with you to Pine Ridge in the morning.' Then, according to the evidence for the prosecution, the plaintiff in error, without further provocation, shot the deceased, who died within a few minutes.

The policemen had their arms with them when they went up to where the plaintiff in error was at the time the shooting was done.

This is substantially the case made by the prosecution.

There is an entire absence of any evidence of a complaint having been made before any magistrate or officer charging an offense against the plaintiff in error, and there is no proof that he had been guilty of any criminal offense, or that he had even violated any rule or regulation for the government of the Indians on the reservation, or that any warrant had been issued for his arrest. On the contrary, Gleason swears that his orders to arrest plaintiff in error were not in writing, but given orally. Indeed, it does not appear that Gleason had any authority even to entertain a complaint or to issue a warrant in any event.

The plaintiff in error testified in his own behalf, and said that during the day he had been looking after the schools along the creek near the station; that that was his duty as a policeman; that he arrived at his mother's house about half past four in the afternoon, and soon afterwards an Indian named High Eagle came into the house, staid a minute or two, but did not speak, then went out doors, and Lone Bear came in, and said that he was directed to take the plaintiff in error to Pine Ridge to Major Clapp. To which the plaintiff replied: 'All right, but my horse is used up, and I shall have to go to my brother's, Harrison White Thunder's, and get another horse.' Lone Bear said all right. Then the plaintiff in error started for his brother's, and when he got there found that the horses were out on the range, and when they came in his brother promised to bring one of them down to him. In this he was corroborated by his [177 U.S. 529, 533] brother, who testified that he brought the horse over about dark. On his way back to his mother's the plaintiff in error stopped at a friend's and got a Winchester rifle for the purpose, as he said, of shooting prairie chickens. When he went back to his mother's he was there but a short time when the deceased and two or three others came to his house to arrest him, and the plaintiff in error went out, and according to his testimony the following was what occurred: 'I asked John Kills Back and High Eagle what they were there bothering me all the while for. John Kills Back said: 'You are a policeman, and know what the rules are.' I said: 'Yes, I know what the rules are, but I told you that I would go to Pine Ridge agency in the morning.' Then the deceased moved a little forward, and put his hand around as if to reach for his gun. I saw the gun and shot; then I shot twice more, and John Kills Back and High Eagle ran off. John Kills Back fell after he had gone a short distance. I shot because I knew that they (John Kills Back and High Eagle) would shoot me. I saw their revolvers at the time I shot.' This was in substance all the evidence.

Counsel for plaintiff in error asked the court to charge as follows:

'From the evidence as it appears in this action, none of the policemen who sought to arrest the defendant in this action prior to the killing of the deceased, John Kills Back, were justified in arresting the defendant, and he had a right to use such force as a reasonably prudent person might do in resisting such arrest by them.'

The court denied the request and counsel excepted.

The court charged the jury, among other things, as follows:

'The deceased, John Kills Back, had been ordered to arrest the defendant; hence he had a right to go and make the attempt to arrest the defendant. The defendant had no right to resist him. It is claimed on the part of the defendant that he made no resistance, and he was willing to go with the officer in the morning. I charge you, of course, that the officer, John Kills Back, had a right to determine for himself when this man should go to the agency with him.

... * * [177 U.S. 529, 534] 'In this connection I desire to say to you, gentlemen of the jury, that the deceased, being an officer of the law, had a right to be armed, and for the purpose of arresting the defendant he would have had the right to show his revolver. He would have had the right to use only so much force as was necessary to take his prisoner, and the fact that he was using no more force than was necessary to take his prisoner would not be sufficient justification for the defendant to shoot him and kill him. The defendant would only be justified in killing the deceased when you should find that the circumstances showed that the deceased had so far forgotten his duties as an officer, and had gone beyond the force necessary to arrest defendant, and was about to kill him or to inflict great bodily injury upon him, which was not necessary for the purpose of making the arrest.'

This charge was duly excepted to.

We think the court clearly erred in charging that the policemen had the right to arrest the plaintiff in error, and to use such force as was necessary to accomplish the arrest, and that the plaintiff in error had no right to resist it.

The evidence as to the facts immediately preceding the killing was contradictory; the prosecution showing a killing when no active effort was at that very moment made to arrest, and the defendant showing an intended arrest and a determination to take him at that time at all events, and a move made by the deceased towards him with his pistol in sight, and a seeming intention to use it against the defendant for the purpose of overcoming all resistance. Under these circumstances the error of the charge was material and prejudicial.

At common law, if a party resisted arrest by an officer without warrant and who had no right to arrest him, and if in the course of that resistance the officer was killed, the offense of the party resisting arrest would be reduced from what would have been murder if the officer had had the right to arrest, to manslaughter. What would be murder if the officer had the right to arrest might be reduced to manslaughter by the very fact that he had no such right. So an officer, at common law, was not authorized to make an arrest without a warrant, for a mere misdemeanor not committed in his presence. 1 Arch. Crim. Pr. [177 U.S. 529, 535] & Pl. 7th Am. ed. 103, note (1); also page 861 and following pages; 2 Hawk. P. C. 129, 8; 3 Russell on Crimes, 6th ed. 83, 84, 97; 1 Chitty's Crim. L.* p 15; 1 East, P. C. chap. 5, p. 328; Derecourt v. Corbishley, 5 El. & Bl. 188; Fox v. Gaunt, 3 Barn & Ad. 798; Reg. v. Chapman, 12 Cox C. C. 4; Rafferty v. People, 69 Ill. 111, 18 Am. Rep. 601; S. C. on a subsequent writ, 72 Ill. 37. If the officer had no right to arrest, the other party might resist the illegal attempt to arrest him, using no more force than was absolutely necessary to repel the assault constituting the attempt to arrest. 1 East, supra.

We do not find any statute of the United States or of the state of South Dakota giving any right to these men to arrest an individual without a warrant, on a charge of misdemeanor not committed in their presence. Marshals and their deputies have in each state, by virtue of 788, Revised Statutes of the United States, the same powers in executing the laws of the United States as sheriffs and their deputies in such state may have by law in executing the laws thereof. This certainly does not give any power to an officer at the Pine Ridge agency to arrest a person without warrant, even though charged with the commission of a misdemeanor. These policemen were not marshals nor deputies of marshals, and the statutes have no application to them.

By 1014 of the Revised Statutes, the officers of the United States named therein and certain state officers may, agreeably to the usual mode of process against offenders in such state, order the arrest of an offender for any crime or offense committed against the United States. This section has no application.

Referring to the laws of South Dakota, we find no authority for making such an arrest without warrant. The law upon the subject of arrests in that state is contained in the Compiled Laws of South Dakota 1887, 7139, and the following sections, and it will be seen that the common law is therein substantially enacted. The sections referred to are set out in the margin. [177 U.S. 529, 536] No rule or regulation for the government of Indians upon a reservation has been cited, nor have we found any, which prohibits the firing of a gun there, 'for fun,' nor do we find any law, rule, or regulation which authorizes an arrest, without war- [177 U.S. 529, 537] rant, of an Indian not charged even with the commission of a misdemeanor, nor does it anywhere appear that Gleason had authority to issue a warrant for an alleged violation of the rules or regulations.

It is plain from this review of the subject that the charge of the court below, that the policemen had the right to arrest this plaintiff in error, without warrant, and that, in order to accomplish such arrest, they had the right to show and use their pistols so far as was necessary for that purpose, and that the plaintiff in error had no right to resist such arrest, was erroneous. That it was a material error, it seems to us, is equally plain. It placed the transaction if a false light before the jury, and denied to the plaintiff in error those rights which he clearly had. The occasion of the trouble originated in Gleason's orders to arrest him, and in the announced intention on the part of the policemen, which they endeavored to accomplish, to arrest the plaintiff in error that night and take him to the agency, and all that followed that announcement ought to be viewed in the light of such proclaimed intention. And yet the charge presented the plaintiff in error to the jury as one having no right to make any resistance to an arrest by these officers, although he had been guilty of no offense, and it gave the jury to understand that the officers, in making the attempt, had the right to use all necessary force to overcome any and all opposition that might be made to the arrest, even to the extent of killing the individual whom they desired to take into their custody. Instead of saying that plaintiff in error had the right to use such force as was absolutely necessary to resist an attempted illegal arrest, the jury were informed that the policemen had the right to use all necessary force to arrest him, and that he had no right to resist. He, of course, had no right to unnecessarily injure, much less to kill, his assailant; but where the officer is killed in the course of the disorder which naturally accompanies an attempted arrest that is resisted, the law looks with very different eyes upon the transaction, when the officer had the right to make the arrest, from what it does if the officer had no such right. What might be murder in the first [177 U.S. 529, 538] case might be nothing more than manslaughter in the other, or the facts might show that no offense had been committed.

The plaintiff in error was undoubtedly prejudiced by this error in the charge, and the judgment of the court below must therefore be reversed, and the case remanded with instructions to grant a new trial.

Footnotes [footnotes are NOT activated - dl]

Sec. 7139. An arrest may be either--

[[Footnote 1](#)] By a peace officer, under a warrant;

[[Footnote 2](#)] By a peace officer, without a warrant; or,

[[Footnote 3](#)] By a private person.

Sec. 7141. If the offense charged is a felony, the arrest may be made on any day and at any time of the day or night. If it is a misdemeanor, the arrest cannot be made at night, unless upon the direction of the magistrate indorsed upon the warrant.

Sec. 7144. The officer must inform the defendant that he acts under the authority of the warrant, and must also show the warrant if required.

Sec. 7145. If, after notice of intention to arrest the defendant, he either flee or forcibly resist, the officer may use all necessary means to effect the arrest.

Sec. 7148. A peace officer may, without a warrant, arrest a person--

[[Footnote 1](#)] For a public offense committed or attempted in his presence.

[[Footnote 2](#)] When the person arrested has committed a felony, although not in his presence.

[[Footnote 3](#)] When a felony has in fact been committed, and he has reasonable cause for believing the person arrested to have committed it.

[[Footnote 4](#)] On a charge, made upon reasonable cause, of the commission of a felony by the party arrested.

Sec. 7150. He may also at night, without a warrant, arrest any person whom he has reasonable cause for believing to have committed a felony, and is justified in making the arrest, though it afterward appear that the felony had not been committed.

Sec. 7151. When arresting a person without a warrant, the officer must inform him of his authority and the cause of the arrest, except when he is in the actual commission of a public offense, or is pursued immediately after an escape.

Sec. 7153. When a public offense is committed in the presence of a magistrate, he may, by a verbal or written order, command any person to arrest the offender, and may thereupon proceed as if the offender had been brought before him on a warrant of arrest.

Sec. 7154. A private person may arrest another--

[[Footnote 1](#)] For a public offense committed or attempted in his presence.

[[Footnote 2](#)] When the person arrested has committed a felony, although not in his presence.

[[Footnote 3](#)] When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it.

Sec. 7155. He must, before making the arrest, inform the person to be arrested of the cause thereof, and require him to submit, except when he is in the actual commission of the offense, or when he is arrested on pursuit immediately after its commission.

March 20, 2013

Re: Request for investigation and if warranted, action against those actively involved in Treason as defined in the Oregon Constitution, Article I, Section 31, and Article XV, Section 3.

Certified Mail: 70092820000405836303 [NOTE: return receipt dated March 25, 2013]

Dear Darin Tweedt, Stephani Tuttle, and the Organized Crime Section:

From my former practice of law and civil rights work I came to understand the function of the Attorney General, to protect the State of Oregon. It is my understanding the Organized Crime Section of the Attorney General's office detects and deters organized criminal activities in the state. The Section is involved in five basic types of activity to combat organized criminal enterprises. Of those the following apply to this complaint for Treason¹:

- Investigate allegations of corruption or malfeasance by public officials in Oregon, and where appropriate, coordinate, cooperate and assist in taking legal action.
- Establish a coordinated system of collecting, storing and disseminating information relating to organized crime.
- Conduct comprehensive factual studies of organized criminal activity in Oregon, outlining existing state and local policies and procedures with respect to organized crime and formulating and proposing such changes in those policies and procedures as the Department may deem appropriate.

It is my belief as outlined in the attached documents certain legislators in Oregon in conspiracy one with another and in violation of their Oaths of Office² have engaged in giving aid and comfort to the enemies of Oregon, and have adhered to those enemies in this process. I believe that during the investigative process your office will find these legislators' words will stand to their own condemnation.

At the core of this complaint these legislators have by their actions and words clearly declared their defiance of their responsibilities as oath givers while giving aid and comfort to the enemies of Oregon. At the time of their trials I am willing to testify to those things outlined in the attached documents and stand as a witness against them as are probably thousands of others here in Oregon.

With great reluctance and a grievous heart,



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p.s. Note that this evidence package and comments have yet to be filed with the Oregon Legislature. Also note in trying to find an appropriate email address to file this complaint, I was frustrated.

¹ Oregon Constitution (OC) Article I, Section 24. Treason. Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid or comfort.—No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open Court

² OC Article IV, Section 31, and Article XV, Section 3: §31 The members of the Legislative Assembly shall before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation;—I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of Senator (or Representative as the case may be) according to the best of my Ability, And such oath may be administered by the Governor [sic], Secretary of State, or a judge of the Supreme Court; §3 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.