

Honorable Committee members: I'm Doug Berry from McMinnville. I graduated from Portland State University with a degree in Administration of Justice, and a minor in Sociology. I interned here in the legislature and was later hired as a Legislative Assistant by Senator Avel Gordly for both the 1997 and 1999 legislative sessions.

Among my duties was the responsibility to attend hearings, and research and testify on bills in the Judiciary Committee, with emphasis on gun control bills. I also worked with then Chief Justice Wallace Carson on the Oregon Supreme Court Access to Justice for All Committee.

While I have great respect for Senator Gordly, we differ on the issue of gun control.

Yesterday, Steve Duin of the Oregonian quoted Marianne Williamson in his column. "Every community has work to be done. Every nation has wounds to heal. Every heart has the power to do it."

We all want to see an end to violence, but I think the bills here before us go about it in the wrong way.

I have been active with this issue for 25 years, and every time I keep hearing the words, "just one good step," and "reasonable gun control measures."

We have had 80 years of gun control regulations: The National Firearms Act (NFA) of 1934, the Gun Control Act (GCA) of 1968, the GCA of 1986, and the "Assault Weapons" Ban of 1994. The government committee charged with review of the 1994 Ban said it did absolutely nothing. It was a complete waste of time and money. Yet here we are today with more bills aimed at restricting the rights of law-abiding, hard-working, tax paying citizens.

It would be so refreshing to see - just once - bills aimed at the persons responsible for these acts of violence instead of those people that *didn't do it*.

Politicians, the media, and others favoring gun control are keen on using catch phrases and words that elicit fear, *and even loathing*, about guns and gun owners. Worse, the definitions of these terms were written to include virtually all firearms commonly used for self-defense, hunting, and sport or recreational shooting. Since I have been active with issues surrounding gun control, I have heard the call to ban "cop killer bullets," "Saturday Night Specials," "Assault Weapons," and "Sniper Rifles." What's left? Virtually nothing.

Remember, I have worked here in the legislature. I have seen the bills that could only be described as a gun-banners *dream* legislation. I have read the handwritten comments in the margins of these gun bills that say, "you know me, I'd like to ban them all."

Is it any wonder, then, that gun owners are concerned when they keep seeing more and more and more encroachments upon their constitutionally protected rights? Is it any wonder that these citizens are saying, "No more?" Is anyone really surprised to see

Sheriffs across the country saying they will not enforce unconstitutional laws concerning the otherwise lawful possession and use of firearms?"

We have had no problems, no acts of violence or aggressive behavior by any concealed handgun license holder (CHL) here in the capitol, **yet here we are.**

We have had no problems with CHL holders on school grounds or on our university campuses, **yet here we are.**

We have had no real problems with CHL holders in our communities, **yet here we are.**

There is no discernible difference amongst CHL holders' actions in states that do have live-fire requirements for their CHL's versus states that do not have those requirements. In fact, there are no problems in states that don't even require a license to carry concealed firearms, i.e., Alaska, Vermont, and Arizona.

Since December, people have been talking about the despicable murders at Sandy Hook Elementary school in Newtown, CT, and use it as an example of the need for more gun control laws. Well, the fact is, state gun laws in CT were already more strict than the failed 1994 "Assault Weapons" Ban.

We commonly hear politicians and those who favor more restrictions say, "no, these measures would not have stopped the shootings at Sandy Hook elementary or Clackamas Town Center, but "we just have to do **something.**" The problem is that just doing something, anything, without the goal of actually solving the problem can actually make the problem worse.

Let's compare the shootings at Sandy Hook Elementary and Clackamas Town Center. No one was there at Sandy Hook to stop this coward, this murderer, and 26 people were killed. The police were there in 3 minutes. But it was too late. The damage had been done.

But what about Clackamas Town Center? It was the Christmas shopping season, and the place was packed. Then why were only 3 people shot? Why so few? It could have been so much worse. But see, there was a man there with a concealed handgun license. He had on his person one of those evil, black, semi-automatic "assault pistols" that held 15 rounds of 40 caliber ammunition; a pistol that is banned in New York and Connecticut, and on the list to be banned under Senator Feinstein's federal legislation.

Nick Meli aimed his Glock pistol at the mall shooter. He didn't fire because he didn't have a clear shot without possibly endangering innocent shoppers. He has stated that he and the shooter, this murdering coward, met eyes. And the next shot Nick heard was the shooter committing suicide.

Dawn Lafferty Hochsprung, the Principal at Sandy Hook Elementary School, was **HEROIC.** She charged the gunman... *with empty hands.* She had such a firm resolve to do *everything* she could do to protect those children. No one can tell me that a woman, or a man, with the extraordinary determination and resolve that Dawn showed that day could not have ended that cowardly, murderous, despicable attack, right then and there **If** she had charged that homicidal shooter with a gun in her hands.

According to Larry Correia, firearms expert and Law Enforcement Training Professional:

“[t]he average number of people shot in a mass shooting event when the shooter is stopped by law enforcement: 14. The average number of people shot in a mass shooting event when the shooter is stopped by civilians: 2.5. The reason is simple. The armed civilians are there when it started.” Correia also echoes the oft-heard mantra: “when seconds count, police are only minutes away.”

<http://larrycorreia.wordpress.com/2012/12/20/an-opinion-on-gun-control/>

If armed security in schools is so dangerous, then why are there armed guards at Sasha Obama’s school? Why do politicians rail against guns for personal protection, yet request armed security for themselves? Because Wayne LaPierre of the NRA is right. The only way to stop a bad guy with a gun, is with a good guy with a gun.

If LaPierre is wrong about armed security in our schools, then why didn’t we hear about it in April of 2000 when then President Clinton promoted the idea for inner city schools by pledging \$120 Million in support? Perhaps it’s only delusional when the NRA supports the idea.

(Source: <http://articles.latimes.com/2000/apr/16/news/mn-20323>)

The research of Professor Gary Kleck shows that U.S. citizens lawfully use firearms 2.5 million times a year to stop violent crime, most often with no shots fired. Our own U.S. Department of Justice released a 1994 report showing the number closer to 1.5 million, but the fact remains, lawfully armed citizens do successfully thwart the commission of violent crimes.

Some choose to blame the NRA and inanimate objects for the recent murders. The fault does not lay with the tool used to attack these innocent people. It lies squarely on the shoulders of the murderous cowards who attacked them, and the policies that disarm those good people who would prevail against the evil murderers in this world. Under the counterfeit guise of public safety, these champions of ignorance march along, causing more harm than good. Passing one more law for criminals to ignore, while disarming law abiding citizens with a stroke of the same pen, will only result in more deaths of the innocent.

Thank you,

Douglas Berry
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NOTES from the Hearings:

It’s ironic that Mr. Chipman , formerly of the BATFE, would talk about loopholes in the transfer of weapons between private parties as the agency (BATFE) is infamously known for their Fast & Furious “gun walking” Operation wherein agents forced southern border state FFL dealers to let guns go in sales those dealers would have otherwise denied in their regular course of business.

Border Patrol Agent Brian Terry died in a shootout where some of these “walked” guns were found at the scene. Unknown numbers of Mexican citizens have also been killed with these guns.

<http://www.foxnews.com/politics/2012/10/01/report-claims-to-have-found-57-more-guns-tied-to-operation-fast-and-furious/>

Ms. Feldman made the statement that more children die from gun violence than cancer and some other factor. I would point out to Ms. Feldman and the honorable senators of the Judiciary Committee that many more children die as a result of medical errors by doctors and their staff than gun violence and cancer combined. About 150,000 people die every year in the U.S. as a result of medical errors. So, doctor, heal thyself!

Two teachers from Tigard stated they are members of Tri-County gun club and said they just couldn't be expected to respond to an active shooter in their school. They said they weren't trained as police officers. They further stated that their responsibility as teachers was to make their students **feel** safe. I would say their responsibility entails more than that. It is their responsibility to **keep** their students safe.

I am puzzled why these teachers feel inadequate in protecting their students with a firearm if they are active shooting members at Tri-County gun club. When I was a member at Tri-County, I competed regularly in sanctioned matches. I am a member of a small club in Yamhill county now. On one occasion, I showed up for a regular Saturday pistol match and was surprised to see the place crawling with police cars and a SWAT van. I was told this was an Al-Mar Knives Law Enforcement Invitational match, but club members could take part.

I paid the entrance fee and took part in shooting 5 great stages of fire. There were police officers there from Washington, Oregon, Idaho, Montana and California. I finished in the middle of the pack, the same as I usually did in the regular club matches. But all of the top prizes were won by club members, only one of which was a police officer (from West Linn). Even the raffle prize was won by a club member (a new rifle). I won a box of ammo.

After that match, club members weren't allowed to take part in the Al-Mar Knives Invitational matches unless they were also sworn police officers. The police complained about the club members taking all the prizes. The point is not that all police officers are lousy shots. The point is, just because someone is sworn in as police officer it doesn't somehow make them a great shot and civilians are successful in stopping violent criminal acts; they do it every day in our country.