

Senators,

I believe that there is legal standing to argue that if passed, Senate Bills 347, 699, 700 and 796 will be unconstitutional with regards to the Fourteenth Amendment of the United States Constitution and Article I, Section 20 of the Oregon Constitution.

These tenants of constitutional law respectively address equal protection of citizens under the law.

As stated in the 2009 Oregon opinion of State v. Borowski, Christiansen, Mooshie, et al.:

"...we first determine whether the burdened group can correctly be called a true "class," that is, a group that consists of individuals who would be considered as belonging to a distinctive group even if the statute that burdens them did not exist (for example, African-Americans, Catholics, veterans, residents of Portland)..... If the statute burdens a "true" class, then we determine whether that class is one that has been "the subject of adverse social or political stereotyping or prejudice. *Tanner*, 157 Or App at 521, 523. If both of those criteria are met, then the challenge will succeed..."

The owners of firearms and more specifically, those who choose to exercise their constitutional right to conceal carry, are a true class.

Open carry and concealed carry was legal in Oregon until 1885. See Governor's message on page 16, Oregon Journal of House of Representatives, 1885

"If the mere carrying of a concealed weapon were, in public estimation and under the law, branded as criminal, fewer instances of justifiable homicide would be reported from our courts. A stringent law upon this matter is recommended."

This is the first recorded attempt in Oregon to vilify concealed weapons. The governor wanted to turn public opinion against those who carry concealed even though he states that the cases they are seeing in court are justifiable.

There is no history of offenses being committed by CWL holders. There is no legal precedent for requiring legal involvement in the transfer of private property. No one is required to undergo a background check in order to sell or buy a golf club, DVD player, vehicle or hammer. There is no qualification standard in order for a person to be able to exercise the rights of free speech or worship.

There is no legitimate state interest in abridging the Rights of this "true class".

Respectfully,

Dana Allen
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