

## **SJR 44 STAFF MEASURE SUMMARY**

### **Senate Committee On Rules**

---

**Prepared By:** Cherie Stone, LPRO Analyst

**Meeting Dates:** 4/5

---

#### **WHAT THE MEASURE DOES:**

Proposes amendment to Oregon Constitution to eliminate provision prohibiting individuals who give, accept or carry challenge to fight duel from holding public office. Refers proposed amendment to ballot at next regular general election.

#### **ISSUES DISCUSSED:**

#### **EFFECT OF AMENDMENT:**

#### **BACKGROUND:**

Section 9, Article II of the Oregon Constitution prohibits a person who has given, accepted, carried on behalf of another party, or agreed to go out of state for a challenge to fight a duel, from holding any office of trust or profit. Currently, at least seven other states have statutory or Constitutional provisions prohibiting an individual from holding public office if they have given, accepted or carried challenge to fight a duel.

The origin of the dueling prohibition included in the Oregon Constitution is described in [A History of Oregon, 1792-1849](#), written by William Henry Gray, a member of the provisional legislature and the committee that drafted the first organic laws for the provisional Oregon government. According to Mr. Gray, during a meeting of the the second session of the Legislative Committee in 1845, committee member Jessie Applegate presented a bill to prohibit dueling and within half an hour the measure was signed by the Governor.

The most notorious American duel occurred in 1804 between two political rivals, former Secretary of the Treasury Alexander Hamilton and the seated Vice President of the United States Aaron Burr. The duel resulted in the death of Alexander Hamilton due to a fatal wound delivered by Aaron Burr.

Senate Joint Resolution 44 proposes an amendment to the Oregon Constitution to eliminate language prohibiting an individual from holding public office if they have given, accepted, carried, or agreed to go out of state for a challenge to fight duel. Additionally, SJR 14 refers the measure to a vote of the people at the next regular general election.