

From: John Lloyd Scharf
To: [Rep Alonso Leon](#); [Sen. Peter Courtney D-SALEM Oregon Senate District 11](#); [SJUD Exhibits](#); [Sen Boquist](#); [Sen Burdick](#)
Cc: [Floyd Prozanski, Chair-D](#); [Office of Senator Kim Thatcher](#); [Sen. Michael Dembrow](#); [Sen Linthicum](#); [Sen Manning](#); [HJUD Exhibits](#); [Rep Williamson](#); [Rep JEFF BARKER Chair-D](#); [Rep Vial](#); [Representative Andy Olson](#); [Rep Post](#); [Representative Duane A. Stark](#); [Representative Sherrie Sprenger](#); [Channa Newell](#); [HJUD Exhibits](#); [Nasbe Josh](#); [Arrington Kristi](#); [Rybloom Lisa](#); [Reiley Mike](#); [Congressman Greg Walden](#); schraderwyror05@mail.house.gov; [Senator Merkley](#); senator_wyden@wyden.senate.gov
Subject: SB 764, SB 797, SB 868 NEED TO BE REFERENDUMS TO THE PEOPLE: To be added to Exhibits for All Named Bills.
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At a minimum, these bills require a Referendum approved by the Oregon Supreme Court. The Legislature may refer any bill it passes to voters for approval and it must do so for any amendment to the Oregon Constitution. These require amendments to the Oregon Constitution. Bills ordering a referendum and bills on which a referendum is ordered are not subject to veto by the Governor. If you value the consent of the governed in a democracy, you should not be afraid of a referendum. If you have a sound logical argument for any reasonable person for these bills, you should not be afraid of a referendum being rejected.

These bills violate the right to an open court before a jury before imposing a penalty depriving them of the natural rights in violation of the Constitutions of the US, 2nd, 4th, 5th, 10th Amendments, and Oregon, Article.1, Section 1-34.

While the US Constitution does not enumerate or define all rights, in DISTRICT OF COLUMBIA, et al., PETITIONERS v. DICK ANTHONY HELLER, 2008, the Court held: ***"We start therefore with a strong presumption that the Second Amendment right is exercised individually and belongs to all Americans."***

The 10th Amendment leaves further enumeration and definition of rights to the States and its people with: ***"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."***

Therefore, the case law based on the US Constitution is nullified in any case wherein the rights are expanded under

the Oregon Constitution. The Oregon Constitution, approved by the US Congress, included the more defined right: ***"The people shall have the right to bear arms for the defence of themselves," according to Article 1, Section 27, of the Oregon Constitution.***

Not only should it be self-evident citizens have the unrestricted right to arms for self defense in Oregon, but that the Bill of Rights was prime in its constitutional formation. All other designs for government were intended to defend those rights. Oregon has been a democracy since 1902 when referendum government was instituted. You cannot change our rights without our permission. SEE THE FOLLOWING:

Section 1. 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.—

Section 9. Unreasonable searches or seizures. No law shall violate the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable search, or seizure; and no warrant shall issue but upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.—

Section 10. Administration of justice. No court shall be secret, but justice shall be administered, openly and without purchase, completely and without delay, and every man shall have remedy by due course of law for injury done him in his person, property, or reputation.—

Section 16. Excessive bail and fines; cruel and unusual punishments; power of jury in criminal case

Section 17. Jury trial in civil cases

Section 18 Private Property or Services taken for public use. [Just compensation.]

Section 20 Equality of Privileges and Immunities

Section 27. Right to bear arms; military subordinate to civil

power. The people shall have the right to bear arms for the defence [sic] of themselves, and the State, but the Military shall be kept in strict subordination to the civil power[.]

Section 33. Enumeration of rights not exclusive. This enumeration of rights, and privileges shall not be construed to impair or deny others retained by the people.—

Section 34. Slavery or involuntary servitude. There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted.—

As a voter of House District 22 and Senate District 11, any legislator who votes for these bills without a referendum shows a disrespect for voters and creates a lawful reason for recall, if not impeachment. They are not constitutional in the US or Oregon without a referendum.

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