

**From:** John Lloyd Scharf  
**To:** [Floyd Prozanski, Chair-D](#); [Office of Senator Kim Thatcher](#); [Sen. Michael Dembrow](#); [Sen Linthicum](#); [Sen Manning](#)  
**Cc:** [Channa Newell](#); [Nasbe Josh](#); [Arrington Kristi](#); [Rybloom Lisa](#); [Reiley Mike](#); [SJUD Exhibits](#); [Perez Whitney](#)  
**Subject:** Exhibit RE: Senate Bill 797 Prohibits transfer of firearm by gun dealer or private party if Department of State Police is unable to determine whether recipient is qualified to receive firearm.  
**Date:** Wednesday, April 12, 2017 10:31:24 PM

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This bill assumes the purchaser is guilty until proven innocent. It violates citizens' natural inalienable self-evident right to self defense in violation of the 2nd Amendment, 5th Amendment, 14th Amendment of the US Constitution while denying equal protection and due process. *The Second Amendment guarantees an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home.*

Under the Oregon Constitution it unlawfully suspends habeas corpus under Art.I, Sec.23.

Further, it violates Art I:  
Oregon Bill of Rights more specific and independent of the US Constitution. It differs in complex and critical ways from the case law

of the US Supreme Court.

Section 17. Jury trial in civil cases. In all civil cases the right of Trial by Jury shall remain inviolate.—

**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[.]

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