

To the Oregon State legislature

Notice and Demand to Cease and Desist

This Notice and Demand to Cease and Desist limits in no way the extent to the scope of the subject matter covered. This Notice and Demand does not limit any summary and plenary remedies available to anyone but serves as the beginning of the lawful process necessary by the acts and omission to act of the various principles or those accessory, in an effort to arrest the irreparable and immeasurable harm to the actual Public or People of the State of Oregon in acts committed by The Oregon State Legislature and other third-party interest.

By this **Notice and Demand to Cease and Desist** you are made aware and in knowledge of the wrongs and continuing wrongs of which you have a sworn Duty, Obligation, and Responsibility to protect the Public or “the people”.

For the Public record, as Preparatory to and Requisite of remedies, and for other purposes

To the Oregon State legislature in the Consideration of **SB978 and Dash-1 Amendment**

Greetings:

“Some of the worst things imaginable have begun with the best of intentions”

The Fiduciary Obligation and Duty of The Oregon State Legislature is to assure the People of the perpetuity of a constitutionally mandated “Republican Form of Government”. The proof of this is the constitutionally mandated “**Oath of Office**” that each Representative of both House and Senate is required to take. The following passage is from the Constitution of the State of Oregon, specifically referred to as “**Section 31 Oath of Members**”. The members of the Legislative Assembly shall before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation; I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of Senator (or Representative as the case may be) according to the best of my Ability, And such oath may be administered by the Governor [sic], Secretary of State, or a judge of the Supreme Court.----” The pathway for purpose

and need for this “Oath “ is in the 1859 Admissions Act which in its preamble states “Whereas the people of Oregon have framed, ratified, and adopted a constitution of State government which is republican in form, and in conformity with the Constitution of the United States, and have applied for admission into the Union on an equal footing with the other States; Therefore---” As the Oregon Constitutionally mandated “Oath of Office” lists an order of priority of support for the Constitution of the United States, and the Constitution of the State of Oregon it is clear to “the people” that our elected Representatives cannot make war on the Constitution and Laws of the United States.

You are further informed of this concept by examination of “**U.S. Constitution, Article IV, sec. 4** The United States shall guarantee to every state in the Union a republican form of government . . .” and “**Amendment IX U.S. Constitution**” which states “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” There are in this time in history many frivolous arguments against the 2nd Amendment of the Constitution of the United States. Here only the rulings of the Supreme Court of the United States are considered. In the study of these rulings there is no real argument that anyone can mount and only the proofs that the Oregon State legislature is making war on “the people” by trying to fast track and hide from public input, attempts at incremental infringements of granted 2nd Amendment Rights.

The Supreme Court of the United States has reached the same conclusion in each instance of challenge and ruled consistently that the protections of the 2nd Amendment Rights are held. It is suggested that the actual findings of the Supreme Court of the United States be read by the legislative bodies for verification of this fact.

The law mandates a Public Input Process that is well defined though willfully ignored by the the Oregon Legislature. Instead a falsified public input process has been substituted to create a false history of public acceptance.

Involvement by NGO organizations that are financially supported by organizations outside our State is an unrealistic intrusion by a few overreaching into the lives of the entire population threatening granted rights that is in direct conflict of both Federal and State law.

It can only be concluded that the entire process that has been used, constitutes a broad based scheme of artifice that does not give the actual consent of or allow the ability of “the people” of the State of Oregon to give legitimate public input. Any Consensus

based Public Input Process involvement by third party beneficiaries or “Stakeholders” and documented as “Consent” to proceed is hereby rejected.

The falsified historical record of NGO organizations funded by national groups and wealthy individuals that provide undue influence upon the Public Input Process is also rejected as no true public consent has been given nor sought. This plan in its conception and further implementation constitute an unlawful infringement and harm besides having no lawful authority to proceed.

This letter provides notice to the State of Oregon. Your decisions cause great concern to “the people” as from all aspects and appearances the attempts at implementing laws that have clear violations of the laws of the United States and the State of Oregon. I will first refer you to “**ORS 192.620 Policy**. The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of **ORS 192.610 to 192.690** that decisions of governing bodies be arrived at openly [**1973 c 172 1**]”. Official replies and responses that “concerns will be part of the public record” are deceptive and a clear violation of the protections granted all citizens by the Constitution of the United States as well as the Constitution of the State of Oregon.

The lack of public notice and involvement, lead to a strong public perception of an appearance of impropriety. This is pointed out after discovery of drafts of legislation that have been submitted, approved, circulated and efforts undertaken to fast track these attempts (gut and stuff), these actions combined with no protective response from any part of the legislative bodies is an unacceptable breach of your fiduciary duty to the people of the State of Oregon. The fact that a direction and attempts to infringe 2nd Amendment Granted Rights has already been made while “the people” were kept out of the Public Input Process and NGO organizations were allowed input. As the public becomes more aware of these intrusions and responds in horror is absolute evidence of gross malfeasance or illustrative of a constitutional due-process violation.

The following passage from the beginning of **Oregon Revised Statute 183.502** explains the actual illegal usage of any “Consensus Process” to make war on “the people” by attacking constitutionally protected granted rights. “**ORS 183.502 Authority** of agencies to use alternative means of dispute resolution; model rules; amendment of agreements and forms; agency alternative dispute resolution programs. **(1) Unless otherwise prohibited by law,**”

The **Oregon Administrative Procedures Act section 183.400 (4) (a)** specifically addresses the invalidity of any rule by stating “(4) The court shall declare the rule invalid only if it finds that the rule: **(a) Violates constitutional provisions;**”. Very simply if the

“court shall” why must we pursue this matter further than noticing the Oregon State Legislature.

The limitations of impositions and the possibility of potential harms are why laws exist. The Constitution of the State of Oregon states that every man has a remedy. “The people” seek such remedy and thus inform you that if necessary accrued evidences shall be forwarded to appropriate Federal Agencies that exist to protect “the people” from such overt disregards and infringements of constitutionally protected granted rights.

The following is from a recent Supreme Court of the United States decision, found here: *McDonald v. City of Chicago, Ill., 561 US 742* - Supreme Court 2010

*3050 Third, Justice BREYER is correct that incorporation of the Second Amendment right will to some extent limit the legislative freedom of the States, but this is always true when a Bill of Rights provision is incorporated. Incorporation always restricts experimentation and local variations, but that has not stopped the Court from incorporating virtually every other provision of the Bill of Rights. “[T]he enshrinement of constitutional rights necessarily takes certain policy choices off the table.” *Heller, 554 U.S., at 636, 128 S.Ct., at 2822*. This conclusion is no more remarkable with respect to the Second Amendment than it is with respect to all the other limitations on state power found in the U.S. Constitution.

The above statement is not from a fringe source, it is from a Supreme Court Justice of the United States and may allow you to reflect upon the current direction of the Oregon State Legislature, “policy is not law” and a current legislative disparity in numbers does not allow for the destruction of our way of life and infringement of granted rights.

In closing it is respectfully demanded that the bill **SB978 and Dash-1 Amendment** not be considered further.

Thank you,

Tom Smith

541-245-0131