

A STANDARD OBJECTION TO FIREARMS PROHIBITIONS

Democracy demands citizens be armed with weapons of war to protect the equality of their rights in immunities, powers, privileges, and protection. A just government must be the guardian of all from the tyranny of oppression by those who offend those rights. If a legislative body does not protect that equality, it can claim to be democratic in name only.

The history of governments given the task of protecting individual rights is they do not punish themselves and cannot be held accountable by defenseless innocent victims. Only citizens can "provide new Guards for their future Security" as justified by the Declaration of Independence.

There is a reason we arm the Citizens. The military and the police only fight the enemies of the state. When only the military and police are armed, the citizens are designated as the enemies of the state. These firearms prohibitions on sane law-abiding citizens violating the 14th Amendment right to equal protection can only be considered as such a designation.

The history of this nation is its standing armies are not held liable to protect our Borders or the police not held liable for protection our citizens and their rights. They are only liable for their own protection.

In modern constitutional law, there are three standards of review:

- 1.** A rational basis for the founding principles of criminal law must be the protection of society, promoting personal responsibility, establishing accountability for actions and reforming standards of conduct.
- 2.** intermediate or heightened scrutiny based on a substantial shared interest of the people; and
- 3.** strict scrutiny based on the text and history of rights when they were enumerated.

These proposed prohibiting laws fail all three tests.

1. It does not meet the rational basis standard of scrutiny because it puts natural rights in the hands of individuals with no specified standard for application. It leads to ambiguity in intent, arbitrariness in application, and abuse as a result. It only protects deadly criminals from armed law-abiding citizens.

2. It fails intermediate standard of meeting a substantial or important governmental interest for the people. The people have had creative abilities to use deadly force with a sharp stick or a big rock for death or grave injury since they had an opposable thumb. The right to self-defense is inalienable because of the abilities of man, not the laws of the people. It does not deny robbers, rapists, murderers, or invaders of the ability to cause grave bodily harm or death.

Humanity can create weapons of war from everyday materials available to all with threats, up to, and including, a thermobaric bomb, the last step before nuclear. To be specific, a criminal can make an easily triggered bomb with merely polish remover for fingernails and hydrogen peroxide bleach for hair using detailed processes.

3. These prohibitions fail the strict scrutiny standard because this enumerated right, commonly used for lawful purposes by citizens, because those prohibitions are not based on unlawful conduct of the individual established with due process of law. These prohibitions deny law-abiding citizens the right to bear lethal arms for defense of themselves, the public, and the nation. It is not based on the history or text of our US and Oregon Constitutions when they were enumerated.

Such laws have been, are being, and will be challenged at great cost to the State taxpayers under standards established by:

District of Columbia v. Heller, 554 U.S. 570 (2008),

McDonald v. City of Chicago, 561 U.S. 742 (2010) , and

New York State Rifle & Pistol Association Inc. v. Bruen, 597 U.S. (2022)