

In the Constitution of the United States in the second amendment are the words:

In article I Section 9 of the U.S. Constitution are the words “No Bill of Attainder or ex post facto law shall be passed”.

“Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.”

“Amendment XIV Section I ... “No State shall make or enforce any law which abridge the privileges or immunities of citizen of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny any person within its jurisdiction the equal protection of the laws”

Contained in the CONSTITUTION OF OREGON in Art. I§39, Section 27. are the words “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 sub-ordination to the civil power.”

To address the entirety of the “permit to purchase of otherwise acquire” a firearm issue in the proposed amendments to Senate Bill 348:

Is a requirement to have prior government permission by a citizen constitutional?

On May 3 1943, the U.S. Supreme court of the United States ruled in the case *Murdock v. Pennsylvania* that requiring a permit or license and/or paying any fee to exercise a constitutional right is unconstitutional. Any requirement for the government to give prior authorization to a person to exercise any constitutional right violates that person’s civil rights. Thus the entirety of provisions of proposed amendments to senate bill 348 that address permitting to purchase a firearm are unconstitutional.

The 14<sup>th</sup> amendment to the constitution was written to prevent what is attempted in SB 348-1.

As written above, it is explicitly clear that the attempt to require citizens of Oregon to obtain a permit to purchase a firearm is in direct conflict with the Constitution of our country and our state. Obtaining a permit to exercise a right is a contradiction in terms.

Charging a fee to obtain a permit to exercise the right to purchase a firearm is the same just like the “Poll tax” of Jim Crow times. The Century Dictionary defines permit as a “license; leave; permission; specifically, a written license or permission given to a person or persons having authority”. Requiring a permit to purchase a firearm would make no more sense than requiring a permit to go to

church. Why? Because it is an unquestionable right to attend ones place of worship.

To address Section 11 of the proposed amendments to SB 348-1:

A number of statement regarding "high capacity" magazines refer to the date December 08, 2022 in regards to possession of magazines. This is clearly a date that has already passed.

Multiple provisions of Section 11 of the proposed amendments to SB 348-1 violate the term "No ... ex post facto law shall be passed"

Quoting from the Cornell law web site the following "The Supreme Court has cited cases interpreting the federal *Ex Post Facto* Clause in challenges under the state clause, and vice versa, implying that the two clauses have the same scope. The Court has construed both clauses to ban legislatures from enacting laws that impose criminal liability or increase criminal punishment retroactively."

Even without any ex post facto or retro-active provisions of section 11 there are significant problems with its terms.

As written, Section 11's terms are clearly designed to render most semi-automatic rifles and pistols illegal to purchase or use.

For example: A rifle chambered to fire a round called 450 Bushmaster, using a magazine that holds 10 rounds;

This same magazine loaded with 6.5mm Grendel rounds will hold 17 rounds, and if loaded with 5.56mm rounds will hold 20 rounds.

As written this section clearly has the effect of outlawing significant numbers of otherwise legal firearms.

Any of these measures clearly violate the terms of the U.S. Constitution and the Oregon Constitution.

As of the date of this document all of the provisions of Ballot Measure 114 have been stayed. The Oregon Supreme Court has refused to vacate the stay of Ballot Measure 114 multiple times. The attempt of the proposed amendments to SB 348-1 is clearly an attempt to render moot the issues in case 22CV41008, the civil suit filed in Harney County to challenge Ballot Measure 114.

I pray that the legislature takes the high road, and let the case in Harney County resolve the issues.

As for any emergency claimed in the amendments to SB 348-1, there is clearly no emergency regarding legal ownership and operation of firearms in Oregon. For the cases of illegal ownership and use of firearms in Oregon, the legislature has options available to address that, such as significant prison sentences for those that illegally acquire, posses and use firearms.

Rarely are legal firearm owners using them to commit crimes.

Imposing unconstitutional barriers to firearms acquisition and use will not fix anything.

If the measures of the proposed amendments to SB 3480-1 are signed into law, there is a certainty that legal challenges will be brought to bear against it. We the taxpayers of Oregon do not want to see our scarce government funds squandered in support of legal defense of invalid laws.

The 14<sup>th</sup> amendment of the United States was added to prevent states from usurping the rights of the people. It is clear that the Proposed Amendments to SB 348-1 would do just that.

While some rights can be forfeited by commission of a felony crime like voting and gun possession, the Proposed Amendments to SB 348-1 do not address any of that.

Society faces no danger from gun ownership by law abiding citizens, but substantial danger from gun ownership and use by criminals.

Enforcement of existing laws that address use of firearms in criminal acts and more substantial incarceration for those who use guns in the commission of crimes will make society safer.