

RE: SB941 HEARING on Wednesday, April 22, 2015

Dear State of Oregon House of Representatives,

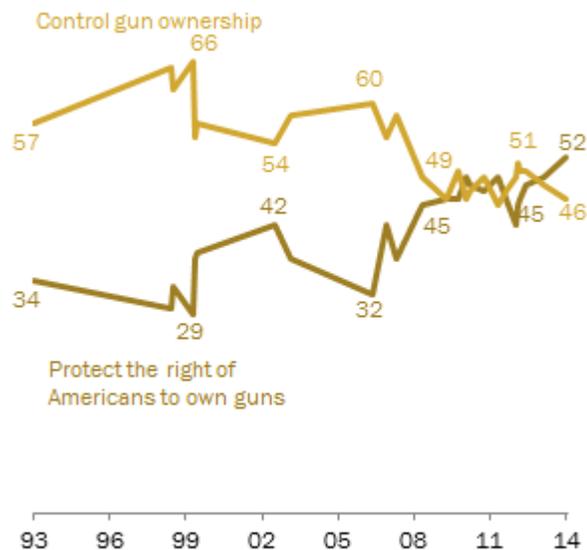
Did you know...

For the First Time In Many Decades, More Americans Support Gun RIGHTS than Gun Control..

By George Washington
Created 04/20/2015
Published on Zero Hedge

Two Years After Newtown, A Shift in Favor of Gun Rights

% saying it is more important to ...



Survey conducted Dec. 3-7, 2014.

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[9]

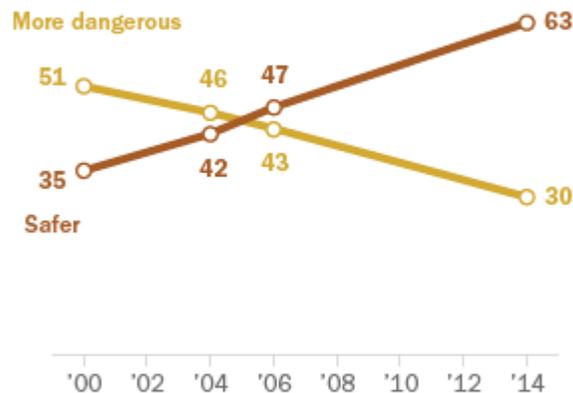
For most of the 1990s and the subsequent decade, a substantial majority of Americans believed it was more important to control gun ownership than to protect gun owners' rights. But in December 2014, [the balance of opinion flipped](#) [9]: For the first time, more Americans say that protecting gun rights is more important than controlling gun ownership, 52% to 46%.

Most believe gun ownership – *not* gun control – makes people safer.

Other recent data confirm this pattern. A 2013 Pew Research survey showed that [protection is now the top reason](#) [10] gun owners offer for why they choose to own a gun (in 1999, hunting was the top reason). And among the public at large, the latest Gallup survey finds that **63%** of [Americans now say having a gun in the home makes it a safer place](#) [11] compared with 30% who say it makes a home more dangerous. **Fifteen years ago**, more said the presence of a gun made a home more dangerous (51%) than safer (35%). Why so?

Majority of Americans Say Having a Gun in the House Makes It Safer

% who say having a gun in the house makes it a ___ place to be



Note: Volunteered "Depends"/"Don't know" responses not shown.

Source: Gallup

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Are Americans right that guns help prevent crime?

There are dueling statistics. Everyone has heard the argument that guns increase murder. But Boston Magazine [notes](#) [13]:

A study from 2007 published in a Harvard University journal ... claims that **more control over firearms doesn't necessarily mean their will be a dip in serious crimes.**

In an independent research paper titled "Would Banning Firearms Reduce Murder and Suicide?," first published in Harvard's *Journal of Public Law and Policy*, Don B. Kates, a criminologist and constitutional lawyer, and Gary Mauser, Ph.D., a Canadian criminologist and professor at Simon Fraser University, examined the correlation between gun laws and death rates.

"International evidence and comparisons have long been offered as proof of the mantra that more guns mean more deaths and that fewer guns, therefore, mean fewer deaths. Unfortunately, such discussions [have] all too often been afflicted by ***misconceptions and factual error and focus*** on comparisons that are unrepresentative," the researchers wrote in their introduction of their findings.

In the 46-page study, [which can be read in its entirety here](#) [14], Kates and Mauser looked at and compared data from the U.S. and parts of Europe to show that ***stricter laws don't mean there is less crime***. As an example, when looking at "intentional deaths," or murder, on an international scope, the U.S. falls behind Russia, Estonia, and four other countries, ranking it seventh. More specifically, data shows that in Russia, where guns are banned, ***the murder rate is significantly higher than in the U.S*** in comparison. "There is a compound assertion that guns are uniquely available in the United States compared with other modern developed nations, which is why the United States has by far the highest murder rate. Though these assertions have been ***endlessly repeated, [the latter] is, in fact, false*** and [the former] is substantially so," the authors point out, based on their research.

Kates and Mauser clarify that they are not suggesting that gun control causes nations to have higher murder rates, rather, they "observed correlations that **nations with stringent gun controls tend to have much higher murder rates than nations that allow guns.**"

The study goes on to say:

...the burden of proof rests on the *proponents of the more guns equal more death and fewer guns equal less death mantra, especially since they argue public policy ought to be based on that mantra*. To bear that burden would ***at the very least require showing*** that a large number of nations with more guns have more death and that nations that have imposed stringent gun controls have achieved substantial reductions in criminal violence (or suicide). But those correlations ***are not*** observed when a large number of nations are compared across the world. ***

"If more guns equal more death and fewer guns equal less death, areas within nations with higher gun ownership should in general have *more* murders than those with *less* gun ownership in a similar area. But, in fact, ***the reverse pattern prevails***," the authors wrote.

Professor James Wilson [notes](#) [15]:

It's also important to note that guns play an important role in *self defense*. Estimates differ as to how common this is, but the numbers are not trivial. *Somewhere between 100,000 and more than 2 million cases of self-defense occur every year.*

There are many compelling cases. In one Mississippi high school, an armed administrator apprehended a school shooter. In a Pennsylvania high school, an armed merchant prevented further deaths.

And see [this](#) [16], [this](#) [17] and [this](#) [18].

In any event, even a top liberal Constitutional law expert reluctantly admits that the right to own a gun is as important a Constitutional right as freedom of speech or religion [19]:

Like many academics, I was happy to blissfully ignore the Second Amendment. It did not fit neatly into my *socially liberal agenda*.

It is hard to read the **Second Amendment** and not honestly conclude that the Framers intended gun ownership to be an **individual right**. It is true that the amendment begins with a reference to militias: "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.***" Accordingly, it is argued, this amendment protects the right of the militia to bear arms, not the individual.

Yet, if true, the Second Amendment would be effectively declared a defunct provision. The National Guard is not a true militia in the sense of the Second Amendment and, since the District and others believe governments can ban guns entirely, the Second Amendment would be read out of existence.

More important, **the mere reference to a purpose of the Second Amendment does not alter the fact that an individual right is created. The right of the people to keep and bear arms is stated in the same way as the right to free speech or free press.** The statement of a purpose was intended to reaffirm the power of the states and the people against the central government. At the time, many feared the federal government and its national army. **Gun ownership was viewed as a deterrent against abuse by the government, which would be less likely to mess with a well-armed populace.**

Considering the Framers and their own traditions of hunting and self-defense, **it is clear that they would have viewed such ownership as an *individual right* – consistent with the plain meaning of the amendment.**

None of this is easy for someone raised to believe that the Second Amendment was the dividing line between the enlightenment and the dark ages of American culture. Yet, it is time to honestly reconsider this amendment and admit that ... here's the really hard part ... the [NRA](#) [20] may have been right. This does not mean that Charlton Heston is the new Rosa Parks or that no restrictions can be placed on gun ownership. But it does appear that **gun ownership was made a protected right by the Framers and, while we might not celebrate it, it is time that we recognize it.** Indeed, the Founding Fathers' own words prove Professor Turley right:

What country can preserve its liberties ***if their rulers are not warned from time to time that their people preserve the spirit of resistance.*** Let them take arms.– Thomas Jefferson.

A free people ought not only to be armed and disciplined, but they should have sufficient arms and ammunition to maintain a status of independence from any who might attempt to abuse them, ***which would include their own government.***– George Washington.

(The Constitution preserves) the advantage of being armed which Americans possess over the people of almost every other nation...***(where) the governments are afraid to trust the people with arms.***–James Madison.

If the representatives of the people betray their constituents, there is then no recourse left but in the exertion of that original ***right of self defense which is paramount to all positive forms of government.***...– Alexander Hamilton, The Federalist (#28).

To disarm the people is the best and most effective way ***to enslave them.***– George Mason.

The supreme power in America ***cannot enforce unjust laws*** by the sword; because the whole body of the people are armed, and constitute a force superior to any bands of regular troops that can be, on any pretense, raised in the United States.–Noah Webster.

"An Examination into the Leading Principles of the Federal Constitution (1787) in Pamphlets on the Constitution of the United States (P.Ford, 1888)"

The Constitution shall never be construed to authorize Congress to prevent the people of the United States, ***who are peaceable citizens***, from keeping their own arms.–Samuel Adams, debates & Proceedings in the Convention of the Commonwealth of Massachusetts, 86-87.

Guard with jealous attention the *public liberty*. Suspect everyone who approaches that jewel. Unfortunately, nothing will preserve it but downright force. Whenever you give up that force, you are ruined...The great object is that every man be armed. Everyone who is able might have a gun.–Patrick Henry "...give me LIBERTY,...or give me *death*".

Those who beat their swords *into* plowshares usually end up plowing for those who didn't.–Benjamin Franklin.

*Arms discourage and keep the invader and plunderer in awe, and preserve order in the world as well as property... Horrid mischief would ensue ***were the law-abiding deprived of the use of them***.*–Thomas Paine.

Are we at last brought to such an humiliating and debasing degradation *that we cannot be trusted with arms for our own defense?* Where is the difference between having our arms under our own possession and under our own direction, and having them under the management of Congress? If ***our defense*** be the real object of having those arms, ***in whose hands can they be trusted with more propriety, or equal safety to us, as in our own hands?***– Patrick Henry, 3 Elliot, Debates at 386.

The right of the people to keep and bear...arms shall not be infringed. A well regulated militia, composed ***of the people***, trained to arms, is the best and most natural defense of a free country...–James Madison, I Annals of Congress 434 (June 8, 1789).

The best we can hope for concerning ***the people*** at large is that they be ***properly armed.***–Alexander Hamilton, The Federalist Papers at 184-B.

[T]he unlimited power of the sword is not in the hands of either the federal ***or the state governments***, but where I trust in God it will ever remain, ***in the hands of the People.***–Tench Coxe, Pennsylvania Gazette, Feb. 20, 1788.

Believe it or not, even pacifist leaders like [Gandhi and the Dalai Lama](#) [21] are opposed to gun control. And scholars say that gun control has [racist origins](#).

The question that now remains: As an elected Oregon public servant, how will YOU vote on ***SB941***? Will you uphold your *sworn oath* to defend the Constitutional rights of the citizens of the United States and of Oregon? What "unintended consequences" and history as a legislative body and *personally* do you want to memorialize and usurp from the citizens the United States and Oregon? Will a challenge to the *highest courts* of this land support or, record for posterity *your ignoring or misinterpretation of the Constitutional rights of the People of the United States and Oregon?*

"By the People and for the People"- *We are watching, voting and protecting our rights.*

Respectfully Submitted with emphasis and additions by:

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"When seconds count, the police are only minutes away"