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Oregon House of Representatives

Honorable Representatives,

The purpose of my letter is to express my concern about SB 941 and to propose an alternative solution. I apologize for sending the letter electronically, but I fear due to the exigent nature of the issue, a hard copy would not reach you in time through the USPS method of delivery.

Oregon SB 941 has been approved and passed on to the House for consideration and probable affirmative vote. I have serious concerns about its effectiveness and frankly its necessity. I pray that you will read and consider my concerns, which I believe are the concerns of hundreds of thousands of law-abiding citizens in this great State of Oregon.

I have followed closely, the debates on both sides of this issue of requiring universal background checks for all private gun transfers. The subject evokes much passion on both sides of the issue. Unfortunately, there has also been much rhetoric that is based on false statistics and oft repeated "true stories" that I do not believe are actually true. I believe in the adage that there are "lies, damned lies, and statistics", and try to base my feelings and comments on actual experiences that I have had in my life.

With that said, reason and experience has proven to me that criminals do not care about laws and do not intend to follow them. That is what makes them criminals. Therefore, like all the other gun laws, this legislation will have no effect on criminals. Instead, it will have a huge impact on those who are already law-abiding citizens, such as myself and many of my friends and associates.

Earlier this month, I listened to Senators Floyd Prozanski and Jeff Kruse discuss this bill and its effects, on a popular KGW television talk show. Mr. Kruse expressed repeatedly that his constituents are extremely concerned that this bill is nothing more than a back door scheme, which will eventually lead to gun confiscation. Floyd Prozanski, denied this and used the reasoning that background checks have been used for the last 25 years for all retail and gun show sales without any resulting confiscation. Well, I believe that past performance does not always reflect future performance, (I have some investments that could prove my point).



History has shown us that many countries, most notably Germany, had registration for years without confiscation, until they did. Confiscation is a legitimate concern amongst law-abiding gun owners and this concern should be taken seriously.

One of the things that makes this such a great concern is the requirement to record the make, model, and serial number of each gun transferred. If the reason for this bill, as stated by Senator Prozanski, is to only verify through the State Police and/or the FBI NICS background check that the purchaser can legal purchase a gun, and not for the purpose of registering the guns, than why do the make, model, and serial numbers matter?

Law-abiding gun owners have bought from and sold guns to their friends and associates for hundreds of years in this country. As a law-abiding citizen, I understand my responsibility to be aware of who I am transferring a gun to or who I am receiving one from. I do this by never transferring any gun to someone I do not know personally. If I ever purchase a gun from a private party, who may have concerns about who I am or my ability to lawfully own a gun, I show them my Oregon Concealed Handgun License, which proves that I have been vetted by the Oregon State Police, Clackamas County Sheriff's Office, and the FBI as a law-abiding citizen able to own and carry concealed handguns. I also possess concealed carry licenses for the state of Utah, Arizona, and Florida, which allow me to carry in 35 states through reciprocity agreements. Likewise, if I was ever to consider selling a gun to anyone I did not know, I would ask them to produce a CHL before I would do so.

As a former law enforcement officer, I was always happy to see that someone I had to deal with possessed a valid CHL, because I knew that this person was a law-abiding and responsible citizen who had been vetted as previously described. I also know that the number of gun crimes committed by CHL holders is statistically insignificant. In my experience, I know of none.

Currently, as the Chief Range Safety Officer and preferred instructor for a local gun club, all members are required to have a CHL or submit to a NICS background check to be members. Shooters come and go every day, as they please, and have been doing so for over 75 years without any negative event occurring. Many gun transactions have occurred between members for years; again without negative incident. This is because we are comfortable that we have done our due diligence as law-abiding gun owners and we have faith in our fellow citizens.

One other requirement of this bill has a hugely negative impact on rural Oregon citizens. The requirement to transact a gun transfer in front of an FFL dealer, will require many constituents to travel long distances to find an FFL dealer so they can purchase from or sell a gun to a known associate, as they have been doing for centuries without any problems. This is an unnecessary



tax on our citizens. Unless the true purpose of the requirement is, after all, to collect the serial numbers of our guns, this requirement is truly a burden and unnecessary.

On Sunday, when Senator Prozanski was asked by the commentator why it was necessary to collect the serial numbers of the guns, he stated that law enforcement used the information to check if the guns had been stolen or used in a crime. On the first point, stolen guns are not going to be sold through a manner that is going to require them to go through a background check. Criminals are not that stupid. In fact, they are quite smart when it comes to these transactions as they routinely use the Dark Web or Dark Net to undertake their nefarious transactions. This method takes connections in the underworld that no law-abiding citizen would or could even obtain.

On the second point, law enforcement will never know if a gun being purchased has been used in a crime unless somehow the gun was collected at a prior crime scene, catalogued into evidence, and was somehow later to escape the evidence locker of the law enforcement agency and then was later sold to someone and discovered through a background check. I think you would agree that this is a very far-fetched scenario and a very weak argument for the background checks for lawful transactions. Any gun used in a crime is either going to remain with the criminal or “lost” by the criminal. The criminal is certainly not going to knowingly submit to a background check just to get rid of the gun.

Though I believe this bill is a solution to a problem that does not exist, after analyzing all of the concerns, I believe I have a solution that will satisfy all parties involved if something must be done.

My solution is this:

The bill should be amended to allow current and future CHL licensees to transfer guns to other CHL licensees without further vetting by the state. In short, CHL holders shall be exempt from the effect of this bill.

As of June of 2013, the State Police reports that there are 185,000 Concealed Handgun Licenses issued in the State of Oregon. It is estimated that this number has increased to over 250,000 today. If a law-abiding citizen desires to participate in private gun transfers, they must obtain a CHL in order to do so or submit themselves to the current requirements of this bill. This will allow a seller to verify a purchasers law-abiding status as confirmed by the State Police and the Federal Government and will allow private transactions to occur without registration, which is the true concern of all gun owners that I have talked to concerning this bill.



One of the other concerns that I have if the proposed bill is passed is based upon comments that have been made during the hearings and through social media by lawful gun owners and county sheriffs across this state. Many have said they will not comply with or enforce the bill because of the registration fear, effectively making current law-abiding citizens felons with the stroke of the Governor's pen if they do not comply. As an aside, once a citizen becomes a felon, the Supreme Court has ruled that they cannot be required to register their guns because it would require them to incriminate themselves and it violates their US Constitution 5th Amendment rights.

Again, **this solution will have no effect on criminal transfers**. Nothing can be done about criminal transfers. My experience and common sense has proven this to me.

In summary, I believe that some form of this bill will be passed because of the Democratic majority in the State House. My solution is a compromise that I believe will give 250,000 law-abiding gun owners and voters a solution that they can live with. I believe it will go a long way in calming the angst that exists on both sides of the aisle on this issue. It will also free up valuable law enforcement resources and provide a layer of security for them as more law-abiding gun owners obtain their Concealed Handgun Licenses.

Finally, I want to go on record that I believe in my heart of hearts that any requirement to license my self-evident rights is a violation of the Constitutional. But, common sense has shown me that this is probably not going to cease under the current political environment. Therefore, please consider my compromise proposal.

I am sorry for the length of this letter, but I thank you for reading my testimony and considering this amendment to what I believe is the most important and divisive issue in front of our legislature at this time.

Thank you.

Sincerely,

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