

SB941

Respectfully submitted to the Oregon House of Representatives, April 21, 2015 by Samuel K. McAllister, Mapleton, Oregon.

There are a number of fatal flaws in SB941. And supporters are lying to the legislature about the need for SB941. I will go over these fatal flaws and lies right here.

#1. The U.S. Constitution restricts State Legislatures:

The Constitution linking the various states together put a restriction on governments. It is binding and authoritative upon all state governments. If Oregon is to be a part of the United States, its government must subject itself to the rules governing governments. The 2nd Amendment to the Constitution gave unmolested rights to the people to arm themselves. It mentions the people and their need to be an effective militia, separate from governments. To understand who THE PEOPLE are, they are not government agents, such as police or armies taking orders from governments. They are again mentioned in the 10th Amendment, reserving rights and powers not given specifically to governments to THE PEOPLE. It is quite clear from a plain reading and understanding that the 2nd Amendment applies to give the common man (the private citizen) a right to both keep and bear arms without governments infringing upon that right. SB941 restricts and infringes upon the free trade in arms between THE PEOPLE. It therefore is unconstitutional and the legislature of Oregon as well as all agents who help to enact and enforce this law will be in violation of the highest law of the land.

#2. SB941 is superfluous, there is no loophole in the law:

Existing laws make it a crime to privately give or transfer (or loan) firearms to felons and disqualified persons (2nd Amendment issues aside). There is already in place the ability for non-licensed individuals to request a background check for any private firearms transfer. There is no actual loop hole. Extra laws to violate will not change anything about how illegal transfers are to felons and disqualified persons. SB941 will only require already qualified persons to engage in an unnecessary background check.

#3 SB941 will cause an overload of the already overloaded background check system:

As shown in #2, should already qualified owners even know about SB941 when they sell a gun to their friend, they will then add their completely unnecessary background check to the OSP background check department which is already overloaded.

#4. SB941's overloading of the background check system will discourage legitimate users:

The voluntary system is slow enough and already discourages legitimate voluntary private users (sales to strangers). Current wait times for dealers approach two hours at

times. Most wait times are 30 minutes or more. SB941 will cause extra load on the system with already known qualified buyers (sales, trades to non-strangers). This is not acceptable and longer wait times will cause legitimate private background checks to not occur because of unreasonable inconvenience. SB941 will have a negative effect, opposite of what the proponents of the bill publicly desire.

#5. SB941 is unenforceable and unsupported by sheriffs and law enforcement around the state:

SB941 contains reasonable exceptions (it is reasonable to except transfers to blood relatives and co-inhabitants) to background check requirements. These necessary and reasonable exceptions basically gut any prosecutor's case. The only people who will be convicted under this law will be people who ignorantly admit to violation and who transferred to non-prohibited persons. Knowing violators who have transferred to prohibited persons will not admit and will be able to force prosecutors to positively prove the transfer occurred outside the exceptions. This makes prosecutor's cases impossible.

Many, many sheriffs and law enforcement around Oregon are refusing to enforce this latest violation of the Oregon and U.S. Constitution. This departure from a desire to enforce existing Oregon law de-legitimizes the Oregon Legislature. If the Oregon Legislature is unwilling to abide by the clear laws which govern it and by the documents which grant its powers, why should anyone abide by the laws it passes? This action will hurt the legitimacy of the Oregon Legislature.