

Senator ...

I am urging you to use reason and critical thought when you evaluate your vote for SB 941. If this bill passes it will be almost

entirely unenforceable. I do not say this without valid reason. Currently it is legal for any law abiding citizen to sell legal

firearms to another law abiding citizen in Oregon without a background check. What this means is that any firearm may have been sold

without record to anyone else. How will any court be able to convict a person believed to be violating SB 941 if it becomes law? In

order to even know that this law had been broken: a) the parties involved would have to confess; b) a witness would have to come

forth; c) a law enforcement officer would have to witness the transaction; or d) it would have to involve a firearm sold with the

required background check after the law went into effect. This would leave millions of current firearms in Oregon that could

potentially be sold and traded without a background check contrary to such a law. There would be no way to prove a private transfer

had taken place without a background check in any situation not falling within those stated above. The only way would be to register

all current firearms.

Vote no on SB 941.

1. The commerce clause in the constitution. Congress can only regulate interstate commerce and to buy a gun from another state, the

sale must go through an FFL. Congress can't regulate private sales within states.

2. Universal background checks are completely unenforceable without registration and registration is against federal law per the

firearms protection act of 1968. The Supreme Court case Haynes vs the United states ruled that felons don't have to register because

it would be a violation of their 5th amendment rights protecting them from self incrimination so felons are protected by law from

registering. Therefore, these checks do virtually nothing to impede criminals from obtaining guns.

3. Universal background checks would amount to an illegal search under the 4th amendment. Buying and selling a firearm is a

constitutional right upheld in supreme court cases McDonald vs Chicago and DC vs Heller. In order to have a background check YOUR

record would have to be searched which also requires seizure of your personal information (name, birth date, place of birth, address,

driver's license info, and possibly your SSN) of which you have a reasonable expectation of privacy.

Additionally, universal background checks would not have prevented any of the recent mass shootings.

Thank You

Larry Iler