

# Editorial & Opinion

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## Oregon has own gun law

From the Albany Democrat-Herald

Don't expect the Supreme Court's action in the Morton Grove gun-control case to have any great or immediate impact around the rest of the country, and especially not in Oregon.

Why not? There are at least three reasons: One is that the court really said nothing new. In fact the court said nothing at all. Another is that an estimated 50 million Americans own handguns, and they represent a powerful political force that would object to any handgun ban. The third, applying to this state, is that Oregon's Constitution seems to go further than the Second Amendment in guaranteeing the right to keep and bear arms.

The Supreme Court recently rejected various challenges against the 1981 gun-control ordinance in Morton Grove, Ill., and it rejected the challenges without comment. The town in 1981 started carrying out an ordinance that prohibits the possession of various kinds of firearms.

Opponents quickly challenged the ordinance as unconstitutional, but two federal courts upheld Morton Grove's restrictions on gun ownership. The Supreme Court now has shown that it didn't want to interfere with those rulings.

Opponents of any kind of gun control always point to the Second Amendment to the Constitution. It says, "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bears arms shall not be infringed."

Opponents don't usually quote the part about a militia. But the Supreme Court ruled in 1939 that the amendment applies to the maintenance of a militia, or National Guard, and not to individual rights. The ruling prompted one constitutional scholar to write years later that the amendment was to prevent Congress from disarming state militias and provides no constitutional right for a private citizen to retain weapons.

The Oregon Constitution is more specific on the right to bear arms. It says "The people shall have the right to bear arms for the defense of themselves, and the state, but the military shall be kept in strict subordination to the civil power."

The Oregon Constitution's treatment of the subject in connection with protection of the state and military power may suggest to some that its intent is the same as the Second Amendment. But because it also spells out the right of gun ownership for self protection, it is unlikely that a state court could or would uphold any city ordinance of the type adopted by Morton Grove, Ill.

## Salem scene

## Oregonians to have last word on sales tax plan

by JACK ZIMMERMAN  
Associated Oregon Industries

Oregon's local governments are gearing up for an unprecedented exercise in democracy.

They have been directed to ratify referral of an act by the Legislature to a statewide vote of the people.

The issue, of course, is the revenue reform package enacted during the recent 21-day special session of the 62nd Oregon Assembly in Salem. A many-faceted proposal aimed primarily at achieving property tax relief through imposition of a general sales tax and limiting the growth of government in the future, the revenue restructure proposal is the Assembly's answer to those seeking to initiate another 1½ percent property tax limitation.

Accomplished at the expense of exceptional acrimony, the Assembly's product is the result of both the earlier second-longest 188-day regular session and the uncommonly long special session. Final result embodies compromises struck by an alliance of interests including the local governments expected to ramrod the ratification process.

They include a total of 603 local government entities — 243 incorporated cities, 36 counties, 309 local school districts and 15 community college districts. Each is expected to conduct public hearings within its own jurisdiction and notify the Secretary of State regarding their willingness to submit the entire package for statewide voter consideration.

Two deadlines have been offered for compliance with this provision. A special election would be called March 27 if sufficient governments ratify by Jan. 20. If that deadline is missed, the next chance would be an election during the statewide primary next May 15 if enough governments approve by March 9.

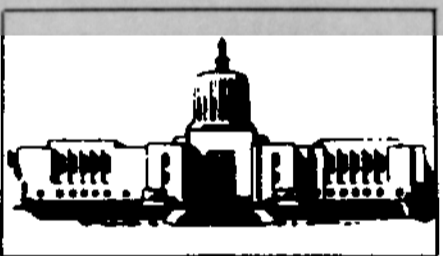
Ratification requires acceptance by a majority of the total state population. That means most of the Legislature's proposal will be rescinded on March 10 unless 122 of the 243 cities, 19 of the 36 counties and 163 of the 309 school districts and 15 community college districts together respond favorably to the statewide vote question — and if those favoring represent half of the state's total population.

Conducting public hearings on the issue is required by each of the local governments involved but city councils, county governing bodies and school boards are not bound to act in response to expressions voiced during those hearings.

And once a local government has expressed itself on the issue, it cannot change its mind.

This particular requirement is the brainchild of Senate Pres. Edward Fadeley, D-Eugene, an ardent sales tax foe charged with obstructing passage of any property tax relief plan that included a tax on consumption.

Some have questioned the constitutionality of the referral process and others claim the Legislature embraced it in order to duck responsibility for referring a tax that has proven unpopular with voters during six previous election attempts in the last half-century.



Regardless, most seriously question whether the measure ever would have garnered votes enough to pass without the local government ratification provision.

Major provisions of the total package include a constitutional amendment enabling a 4 percent sales tax on tangible personal property and most services, prohibition of local general sales taxes, dedication of net revenue to property tax relief, conversion of current 30 percent tax relief funds to income tax relief and a limitation on future spending by state and local governments.

The sales tax would become effective next July 1 if voters approve it on March 27 and Sept. 1 if approved next May 15.

The spending limitation becomes effective July 1, 1985 only if both the sales tax and spending limitation win voter approval.

Two other elements of the legislative proposal are not dependent upon voter approval. One prohibits state and local government taxation of Social Security benefits and the other freezes property tax rates beginning during the 1984 tax year.

The Social Security benefit provision addresses a similar provision in the current 1½ percent property tax limitation initiative and the property tax rate freeze is a plan fostered for several years by Gov. Vic Atiyeh.

The rate freeze exempts bonds or serial levies, provides local voters two opportunities yearly to approve temporary limitation overrides, eliminates current A and B ballot procedures and allows rates to surpass the freeze during defined hardship situations.

Sales tax exemptions are food for home consumption, prescription drugs, hospital and medical services, plants, feed, seed, fertilizer, pesticides, livestock and feed for animal life, physical ingredients in manufactured goods, utility services and sales or leases of real property.

Total revenue is expected to be about \$800 million annually, providing property taxpayers with from 40 to 45 percent relief after deducting a 2 percent offset for retailers for collecting the tax, low income credit, renter relief and administration.

All of these elements likely will be alternatively attacked and praised during the anticipated 603 public hearings before local government governing bodies.

But none — save ratification for a statewide ballot — hinge on local government action following those hearings.

Local government ratification is merely the final hurdle the sales tax and spending limitation must clear before all voting Oregonians have the opportunity to express the last word.



## Letters to the editor

## Residents urged to halt merger

Wake up Hoodland. A Nov. 10 meeting is scheduled by the Metropolitan Boundary Commission to consider merging the Hoodland Service District (sewers) with Service District No. 1 that comprises Gladstone, Milwaukie, Happy Valley and adjacent areas.

Your local board is encouraging this action without a vote of the people as noted in correspondence on file. What all of this means to you is that Service District No. 1 budget committee will handle all of the financial planning for Hoodland sewers. Their nearest boundary is approximately 30 miles from us and their financial obligations will be yours.

If you are concerned, get organized quickly. Find out who hasn't paid their assessments and I am sure you will be surprised. Ask what ramifications there will be if the City of Clackamas is incorporated

(Service District No. 1) as reported in Clackamas County Citizens news letter for October, 1983. Do something about the matter or you are going to end up paying again for the benefit of a few.

Our local media has failed to keep us informed about important issues again Oregon law provides for citizens to examine all records of public entities. These public entities cannot stall you and should they try, report the facts to the Clackamas District Attorney. Your elected and public officials are so generous in their concern for your welfare that they have given you until Oct. 31, 1983 for public input other than appearing at the Boundary Commission meeting on Nov. 10.

If you think high interest rates and current taxation has created obstacles for you in trying to sell your property or you are upset

with your annual assessments now, just let this matter slide by and see where you are next year.

Get busy as you don't have much time.  
Dennis Cox  
Brightwood

## Telephones

Telephone companies have a huge investment in people, plants and equipment that must be paid for. The problem is: who is going to pay for what and how much will they pay? It's a question that everyone is trying to answer.

All involved stand unanimously behind the ideal of universal service. And, all agree that local customers should not be stuck footing more than their share of the bill. How we attain those two goals is the real tickler.

The FCC thinks they have it solved and so do a dozen different legislators. Politicians, commissioners

and telephone companies can't seem to agree, even among themselves, on whose plan to use.

Contel and larger telephone companies want to go with the FCC's access charge plan. It resulted from a 15-year debate and was written after all the issues had been carefully considered.

The FCC has a pretty good track record since Congress formed it in 1934. They interconnected telephone companies across the nation and made universal telephone service a reality. They allowed competition in long distance and terminal

equipment. (Like it or not, that has been good for the economy.) Finally, the FCC wrote a plan to help telephone companies adjust to the changes caused by technology and the court ordered break-up to Bell.

We think the FCC has done its homework and has a workable plan. We think Congress's job is to oversee, not overturn. Let's let the FCC do the job congress gave them to do. Let's make sure it's really broken before we try to fix it.

A. Wayne Shuman  
President, Continental Telephone of the Northwest

## LETTERS POLICY

The Post asks that all letters to the editor be typed, double-spaced and signed. Deadline is noon, Tuesday. Letters should be accurate, free of libelous remarks and in good taste. This newspaper attempts to publish all letters it receives and may edit material lightly to conform to guidelines. Maximum length is 200 words.

## Personally speaking

## Radio hardly gives music to the ear

I have a nice radio in my car. AM, FM, p.m. — it's got the works.

It has a wood-grain front and little lights in different colors that shoot back and forth across like an advertising marquee on a going-out-of-business appliance store. Exactly what these lights do is explained somewhere on page 93-c of the instruction manual. In German, French, Spanish, and Yiddish.

Stereo speakers placed in strategic locations such as the bottom of the door panel bring soothing sounds to my ears, even if they do have to travel by way of my feet.

It just doesn't seem like a logical place to put the speakers. I'm no mechanic, but there must be a better way to do it. If somebody could figure out some sneaky way to get the wires to the dome lights, I'm sure they could do the same for speaker wires.

The problem probably goes back to the introduction of Japanese autos to the American market. Not being of the same stature, the Japanese probably installed the speakers at a comfortable hearing range for themselves. It's the same with



by HANK EMRICH

those cameras. Ever notice how you always have to bend over to take a picture? Come to think of it, I believe page 93-c of the instruction manual also had recommended installation heights.

My radio does have a nice sound though, as long as I am not within two miles of a high voltage transformer line or someone operating an electric toaster. In these cases in sounds like a stereo

replay of the Tommy guns used at the St. Valentine's Day Massacre.

Most of the drivel on the airwaves probably isn't worthy of clear reception anyway. Take the "Top 40" tunes. Have you ever wondered what would happen if the record industry decided to put out more than 40 hits at once? Radio stations would be in pandemonium. They would have to be restructured completely to handle the "Top 43" or the "Top 44."

The other choice is country western music, which I happen to enjoy. The only problem is, I have seen the female vocalists on television. Listening to the radio, you don't have the opportunity to figure out what kind of pitchfork they use to tease their hair.

Judging from rock groups and "punk" groups, there must be a correlation between hair and music. If you are going to sing, you have to grow it long, braid it in corn rows, dye it purple or shake it a lot on stage. At the very least, you would have to soak it in hair spray. Ask Wayne Newton. When was the last time you saw a bald singer?

Not that it really matters. On

my radio, I have trouble telling the difference between Juice Newton and O.J. Simpson.

Actually the only thing that really comes in clear on my radio is the disaster warning. That's the one they test 88 times a day that makes all the dogs howl. If they don't quit testing the thing, it will be worn out by the time they really need it.

In case you don't know what I'm talking about this is the device that buzzes for a minute or so then tells you "This is a test of the Emergency Warning System. In the event of a real emergency such as a nuclear holocaust, you would probably be feeling warm and about to be fried because in all likelihood you would be stuck in some traffic jam and unable to escape the advancing mushroom cloud now visible in your rearview mirror."

That may not be exactly how it is worded, but I have always felt it could be a little cheerier. Why not have someone sing a little jingle?

Donny and Marie would be just perfect now that they aren't busy singing about whatever that tropical fruit drink made in Brooklyn was called.