

# GRAY WAVE

*Pro-gun ordinances passed in eight rural Oregon counties this past election*

**T**hough many Democrats around the nation were celebrating a “blue wave” during the midterm elections earlier this month, another type of wave took hold of Oregon — a wave that might leave gun control advocates seeing red — the passing of multiple pro-gun ordinances.

These ordinances protect the right to bear arms and give the county sheriff the power to determine if a gun law or restriction is a violation of the constitution. The ordinances are being updated to include legal language similar to that used by sanctuary cities to protect their rights to safely house illegal immigrants.

Voters approved “Second Amendment Preservation Ordinances” (SAPOs) in eight Oregon counties, including three counties that border Lane County: Douglas, Linn and Klamath counties. Lane County had no similar measure up for vote.

During the midterm elections, SAPOs also passed in Baker, Columbia, Lake, Umatilla and Union counties. The ordinances failed in Lincoln and Jackson counties.

These ordinances say they preserve the Second Amendment of the U.S. Constitution (the right to bear arms), voiding any laws or orders that would violate it; this includes preserving the right to own firearms without registration requirements and possessing semi-automatic firearms and high-capacity ammunition.

The ordinances also give county sheriffs the power to determine whether a gun law or regulation violates the Constitution — and thus to decide whether to enforce them.

*Eugene Weekly* contacted the Douglas County Sheriff’s Office for comment; they did not respond before print time.

Oregon Sen. Floyd Prozanski (D), representing south Lane County and north Douglas County, says he hasn’t spoken recently to Douglas County Sheriff John Hanlin, but his understanding is Hanlin is not planning on taking on that determinative role.

“I can’t speak for John [Hanlin],” Prozanski says. “I have heard and I think I have read that he personally did not believe that he would have the authority, or the desire, to be put in the position that the ordinance attempts to put the sheriffs in those counties into.”

He adds: “My read is that he was not planning to actively engage under the authority that the ordinance appears to give to him.”

Prozanski says SAPOs have had no real effect in other counties where they have passed. He believes these counties have not attempted to utilize the ordinances, especially in the case of the sheriffs’ involvement.

“I think Coos would be a good example. Here’s somewhere who has had it on the books for at least a couple of years and at this point it doesn’t seem that it has been used for the position by a sheriff to not enforce any state or U.S. law,” Prozanski says.

Because some county sheriff’s offices are underfunded, he says, they may not be enforcing some rules already.

“Basically, they can decide not to enforce without needing that ordinance,” Prozanski says.

The Lane County Sheriff’s Office had no comment on the ordinances. “Lane County was not one of the counties that voted on this issue,” says Carrie Carver, the Lane County Sheriff’s Office’s public information officer.

These recent SAPOs were in part drafted and supported by the Committee to Preserve the Second Amendment, a political action committee. Rob Taylor is the founder of that committee, and he says there is a chance a similar ordinance could pass in Lane County.

“If Linn County can do it, there’s a chance. There’s always a hope,” Taylor tells *EW*.



**‘THE FEDERAL GOVERNMENT HASN’T BEEN ABLE TO STOP ANY CITY FROM BECOMING A SANCTUARY CITY BECAUSE THEY ARE STANDING ON A VERY VIABLE LEGAL PRINCIPLE. SO WHY NOT USE THAT SAME PRINCIPLE FOR A CONSTITUTIONAL AMENDMENT SUCH AS THE RIGHT TO KEEP AND BEAR ARMS?’**

— ROB TAYLOR

“Lane County is going to be a surmountable challenge,” he says, specifically with the amount of signatures it would take, in a county of its size, to create an initiative petition and get it on the ballot.

According to the Lane County Clerk, Cheryl Betschart, the required amount of signatures for a county initiative petition is 6 percent of the county’s votes cast for the governor (where the governor was elected for a four-year term). That would mean about 10,000 signatures to put such a measure on the ballot here.

Taylor says the petition process would be the biggest challenge.

“I know a lot of people may think it’s too much of a ‘blue county,’ but there are so many Democrats who own guns and believe in their rights too,” Taylor says. “It’s an issue that I think transcends party lines a lot more than people would think.”

The SAPOs also received news coverage due to their support by militia groups such as the Oath Keepers and the Three Percenters; both groups are adamant about defending constitutional rights. Local members of both groups were present at the Bundy-led Malheur National Wildlife Refuge occupation.

Taylor says militia members supporting the ordinances are doing so as individuals, not as a part of their groups.

Taylor was the chief petitioner for the initiative petition that got a SAPO passed in his home of Coos County in 2015.

He created the Committee to Preserve the Second Amendment a few months ago.

“People started contacting me on how to do it in their area,” Taylor says. “I would give them tutelage on how to maneuver the process. It really grew and took off.”

Oregon Sen. Prozanski says the SAPOs could eventually run into legal problems.

“The logistics or the legality of that type of ordinance I think runs right into multiple issues of constitutionality in the sense of the authority of the state,” Prozanski says. “In 1995, the state did a pre-emption at the local level of gun bills and ordinances and basically said that they needed to be done on a uniform basis at the statewide level. So that would be one issue.”

Another issue, Prozanski says, “is this delegation of authority and power to the executive branch, in this case the sheriff, to determine what is constitutional. I think that could run into a very stiff, significant challenge as well.”

Taylor says he has also thought about legal challenges and, he says, the committee is working on getting new, amended ordinances.

“We’re going to reintroduce the SASO — the Second Amendment Sanctuary Ordinance,” Taylor says.

The SASO would tweak the original ordinance, taking

the sheriff’s determination out of the picture and only focusing on the county government. It also would adopt legal language similar to that used by sanctuary cities — cities that attempt to protect illegal immigrants from federal action — specifically the legal principle of “anti-commandeering,” an idea that leans heavily on sovereignty for cities, counties and states against the federal government.

“The federal government hasn’t been able to stop any city from becoming a sanctuary city because they are standing on a very viable legal principle,” Taylor says. “So why not use that same principle for a constitutional amendment such as the right to keep and bear arms?”

Taylor says he and other chief petitioners will be gathering signatures for new initiative petitions for the SASO with that amended language in order to get it on the ballot and get it voted on again to supersede the old ordinance.

So far, Taylor says, his home of Coos County, which passed the SAPO in 2015, has seen no legal challenges to the ordinance.

He adds the first two counties to pass a SAPO, Wallowa and Wheeler, “have not faced any legal challenges as well.”

As far as the SAPOs’ effectiveness, Taylor confirms Prozanski’s claims that it hasn’t made a huge difference in Coos County.

“The sheriff’s office has limited funding and did not enforce most of these firearms laws anyway, as well as many other violations, so the ordinance just codifies this practice for the agency,” he says.

Prozanski, who was one of the lead sponsors of Oregon Senate Bill 941 — a bill which requires a criminal background check when transferring ownership of a firearm — says he understands why citizens, especially in rural counties, would push forth a SAPO measure.

“I’m from Texas. I’ve owned a gun since I was 15. I still own a gun and I understand in a more rural geographic area, individuals are more concerned as to mandates placed on them or others that they feel somehow interfere with their quality of life and their culture,” Prozanski says.

But, he says, gun control measures and bills created by lawmakers are ultimately meant to provide safety, not to strip rights away.

“During those discussions and having town halls in more rural areas, once individuals understood what we’re trying to do — limit easy access to felons, murderers, burglars, rapists, people who have been declared mentally ill — they had no problem with that,” Prozanski says. “When you look at the [gun control] measures that come forward, they are really dealing with regulatory action over people who we as a society think should not have access to guns.” ■

*For more information about SAPOs, visit [Sanctuaryordinance.com](http://Sanctuaryordinance.com). For info on gun control, go to [EverytownforGunSafety.org](http://EverytownforGunSafety.org).*