

Union County residents look to 2nd Amendment ordinance to thwart possible gun control laws

By Max Denning
The (La Grande) Observer

When Ken Wisdom was collecting signatures to get the Second Amendment Preservation Ordinance on the ballot in Union County in the summer of 2018, he told the signees about the potential for Democrats to introduce a bill with wide-reaching gun control measures in the state Legislature.

Oregon Senate Bill 501 is the kind of bill he warned gun rights supporters about.

SB 501 is the most far-reaching of the 14 bills regarding gun control already introduced in the 2019 legislative session. The bill would limit magazines to a maximum of five rounds, require permits to purchase guns, and limit the amount of ammunition an individual can buy in a 30-day period to 20 rounds. The bill's chief sponsors are Sen. Rob Wagner, D-Lake Oswego, and Rep. Andrea Salinas, D-Lake Oswego. The bill was written with input from a group of Lake Oswego High School students known as "Students for Change."

Second Amendment activists and Union County law enforcement are concerned about the bill.

Wisdom, a gun rights advocate, said he owns approximately 30 firearms. He said he believes three of them would still be legal if SB 501 passed. Of the 10 best-selling firearms in 2017, according to Sportsman Outdoors Superstore, only one would remain legal in Oregon in its standard manufacturing state.

Laura Eckstein, an attorney with law offices in La Grande and current Elgin Municipal Court Judge, said the laws the bill would create are illegal and "ridiculous."

"I believe there's a legitimate Second Amendment challenge," Eckstein said, citing a federal circuit court's ruling of a seven-round ban as unconstitutional.

GUNS

Continued from Page 1A

He doesn't think he'll have to decide whether to enforce any new laws that could conflict with the new county ordinance because he believes any unconstitutional laws would be challenged in court.

Jones said she assumes Ash would enforce the ordinance if necessary. Jones believes that if the sheriff failed to do so, voters would seek to replace him in the 2020 election (Ash was elected to a four-year term in 2016).

"In Baker County we've got a pretty good sheriff and we are trusting that he will uphold the Second Amendment ordinance," Jones said. "If he doesn't, God help him because the Baker voters could be pretty unforgiving."

Republican state Sen. Cliff Bentz, who represents Baker County and other areas of Eastern Oregon, is a member of the Senate Judiciary Committee. Bentz is one of three Republicans on the seven-person committee. Since November the Democrats have held a supermajority in both chambers of Oregon's Legislature. To pass gun laws the legislature requires only a simple majority vote.

"If Oregon keeps pushing this, I kind of am fearful of what will happen," Jones said. "I don't think the people are going to be pushed on the Second Amendment issues. Nobody's taking our guns."

"There are a lot of problems right out of the gate. Like what about a six-shot revolver? What about all of my guns that have a minimum of 10 (rounds)?"

Eckstein also said the bill is not intended to be passed, but just introduced so Democrats can pass a substantial gun control bill that will seem less extreme compared to SB 501.

"It's classic shock and awe, like a bait and switch," Eckstein said. "It's a classic legislative strategy to put a crazy bill forward that they know isn't going to pass, get everybody whipped up, when they really want (another) bill. So by then you're like 'Well, at least it's not that crazy thing.'"

Union County Sheriff Boyd Rasmussen echoed Eckstein.

"We too have concerns over some of the gun control bills being proposed presently," Rasmussen told The Observer. "How-

ever, it is fruitless to speculate on a response until one of these bills does indeed pass into law. Many bills in their final form bear little resemblance to their introduced form."

If SB 501 or another bill passes that violates the Second Amendment, Eckstein said the Second Amendment Preservation Ordinance (SAPO) passed in November could come into play in Union County.

The Observer reported at the time of the election that some legal experts think the SAPO is unenforceable. Jim Westwood, senior counsel at Stoel Rives law firm in Portland, told The Observer in November that the SAPO can't undermine state law.

"I think the state has preempted this," Westwood said. "I'm not sure the county sheriff or anybody else in a county would have the authority under Oregon law to declare anything contrary to Oregon law."

But Eckstein vehemently disagrees.

"I believe our SAPO is constitutional and enforceable," Eckstein said. "I believe that the SAPO would come into direct effect with a law like this. Because if 501 is unconstitutional then that triggers SAPO. So that problem presents itself squarely."

Wisdom, who was the chief petitioner of the SAPO in Union County, said he feels less worried about gun control bills in the Legislature because of the SAPO.

"I feel that SB (501) is going to be challenged because it's unconstitutional in the first place," Wisdom said.

If a law the sheriff's office believes is unconstitutional does pass, Rasmussen said he won't enforce it.

"I as sheriff and all other law enforcement officers have sworn an oath to uphold the Constitution," Rasmussen said. "We therefore have an obligation both legal and moral not to enforce any law deemed unconstitutional."

OREGON BRIEFING

Despite recent storms, snowpack remains below average in some areas

SALEM (AP) — Winter storms in the Pacific Northwest over the past week have helped boost mountain snow levels but the mountains that help supply the western part of Oregon with water still have far less snowpack than normal.

Oregon Public Broadcasting reports that the Natural Resources Conservation Service data show that the Hood, Sandy and Lower Deschutes watersheds are at 57 percent of normal, the lowest in the state.

The Willamette, Rogue and Umpqua, Upper Deschutes and Crooked and Klamath River watersheds are still below normal as well — ranging from 66 to 81 percent — even though recent storms have significantly benefited these regions.

The eastern part of Oregon is in a much better situation. Most watersheds have above-average snow in the mountains.

Salem man sentenced to more than 8 years in prison for domestic violence

SALEM (AP) — An Oregon man with a criminal record of violence against women has been sentenced to more than eight years in prison.

The Statesman Journal reports 37-year-old Joshua Haney was sentenced last week after pleading guilty to attempted second-degree assault, domestic violence assault and two counts of coercion.

The Salem man was initially arrested in August on charges of assault, rape and attempted murder against a Marion County woman.

Court records show his criminal history dates back to 2003, when he was convicted on an assault charge.

He was convicted on another assault charge the next year and sentenced to 13 months in prison.

The victim later filed for a restraining order after Haney was convicted of breaking into her home.

State fines political action committee \$95,000 for turning in ballots late

PORTLAND (AP) — Oregon plans to fine a political action committee nearly \$95,000 for turning in 96 general election ballots late.

The Oregonian/OregonLive reports Secretary of State Dennis Richardson's office announced Tuesday the fine against Defend Oregon, saying the ballots its canvassers collected were handed over a day after the Nov. 6 election.

The ballots were not counted because the election had ended.

State law requires people who collect ballots on behalf of others to turn them in on time. Each violation is punishable by a fine of up to \$1,000.

Becca Uherbelau, one of the group's directors, says Defend Oregon has taken responsibility for the mistake and apologizes to voters.

The group has 20 days to decide whether to request a hearing before an administrative law judge.

Some Washington sheriffs refuse to enforce gun law

By Nicholas K. Geranios
Associated Press

SPOKANE, Wash. — Sheriffs in a dozen Washington counties say they won't enforce the state's sweeping new restrictions on semi-automatic rifles until the courts decide whether they are constitutional.

A statewide initiative approved by voters in November raised the minimum age for buying semi-automatic rifles from 18 to 21, required buyers to first pass a firearms safety course and added expanded background checks and gun storage requirements, among other things. It was among the most comprehensive of a string of state-level gun-control measures enacted in the U.S. after last year's shooting at a Florida high school.

The National Rifle Association and the Second Amendment Foundation have filed a lawsuit in federal court alleging the initiative is unconstitutional. They say its purchasing requirements violate the right to bear arms and stray into the regulation of interstate commerce, which is the province of the federal government.

Sheriffs in 12 mostly rural, conservative counties — Grant, Lincoln, Okanogan,

Cowlitz, Douglas, Benton, Pacific, Stevens, Yakima, Wahkiakum, Mason and Klickitat — along with the police chief of the small town of Republic, have said they will not enforce the new law until the issues are decided by the courts.

"I swore an oath to defend our citizens and their constitutionally protected rights," Grant County Sheriff Tom Jones said. "I do not believe the popular vote overrules that."

Initiative supporters say they are disappointed but noted the sheriffs have no role in enforcing the new restrictions until July 1, when the expanded background checks take effect. The provision brings vetting for semi-automatic rifle and other gun purchases in line with the process for buying pistols.

"The political grandstanding is disheartening," said Renee Hopkins, chief executive of the Alliance for Gun Responsibility, which pushed the initiative. "If they do not (run the background checks), we will have a huge problem."

Initiative 1639 was passed by about 60 percent of Washington voters nine months after a gunman opened fire at Florida's Marjory Stoneman

Douglas High School.

The Parkland shooting, which left 17 dead, fueled a shift in the country's political landscape regarding gun control. Other state-level measures included requiring waiting periods and banning high-capacity magazines. Nine states have approved laws that allow the temporary confiscation of weapons from people deemed a safety risk, bringing the total to 14 nationwide. Several more are likely to follow in the coming months.

At the federal level, for the first time in modern history, gun-control groups outspent the NRA on the 2018 midterm elections. President Donald Trump directed the Justice Department to issue regulations to ban so-called bump stocks. And the new Democratic majority in the House last week held its first hearing on gun control in a decade.

"For far too long, Republicans in Congress have offered moments of silence instead of action in the wake of gun tragedies. That era is over," Democratic Rep. Jerrold Nadler of New York said as he convened the House Judiciary Committee hearing on Wednesday.

Washington's initiative targeted semi-automatic assault rifles like the AR-15 used in the Florida shooting and other recent high-profile attacks. Such rifles fire only once for each pull of the trigger but automatically eject and chamber a new round after each shot.

Grant County's sheriff said many residents in his part of the state, known for its vast potato farms, are strong supporters of gun rights. They "have a right to have this challenge and appeals process play out before moving forward," Jones said.

Lincoln County Sheriff Wade Magers noted more than 75 percent of voters in his small county just west of Spokane voted against the initiative. He called the new rules unenforceable.

On the flip side, the sheriff's offices in King County, which includes Seattle, and Clark County, near Portland, Oregon, have said they will enforce the measure while it is being challenged in court.

Carla Tolle of Kelso, in

Cowlitz County, north of Portland, is an initiative supporter whose grandson was shot to death by a friend wielding a shotgun in 2017 in what was ultimately ruled an accidental shooting.

She said she was "shocked, devastated, dumbfounded" to learn Cowlitz County Sheriff Brad Thurman said he will not enforce the stricter gun rules until the legal case is resolved.

"He saw firsthand what happened with an unsecured firearm," Tolle said. "He saw the effect on both families."

Spokane County Sheriff Ozzie Knezovich has criticized the initiative while also decrying "grandstanding" sheriffs who decline to enforce it.

Hopkins, of the Alliance for Gun Responsibility, noted only a relatively small number of Washington's law enforcement leaders are speaking against the measure, while many others support it.

The NRA and the Bellevue-based Second Amendment

Foundation sued in U.S. District Court in Seattle in mid-November, saying the initiative violates the Second and 14th amendments of the Constitution as well as gun sellers' rights under the Commerce Clause.

"This measure will have a chilling effect on the exercise of the constitutional rights of honest citizens while having no impact on criminals, and we will not let it go unchallenged," Second Amendment Foundation Executive Vice President Alan M. Gottlieb said when the lawsuit was filed.

The lawsuit does not directly challenge the parts of the law pertaining to enhanced background checks or training requirements. However, the groups asked the court to block the entire law pending a determination of whether those provisions can be separated from the parts they are seeking to block: those related to sales to those under 21 and to out-of-state residents.

The state has asked the judge to dismiss the case.

Rocky Mountain Elk Foundation
Elkhorn Chapter 23rd Annual
Big Game Banquet



March 2, 2019

Baker City Elks Lodge · Doors Open 5 PM
Live Auction, Silent Auction, Games & Raffles



For membership and dinner ticket information, call Luke Harriman 1-208-602-0439 or go to RMEF.com

Friends of the Baker Heritage Museum's 10th Annual Fundraiser "A Night at Old Auburn"



Sponsored By:

Triple C Redi-Mix, INC. CCB#90220
Oregon Cultural Coalition, Baker Co.
Baker City Herald
Baker Garage, Clarke & Clarke Ins. ;
Community Bank, Ash Grove Cement Inc. ;
Marvin Wood Products,
Oregon Trail Electric Coop

Saturday, February 23th
6 pm—10 pm

Tickets \$30.00
after Feb. 17th \$38.00

Dinner, Door Prizes,
Casino style gaming, BINGO
"Paint Your Wagon"
Costume Contest
Visa Card Raffle

Let's make history! Deal me in!

541-523-9308
www.BakerHeritageMuseum.com