



Oregon Firearms Educational Foundation
Educating, Advocating, Litigating

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Ms Barbara Jacobson
Sr Assistant General Counsel
Port of Portland
121 NW Everett
Portland OR
97209

3/22/04

Dear Ms. Jacobson,

Thank you for your letter of February 24th, 2004.

In your letter, you state that the Port of Portland "...is authorized to restrict the public from carrying guns inside of the Portland International Airport ("Airport") Terminal, concealed weapons permit or not, (sic) pursuant to Port Ordinance No. 377-R, of which you have already received a copy from my legal assistant."

Furthermore, you state, by way of defending this policy, "There are no restrictions or limitations to ORS 198.510 by reference to any other section of the Oregon Statues."

However, as I pointed out to Chief Klahn in my original e-mail to him, ORS 160. 170 subsection (2) states:

*"Except as expressly authorized by state statute, no county, city or other municipal corporation or district may enact civil or criminal ordinances, including but not limited to zoning ordinances, to regulate, restrict or prohibit the sale, acquisition, transfer, ownership, possession, storage, transportation or use of firearms or any element relating to firearms and components thereof, including ammunition. **Ordinances that are contrary to this subsection are void.** [1995 s.s. c.1 §1]"*

(Emphasis added.)

I have enclosed a copy of a letter from the office of Legislative Counsel to House Majority Leader Wayne Scott.

As you can see, it is the opinion of Legislative Counsel that, in fact, the Port of Portland has no authority to regulate the possession of concealed handguns by holders of Oregon concealed handgun licenses.

We received a similar opinion from Legislative Counsel concerning the right of the Oregon University System to restrict the rights of people in possession of concealed handgun licenses. As you know, we are currently funding a lawsuit against the system because of their rules concerning licensed handgun possession.

It is our opinion that your ordinance is in violation of Oregon law. As you can see, the attorneys who are responsible for crafting the language of Oregon law agree.

In an e-mail dated February 19, 2004, Chief Klahn made the following statement:

"In light of the Port ordinance language, I suggest that you advise your constituents with CHL's not to carry concealed handguns into the airport terminal building."

Obviously, based on the opinion of Legislative Counsel, we are unable to recommend to our supporters that they voluntarily give up an activity considered legal by the very people who are charged with the correct construction of the law in question.

Please advise us as soon as possible whether the Port of Portland plans to modify this rule.

Very truly yours,

Kevin Starrett
Executive Director
encl.

cc Chief Phil Klahn