

**PUBLIC TESTIMONY OF CHARLES WAGNER  
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I am a submarine veteran of the cold war, as well as the 4<sup>th</sup> generation of my family to serve in combat arms of the Armed Services of the United States. I am also the descendant and great grandson of Polish peasant revolutionaries thwarted by lack of arms in their opposition to the control by the nobility and Prussian occupation. I received an Engineering BS and my commission as Ensign USN from OSU in 1974

I support HB 3009 . I am opposed to HB 3114

I could tell you that I am here in opposition to domestic enemies of the US Constitution and that would be true. I could explain to you that the same document which begins "WE THE PEOPLE" states in clear direct English the right and DUTY of citizens to keep and bear arms, and that would be true. I could point out that the clear and direct English of the 2<sup>nd</sup> amendment does not say the right of the militia, it says the right of the People to keep and bear arms shall not be infringed. It does not say "muskets and swords" it says ARMS. It does not say "may" or "sometimes if we feel like it" it says SHALL NOT. It does not say "modified, mollified" it does not say "rationally and safely in our opinion be occasionally allowed" it says INFRINGED. No doubt others will provide you the Webster's Dictionary definition of infringed. I could tell you all those things, which you will hear from other people, but instead I will spend my time on things I don't think you will otherwise hear.

Historically, the access to arms has determined the safety of the population as well as its ability to remain free. This has been true for centuries and continues to this day. When Carthage surrendered its right to own the arms of the day to Rome, in the hopes of buying peace, the Carthaginians sealed their doom. Not many years after, the defenseless Carthaginians were methodically put to the sword, their city systematically pulled down, the land salted, and neither the Romans nor the rest of the world was troubled with Carthage. All because their craven politicians and merchants compelled the populace to surrender their arms.

We need not go to ancient history to observe the effect on safety of being unable to access suitable weaponry. Recent news regarding the court martial of an Army Major for mayhem at Fort Hood should remind us. In one of the most regulated environments on a base with some of the most heavily armed formations of the Army, populated by some of the most capable and deadly warriors on the planet, Major Hasan was able to shoot and kill 13 people and wound 30 before he was stopped. BECAUSE- those warriors were unable to access their weaponry in time. Determined, willing, trained and proficient warriors made into easy targets by DOD and Army policy and regulations for who can carry arms on base, and secure storage of the remaining arms. Of course, these regulations were obviously known and blithely ignored by Major Hasan, a relatively untrained and not so capable psychiatrist.

Or, consider September 11, 2001, when the only effective counter attack to the deadly assault on over 2000 of our fellow citizens was NOT conducted by Delta Force, the Seals, the Marines, the Army, Air Force or Navy. The only counter attack mounted that day was by a small group of ordinary citizens, the passengers and crew of Flight 93, who armed with no more than their wits, and the objects at hand managed to save hundreds if not thousands of their fellow citizens, but not themselves. We can only wonder how close they came to saving their own lives and if they had been better armed, might they have done so?

The point I am making is that historically, and factually, we can never predict when death and danger will stalk us, so it is more often than not the "authorized armed" will be unable to intervene in time to save us. Even more critical is the DUTY of the capable and willing to intervene, armed if able, to save not only themselves, but their fellow citizens. It is commonly the thought of those who have lost someone that this act or that safety measure would have resulted in that person remaining alive. They cannot know this for a fact, but it comforts them to believe so. What they ignore is that by imposing on future victims some barrier to obtaining arms, they will condemn someone to injury or death WHO WOULD have done something in self defense.

These and other practical reasons led the drafters of the 2<sup>nd</sup> Amendment and the Oregon Constitution to put some of the most clear English restrictions on the government to not impede citizens from ready access to arms as part of the compact granting powers to that government. The ghosts of ancient Carthage, of Poland, of other defenseless populations gave them pause. Those ghosts along with the ghosts of Flight 93 and Fort Hood and thousands of others should give you pause too.

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