

Submitter: Horst Meister
On Behalf Of:
Committee: Senate Committee On Rules
Measure: HB2572

I support HB 2572. This bill expands on existing Oregon law (ORS 166.660, below) to allow a person or persons who have been harmed by a private paramilitary group to sue for and recover damages, and authorizes Oregon's Attorney General to bring a civil action against a person or persons whom the AG's office has reasonable cause to believe has undertaken or plans to undertake paramilitary activity.

HB 2572 exempts certain lawful organizations and activities, some examples being private security firms, law enforcement, historical military re-enactors or self defense classes, thereby safeguarding the rights of law-abiding citizens.

It is just and fair that persons who engage in unlawful activities and cause harm to others by their illegal actions should be held accountable for the damage they've done.

Under ORS § 166.660(1), it is a felony in Oregon to either:

- (1) Exhibit, display or demonstrate "the use, application or making of any firearm, explosive or incendiary device or any technique capable of causing injury or death," intending or knowing "that such firearm, explosive or incendiary device or technique will be unlawfully employed for use in a civil disorder;" or
- (2) Assemble "with one or more other persons for the purpose of training with, practicing with or being instructed in the use of any firearm, explosive or incendiary device or technique capable of causing injury or death to persons with the intent to unlawfully employ such firearm, explosive or incendiary device or technique in a civil disorder."

Some people believe private paramilitary groups are legal.

In fact, private paramilitary organizations, popularly known as militias or citizen militias, are illegal in all 50 states.

Control of military forces by elected representatives of the people is a foundational principle of United States law.

In Article 2, The Constitution of the United States designates the President, an elected civilian official, commander in chief of our armed forces.

The Second Amendment begins with the words "A Well regulated militia, being necessary to the security of a free state ... "; the well regulated militia that the

framers of the Constitution referred to were the state militias raised by each state in the 1790s. State militias of the early republic were organized by elected civilian authorities, officered by persons commissioned by elected representatives, were subservient to elected civilian authorities and acted under the direction of elected representatives of the people.

Acknowledging the above constitutional principle, the Supreme Court decided in 1886 and reaffirmed in 2008 that the Second Amendment “does not prevent the prohibition of private paramilitary organizations.” *District of Columbia v. Heller*, 554 U.S. 570, 621 (2008) (citing *Presser v. Illinois*, 116 U.S. 252 (1886)).

Article 1, Section 27 of Oregon’s Constitution effectively forbids private paramilitary groups, stating that “the Military shall be kept in strict subordination to the civil power.”

According to the Institute for Constitutional Advocacy and Protection (ICAP) at Georgetown University Law Center, “Federal and state laws generally use the term “militia” to refer to all able-bodied residents between certain ages who may be called forth by the government to defend the United States or an individual state. (See 10 U.S.C. § 246). When not called forth, they are sometimes referred to as the “unorganized militia.” A group of people who consider themselves part of the able-bodied residents referred to as members of the militia under state or federal law is not legally permitted to activate itself for duty. A private militia that attempts to activate itself for duty, outside of the authority of the state or federal government, is illegal.”