

Submitter: Gary Weis  
On Behalf Of:  
Committee: Senate Committee On Judiciary  
Measure: SB348

This is my testimony for the Measure 114 work around in the Senate Judiciary Committee. SB348

I have heard people say “ I have a right to FEEL SAFE”. But that is patently false! Article 1 sec 27 of the Oregon Constitution says:

“ THE PEOPLE SHALL HAVE THE RIGHT TO BEAR ARMS FOR THE DEFENCE (sic) OF THEMSELVES, AND THE STATE, BUT THE MILITARY SHALL BE KEPT IN STRICT SUBORDINATION TO THE CIVIL POWER”.

It is quite clear in the text (Bruen) that the founders of our state intended for people to “BE SAFE” and to be safe by our their hand. Further more we the people have a DUTY TO DEFEND the state which indicates military weapons and their accessories, which include the 30 round magazine.

The founders did not provide for a limitation such as that which is written in measure 114 or those presented before this committee, for if they had, they would have included it in the text as it did with “BUT THE MILITARY SHALL BE KEPT IN STRICT SUBORDINATION TO THE CIVIL POWER”, ( historical analog- Bruen). By writing the subordination to the civil power the founders showed that they were perfectly capable of providing the legislature with authority to limit the right to bear arms but they CHOSE not to, so quite clearly the limitation doesn't exist! Measure 114 is quite clearly unconstitutional in its entirety!

The State of Washington Court and the Oregon Circuit Court in Harney County have both scheduled arguments on a 30 round magazine ban for later this summer. The reason that they have both delayed arguments is that the U.S. 9th Circuit Court of appeals has vacated their en banc 30 round magazine ban and returned it to Judge Benitez to rewrite under Bruen. As he has already found the magazine ban to be unconstitutional they, the state courts don't want to waste their time.

Have members of this committee taken an oath to support and defend the Constitutions of the United State and the State of Oregon? If yes then I expect you to honor your word .

Measure 114 and this work around is clearly unconstitutional.

Gary Weis

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