

Submitter: Jim Mischel

On Behalf Of:

Committee: Senate Committee On Veterans, Emergency Management, Federal and World Affairs

Measure, Appointment or Topic: SB947

I am writing you in OPPOSITION of the proposed SB 947. In fact, I am adamantly opposed to this bill, and quite frankly offended at the improper use of "national guard". There is no Military Standards of Documentation nor Grammar Rules where National Guard is not considered a proper name and NOT capitalized. This is utterly disrespectful to all Active, Future, Former and Retired Veterans of the National Guard.

396.015 Definitions related to unorganized and organized militia. The terms "unorganized militia," "all or any part of the organized militia," and "organized militia or any force thereof," whenever used in this chapter and ORS chapters 398 and 399, unless a different meaning is plainly required by the context, shall be deemed to include any unit, command, component, element, headquarters, staff or cadre thereof as well as any member thereof. [1961 c.454 §5(4)]

396.105 Militia comprised of organized and unorganized militia. (1) The militia of the state shall be divided into the organized militia and the unorganized militia.

(2) The organized militia shall be composed of the Oregon Army National Guard and the Oregon Air National Guard, which forces together with an inactive National Guard shall comprise the Oregon National Guard; the Oregon Civil Defense Force whenever such a force shall be duly organized; and such additional forces as may be created by the Governor.

(3) The unorganized militia shall consist of all able-bodied residents of the state between the ages of 18 and 45 who are not serving in any force of the organized militia or who are not on the state retired list and who are or who have declared their intention to become citizens of the United States; subject, however, to such exemptions from military duty as are created by the laws of the United States. [1961 c.454 §5(1),(2),(3); 1989 c.361 §2; 2005 c.512 §3; 2017 c.472 §3]

The Oregon Constitution refers to Militia and the above laws

I dare say that under the Supreme Court precedent of Historical Context, it may be in direct conflict since the Militia has been around since before the beginning of our nation. Remember the "Minutemen"? Minutemen were members of the organized New England colonial MILITIA companies trained in weaponry, tactics, and military strategies during the American Revolutionary War. They were known for being ready at a minute's notice.

Even in the Oregon Constitution a state "MILITIA" is embedded. I would think that

common sense would dictate that if you want to change "Militia" in Oregon State Law, the Constitution needs to be amended. There are times when I am convinced the Constitution of the State or this Nation is of little consequence to certain parties in the State Legislature. It would seem that whenever a Supreme Court Decision is made, the matter on the agenda is how certain factions within the Legislature can undermine or nullify that decision.

This is another blatant attempt to try and get around the U.S. Constitution and the Oregon State Constitution.

I firmly believe this is a direct, blatant attempt to stymie free speech and the right to assemble. Perhaps as nefarious is the back door attempt at usurping the US Constitution's Second Amendment and the Oregon State Constitution, Article 1, Section 27 as well as ARTICLE X Sec 1. State militia

Section 27. Right to bear arms; military subordinate to civil power. 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[.]

#### ARTICLE X THE MILITIA

Section 1. State militia. The Legislative Assembly shall provide by law for the organization, maintenance and discipline of a state militia for the defense and protection of the State. [Constitution of 1859; Amendment proposed by H.J.R. 5, 1961, and adopted by the people Nov. 6, 1962]

1857 Oregon Constitution says Militia....