

Submitter: Bryson Baker

On Behalf Of:

Committee: House Committee On Emergency Management, General Government, and Veterans

Measure, Appointment or Topic: SB947

I oppose Senate Bill 947 (SB 947), which seeks to replace “militia” with “National Guard” in Oregon’s definition of the “unorganized militia” (ORS 396.105). This change threatens constitutional rights, historical traditions, and legal protections for Oregonians, particularly under the Second Amendment and Article I, Section 27 of the Oregon Constitution. I urge the committee to reject this bill due to its potential to undermine individual liberties and create legal ambiguities.

1. Threat to Constitutional Rights

The current definition of the “unorganized militia” includes all able-bodied residents aged 18–45 not in the organized militia, aligning with the Second Amendment’s reference to a “well-regulated militia” (District of Columbia v. Heller, 2008).

Redefining the militia as solely the National Guard—a government-controlled entity—severs this link, weakening the constitutional basis for the individual right to bear arms. The militia, historically, encompasses citizens capable of defending their communities, not just a state-run force.

2. Erosion of Historical Tradition

The militia concept predates the National Guard and is rooted in American history as a check against tyranny (Federalist No. 46). Oregon’s Constitution reflects this by guaranteeing the right to bear arms for self-defense and state protection. Replacing the militia with the National Guard ignores this tradition and diminishes the civic role of citizens in emergencies, such as natural disasters or civil unrest, where the unorganized militia could be vital.

3. Legal and Practical Risks

SB 947 may create legal confusion, particularly for laws like ORS 166.660, which exempts militia activities from “unlawful paramilitary activity” prohibitions. Redefining the militia could criminalize lawful citizen activities, such as firearms training or community defense drills, chilling Second Amendment rights. The bill’s sponsors (e.g., Senators Prozanski, Manning) have not justified this change, raising concerns about hidden motives or future gun control efforts.

4. Impact on Gun Owners

By undermining the militia’s role in justifying gun ownership, SB 947 could weaken legal defenses against firearms restrictions, especially post-Heller and New York State Rifle & Pistol Association v. Bruen (2022). This risks empowering stricter regulations, disproportionately affecting lawful gun owners who rely on constitutional protections tied to the militia.

5. Recommendations

Instead of passing SB 947, the committee should:

- Retain the current militia definition to preserve constitutional and historical integrity.

- Hold transparent discussions with stakeholders, including gun rights groups and legal experts.
- Explore ways to clarify the unorganized militia's role in emergency preparedness without restricting rights.

Conclusion

SB 947's redefinition of the militia as the National Guard jeopard of jeopard of jeopard of threatens Oregonians' rights, historical traditions, and legal protections. This seemingly minor change could have far-reaching consequences for the Second Amendment and Oregon's constitutional framework. I respectfully urge the committee to reject SB 947 and uphold the unorganized militia's role in our state's heritage and security.