



Written by [Bob Adelman](#) on December 7, 2022

## Judge Puts Hold on Oregon Gun-control Law

Within hours of receiving the complaint over Oregon's controversial Measure 114 — one of the nation's strictest gun-control laws — Harney County Judge Robert Raschio [issued a temporary restraining order](#) (TRO) against the law's implementation scheduled for tomorrow.

Raschio ruled that under Article I of the Oregon Constitution: "The people shall have the right to bear arms for the defense of themselves, and the State...." He wrote:

With implementation [of Measure 114], there are serious harms [not only to individual lawful gun owners but] to the public interest as well, which could include individuals being arrested and prosecuted for Class A misdemeanors under what could be found [later] to be an unconstitutional statutory scheme.

And that potential could happen if Ballot Measure 114 is allowed to go into effect without significant judicial scrutiny.

And then Raschio provided a mini-lesson in political philosophy, confirming the "sovereign citizen" basis upon which the state's — and the federal — constitution is built:

And, certainly no one would argue that individual liberty is not a cornerstone of our country. First the people, then the state.

Lawyers for the plaintiffs celebrated the early victory:

On behalf of Gun Owners of America and our clients we are pleased with the decision and confident that courts will continue to see that Measure 114 is unconstitutional both because its permit to purchase scheme does not even currently exist and gives arbitrary discretion to licensing agents to deny Oregonians their constitutional rights, and [it] would prohibit the sale of most modern firearms since most are capable of being converted to hold more than 10 rounds [illegal under Measure 114].

The state's attorney general, Ellen Rosenblum, promised to file an appeal immediately to the state's



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Supreme Court to reverse Raschio's TRO.

In a separate but related ruling, on Tuesday U.S. District Court Judge Karin Immergut [delayed implementation of part of Measure 114 for 30 days](#) so that the court could allow both parties to present arguments in a judicial review of the law. Although she allowed the 30-day delay because the state didn't have the regulatory infrastructure in place to enforce the law, she wrote that the complaint, brought by the Oregon Firearms Federation, was not persuasive:

Based on the record before this Court at this early stage in the litigation, this Court finds that Plaintiffs have failed to meet their burden showing that they are entitled to the extraordinary relief they seek.

Plaintiffs have failed to demonstrate that they will suffer immediate and irreparable harm if this Court does not block Measure 114 from taking effect on December 8, 2022.

Plaintiffs have not produced sufficient evidence at this stage to demonstrate a likelihood of success on the merits of their challenge to Measure 114's restrictions on large-capacity magazines.

Plaintiffs have also failed to demonstrate a likelihood of success on their facial challenge to Measure 114's permitting provisions.

Lawyers for the Oregon Firearms Federation have their work cut out for them. They have just 30 days to prepare their clients' case in such a way that, in the event Judge Immergut rules against them, they have sufficient and persuasive reasons to appeal to the Supreme Court.

The highest court in the land ruled in *Bruen* that citizens have the right to keep and bear arms outside of their home unless a government can justify infringements on that right. The high court has already ruled against California's ban on magazines holding more than 10 cartridges.

Thus, an appeal of any of the lawsuits against Oregon's Measure 114 now pending or about to be filed will likely find a friendly ear favoring the plaintiffs and law-abiding gun owners in the Beaver State.



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