



Written by [Bob Adelman](#) on December 2, 2022

Lawsuits Challenge Oregon's Draconian Gun-control Law

Oregonians, by the slimmest of margins — 27,000 votes out of 1.9 million cast — passed Measure 114, touted as one of the nation's strictest gun-control laws. It is also doomed to failure at the U.S. Supreme Court, if the two lawsuits just filed against it get that far.

In June, the high court ruled in *New York State Rifle & Pistol Association, Inc. v. Bruen* that New York's gun permit requirements violated the Constitution, and also affirmed the right of a citizen to carry a handgun outside the home for self-defense.

The Supreme Court just added to those rulings with another one, this one overturning California's ban on magazines carrying more than 10 rounds of ammunition. [In that ruling](#), the high court directed the 9th U.S. Circuit Court of Appeals to "revisit" its ruling supporting California's 10-round magazine ban.

Nevertheless, voters in the Beaver State passed Measure 114, which is to become effective December 8. Anyone who wishes to purchase a firearm would first have to gain permission to do so by paying a fee of \$65, completing an application, attending an "approved" firearms safety course at his own expense, submitting a photo ID and fingerprints, and then passing an in-depth background check that includes questions about his mental health.

Assuming he obtains permission, under Measure 114 he would still be unable to purchase a magazine containing more than 10 rounds of ammunition.

[The first lawsuit](#), filed on November 18, was brought by the Oregon Firearms Federation against the governor and attorney general of the state. It claimed that the Supreme Court's decision in *New York State Rifle & Pistol Association, Inc. v. Bruen* requires that any state attempting to infringe on the Second Amendment must justify that infringement:

The standard for applying the Second Amendment is as follows:

When the Second Amendment's plain text covers an individual's conduct, the Constitution presumptively protects that conduct. The government must then justify its regulation by demonstrating that it is consistent with the Nation's historical tradition of firearm regulation.

Only then may a court conclude that the individual's conduct falls outside the Second Amendment's unqualified command.



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The lawsuit claims that Measure 114 cannot be justified and should be tossed.

[The second lawsuit](#), filed on November 30, was brought by the Second Amendment Foundation, the Firearms Policy Coalition, and two other plaintiffs against Oregon’s attorney general and the head of the Oregon State Police. Its focus was on the 10-round magazine ban, claiming that “absent relief from this court, defendants will violate the constitutionally protected rights of Oregon’s law-abiding citizens,” adding that such a ban “will do nothing to address or ameliorate ... public policy concerns [over gun violence].”

To bolster its case, the lawsuit refers to both the California ruling — *Duncan v. Bonta* — and *Bruen*. On June 30, the Supreme Court issued in *Duncan v. Bonta* a “GVR” — grant, vacate, and remand — to the lower court. This requires the 9th Circuit Court to “adjudicate” its prior ruling in a manner consistent with the high court’s ruling.

It also noted that the *Bruen* decision protects an individual’s right to keep and bear arms outside the home: “When the Second Amendment’s plain text covers an individual’s conduct, the Constitution presumptively protects that conduct.”

These arguments are to be heard by U.S. District Court Judge Karin Immergut today in Portland.



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