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We, the Gun Owners of Vermont, are strongly opposed to S.31 and every part of it.

Here are some basic facts.

Since the Brady law took effect in 1998, 378,000 firearms have been purchased in Vermont from FFL licensees.

There are also millions of firearms in Vermont that have been purchased over the previous 200 years, yet Vermont is consistently the safest state in the nation, and we are comparable to Switzerland, long held to be one of the safest places in the world.

The anti-gun crowd would have you believe that there is something wrong with Vermont's laws that needs to be "fixed", and that the citizens of Vermont can no longer be trusted.

For over 200 years, Vermonters have responsibly owned, traded and used firearms for hunting, target shooting, and self-defense against man and beast, yet now, this centuries old tradition is being challenged by out-of-state voices and money.

These people think that the good and honest people of Vermont cannot be trusted to continue this tradition amongst our life-long friends, neighbors and family.

Considering our record of safety and responsibility, this is insulting to the people of Vermont, and any legislator who supports this bill in any way, also insults them.

S.31 (Part 1) prohibit a person convicted of a violent crime from possessing a firearm;

Section 1 of the bill is an attempt to regulate the POSSESSION of firearms in Vermont, NOT an attempt to prevent truly violent criminals from OBTAINING a firearm.

What is a firearm?

The definition of "firearm": State vs Federal

Senator Campbell is trickier than most people think. In order to suit his purposes, he switches between using Federal statutes and State statutes. The Federal definition of a "firearm" is found in U.S.C. 18, Chapter 44, Section Sec. 921, (3) The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

Chapter 44, Section Sec. 921, (16) **The term "antique firearm" means -**

(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) **manufactured in or before 1898**; or

- (B) any replica of any firearm described in subparagraph (A) if such replica -
 - (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or
 - (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade;or
- (C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition.

In S.31, page 4, line 1, Senator Campbell is using the Vermont definition of a firearm, Title 13, Chapter 85, Section 4016, "Firearm means any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes any weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun."

Senator Campbell goes well beyond Federal law on this one, it appears what he is trying to do is regulate EVERY firearm ever manufactured even dating back to the 13th century!

We find this highly disturbing as even the Federal government recognizes there is no justification to regulate that type of firearm.

This will also outlaw "prohibited persons" from using muzzle-loaders to hunt and feed their families, taking their Rights away under CHAPTER II § 67 of the Vermont Constitution **AND** defending themselves and their families under Article 1 and Article 16 of the Vermont Constitution.

S.31 page 3, lines 1-4: This section turns Vermonters into criminals because they were convicted in another state for something that is not even against the law in Vermont!

The primary prohibiting factors on the Federal level is;

18 U.S.C. §922 (g) (1)

Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

As examples;

Possession of a single empty cartridge case in Massachusetts is a felony violation punishable by 1 year in prison if you do not have a Firearms Identification card.

Getting pulled over after driving to the store in your spouse's car after they returned from the range and forgetting to remove the firearms and/or ammunition from the car if you do not have a Firearms Identification card.

ANY felony conviction, not JUST violent crimes, from any other state will make you a prohibited person in Vermont.

S.31 page 3, lines 9-16: This will consider drug offenses as "violent crimes."

Senator Campbell includes a classic bait-and-switch in Section 1, as S.31 professes to ONLY "prohibit a person convicted of a violent crime", then immediately re-categorizes what is considered "violent."

If he makes no secret of his intentions to alter the definition of "violent crime" to include non-violent crimes in the **initial bill**, one can only wonder what future re-definitions will be amended.

In Vermont there is no provision to have your record expunged, so a person who has behaved themselves for the last 30 years will now face a prison sentence for nothing more than doing something that is perfectly legal today. All the new laws are retroactive, so if something that was a misdemeanor in the 1970's becomes a felony in 2016, that person would then be guilty of a felony.

S.31 (Part 2) require that a criminal background check be conducted on the proposed purchaser before a firearm may be sold

This IS registration.

A FFL dealer cannot perform a background check without the purchaser filling out a form 4473. That form lists, the purchaser's name, address, place of birth, height, weight, gender, birth date, ethnicity and race. In addition, the 4473 also requires the name of the manufacturer, model, serial number, type of firearm and caliber or gauge.

These records must be kept FOREVER!

As a matter of fact, many of those antique firearms to be regulated under S.31 do not have manufacturer's names or serial numbers, and without those identifying features cannot be traced, therefore this law would be unenforceable.

The NICS system was NOT developed to trace firearms, but to validate the suitability of the purchaser. There are currently millions of firearms in Vermont that have been passed down from parent to child that have no record.

Senator Campbell is using S.31 as a registration process.

A few years ago, the ATF copied these forms from thousands of FFL dealers nationwide including many in Vermont and New Hampshire. The ACLU has identified that the DEA and ATF have also collaborated on plans to visit gun shows and recorded the license plates of thousands of attendees.

See: <https://www.aclu.org/blog/technology-and-liberty-national-security/dea-planned-monitor-gun-show-attendees-license-plate-r>

Under S.31 transfers between non-immediate family members MUST go through a FFL dealer.

Failure to do so will result in fines and jail time.

Unintended consequences of S.31 would be:

An uncle selling a firearm to his nephew with his parent's permission, under Federal law, it is illegal to sell a firearm to a minor. If they have to go through a background check, it will be refused, and the uncle will face Federal charges.

Even though you are not including certain prohibited persons from purchasing firearms in Vermont, they can't complete a background check because they are still prohibited federally.

Some examples are:

People who have renounced their citizenship.

Former military who have been dishonorably discharged.

Persons using medical marijuana to alleviate the pain and discomfort of chemotherapy, glaucoma and chronic pain.

People with three convictions for driving without a license.

These people, are not hardened criminals, and while honestly complying with the new state law, will be denied and prosecuted under Federal law.

Federal disqualifiers include:

18 U.S.C. §922 (g) (1)

Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

The majority of "felony" convictions are for non-violent offenses.

18 U.S.C. §922 (g) (3)

Is an unlawful user of or addicted to any controlled substance;

This federal disqualifier includes medical marijuana, Vermont records held approximately 1,400 names as of November 2014, if these "records" are released to the federal government as S.31 mandates, ALL these Vermonters will be immediately stripped of their Rights to self-defense in the state of Vermont.

See ATF letter dated 9/21/2011

It is interesting to note, that in order to obtain a Vermont medical marijuana license under § 4474g, **applicants must pass a federal background check!**

How ironic it is, that *passing* this check will leave you a "prohibited person" for the remainder of your life.

18 U.S.C. §922 (g) (4)

Has been adjudicated as a mental defective or committed to a mental institution;

Does anyone remember the horrors of the Eugenics program of the 1930s through the 1960s?

To quote "Eugenics: Compulsory Sterilization in 50 American States", the excerpts below can be found on the UVM website: <http://www.uvm.edu/~lkaelber/eugenics/VT/VT.html>

"253 sterilizations were performed in Vermont making it the 25th highest in the nation."

"About two thirds of the total sterilizations were performed on women."

"Over 80% of the sterilized were deemed "mentally deficient."

"This law applied to residents of the state also, not just those institutionalized."

"The Abenakis were a large group targeted by the Vermont Eugenics laws, and though, according to Paul, the last noted sterilization occurred in 1957, the Abenakis continued to be sterilized (Dowbiggin, p. 181). Between 1973 and 1976, approximately 3400 Abenaki women were sterilized in the United States, including those sterilized in Vermont."

Who is to determine which persons are considered mental defectives now, or in the future?

Will history repeat itself?

In order to comply with S.31, it is a Gun Sense talking point to quote Michael Bloomberg's Mayor's Against Illegal Guns and Mom's Demand Action (now combined into the Vermont lobbyist group Everytown for Gun Safety) statement that "99.96 percent of Vermonters live within ten miles of a gun store."

This is NOT true.

Approximately 30,000 transfers a year go through FFL holders in Vermont.

According to our ongoing research, only 15% of the over 360 total FFLs (approximately 50 shops) have been confirmed as actual "gun stores" in Vermont.

The vast majority of FFL holders are home-based gunsmiths or manufacturers without public access.

All previously private transfers will be required to go through one of those publicly accessible gun stores.

It is more than just an "inconvenience" to the gun owner, it will be an imposition on those 50 stores.

Assuming 50 shops, 30,000 checks is 600 per shop or 11 a day.

Does an FFL make less profit per hour doing a required check for a product they did not sell?

Many FFLs might not perform these background checks because of the increase in insurance liability.

Another Gun Sense statement: "The average background check takes 30 seconds and costs less than \$30."

In fact, for EVERY sale through an FFL, Form 4473 MUST be filled out COMPLETELY AND PERFECTLY!

No corrections, no erasing, no scratch-outs.

PERFECTLY.

Mess up? Start over.

Form 4473 consists of 36 questions, divided into almost 80 sections.

17 questions (35 sections) are for the buyer, the remainder for the seller.

Mess up? Start over.

Filling out the buyer section takes about 4 minutes (if you don't mess up).

The FFL licensee will then spend 5-10 minutes filling out their portion of the paperwork.

Did they mess up?

When the form is completed, the FFL will charge you a fee for performing this transaction, so add another minute.

After the payment for the background check is completed, the FFL dealer then contacts the NICS hotline, relays all of the buyer's personal information, awaits a response and completes the paperwork.

EASY? Fairly.

QUICK? Definitely not.

As a matter of fact, the last section of the ATF Form 4473 states: "The estimated average burden associated with this collection is **30 minutes per respondent.**"

That is, if the NICS system is not "down" like it was Sunday, February 8, 2015 during the Barre gun show! Customers had to wait for hours to have their background checks cleared.

S.31 (3) require the Court administrator to report to the National Instant Criminal Background Check System established by the Brady Handgun Violence Prevention Act of 1993

As for mental health reporting, the 2014 report, *Reducing Suicide Risk by Limiting Access to Lethal Means* indicates, “[i]t is important to note that gun owners in particular may have a perceived added disincentive to seek help for depression or other mental health concerns, due to a high concern over the federal statute and additional state laws that prohibit purchase and ownership by individuals deemed mentally ill.”

So, it is well-known to medical professionals, that this type of law would deter people who are considering getting assistance with psychological issues to refuse treatment for such treatable conditions.

Section 3 also pertains to the same prohibitions as under 18 U.S.C. §922 (g) (4), as in Section 2.

“Has been adjudicated as a mental defective or committed to a mental institution.”

Voluntary hospitalizations for drug treatment or depression WILL be considered “commitment.”

Try to help yourself get help, and be labeled a “prohibited person”, forever.

Again, Vermont has no provision to have your record expunged, so ANY “commitment” is a LIFE SENTENCE in regard to your rights as a citizen “to bear arms for the defence of themselves and the State.”

Any provision of law that seeks to violate the unalienable rights of Vermonters is unacceptable and a danger to liberty.