



Gun Owners of Vermont

"The people have a right to bear arms for the defence of themselves and the state."

— Article 16th of the Constitution of the State of Vermont

Burlington Charter Changes, STILL illegal.

In response to the article on the My Champlain Valley website titled "Burlington Calling Legislature to Take Action on Its Gun Violence Charter Changes" I am compelled to comment.

Many people do not know that Vermont is actually the SAFEST STATE in the nation with the overall lowest violent crime rate. AGAIN.

It is a fact well-hidden by the media and our politicians.

Many Vermonters do not remember those cold winter days in 2013 when the Burlington Town Council led by Michael Bloomberg's "Mayors Against Illegal Guns" member Miro Weinberger, worked behind closed doors to propose FIVE gun control ordinances in Burlington.

Nor do they remember the "Public Forum" which was changed at the last minute to 11:30am on a Wednesday morning so no "public input" could be heard.

Maybe they remember Mayor Weinberger appearing in a Michael Bloomberg TV commercial for gun control?

The Burlington Town Council wanted Michael Bloomberg's New York-Style gun control laws regardless of the law in Vermont and even used his statistics to "prove" it.

The first proposal was a radical, BAN on "semi-automatic assault weapons and multiple ammo clips" and to "provide for the immediate seizure by the police of any semi-automatic assault weapons and/or multiple ammo clips that are unlawfully possessed, with a CIVIL FORFIETURE process to follow"...

The second was "Charter Changes Concerning Concealed Firearm Permits".

These two were discussed but were not brought to a vote.

To find out why gun control is unconstitutional in Vermont, first we need to look at the VERMONT Constitution (emphasis added below):

Article 1st.

"That all persons are born equally free and independent, and have certain NATURAL, INHERENT, and UNALIENABLE RIGHTS, amongst which are the enjoying and DEFENDING LIFE AND LIBERTY, acquiring, POSSESSING and PROTECTING PROPERTY, and PURSUING AND OBTAINING HAPPINESS AND SAFETY;"

Article 16th.

"That the people have a right to bear arms for the defence of themselves and the State"

The Vermont Constitution, established BEFORE the United States Constitution and the Bill of Rights, does NOT have that pesky "Militia" clause.

The Vermont Constitution describes an ACTIVE RIGHT born to Vermonters, not a PASSIVE right granted by the government.

The Right to self-defense and the defense of others is an ABSOLUTE RIGHT.

It is not up for debate, regulation, restriction, nor vote.

The Vermont Sportsman's Bill of Rights [24 VSA 2295], reads "Except as provided by law, no town, city or incorporated village, by ordinance, resolution or other enactment, shall directly regulate hunting, fishing and trapping or the possession, ownership, transportation, transfer, sale, purchase, carrying, licensing or registration of traps, firearms, ammunition or components of firearms or ammunition."

"This section shall not limit the powers conferred upon a town city or incorporated village under subdivision 2291(8) of this title. The provisions of this section shall supersede any inconsistent provisions of a municipal charter."

The Burlington Charter, Vermont Statutes 24 V.S.A. § 3-49. "Authority to enact", states that (emphasis added): "The city council may make, alter, amend or repeal any resolutions, by-laws, regulations and ordinances which it may deem necessary and proper for carrying into execution the foregoing powers or for the well-being of said city, and WHICH SHALL NOT BE REPUGNANT TO THE CONSTITUTION OR THE LAWS OF THE STATE;"

In the State v Rosenthal (1903), the Rutland city council had adopted an ordinance which required a person to obtain permission from the mayor or police chief if they wanted to concealed carry in the city.

The Court, in a one page decision, unanimously and unequivocally struck down the ordinance, stating the carrying of firearms for one's defense is a fundamental right of a citizen.

The ordinance was repugnant to (in conflict with) the Constitution of Vermont.

Towns are NOT allowed to create ordinances (or resolutions) that are repugnant to the Constitution of Vermont.

All Charter Change bills (H.90/H.91/H.92) include the phrase "Notwithstanding the provisions of 24 V.S.A. §§ 2291(8) and 2295, the City of Burlington is authorized to regulate the possession and (control/carrying) of firearms as set forth in this section."

This is acknowledgement that what they have proposed is UNCONSTITUTIONAL and in violation of all existing law!

One bill regulates possession of firearms INSIDE domiciles.

Another bill states: "a person shall not carry or possess a firearm... in any building or on any real property or parking area under the ownership or control of an establishment licensed to serve alcohol on its premises"

The simple act of parking your car in the wrong place can be grounds to lose your firearms and spend time in jail.

If the concept of licensing firearm owners was repugnant to the Constitution, CRIMINALIZATION of free travel and possession and storage of firearms inside one's home, and confiscation of firearms based on suspicion, is JUST as repugnant.

EVERY Charter Change includes a "forfeiture" clause.

That means EVERY Charter Change is a CONFISCATION bill.

This is the CREATION OF ASSET FORFIETURE in Vermont!

This should be noted by EVERY Vermonter.

Since ALL the Burlington Charter Changes violate the Vermont Constitution, the Sportsman's Bill of Rights, AND the Vermont Statutes of Burlington's own town charter, why are they being pushed in the SAFEST STATE in the nation?

It is a political agenda funded by out-of-state money and influence.

The true goal of every charter change, is to circumvent the laws of Vermont and create a city that does NOT have to abide by ANY laws other than those IT creates!

The Committee hearing on H.90/H.91/H.92 ended with legislative counsel being asked by the committee if these ordinances passed, could the State be sued.

"YES" was the legislative counsel's reply.

The ONLY Committee member to vote "yes" was Joanna Cole, who received THREE campaign donations from Michael Bloomberg's anti-rights group.

I remind each elected official who have proposed and supported these bills of the Vermont Constitution, CHAPTER II. § 16. Representatives' oaths

"You do solemnly swear (or affirm) that as a member of this Assembly, you will not propose, or assent to, any bill, vote or resolution, which shall appear to you injurious to the people, nor do nor consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State;"

I'll repeat: "Shall not PROPOSE... ANY BILL, VOTE OR RESOLUTION... that shall have a tendency to LESSEN OR ABRIDGE THEIR RIGHTS and privileges..."

The Mayor and those City Council members are in violation of their Oath of Office.

Those legislators that PROPOSED these bills are in violation of their Oath of Office.

I shall also make reference to Article 18. "That frequent recurrence to fundamental principles, and a firm adherence to JUSTICE, MODERATION, TEMPERENCE, industry, and frugality, are ABSOLUTELY NECESSARY to preserve the blessings of LIBERTY, and keep government free; the people ought, therefore to pay particular attention to these points, IN THE CHOICE OF OFFICERS AND REPRESENTATIVES, and HAVE A RIGHT, IN A LEGAL WAY, TO EXACT A DUE AND CONSTANT REGARD TO THEM..."

I'll repeat: The PEOPLE "HAVE A RIGHT, IN A LEGAL WAY, TO EXACT A DUE AND CONSTANT REGARD TO THEM..."

The penalty for violating a sworn Oath is a charge of PERJURY.

If I am not mistaken, perjury is a FELONY.

These Unconstitutional laws WILL be fought in the courts AND the voting booth.

Count on it.

Bob DePino

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Original Article: <http://www.mychamplainvalley.com/news/burlington-calling-legislature-to-take-action-on-its-gun-violence-charter-changes>