

**Gun Owners of Vermont Written Testimony – Bill H.230 – Senate Judiciary Committee –  
04/06/23. Eric Davis - President**

Good morning, ladies and gentlemen of the Senate Judiciary Committee, my name is Eric Davis, and I am the president of Gun Owners of Vermont, an all-volunteer, nonprofit advocacy group dedicated to the preservation of the right to keep and bear arms. I appreciate the invitation to speak today regarding bill H.230.

The purported aim of this legislation is to reduce suicides in Vermont, and I would first and foremost like to acknowledge that this is a serious issue which we do not take lightly. Chances are that every person in this room has been affected by suicide in some way or another; in my small hometown of Northfield, I've personally known several people who were lost to suicide. One of these people was a friend of mine from high school who, after several attempts to take his own life, finally succeeded in doing so by jumping headfirst off a local bridge and on to the rocks in the Dog River below. It is a tragic and painful experience when someone you know makes the decision to end their own life and we sympathize with everyone who has been affected by this sort of tragedy.

Even so, after considering the bill from a few different angles, and the proposals contained therein, we remain skeptical that the intended goal is what the authors say it is; and not just another drive-by attempt at restricting access to guns – something that has become a bit of a crusade for some lawmakers in recent years.

From a practical standpoint, we notice that this bill is very narrow in its focus. Suicide is a very complex and multilayered issue with a plethora of contributing factors and conditions that lead up to the ultimate act of ending one's own life. Yet H.230 completely ignores any discussion of "why" people commit suicide and focuses on one single method of "how" people commit suicide – with a gun. The data from the Vermont Department of Health cites a [chart from the Suicide Prevention Research Center](#) which lists reducing access to means as the LAST step in the approach to suicide prevention, yet it is the ONLY step addressed in H.230 and guns are the ONLY "means" of which they seek to restrict access. We have to ask: "why?"

Psychologists and psychiatrists assess whether a person is suicidal based on whether that person has a detailed plan to kill themselves and the means with which to carry out that action. Neither of these things by themselves is sufficient. It is very rare that a person commits suicide

without first having made a plan and given a great deal of thought to the “when, where, how,” etc.

Things like mandatory lock up requirements, ERPOs, and blanket waiting periods for all firearms sales, not only miss the point (by a mile), but also amounts to putting up roadblocks that the suicide has already circumvented. It is NOT a deterrent. The person still accomplishes their goal – if not now then later. Those who are not truly suicidal do not die – also by their own choice.

We’ve heard anecdotal evidence of only two suicides in the past ten years where a person has used a firearm that was purchased the same day. We know of zero instances involving a firearm that was purchased at a gun show, yet the waiting period provision in this bill uses these two extremely rare incidents to punish those who account for the tens of thousands of legitimate firearms acquisitions which occur in this state every year. Similarly, if the vast majority of suicides by firearm occur with a gun that was already in the home, it cannot be reasonably concluded that a mandate requiring guns to be kept locked and inoperable might have any discernable effect on someone who has already made a plan to end their life with a gun they already own. This could, however, have life threatening implications for someone who needs to immediately access a firearm for self-defense – especially given the increase in the rate of violent crime some communities are currently experiencing.

Considering these few things alone, we must conclude that this type of legislation will have vast and negative effects on law-abiding Vermonters by restricting their right to immediately access a firearm for self-protection and cannot seriously be expected to have any practical impact on suicides. In addition, we believe that there is also an underlying ethical question which, to the best of our knowledge, has not yet been addressed.

Before we dive into this discussion, allow me to present a quick summary of the standard accounting of the right to keep and bear arms as understood by those of us who work so hard to preserve it.

- 1) Each individual owns their life or has a right to their life.
- 2) The right to life, by necessity, implies that the individual has a right to protect, or defend that life.

- 3) The right to defend one's life is an empty promise, devoid of meaning, if that right does not also encompass the right to acquire and keep the means with which to do so. Since the right to life implies a right to the means to protect oneself, it also necessarily implies a right to keep and bear arms suitable for self-defense. In modern practice, that means a firearm.
- 4) A government of a free people is instituted -as it says in the Declaration of Independence- only with the consent of the governed, in order to secure each person's right to life. Such a government therefore must -of necessity- recognize the right of the people to keep and bear arms for self and common defense.

Considering the implications of the proposed legislation in this respect, leads us to ask a few questions:

- 1) Does the value of your life depend on the rate of suicide (or homicide, or violent crime etc.) in a given geographical area? If not, then,
- 2) Should the legal right to obtain the means with which to defend your life be a function of the suicide (or homicide, or violent crime) rate, so that the right comes into and goes out of existence as the rate rises or falls to a certain level? If not, then,
- 3) Should the value of your life and subsequently the right to access the means with which to defend it be determined by, or contingent upon, the rate at which others might use the same tools of self-defense for the purpose of self-harm?

I apologize if I come across as bit obtuse here, but the underlying point is that neither the tragic case in the family of Representative Black, nor the aggregate suicide data of any demographic, provide a compelling, ethical reason to put good people in danger by creating obstacles to acquiring a firearm for personal protection. Nor does it provide justification for forcing everyone to keep their guns locked, rendered inoperable and functionally useless for the purpose of defending one's life inside their own home. This holds true regardless of how lopsided our theoretical equation of suicides prevented vs lives saved in self-defense might be. The choice MUST ALWAYS remain with the individual, NOT the state.

As a final consideration, we must also look at the constitutional implications of such legislation. Here, I will refer anyone who's interested [to my testimony submitted on 3/1/23 to the House](#)

[Judiciary Committee](#). At 2700 words, it's a bit lengthy to include verbatim here, but I would like to give a quick summary; "the cliff notes" if you will.

Gun control advocacy groups have disingenuously pointed to several "examples" of what they identified as historical Vermont gun control laws indicative of "firearm storage" - examples which they argue give precedent for H.230 to survive the new scrutiny imposed in *NYSRPA v Bruen*. [The only problem is the examples they provided were not laws, nor did they have anything to do with gun control](#). They were town ordinances which dealt with the manufacture and keeping of black powder in large quantities for commercial sale and use.

One specific law however, which certainly has precedent, was the District of Columbia's long-standing mandate on keeping firearms locked and rendered inoperable for the purpose of self-defense in one's home; a law which shared uncanny similarities with the "safe storage" provision in H.230 and was quite literally the nexus of the 2008 Supreme Court case [DC v Heller](#) in which the court struck down the law as unconstitutional. From the case text: "...**the requirement that any lawful firearm in the home be disassembled or bound by a trigger lock makes it impossible for citizens to use arms for the core lawful purpose of self-defense and is hence unconstitutional....** ...In sum, we hold that the District's ban on handguns violates the Second Amendment, **as does its prohibition against rendering any lawful firearm in the home operable for self-defense.**"

As we've heard extensively, last year, in [NYSRPA V Bruen](#) the court reiterated the language from the Heller and MacDonald decisions that "**The Second Amendment does not permit -let alone require- 'judges to assess the cost and benefits of firearms restrictions' under means-end scrutiny.**" The opinion continues: "In sum, the Courts of Appeals' second step is inconsistent with *Heller's* historical approach and its rejection of means-end scrutiny. **We reiterate that 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.**"

This means that not only are the specific mechanics of the bill, but also the rationalization of such legislation by the subjective belief that the regulation is "reasonable", both clearly unconstitutional. Measures such as mandatory lock up requirements, ERPOs, and waiting

periods, are modern inventions created by those who seek to restrict the right to keep and bear arms. They fail the test by all practical, ethical, and constitutional metrics.

Is H.230 about suicides or is it about guns?

At the end of the day, we find ourselves skeptical that a legislature which pioneered “end of life initiatives” (assisted suicide) means what they say when they advance these sorts of bills in the name of “reducing suicides.” Is it the suicide itself that is objectionable? Or is it independent suicide occurring of one’s own volition, without the blessing of the state, and using a device which politicians have long sought to restrict?

One is left to wonder, if the goal of this bill is actually to reduce deaths by suicide, why so much time, effort and money is spent trying to find an end around the constitution in an obsession with one single tool with which suicides are carried out. Especially when the larger issue is such a broad and encompassing one with plenty of other areas in which to make progress; more “low hanging fruit” as it were – WITHOUT the myriad of issues so prevalent in this type of legislation.

We continue to vociferously oppose this bill in its entirety, and we encourage lawmakers to pursue other, more meaningful measures in harm reduction, that do not punish the honest, law-abiding people of Vermont.

Thank you for your consideration.

In Liberty,  
Eric Davis  
President, Gun Owners of Vermont.