

## Gun Owners of Vermont

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**GoVT**

### Protecting Vermonter's Firearm Rights Since 1997

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In the Senate Judiciary hearing on S.209 on 1/31/2024, Senator Sears posed the question, *"I still don't understand why people are opposing this bill. I think this is the simplest bill I've ever introduced in terms of anything to do with firearms."*

Senator Sears is correct in that S.209 WAS a very simple bill.

Our answer to his question is also simple.

S.209 is firearm REGISTRATION.

The Gun Owners of Vermont have ALWAYS opposed registration.

The Gun Owners of Vermont have ALWAYS opposed Universal Background Checks (UBCs).

Our organization and its membership have opposed UBCs specifically because it is a firearm registration scheme.

By forcing ALL lawful transfers of a firearm through a licensed firearm licensee (FFL), the serial number of EVERY firearm has to be logged into the dealer's INVENTORY before the federal background (NIC) check can be processed. In other words, the FFL TAKES OWNERSHIP OF THE FIREARM DURING THE TRANSFER PROCESS!

As Senator Baruth acknowledged during testimony on S.209, the goal is to force ALL unserialized firearms to be processed through the background check system. Adding a serial number to a firearm AND logging it into an FFL dealer's inventory is **registration!**

As all FFLs **MUST permanently** record all firearms into their inventory, form 4473 is the de facto firearm registration document. While the electronic background check request information is only held temporarily by the federal government on their computer system, that form 4473 is forever.

In our 2017 UBC Report, "form 4473 must be kept FOREVER by the FFL and turned over to the ATF when the shop ceases business. The ATF/FBI are now currently entering ALL THOSE 4473s from defunct businesses into a national computer database in Quantico Virginia."

Well, THAT is registration at the time of serialization. Final entry into the new federal database is simply delayed by the lifespan of the FFL, or by any random inspection of FFL records at any time by the ATF.

The newest version of S.209, v2.1, includes § 4084 (2)(c) MANDATING the FFL turn over the now serialized frame or receiver to law enforcement for disposition, REGARDLESS of the reason for denial of a background check. So, gun builders who attempt to *comply* with this new law, run the risk of losing their property AND

being prosecuted for the crime of possession for false positive denials. The former registration bill is now a registration AND CONFISCATION BILL.

You wonder why gun owners don't trust our legislators.

Here are some links to our previous reports on Universal Background Checks and how they facilitate registration:

**2014 GoVT Report:**

<https://gunownersofvermont.org/wp-content/uploads/2014/12/GOV-GunSense-VT-UBC-Analysis.pdf>

“The ONLY thing that Universal Registration will do is single out law abiding citizens, and identify WHAT they have.”

“The ONLY thing that Universal Registration will NOT do is effect criminals in any way, shape or form!”

**2015 GoVT Report:**

<https://gunownersofvermont.org/wp-content/uploads/2015/01/GOV-2015-UBC-Letter-COMLETEE.pdf>

“Charles Morgan, Director of the Washington, D.C. ACLU, during testimony before the House Subcommittee on Crime stated, “I have not one doubt, even if I am in agreement with the National Rifle Association, that that kind of record keeping procedure [gun registration] is the first step to eventual confiscation under one administration or another.”

“UNIVERSAL BACKGROUND CHECKS ARE DE FACTO REGISTRATION:”

“Before an FFL dealer can do a background check, a person has to fill out a form 4473, which lists the make, model, serial number, caliber and who is purchasing it.”

*“The NRA-ILA posted an article in 2000, that still stands true: “Gun owners also know that criminals will never register their illegally possessed guns and, in fact, the U.S. Supreme Court ruled in Haynes v. U.S. (309 U.S. 85 (1968)) that since felons are prohibited from owning firearms, compelling them to register them would violate their 5th Amendment rights against self-incrimination.”*

“So, the very laws that gun control radicals proclaim will reduce crime, do NOT actually affect criminals, but ONLY affects law-abiding gun owners! The truth is clear, Universal Background Checks and registration have nothing to do with crime control, but they have everything to do with control over the law-abiding gun owners of this nation!”

**2017 GoVT Report:**

<https://gunownersofvermont.org/wp-content/uploads/2017/01/GoVT-2017-UBC-Report-Final.pdf>

“The truth is clear, Universal Background Checks and registration have nothing to do with crime control, but have everything to do with increasing government control over the ability of law-abiding citizens to keep and bear arms!”

“It is not about safety; it is about furthering a political agenda.”

“Is Vermont going to be under endless assault, year after year, by out-of-state political forces with millions of dollars in the hope that we will eventually crack?”

Here we are in 2024 and they are still at it.

Senator Sears said he introduced this bill in an attempt to reduce violent crime. I believe he was sincere. However, the only crime that can be “solved” and prosecuted by the use of a serial number is THEFT. Possession of ANY firearm by a felon is ALREADY a prosecutable crime. Violent crimes are solved by the use of ballistics and video evidence. Whether a firearm has a tiny serial number on a receiver can only tell who the registered owner is. Oh, wait, “registered” owner...

Senator Baruth co-sponsored the bill because he knows that serialization, is by definition, registration and with bills on the wall like S.239; YET ANOTHER Assault Weapon Ban just like Senator Baruth introduced in 2013 (S.32), the end goal for legislators like him has always been the banning and outright confiscation of all legal firearms.

On 1/25/2024 Senator Baruth even pressured the NRA lobbyist to state whether or not Americans have a Constitutional Right to own an unserialized firearm. The lobbyist avoided the question and didn't answer.

Well, we at The Gun Owners of Vermont don't have a problem answering that question.

YES. Americans DO have the Constitutional Right to own unserialized firearms.

**Even the federal government says Americans have the right to build and possess unserialized firearms.**

Why do Vermont lawmakers want to make it a crime to “possess” something the federal government understands is a Constitutional Right?

Senator Baruth made it VERY clear; the object of serialization is to FORCE gun builders to go through a background check to see if they are disqualified from possessing a firearm. The person who gets their gun serialized has to pass a BACKGROUND CHECK, before getting it back! To pass a background check you need to fill out that 4473. Listening to the Senators and Representatives talk about the radicalization of the police, insurrection, and the litany of comments and legislation aimed at the systematic restriction of lawful possession and carrying of firearms, makes it clear to everyone that the goal of these anti-gun legislators has nothing to do with crime, but the fear of an armed populace.

Registration of homemade firearms is just the “next step” with the banning and confiscation of those firearms around the corner (see S.239).

In fact, it was also mentioned in committee, the goal of S.209 is that the actual SALE of an unfinished receiver would be BANNED by this bill, and the manufacturers of these parts will have to post “WILL NOT SHIP TO VERMONT” on their websites.

So, S.209 is a REGISTRATION, CONFISCATION and a de facto BAN on homemade firearms!

In Vermont, there have been over ONE HUNDRED gun control bills introduced since 2013 in violation of the legislator's Oath to “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.”

Most Vermont legislators have made it clear to the world they will not tolerate the very existence of lawful gun owners in this state.

Senator Baruth talked about S.209 making Vermont “gun culture more law-abiding...” which means Senator Baruth knows the REAL Vermont “gun culture” is comprised of lawful gun owners, not the imported drug

dealers and gang-bangers from other states that use guns in the commission of their illegal drug trade. It's just that lawful firearm ownership is the target of legislation, not violent criminals.

Vermont legislators have been pulling out all the stops, attacking lawful gun ownership from every angle, every session, relentlessly, to criminalize every aspect of lawful gun culture. They will not stop until all gun owners are dead. Laugh. You cannot have Utopia until there is no opposition from the People.

Vermont, the tiny state FOUNDED by a militia, just OUTLAWED militias, the very thing that the 2<sup>nd</sup> Amendment protects! Ethan Allen is rolling over in his grave. Bill S.3, was **also** sponsored by Senator Baruth, and now its national counterpart has been introduced into Washington D.C. legislation.

Vermont has fallen to the very Tyranny our Founding Fathers warned us about, the incremental criminalization of a Constitutional Right. The Super-Majority of the One-Party State can now do anything it wants to the People without recourse. Joseph Stalin would approve.

We have every right, reason, and duty to oppose ALL gun control in Vermont because the billionaires that fund and control the anti-gun state legislators have made it their mission to disarm Americans across the nation.

Just a thought, even if S.209 passes into law, the federal government has already made it clear, as criminals, we will not be required to register our homemade firearms...

Bob DePino

Vice President, Gun Owners of Vermont