

Gun Owners of Vermont Testimony. Bill S.209 - Senate Judiciary – 1/25/24

Good morning, Senators, My Name is Eric Davis, and I am the President of the Gun Owners of Vermont. We are an all-volunteer, nonprofit advocacy group dedicated to the right to keep and bear arms. I would like to thank the committee for the opportunity to speak today on bill S.209.

When we first reviewed this bill and some of the things that were discussed during walkthrough, our original approach was to focus on analysis of the technical aspects of what constitutes an “unfinished frame or receiver,” the nuances of federal law and ATF definition of what constitutes a “firearm,” and how these things all tie together to affect the average Vermonter.

But since Chris Bradley with VTFSC has gone ahead and done all that already (a fantastic analysis, I might add), and since it seems that this committee sort of hears the same old arguments for and against these kinds of laws all the time, we decided to change it up and go with a different approach.

At this point, I’m going to do something a bit unusual, and take a moment to ask my colleagues for forbearance because this will be an awkward conversation for some folks here. Today we will address an elephant that has long been in the room, and there are people in this room who are not going to like what I’m going to say, but please realize that it is not my intent to make anyone uncomfortable, rather it is my duty to the people I represent to tell you what no one else seems to want to say. I ask only that you consider it objectively.

We will start off by acknowledging that there is obviously an issue with drugs and crime flowing into Vermont like never before, and that with those things comes not just violence, but all the terrible implements of violence including illegal firearms, both serialized and unserialized. Bad guys doing bad things with guns is bad. We get it, and we are as disgusted by what is happening here as anyone else.

However,

The vast majority of people who are acquiring parts to assemble unserialized firearms are NOT murderers, kidnappers, drug dealers, human traffickers etc., etc. There are people who are building guns “off the books” as it were, who are average, working-class Vermonters and they are doing so, Senators, because do not trust you.

Consider for a moment that this legislative body is currently advancing another bill which seeks to expand the definition of “abuse” so that physicality is no longer the lower threshold, but so that “coercive, controlling behavior” also constitutes “abuse.” I point this out because it shows that this legislature recognizes the danger of coercive and controlling behavior and is “doing something about it.”

Consider now the folks who have been watching closely the gun control evolution in Vermont. These are people whose families have been here for generations, and they have witnessed their once peaceful home morph and metastasize into something they don’t even recognize anymore. They have seen a legislature that used to convene once every other year to work on budgetary matters, evolve into an entity that seems eager to insert itself into every little aspect of their lives, and is now considering if it might need to do so year-round.

In the 2013 session they saw 17 anti-gun bills proposed. In 2015 there were 14 more, another 14 the following session, 16 anti-gun bills were proposed in the 2019 session, 12 more for 2021, and in the current session, we are up to 22 pieces of proposed legislation aimed specifically at restricting Second Amendment rights. That is almost ONE HUNDRED SEPARATE BILLS in just six sessions aimed specifically at them.

Consider how in 2018, when gun control was finally forced upon us, that these same people who can see with their own two eyes that these policies have made communities less safe everywhere they have been enacted, can now see just as plainly, the decline in their own personal safety as crime and shootings continue to increase each year in Vermont – as does our number of gun restrictions. We knew that more gun control leads to more violence and crime, and we knew that it would happen to Vermont if we went down that road. We’ve been saying it for years.

Consider now, if you will, the reaction that Chris and I might get, if we went to our respective groups of supporters and said:

“Look guys, I know that they started out only wanting the ‘universal background checks’ and ‘red flag laws,’ and they ended up taking bump stocks, and standard-capacity mags and your ability to buy a gun at 18.

And I know they came back the next year and said now you have to lock up your guns in your own home, and also you have to wait three days to buy a gun even though you grew up shooting when

there were still rifles in the back windows of trucks in the school parking lot and before they even had background checks.

And I know that the folks trying to pass these laws have come right out and said that they're going to be back every year with more gun control, but you really don't understand. This is for your own good!

And I know some of you don't believe them and are really concerned. And you're so concerned that you've gone through the trouble of acquiring some of these 80 percent receivers, you probably even paid cash for so there's no paper trail.

And you may or may not have yet gone through the difficult task of machining these things out and assembling yourself one or two 'hush hush guns' that Uncle Sam doesn't need to know about, but here's the thing.

So, you're not gonna believe this, but some people did some bad stuff -I know, I know- and because of that, you guys not only have to go get your secret guns out of hiding, but even the parts kits that you bought and haven't started working on yet, and then take them to a Class 7 firearms dealer who will put a number on them for you. It's probably going to take a while and you'll have to pay for the gunsmith's time.

Then, when he's done, you'll have to submit to a screening process, where upon, the new serial number affixed to your privately made firearm will be logged on ATF form 4473 and kept on record in accordance with federal law.

Then, if the Feds determine that you are in fact of good enough character -and assuming they don't get you mixed up with someone else and return a "false positive" on the NICS check, which happens more than you realize- you can have your gun back after you pay for the transfer. Oh, and wait three business days, five if it's over the weekend and six if it's a holiday weekend. Merry Christmas.

Guys, come on, I know that every place that has ever implemented any sort of gun registration has eventually used the data to confiscate guns, but you don't have to worry about that here. They have your best interests at heart. I know it's an inconvenience, but this is just to keep us safe; haven't you noticed how safe we are here since they passed all the gun control???"

Senators, we are talking about a culture of proud and deeply independent people who are rightfully suspicious of anyone who does not trust them to do the most very basic things they have done their entire life and have never asked permission for. The most hackneyed old joke in the gun culture is: "well, I would turn in my guns had I not lost them all in that terrible boating accident."

These people would throw us out on our ear and rightfully so.

The people who are committing crimes with homemade firearms are the same people who STEAL commercially manufactured firearms and then remove the serial numbers from them. They won't even know about this law and certainly wouldn't bother to go through the trouble it takes to comply so that their firearm might be traced back to them after it's been used in a crime.

Similarly, the folks who build guns in their home workshops either as a hobby, or just because they don't trust the government - they can connect these same dots. And when the time comes for someone to inform them that the law has changed and that they will now be considered a criminal for something that has been a way of life since before we were a state, you'll likely get a faint smirk, maybe a nod, and little else.

They aren't going to serialize their guns. They're going to get the boat.

We would respectfully submit, that the four biggest reasons that you are seeing the proliferation of these homemade gun kits in Vermont are:

- 1) The gun control legislation passed in 2018.
- 2) The gun control legislation passed in 2023.
- 3) All of the gun control legislation passed in between those two incidents.
- 4) The guarantee that there will be more proposals for gun control next year, and the year after that, and the year after that....

I know that was a lot all at once, probably not what you were expecting to hear today, and I will apologize once again if I've made anyone uncomfortable with my presentation. But if you pass this law with mandatory serialization in it, you can expect a near zero percent compliance rate.

I'd like to close by briefly addressing the suggestions made by Chris and VTFSC regarding stiffer penalties for felonies committed with unserialized firearms. As a matter of principle, GoVT cannot and will not support the approach to mitigating crime and violence by writing laws aimed at curtailing gun ownership. However, there is not one person in our entire organization that would condone VIOLENT and AGGRESSIVE behavior with a firearm, serialized or not.

Therefore, Gun Owners of Vermont does not oppose a stiffer penalty for violent felony crimes committed with an unserialized weapon, however we absolutely oppose any sort of measures aimed at getting people to register their guns.

Once again, I'd like to thank the committee for the opportunity to speak today and I'm quite happy to engage in any discussions on the matter. As a final thought, I'm always amazed that when two sides are able to sit down and speak candidly about a tough subject, we often find that we are closer together on the issue than we thought. It's easy to forget that in a small state where we are all neighbors, at the end of the day, we all want the same things: peace, prosperity, and a good life for our children and families; we just differ on how to get there. And maybe it's a breakdown in communication that has helped lead us to where we are and some of the things we've talked about today.

Thank you for your time and consideration.

In Liberty,
Eric Davis
President, Gun Owners of Vermont