

Resolution Relating to

**ENCOURAGING STATE LEGISLATURE TO
TAKE ACTION AGAINST GUN VIOLENCE**

THIS is the PROPOSED agenda item for the Burlington city council meeting of 12/7/15. The meeting was NOT properly warned, and was removed mere hours after Bob DePino’s “Burlington editorial” hit the papers that morning! Here is a quick analysis of the contents.

CITY OF BURLINGTON

In the year Two Thousand Fifteen

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, in March 2014, Burlington voters overwhelmingly voted to change the city charter to

There was NO "overwhelming" support for the charter changes!

Burlington statistics: 42,282 residents / 29,685 registered voters / 70% of population registered to vote.

Only 26% of the registered voters actually voted on these gun ordinances!

- allow police officers to confiscate weapons from domestic abusers (passed 5,579 to 2,066);

	confiscate weapons	
	for	against
	5579	2066
	18.8%	7.0%
% of reg. voters difference	11.8%	

11.8% is NOT "overwhelming"

- prohibit guns at establishments with a liquor license (passed 5,194 to 2,527);

	prohibit guns	
	for	against
	5194	2527
	17.5%	8.5%
% of reg. voters difference	9.0%	

9% is NOT "overwhelming"

- require safe storage of guns (passed 4,351 to 2,971); and

	storage of guns	
	for	against
	4351	2971
	14.7%	10.0%
% of reg. voters difference	4.6%	

4.6% is NOT "overwhelming"

WHEREAS, those charter changes were considered by the Vermont House Committee on Government Affairs, but it failed to vote the charter changes out of committee in April 2015, so that they did not become law; and

ALL of the Burlington charter changes are in violation of the Vermont Constitution, the Sportsman’s Bill of Rights, and the Burlington Town Charter!

Individual towns are NOT legally able to create local ordinances that violate state laws, nor the Vermont Constitution.

If Mayor Weinberger is allowed to violate one constitutional right, he can violate EVERY constitutional right of the citizens of Burlington. Be careful what power you want to give your governing body.

WHEREAS, while in April 2015 the Vermont legislature adopted a bill designed to keep guns away from violent criminals and people with severe mental illness, it failed to adopt an earlier provision that would have required universal background checks; and

Universal Background Checks are NOT able to stop criminals from obtaining or using firearms.

Universal Background Checks are ONLY effective at restricting law-abiding citizens.

Snapshot Comparison: Percentage of Total Homicides Attributed to Firearms In Relation to Level of Gun Control in State					
	State	Universal Background Checks?	Avg murders	Avg firearms	% of murders by firearm
Years: 2009-2012	California	AWB + UBC	1863	1285	69%
	Connecticut	AWB + UBC	128	93	72%
	New York	AWB + UBC	774	463	60%
	Rhode Island	UBC	27	15	51%
	Massachusetts	AWB + UBC + Permit	171	101	59%
	New Jersey	AWB + UBC + Permit	362	252	70%
	New Hampshire	NO Restrictions	13	6	45%
	Vermont	NO Restrictions	8	2	25%

UBC = Universal Background Checks, AWB = Assault Weapons Ban, Permit = Gun Purchaser Permit System

WHEREAS, there have been more than 200 mass shootings, including the tragic shooting of a Vermont state employee last summer, since the legislature adjourned last May; and

WHEREAS, despite the mass shootings, on Dec. 3, 2015, the U.S. Senate again voted down proposals to expand federal background checks for guns purchased online and at gun shows and to prevent individuals on

the terror watch list from purchasing firearms so that federal legislation to address gun violence seems unlikely; and

There were NOT 200 mass shootings, and Gun Control will NEVER stop CRIMINALS from stealing and misusing firearms!

Background Checks only effect law-abiding citizens who actually go through the legal process to buy a new gun, and they KNOW this. The goal is continually restrict gun rights one piece at a time.

WHEREAS, the Mayor has issued a strong statement condemning gun violence and reissuing his call for the Vermont legislature to take meaningful action to keep guns out of the hands of criminals, drug traffickers, terrorists, and the seriously mentally ill;

The Mayor can “condemn” all he wants.

But, when he attempts to violate Constitutional law to get what he wants, HE is just as guilty of breaking the law as a petty criminal. Why is he not held to the same standards?

When leaders in a position of power violate the rights of the citizens by breaking the law to get what they want, it can never be justified as “for the public good”.

NOW, THEREFORE, BE IT RESOLVED that the City Council and Mayor of the City of Burlington again call on the Vermont legislature to pass the three charter changes overwhelmingly adopted by Burlington voters in 2014 and/or to pass statewide legislation that would take meaningful steps to address gun violence and to keep firearms out of the hands of criminals, drug traffickers, terrorists, and the seriously mentally ill.

The Burlington charter changes will NOT affect gun violence, will NOT keep guns out of the hands of criminals, drug traffickers, terrorists nor the mentally ill!

NONE of those people are mentioned in any charter changes!

Just places where guns could be carried, and where people can travel and telling citizens what they must do inside their own home.

These charter changes aren’t about stopping violence or crime, it is about allowing ONE city to become a Sovereign State, accountable to no one, with Miro Weinberger wielding ultimate power over the Vermont Constitution. Think about it.

Just because residents VOTED for something, does NOT give the local government the legal right to restrict the Constitutional Rights of other people, even if enacted by the legislature.

We are a Constitutional Republic, governed by the Constitution, NOT a Democracy governed by the majority.

Analysis by Bob DePino, Vice President, Gun Owners of Vermont.