

Testimony on S.169

House Judiciary Committee - March 27th, 2019

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My name is Chris Bradley, I am the President of the Vermont Federation of Sportsmen's Clubs, and I wish to thank Chair Grad and this Committee for inviting me to speak.

For those of you who may not be aware of the Federation: We have existed in Vermont since 1875. You can think of the Federation as an umbrella organization as we are, in fact, an association of 50+ member clubs. These clubs represent a wide variety of outdoor sporting interests, and while not all of our clubs are geared towards the use of firearms, the vast majority of them do. I therefore am speaking to you as the President of an organization who represents tens of thousands of Vermonters and their families who are members of those clubs, citizens who actively participate in the activities and facilities they provide.

Regarding S.169, the Federation supports the suggested changes to:

1. 13 VSA § 4021 (Large Capacity Ammunition Feeding Devices)
2. 13 VSA § 4019 (Firearms Transfers, Background Checks)
3. 13 VSA § 4057 (Procedure)
4. 13 VSA § 4062 (Annual Reporting, Office of Court Administrator and Agency of Human Services),

The Federation however cannot support the proposed addition of 13 VSA § 4019a (Hand Gun Transfers, Waiting Period).

In regards to waiting periods, and while the Federation is aware that the general concept of Waiting Period is not new and has been proposed before: We believe that a primary impetus for moving forward with this legislation now is the recent event that occurred in Essex where a 23-year-old man went to a gun store, bought a pistol, and then used that pistol to end his life.

As tragic as that event may well be, the research that the Federation is aware of indicates that there have been approximately 4 similar incidents across the past 20 years; meaning situations where a person bought a firearm and then ended their life shortly thereafter. All other deaths by firearm appear to have been done with firearms that were already owned.

The Federation is unequivocal. Suicide is a tragedy which has likely touched just about everyone in this room either directly or indirectly, and some portion of those suicides are souls who took their lives for reasons that we simply cannot comprehend or fathom. I myself have lost a beloved uncle to suicide, in addition to losing a very dear friend, and both of those men opted to insure that their death was successful by using the most lethal means at their disposal, which

was a firearm. In saying that, I believe it is important to note that both men had possessed firearms for most of their lives.

While I miss them both, I find solace in the fact that each of those men made their choice with what I believe was a clear mind. Neither made a spontaneous decision, nor did they make it without good reason. They had both contemplated their end for quite awhile, and they each had internally resolved when the line would be crossed when they would act. As odd as it may sound, I find comfort in knowing that each made their choice after carefully weighing their quality of life, a life that was being progressively impacted by severe, debilitating and incurable medical conditions which, if allowed to run their course, would have ultimately resulted in a very long, very painful, very humiliating and very debilitating road to their respective ends. Simply put: When these men realized that their life had reached a point where they would no longer be in control of themselves; a point where they were facing the very real prospect of not being able to bath themselves or even be able to clean themselves after going to the bathroom: They opted to end their lives on their own terms, and I, for one, completely understand their decision(s).

In relation to this, you are most likely aware that in 2013 the General Assembly passed Act 39 that allowed Vermont physicians to prescribe medication to a Vermont resident with a terminal condition with the intent that the medication be self-administered for the purpose of hastening the patient's death. That Act was codified by 18 VSA § 5283.

So what is involved with a Death with Dignity? It is not a simple process. Without going into all the nuances of the steps required, to be able to legally have a physician-assisted suicide, I need to consult a physician and orally state my intent, after which I need to wait at least 15 days. I then need to make a second oral request in addition to submitting a written request, with that written request signed by me in front of not less than two witnesses, who also must sign. The physician then has to document 5 different aspects of my request, the physician further has to document an additional 6 items, and after all that I would then be referred to a second physician who must confirm everything the first physician did. Once everything is in place and I have involved all those people, I then have to wait an additional 48 hours before my physician can THEN write the prescription.

All that assumes of course that your doctor will voluntarily go against his/her Hippocratic oath, which my own physician is opposed to doing.

While all suicides can be considered tragic, it is an inescapable fact that some presently unknown percentage of these suicides involve people with terminal conditions, people who simple do not want to fuss with obtaining a Death with Dignity by pursuing end with a Doctor's help.

In a June 2017 report entitled "***Suicide Attempt Morbidity - Data Brief***" from the Vermont Department of Mental Health, we see there were 118 suicide deaths among Vermont residents for the period 2015-2016, and we see that firearms accounted for 52% of those deaths while 48% were accomplished using other means.

Looking beyond those 118 deaths, the report indicates that there were 200 hospitalizations and 823 Emergency Department visits for suicide attempts among Vermonters in Vermont Hospitals.

This does not include less severe cases who may have been treated in a physician's office, outpatient facility or by an EMT, and those numbers also do not include people who have suicidal thoughts, make a suicide plan, or have depressive disorders and do not interact with the health care system for help - if it is available. All of which is to say that the total number of people in jeopardy is much, much higher than 1,023.

Of those 1,023 attempted suicides, 1% were attempts with a firearm.

In considering the 1,023 who attempted suicide, it would be incorrect to state that they all really did intend to kill themselves, as we know that some instances were essentially a cry for help. I do however believe it to be correct to state that a significant majority of those people really did intend to end their lives, they just did not use lethal means.

Looking at the suicide numbers another way, and setting aside all of the situations that cannot be documented, there were a total of 1,141 suicide attempts, of which 118 resulted in death. Of those 1,141 attempts: 3% were attempts with a firearm. 3%. So while this legislature is laser focused on those specific deaths, I very respectfully point out that there is the appearance that we intend to ignore the 97% who chose other methods - and we are incorrectly focusing on the MEANS rather than the CAUSE.

Constitutional Concerns

While I am certain that my next argument will fall on deaf ears, I am compelled to make it.

It is my understanding that each of you, subsequent to being elected, have to take an Oath or Affirmation of Office.

In the Oath or Affirmation of Office, you each swore or affirmed not to "*do any act or thing injurious to the Constitution...*"

Chapter 1 of our Vermont Constitution is entitled "***A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT***", and Article 16 of that Chapter begins with the statement: "*That the people have a right to bear arms for the defence of themselves and the state...*"

If we now look at § 6 of Chapter 2 of the Vermont Constitution entitled "***LEGISLATIVE POWERS***", we see that the trailing sentence of that section states: "*...but they shall have no power to add to, alter, abolish, or infringe any part of this Constitution.*"

Looking at the Cambridge Dictionary, the definition I see for "infringe" is: "*to act in a way that is against the law or that limit's someone's rights or freedom*".

This legislature expects Vermont citizens to obey the laws that you create. With what is currently proposed as 13 VSA 4019a, a time limit is being imposed on the ability of a Vermont citizen to exercise a Constitutional Right. No matter how well-intentioned a Waiting Period may be, no matter that it might possibly save just one life, a limit is being placed on the unalienable right of self-defense, and in doing so there is the inescapable appearance that the powers given to

the legislature are being exceeded and ignored - such that it is likely that there will be yet another court challenge.

According to the **Vermont Judiciary - Annual Statistical Report for 2018**, there were 3,380 Relief From Abuse (RFA) filings in 2018, which was an increase of 8% in the filings from 2017. For those RFA filings which become Court Orders: These cases represent situations where a victim is able to convince a Court that they are under a real threat of bodily injury or even death, such that the court will issue an order to keep the parties separated.

In these situations, a victim has been able to prove that they live under some unacceptable level of risk of threat which can include death, and we believe it likely that some of these victims may well want to take the prudent step of obtaining the means of self defense to preserve their own life. They have that right.

One example of such a situation would be the case of Carol Bowne, formerly a resident of Berlin Township, NJ. When Carol Bowne felt the threat of domestic violence, the petite hairdresser took steps to protect herself.

Ms. Bowne had gotten a restraining order against a former boyfriend; she installed security cameras and an alarm system at her home, and she then began the process of obtaining a handgun.

But it wasn't enough. Bowne, 39, was stabbed to death in the driveway of her home by her ex-boyfriend.

Carol Bowne was in fear. She took all the steps she could, and because she was not able to obtain what is arguably the best means of defense, she was not able to defend herself from the attack that she foresaw.

While that story is not from Vermont, I have another story which I will refer to "Amy's Story". You can listen to her own words, as I have provided an audio file which I have forwarded for dissemination along with this testimony. As you will hear if you take the approximate 1 minute to hear that clip, you will hear from a woman, who, even though she had an Order of Protection, had to use a rifle to defend herself from a former partner.

I could provide a litany of similar stories, as there are many. I wanted to insure to bring these stories forward however, since there are groups in Vermont that will state, and I quote: "***Firearms are rarely used for self-defense in violence crimes such as domestic violence***", which is simply absurd.

In defense of the fact that firearms ARE indeed used for defense, you may recall that after the Sandy Hook massacre, then President Obama issued a "Presidential Memorandum" / Executive Order which directed the CDC to research the causes and prevention of gun violence. That study was then subcontracted out to the Institute Of Medicine and National Research Council but the results were not what the President expected. Specifically, that study found that the defensive use of firearms is "a common occurrence". I quote from that study: "***Almost all national survey***

estimates indicate that defensive gun uses by victims are at least as common as offensive uses by criminals, with estimates of annual uses ranging from about 500,000 to more than 3 million per year, in the context of about 300,000 violent crimes involving firearms in 2008."

When you are told that firearms are rarely if ever used for defense, please take that statement with a very large grain of salt.

People who Already Own a Firearm(s)

In many cases, when a person who owns firearms wants to buy another firearm, they will typically use the same FFL. This is certainly not always the case, but generally speaking, it is true in many cases.

In a situation where an FFL knows that the purchaser already owns a firearm, what purpose is served by delaying the possession?

I quote from a 2017 study done by the Harvard School of Public Health: "***When we compared people in gun-owning households to people not in gun-owning households, there was no difference in terms of rates of mental illness or in terms of the proportion saying that they had seriously considered suicide. Gun owners are not more suicidal***"

The intent of the Waiting Period portion of S.169 is very specific: It is intended to prevent a first-time buyer who is suicidal from acting on impulse. If that is the case, shouldn't this bill create an exception that allows someone who already owns firearms to be exempt from this waiting period?

People Plan

It is the Federation's view that the establishment of an arbitrary time limit will not work for the simple reason that people plan, and we have seen this time and time again. It is also clear that the suggested time limits are arbitrary, since H.59 has a Waiting period of 72-hours, S.22 had suggested 48, and in S.169 there appears to now be agreement to settle for 24.

Whatever the time period imposed, this cannot and will not guarantee that the person involved will be stopped from attempting to take their own life.

If a 24-hour Waiting Period had been in place last year, we are led to believe that that 24-hour Waiting Period would have made all the difference.

I ask you: Will it be any less a heartbreaking situation when someone waits that day and then kills themselves in the 25th hour? If we were to make it a week, would it be less tragic for the person who waited that week, plus one day? Do we then tweak this law each time?

Statistics - The Rest of the Story

Organizations like Gun Sense Vermont reference a study published in 2015 by the American Journal of Public Health, and they relate the claim that "***waiting periods for gun purchases have 51% fewer gun suicides and 27% fewer suicides overall***", which sounds very impressive.

I quote from this Study:

"Objectives: Using previous research, we examined the impact of 4 handgun laws (waiting periods, universal background checks, gun locks and open carry regulations) on suicide rates.

"Methods: We used publicly available databases to collect information on state-wide laws, suicide rates, and demographic characteristics for 2013.

"Results: Each law was associated with significantly lower firearm suicide rates and the proportion of suicides resulting from firearms. In addition, each law, except for that which required a waiting period, was associated with a lower overall suicide rate."

So: While this study does show that a Waiting Period reduces suicides by firearm, there is apparently no corresponding decrease in overall suicides, which can only mean that people will simply find another means if they encounter a Waiting Period.

Effect on Gun Shows, Gun Clubs, Banquets, Auctions and Similar Venues

As a final point, but extremely important to sporting groups, individual sportsmen, sportswomen and local economies would be the negative effect of ANY waiting period on the long established venues of Guns Shows and Sports Banquets where firearm are possible prizes.

While there is much misinformation about gun shows, gun shows are events where like-minded people from all walks of life can assemble and discuss the issues that affect them. In essence, these venues allow for Vermont citizens to have Freedom of Expression and the Freedom of Assembly. The events provide a historical venue that allows both large and small Firearms Dealers (FFLs) to sell their wares to the public, all in one place, so as to allow comparative shopping. FFLs have to compete not only with one another, but also compete with FFLs from other states.

For FFLs who attend Gun Shows, we believe there will be a decline in attendance, for the simple reason that their purpose to be there is to sell, and they count on leaving with less inventory than what they came with. If an FFL cannot sell a firearm directly to a purchaser after a NICS check, the FFL will be less incentivized to travel with their wares.

For citizens who attend gun shows, we believe there will likewise be a decrease in attendance, as these folks would know they could look at a handgun, but not bring home, despite of the knowledge that they will pass a NICS check with flying colors. If they did decide to buy, and that decision happened on a Sunday, then the purchaser would then have to consider the loss of time and money to drive to wherever the FFL resides at some later time so that the sale could be completed.

Combined: Less FFLs mean less displays; less displays mean less incentive for citizens to attend; less citizens attending is less reason for FFLs to go...

Above and beyond being a social event that allows for the gathering of like minded people and provides a venue for a wide variety of vendors to sell all sorts of outdoor items that are not

firearms, Gun Shows are a very real and very significant source of revenue to Sporting Clubs that host them. Examples of such events would be the Barre Gun Show (put on by the Barre Fish & Game Club), the Morrisville Gun Show (put on annually by Lamoille Valley Fish & Game Club), in addition to others.

Gun shows also bring significant revenue into their host town, such as Barre, Essex Junction and Rutland.

If the proposed waiting period is enacted, and even though it has been limited to just handguns this WILL have an adverse effect on all vendors who traditionally see value in paying for a table, and then displaying their wares. For vendors selling firearms this is even worse, as they will likely stop going at all if the Waiting Period exceeds the length of the show (meaning that the purchaser will have to make multiple trips, first to the gun show to discover what they want, and then another trip to the vendor's store sometime later to adhere to the Waiting Period and consummate the sale).

In a similar vein, many Sporting Groups raise much needed funds through banquets, and many of these Banquets provide firearms as prizes. Examples of such banquets would include the Vermont Sport Shooting Association (VSSA), the Federation, the Vermont Trappers Association (VTA) and the Vermont Bear Hound Association (VBA), and others.

A similar impact will be seen on auctions, such as are run by Thomas Hirschak and Merrill Auction House.

I would be sure that everyone in this room would agree that the best approach to solving the problem of suicide would be to address WHY people are being motivated to end their lives and find ways to help, as this approach would address 100% of the people who are at risk.

Instead there appears to be a laser focus not on the CAUSE but on a very specific MANNER, based on 1 single event, with only a handful of similar events occurring across the past 20 years. This laser focus by the way targets only the method which 3% of the people at risk employ, while doing nothing to address the methods the other 97% employ.

Isn't the problem all suicides, not just those suicides with guns?

In summary, the Federation does understand the intent of a Waiting Period. We are not however convinced it will save anyone's life, and when push comes to shove, we very clearly see an unreasonable restriction to the unalienable right of self defense.

For the above reasons and others, the Federation must very respectfully oppose the Waiting Period portion of S.169.

Thank you for your time.