

Pf - 10/21/13

10/21/2013 Burlington City Council Meeting

Good evening and thank you all for coming out tonight for this very important discussion. My name is Jim Robert, I live in Ward 7, and I want to make three quick points.

Number 1) The Charter Change Committee, the City Council, and the Mayor, by entertaining this resolution- knowingly and willfully are about to violate Vermont State Law; 24 VSA section 2295, which states in part: "...no town, city, or incorporated village, by ordinance, resolution or other enactment, shall directly regulate...the possession, ownership, transportation, transfer, sale, purchase, carrying, licensing or registration of..., firearms, ammunition or components of firearms or ammunition."

Therefore, under Vermont State Law - you have no legal authority to pass the resolution that you are discussing.

Number 2) The Constitution of the State of Vermont, under Article 16 states in part: "That the people have a right to bear arms for the defence of themselves..."

Therefore, it is enshrined in our State's founding law - that citizens of Vermont have a right to own and use arms for self defense. You have no legal authority to LIMIT my right to defend myself.

Number 3) If the City Council passes this resolution, in violation of Vermont State Law and the Constitution of the State of Vermont, it will then be in violation of the 14th Amendment to the Constitution of the United States (Amend. 14, sec. 1); which provides for equal protection under the law. The passing of this resolution will result in the unlawful suffering of the citizens of Burlington to restrictions and violations of rights that all other citizens of the State of Vermont enjoy.

Thank you for your time.

The Vermont Statutes Online

Title 24: Municipal and County Government

Chapter 61: REGULATORY PROVISIONS; POLICE POWER OF MUNICIPALITIES

24 V.S.A. § 2295. Authority of municipal and county governments to regulate firearms, ammunition, hunting, fishing and trapping

§ 2295. Authority of municipal and county governments to regulate firearms, ammunition, hunting, fishing and trapping

Except as otherwise provided by law, no town, city or incorporated village, by ordinance, resolution or other enactment, shall directly regulate hunting, fishing and trapping or the possession, ownership, transportation, transfer, sale, purchase, carrying, licensing or registration of traps, firearms, ammunition or components of firearms or ammunition. This section shall not limit the powers conferred upon a town, city or incorporated village under section 2291(8) of this title. The provisions of this section shall supersede any inconsistent provisions of a municipal charter. (Added 1987, No. 178 (Adj. Sess.), eff. May 9, 1988.)

Reference:

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=24&Chapter=061&Section=022>

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Constitution of the State of Vermont

AS ESTABLISHED JULY 9, 1793, AND AMENDED THROUGH DECEMBER 14,
2010

CHAPTER I. A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT

Article 16. [Right to bear arms; standing armies; military power subordinate to civil]

That the people have a right to bear arms for the defence of themselves and the State--
and as standing armies in time of peace are dangerous to liberty, they ought not to be kept
up; and that the military should be kept under strict subordination to and governed by the
civil power.

*Bold and underline emphasis added, not in original text.

Reference: <http://www.leg.state.vt.us/statutes/const2.htm>

The Bill of Rights – To the Constitution of the United States

December 15, 1791

Amendment II

A well regulated Militia, being necessary to the security of a free State, *the right of the people to keep and bear Arms*, shall not be infringed.

*This is an individual right as confirmed by the SCOTUS, Heller V. DC, 2008

AMENDMENT XIV

Passed by Congress June 13, 1866. Ratified July 9, 1868.

Section 1.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; *nor deny to any person within its jurisdiction the equal protection of the laws.*

*Bold and underline added for emphasis, not found in original text.