

**Vermont Federation of Sportsmen's Clubs**  
**Why is the VTFSC Challenging the Waiting Period & Mag Ban?**  
**Statement of June 27<sup>th</sup>, 2023**

Act No. 45, previously known as H.230, "An act relating to implementing mechanisms to reduce suicide and community violence", will become law on July 1<sup>st</sup>, 2023.

The Vermont Federation of Sportsmen's Clubs (VTFSC) fought this bill every step of the way, and while we were successful in changing some parts of the bill, the most egregious section of the bill remained untouched. That section imposed a 72-hour Waiting Period between the purchase of a firearm and the ability to take possession of it.

For years and years and years, the VTFSC has watched and waited for the Supreme Court of the United States (SCOTUS) to act on clarifying the Second Amendment, the ONLY amendment that uses the phrase "***shall not be infringed***".

In 2008, SCOTUS ruled in [D.C. v. Heller](#), the first major Second Amendment case to be examined since the 1939 case of [U.S. v. Miller](#). The Heller decision struck down as unconstitutional a District of Columbia law that required firearms to be either disassembled or locked up in one's own home – a law which effectively prevented self-defense.

In 2020, in [McDonald v. Chicago](#), SCOTUS struck down as unconstitutional a Chicago law that prevented citizens from defending themselves outside of their home.

In 2022, SCOTUS heard [NYSRP v Bruen](#), a case that challenged a law that very effectively prevented honest and law-abiding citizens from being able to obtain a permit that would allow them to carry a firearm for self-defense.

In crafting the Bruen decision, SCOTUS recognized that since the [Heller](#) decision was made, lower courts had been steadily infringing on the core of the Second Amendment, doing so by using various means-to-ends tests and intermediate scrutiny to determine whether a given law was constitutional or not. SCOTUS saw that Second Amendment cases were being treated differently than how other Rights were handled, so they set about providing explicit instructions that all courts should follow when hearing a Second Amendment case.

Simply put, if an existing or proposed law impacts the core right of the Second Amendment, SCOTUS ruled that the law should be considered presumptively unconstitutional **UNLESS** the government can prove that such a law was in line with the text, history, and tradition of firearm ownership at the time of the founding.

At the time of our founding, there was no law to prevent or delay an honest and law-abiding citizen from immediately purchasing a firearm for any lawful purpose; such laws just didn't exist; and the State will not be able to show differently. Likewise, there were no laws that prevented or restricted firearms that could shoot more than one shot without re-loading (multi-shot firearms most assuredly did exist at the time of our founding), and our own [2<sup>nd</sup> Circuit has already ruled that high-capacity magazines are in "common use"](#). The "common use" test determines the constitutionality of a firearm ban and is central to the [Heller](#), [McDonald](#) and [Bruen](#) decisions. It is an extremely important point, since the "common use" test is central to the Heller, McDonald and Bruen decisions. This test dictates that the magazine ban should also be struck down as unconstitutional.

While Court challenges to Waiting Period laws are already underway in the 10<sup>th</sup> Circuit (Colorado) and the 9<sup>th</sup> Circuit (California), unless these cases go to SCOTUS – decisions made in those Courts do not control the 2<sup>nd</sup> Circuit Court of

Appeals, which is the federal appeals court for Vermont. Likewise, there are also challenges in play against high-capacity magazine bans (in CA as well as IL), with Federal District Courts finding that such bans are indeed unconstitutional.

It is time to push back and push back hard. We have never been on such solid footing for a successful legal challenge to unconstitutional firearms laws as we are now, and just like the Green Mountain Boys, we are rising to meet this threat head on.

***If not us, Who? If not now, When?***

Please donate generously to this cause. You can do so online at [this VTFSC webpage](#), and then click the **PayPal Donate Now** button. Alternatively, you can donate by mail. Make your check payable to VTFSC Defense Fund, and then mail it to:

VTFSC Defense Fund  
C/O Marcia Marble  
14 Stafford Ave  
Morrisville VT 05661-8514

We believe fully in our Constitution, and also believe it is something worth fighting for. If you feel the same way: Please donate and donate generously.