

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

STEPHEN DEARTH, et al.,	)	Case No. 09-CV-0587-RLW
	)	
Plaintiffs,	)	DECLARATION OF
	)	STEPHEN DEARTH
v.	)	
	)	
ERIC HOLDER,	)	
	)	
Defendant.	)	
_____	)	

DECLARATION OF STEPHEN DEARTH

I, Stephen Dearth, declare:

- I am a natural born citizen of the United States and a resident of Canada. I do not currently maintain a residence within the United States.
- I am over the age of 21, am not under indictment, have never been convicted of a felony or misdemeanor crime of domestic violence, am not a fugitive from justice, am not an unlawful user of or addicted to any controlled substance, have not been adjudicated a mental defective or committed to a mental institution, have not been discharged from the Armed Forces under dishonorable conditions, have never renounced my American citizenship, and have never been the subject of a restraining order relating to an intimate partner. I hold a valid Utah permit to publicly carry a handgun, which is recognized in numerous states.
- I enjoy visiting my many friends and relatives in the United States, and I intend to continue doing so. I also travel to the United States on business. I intend to purchase firearms within the United States, which I would store securely at my relatives' home in Mount Vernon, Ohio, and which I would access for lawful sporting purposes as well as for other purposes, including self-defense, while visiting the United States.

4. Unaware of federal restrictions on my ability to acquire firearms, I attempted to buy a firearm within the United States on January 28, 2006. However, I could not provide a response to Question 13 on Form 4473, asking me in which state I reside, since I do not live in any state. On account of my foreign residence and inability to answer Question 13, the transaction was terminated and I was not allowed to buy the gun. I subsequently spoke with an official at the Federal Bureau of Investigations, who confirmed that I could not adequately complete Form 4473, and could not purchase a firearm on account of my lack of domestic residence.

5. I subsequently sought to purchase a firearm within the United States in June, 2007. I truthfully advised the seller that I did not reside in any state, and on account of that fact, the transaction could not proceed.

6. I fear arrest, prosecution, incarceration and/or fine if I were to provide false state residence information on a Form 4473 in order to purchase a firearm, and I cannot make a retail purchase of a firearm if I truthfully decline to provide a state of residence on a Form 4473.

7. The enforcement of the federal restrictions on firearms acquisition by expatriated Americans is presently interfering with my efforts to acquire firearms for self-defense.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this the 10 day of October, 2011.



Stephen Dearth