

Good morning. I am Tom Malone and live in the town of Avon. I have two children in school and am both horrified and deeply saddened at the crime committed in Newtown. I am also saddened and disturbed at the way my State's and my Nation's leaders are politicizing and rushing legislation that does not address the root causes of mass violence, but instead merely gives the appearance of addressing it, a disservice to us all. I have two comments for the Committee today.

My first comment goes to our legislative process and the message we in Connecticut send to a watching Nation.

There is a theme I see in our news media that we are somehow in a legislative race and need to enact something quickly. They cite NY State's quick passage of gun control legislation as if it is an example to emulate. I understand emotion can be useful to initiate and motivate action, but I also expect that those actions should be based on careful evaluation of data and facts. I expect that of you and hope you expect that of each other.

The speed and process used by Gov. Cuomo in NY to push his "NY SAFE act" through the NY Legislature should not be cited as some positive benchmark by which to gauge our Legislature. Fast legislation is not synonymous with effective legislation. Connecticut should strive for well thought out legislation and not to partake in a national speed contest. NY's new law has so many technical and legal faults, it's being challenged in multiple lawsuits, the NYS Supreme Court is giving the State until the end of April to prove it's not unconstitutional, the NY State Sheriff's Association has criticized the legislation, and, of NY's 62 counties, 37 have already passed resolutions calling for the repeal of that law, 5 have pending resolutions, and if you

include counties passing ordinances against provisions of the "NY SAFE act", over 50 of NY's 62 counties are against the legislation. Cuomo used a "message of necessity" procedure to circumvent standard legislative process, to eliminate public review or comment on the proposed law, and NY legislators had only hours to read it before voting on it the same night it was introduced. I ask this Committee, my Legislature, my Governor, and Connecticut's Media to please not use NY as a benchmark for "doing it right."

I believe the rushed legislation in NY will ultimately yield no meaningful beneficial results and, instead, demonstrates to its citizens that their fear of an over-reaching government is justified. We should look back to the lessons of 1942 wartime California and vow that we would not be the ones rushing to deprive fellow Americans of inherent rights based upon political rhetoric and with absence of supporting fact.

I believe, however, Connecticut can and should send a message to the Nation and it should be the following. While we have suffered a devastating criminal act that has torn the very bonds we hold most dear, that between parent and child, we are determined to take principled, well-reasoned, meaningful, and effective steps to help prevent this from ever occurring again. While we grieve, we will not rest, but neither will we prejudge nor rush ill-considered legislation especially where that legislation would have significant impact on the inherent rights of our citizens. We honor our children not by rushing this, but by getting this right the first time.

My second comment concerns the proposed magazine capacity restrictions and should answer several common misconceptions with fact. Folks ask, "why would anyone need more than 10 rounds in a magazine?" Here is the answer. At one of the firearm training classes I've attended, the instructor quoting FBI statistics said that over 90% of self defense shootings occur at a distance within 5 feet. He also said FBI statistics show that the hit rate for police at 5' under stress is only 18%. Most people can't believe the hit rate is only 18% at such a short range, but they don't realize the effects that stress and the dynamics of movement have on accuracy. Compare this 18% with a recent local example. Two weeks ago, seven Norwich police officers fired 41 shots at a man who appeared to be threatening them with a handgun. Only 6 of 41 shots hit the man who later died at a hospital (see CBS local news article <http://connecticut.cbslocal.com/2013/03/02/source-41-shots-fired-at-man-by-norwich-officers/>).

Six shots out of 41 is just under a 15% hit rate. These are trained officers in a known situation with multiple unrestricted magazines available to them and fellow officers present. Now picture a civilian, with no immediate backup and likely far less training, being limited to a 10 round magazine. An optimistic 15% to 18% hit rate means only 1 or 2 shots would be on target. Would these 1 or 2 shots effectively stop a lethal threat or multiple threats? Unlikely.

The follow-up question I then see asked is, "if the number of rounds in a magazine is restricted then why can't people just use multiple magazines to achieve the same result?" This is a fair question, because even gun owners stumble on this question. They stumble because they change magazines when they practice at a gun range, in a booth, with good light, with non-moving paper targets right in front of them, in

a controlled setting. They have their magazines laid out on a little bench in front of them. They change their magazines without the enormous stress of reacting to a violent threat. They cannot appreciate that the stress experienced in a life or death situation will dramatically degrade their performance.

This very real physical condition induced by great stress is called "tachypsychia" and is taught by firearm instructors. Tachypsychia degrades motor skills, decreases coordination, results in tunnel vision, and impairs hearing.

Contrast this with the bad guys who do not experience the same debilitating condition. Those who commit mass violence typically prepare in advance and rehearse their attacks. Columbine, Virginia Tech, Aurora - the bad guys all had made plans beforehand over the course of months, made detailed notes, some took photos or videos of themselves rehearsing. Witnesses at these horrific attacks commented on how calm or detached the bad guys seemed during their violent attacks.

Does this matter? Very much so. The bad guy will be able to perform magazine changes as he's prepared and rehearsed for the event. For example, SH Cho, the shooter at VirginiaTech, used 19 magazines for his 2 handguns. The handguns had capacities of only 10 and 15 rounds. With frequent magazine changes, he was able to kill 33 and wound 17 with just his 2 handguns.

The good guy who reacts to the onset of violence, and is thus already at a severe disadvantage (refer to law enforcement community's "Tueller Principle") will be at further disadvantage as he will be reacting under enormous stress. I've seen this principle in action first hand in a firearm

self defense class. We participants were trained in magazine reloads and performed them smoothly in a well-lit classroom. We were then brought to a dimly lit range. The instructor informed us he would take each person individually and have them move and shoot and reload, as needed, while continuing to move. Given that each of us were to do this in front of the class, a bit of "performance anxiety" stress was induced, but nothing like the level of stress experienced in a real self-defense situation. The result was only one man in the whole class could successfully keep moving and reload when his magazine ran out of ammunition. The rest mostly fumbled their reloads as they stopped moving despite the instructor urging them to keep moving. One gentleman just kept moving while continuing to point an empty handgun at the target and made no attempt to reload. Stress, movement, surprises (e.g., your gun running out of ammunition), having to do two things at the same time, all dramatically degrade performance. These are the reasons why even our trained officers have hit rates of only 15% to 18% in actual defensive shootings and why the "simple act" of changing a magazine in the middle of a gunfight becomes extremely difficult.

Magazine capacity restrictions will only let bad guys kill good guys more easily. If we would not impose this limit on our police agencies, and I am not suggesting we do, then we should not be imposing it on the rest of us.

Should magazine restrictions be proposed, I urge you to vote against them. Magazine restrictions will hurt the defensive abilities of citizens far more than they will impede the bad guys. The result would be even more inability to resist those who commit violence.

Thank you.