

**Testimony to the Subcommittee on Gun Violence
January 28, 2013**

**Bob Ferguson,
Resident of Weston, Connecticut**

I am Bob Ferguson, a resident of Weston, CT.

I would like to thank Senator Looney, Representative Miner and the other members of the Subcommittee for allowing me to testify today.

Virtually ALL of the media reports that we have seen regarding the horrible tragedy that took place in Newtown have referred to Adam Lanza as a shooter. Let's be VERY clear...Adam Lanza was a psychopathic killer. There are NO similarities, whatsoever!

I am speaking today in opposition to a number of the proposed bills that address legally-owned firearms or additional restrictions on law-abiding Connecticut citizens. I have listed 46 specific bills which I oppose and 20 which I support in my appendix but I'm sure I left some out.

Most of the proposed legislation focuses on a MASSIVE EXPANSION of our current so called "assault weapons" ban. They DO NOT focus on restricting "military or military-style" firearms like you hear about in the press. Many of these bills attempt to reclassify most MODERN SPORTING RIFLES as "Assault Weapons."

In fact, under these bills, the same semi-automatic .22 caliber rifle that I learned to shoot in Boy Scouts at age 12, would now be classified as an "assault rifle." This is a disingenuous attempt to ban an entire class of commonly-owned firearms..., which is SPECIFICALLY the action that the Supreme Court ruled against in the D.C. v. Heller decision.

Which brings us to the numerous bills proposing bans on standard capacity magazines for ALL firearms.

Connecticut citizens have an explicit right to use firearms for self-defense, per our State Constitution. Police Officer guidelines and rules of engagement also justify the use of firearms for Officers specifically for the purpose of defense. ALL of the firearms used by both citizens and the Police Departments have STANDARD magazine capacities between 12 and 20

rounds. By introducing a limit on magazine capacity for Connecticut Citizens, you are emphatically stating that citizens should have more limits on their personal defense than the Police forces that are supported by their tax dollars.

The magazine bans that have been proposed will do nothing to keep children safe, but are just further restrictions on law-abiding citizens. Would Newtown be any LESS tragic if only 10 or 15 children had been murdered?

Look at the facts of the Columbine massacre in 1999. This occurred while an assault weapon and magazine bans were in effect. One of the assailants used a rifle from which he fired 96 shots from *THIRTEEN* 10-round magazines. The other fired 55 shots from three larger magazines. The idea that you can increase safety for our children by limiting magazine capacity for law-abiding citizens is just grasping at straws.

I would ask you all to turn the clock back 5 years ago, to the beginning of the 2008 legislative session... immediately AFTER the brutal Cheshire home invasion.

Would you have been willing, at THAT time to sponsor legislation LIMITING the ability of homeowners to protect themselves or possess commonly-owned firearms? I would urge you to RESIST the temptation to pass "feel good" legislation and instead focus on REAL and PROVEN measures to increase safety.

With all due respect, if these bills represent your BEST SHOT to protect our children and increase safety, then you wouldn't hit the broad side of a barn.

Adam Lanza made the decision to commit murder LONG BEFORE he even picked up a firearm.

As much as we would like, you can't stop a bullet with a piece of paper.

I have included an appendix with a list of specific bills that I oppose and those that I support, along with additional detail. I would also like to personally thank Representative Miner for proposing HB-6248, which preempts the regulation of firearms by municipalities.

Thank you and I would be happy to answer any questions.

Bob Ferguson

bobferguson@optonline.net

Appendix

OPPOSE:

HB-5112	HB-6013	SB-122	SB-610
HB-5268	HB-6215	SB-124	SB-611
HB-5452	HB-5957	SB-161	SB-612
HB-5651	HB-6216	SB-377	SB-676
HB-5934	HB-6244	SB-501	SB-710
HB-5949	HB-6245	SB-504	SB-739
HB-5950	HB-6246	SB-600	SB-742
HB-5961	HB-6250	SB-601	SB-780
HB-5953	HB-6251	SB-606	SB-781
HB-5955	HB-6260	SB-605	
HB-5956	HB-6261	SB-606	
HB-5957		SB-607	
HB-6010		SB-609	

SUPPORT:

HB-5165	HB-5646	SB-328
HB-5176	HB-5656	SB-367
HB-5179	HB-5660	SB-478
HB-5269	HB-5862	SB-743
HB-5377	HB-6161	SB-782
HB-5466	HB-6162	
HB-5468	HB-6248	
HB-5580		

Columbine:

During the previous "assault weapons" and magazine ban...

On April 20, Harris was equipped with a 12-gauge Savage-Springfield 67H pump-action shotgun, (which he discharged a total of 25 times) and a Hi-Point 995 Carbine 9 mm carbine with **thirteen 10-round magazines, which he fired a total of 96 times.**

Klebold was equipped with a 9 mm Intratec TEC-9 semi-automatic handgun with **one 52-, one 32-, and one 28-round magazine** and a 12-gauge Stevens 311D double-barreled sawed-off shotgun. Klebold primarily fired the TEC-9 handgun, **for a total of 55 times**

Supreme Court of the United States

District of Columbia v. Heller

Excerpts

Justice Antonin Scalia, writing for the majority:

- [1][2] The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home. Pp. 2-53.
- Like most rights, the Second Amendment right is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose: For example, concealed weapons prohibitions have been upheld under the Amendment or state analogues. The Court's opinion should not be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms. *Miller's* holding that the sorts [**647]of weapons protected are those "in common use at the time" finds support in the historical tradition of prohibiting the carrying of dangerous and unusual weapons. Pp. 54-56.

Justice Antonin Scalia, writing for the majority

- "As the quotations earlier in this opinion demonstrate, the inherent right of self-defense has been central to the Second Amendment right. The handgun ban amounts to a prohibition of an entire class of 'arms' that is overwhelmingly chosen by American society for that lawful purpose. The prohibition extends, moreover, to the home, where the need for defense of self, family and property is most acute. Under any of the standards of scrutiny that we have applied to enumerated constitutional rights, banning from the home 'the most preferred firearm in the nation to keep and use for protection of one's home and family,' would fail constitutional muster."

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- **Scalia, on the requirement that handguns be kept inoperable:**
- "We must also address the District's requirement (as applied to respondent's handgun) that firearms in the home be rendered and kept inoperable at all times. This makes it impossible for citizens to use them for the core lawful purpose of self-defense and is hence unconstitutional."
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- **Scalia, on the scope of the ruling:**
- "Nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms."
- **Scalia, on Justice Stevens' dissent, Sec E, III**
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- It may be objected that if weapons that are most useful in military service — M-16 rifles and the like — may be banned, then the **Second Amendment** right is completely detached from the prefatory clause. But as we have said, the conception of the militia at the time of the **Second Amendment's** ratification was the body of all citizens capable of military service, who would bring the sorts of lawful weapons that they possessed at home to militia duty. It may well be true today that a militia, to be as effective as militias in the 18th century, would require sophisticated arms that are highly unusual in society at large. [***31] Indeed, it may be true that no amount of small arms could be useful against modern-day bombers and tanks. But the fact that modern developments have limited the degree of fit between the prefatory clause and the protected right cannot change our interpretation of the right.

These bills amount to "...a prohibition of an entire class of 'arms' that is overwhelmingly chosen by American society for that lawful purpose." to quote Justice Scalia