

Mr. Chairman and members of the Task Force, my name is Garnet Drakiotes. I reside in South Windsor and I am here today to speak to the issue of gun violence prevention. I would strongly caution against any proposals which repeat or imitate those that have proven to be ineffective. The Clinton era "assault weapons ban" was one such law that was later studied with the finding "Should it be renewed, the ban's effects on gun violence are likely to be small at best and perhaps too small for reliable measurement."¹ Additionally, The National Academy of Sciences studied gun laws in the U.S. and reported it could find no link between restrictions on gun ownership and lower rates of crime, firearms violence or accidents with guns. New York State has recently expanded broken legislation by further limiting the rights of lawful citizens. It will also be doomed to ineffectiveness in prevention of gun violence. I suggest we look to what *has* worked rather than what has failed.

If we look subjectively at gun violence figures we should note over the past 20 years, virtually every state in the country has liberalized gun ownership rules and many states have expanded concealed carry laws to allow more people to carry weapons in more places.² The FBI is reporting violent crimes – including gun crimes – dropped dramatically in the first six months of 2009, with murder down 10 percent across the US as a whole. Concurrently, the FBI reports gun sales are up at least 12 percent nationally. Please do not attempt to "fix" what is not broken.

One of the difficulties, when responding to horrific events that are beyond the scope of our baseline experiences, is preventing over reaction. While we mourn the loss of life that occurs in an airliner crash we are all familiar with air travel. We understand there are certain "risks" and do not seek to ban airplanes. This is also true of automobile deaths. This is because we understand the inherent value and thus accept the risk. For many people there is no understanding of the value of a firearm. On any given day, a legally owned firearm will protect a life or prevent grievous personal harm many times. However, these instances are not aggregated in one single incident. They are spread out, one at a time, and thus they become "background noise". They are under reported by the media. Such uses are estimated to range from 100,000³ to 2,500,000⁴ per year – 274 times a day, using the conservative number. A small number of such positive firearm uses are included in the addendum. The first three are from Connecticut.

While there is no disagreement the Newtown incident is a tragedy, we must assure any legislation is concisely written and directly on point with the intended purpose. Proposals this Task Force make must pass one simple litmus test: would they, if in place on December 14, 2012, have had any impact on the outcome at Sandy Hook? If you wish to reduce the amount of gun violence look to the following:

¹ An Updated Assessment of the Federal Assault Weapons Ban: Impacts on Gun Markets and Gun Violence, 1994-2003 Report to the National Institute of Justice, United States Department of Justice (Executive Summary) By Christopher S. Koper (Principal Investigator)

² Mr. David Kopel is research director of the Independence Institute and co-author of the law school textbook, "Firearms Law and the Second Amendment" (Aspen, 2012).

³ National Crime Victimization Survey, Source: U.S. Census Bureau, Last Revised: November 26, 2012

⁴ Journal of Criminal Law and Criminology, Kleck and Gertz, Fall 1995

- Focus on the CRIMINALS who contribute the largest percentage of the gun violence numbers
- Strictly ENFORCE the *current* laws
- Keep violent felons in jail and end "catch and release" (prevent "Cheshire home invasions")
- End "gun free zones"
- Adequately fund mental health programs and facilities

Proposed legislation must not have any punitive impacts on law abiding citizens. It has never been, nor should it now be, the intent of the State to punish the innocent for the crimes of the guilty.

In closing, I wish to remind all on the Task Force, as you work toward your recommendations, of your sworn oath of office to support the **Constitution of the United States**.

The Second Amendment of the Constitution carries just as much weight, and commands just as much of your sworn commitment, as does the balance of the Constitution.

I thank-you for your time, it is greatly appreciated.

"You do solemnly swear (or affirm, as the case may be) that you will support the **Constitution of the United States**, and the Constitution of the state of Connecticut, so long as you continue a citizen thereof; and that you will faithfully discharge, according to law, the duties of the office ofto the best of your abilities; so help you God."

ADDENDUM

A 27-year-old woman was staying the night at her aunt's house, when she heard a suspicious noise. The woman retrieved a gun, went to investigate, and spotted an intruder in her aunt's kitchen. After he was discovered, the home invader approached the woman, at which point she fired, causing him to flee. (The Connecticut Post, **Bridgeport, Conn.** 10/3/12)

A 67-year-old man was at his home in New Haven, Conn. when he heard a suspicious noise. The homeowner went to investigate, first spotting a screen that had been forced open, then a naked intruder. A struggle ensued, during which the homeowner was able to retreat to another floor and retrieve a handgun. The homeowner then went back to confront the criminal and ordered the man to leave. When the home invader refused, another altercation ensued, during which the homeowner shot the criminal in the chest. The home invader was taken to a local hospital where he is listed as in critical condition. (The Milford Mirror, Milford, Conn. 07/23/12, The New Haven Register, **New Haven, Conn.** 07/27/12)

A pair of armed criminals entered Babe's Market convenience store in New Haven, Conn. and demanded money from the owner and a customer. The 22-year-old store owner, Karar Jawad, explained to the local media what happened next, stating, "They had a gun to the customer. When they had a gun to the customer, they said to me 'Give me your money.' I had my gun over here, so I pulled it out slowly and he pointed the gun right here on my chest and I let off shots, a couple. They took off." One of the robbers turned up a short time later at a local hospital, suffering from a chest wound. Jawad purchased the .40-caliber pistol he used to thwart the robbery after his father was robbed at their store last year. After police notified Jawad that due to an investigation it could be some time before he gets his pistol back, Jawad made clear that he wouldn't wait and plans to get a new one. The New Haven Independent, **New Haven, Conn.** 11/30/11

Jeffersonville, Ind. homeowner Mike Dreyer was allowing his ex-wife to stay in a storage building on his property, when two burglars attempted to break into the shed. The ex-wife was inside when the thieves struck at 4:30 a.m., and used her cell phone to alert Dreyer, who was across the property in his home, to the threat. Dreyer retrieved a gun, came out of the house and confronted the criminals. Upon seeing the gun, one of the thieves dropped to the ground, while the other fled over a fence. After a brief standoff with the criminal who had jumped the fence, Dyer managed to call the police and hold the remaining burglar at gunpoint until they arrived. Clark County Chief Deputy Prosecutor Jeremy Mull told media that the captured criminal and his partner were on a crime spree before reaching Dreyer's property. Mull went on to alert burglars to the dangers of their behavior, warning that "many more homeowners are now armed." (WAFB, Baton Rouge, La. January 18, 2013)

After pulling into the driveway of his brother's home in Columbus, Ohio, Kelby Smith removed his 2-month-old son, still in his car seat, from the vehicle. While still in the driveway, an armed robber approached Smith and demanded money, prompting Smith to kneel down to shield his son. Smith, a Right-to-Carry permit holder, handed the man a small amount of money then drew a pistol, at which point the criminal retreated. But during his escape, the robber turned and pointed his gun at Smith, prompting Smith to shoot the criminal. Police captured the wounded robber a short time later after he sought medical treatment at a local hospital. Smith and his son were not harmed during the incident and police have not charged the armed citizen. (The Columbus Dispatch, Columbus, Ohio 01/08/12)

A mother of two was home with her children in Loganville, Ga. when she heard a repeated knocking at the door. Concerned, the mother called her husband, who told her to "get the kids and hide." The mother complied, retrieving a gun and taking her children to a crawlspace. By the time they were hidden, the criminal who had been knocking at the door had made it inside the house and was making his way towards the closet where the family was hiding. The home invader opened the crawlspace door, at which point the mother fired six shots from a .38-caliber revolver, striking the criminal five times. The mother

kept the revolver trained on the home invader as he exited the house. Once outside, the criminal tried to flee in his vehicle, but only made it a short distance before he was captured by police. Walton County Sheriff Joe Chapman commented that "When you got five bullets in you, it makes you kind of disoriented." The proud husband praised his wife following the incident, stating, "My wife's a hero... She protected her kids. She did what she was supposed to do." (The Atlanta Journal Constitution, Atlanta, Ga. 01/04/13)

Two clerks were operating a Sunoco gas station in Springfield Township, Ohio, when an armed robber entered the store and ordered one of the clerks to "go behind the counter and get me the money." **As the criminal went behind the counter he fired at the clerks**, prompting the pair to retrieve a .40-caliber pistol and a shotgun and fire at the robber. Shots fired by both clerks struck the criminal, killing him. A daily customer of the Sunoco station was puzzled as to why anyone would attempt to rob the store, telling local media, "I know everyone that works in there. They are all great guys. Everybody knows they have guns. That's why I'm surprised someone tried to rob them. It does not make sense." (The Cincinnati Enquirer, Cincinnati, Ohio 12/10/12)

A woman was at home with her three-year-old son in Wyandotte, Okla. when she was awakened by a knock on her door. The homeowner peered outside, noticed a strange man at her door and retrieved a .22-caliber pistol. The man then began breaking into the home, making it through one of two locked doors; at which point the woman opened the inside door and fired a shot at the criminal. The would-be burglar fled to a waiting getaway car and proceeded to cross the state line into Missouri. After viewing surveillance video of a nearby road, Missouri police were able to determine the criminal's whereabouts and make an arrest. (The Joplin Globe, Joplin, Mo. 11/21/12)

Italian immigrant Pete Delli Bovi was at home on his couch in Sharon, Pa. when an intruder attempted to break down his door with a brick at 3 in the afternoon. Delli Bovi, who told reporters he always keeps his .38-caliber revolver nearby, retrieved the gun and shot the criminal twice. The home invader fled the scene but was captured by police after seeking treatment at a local hospital.

Sharon Police Chief Mike Menster made clear that no charges would be filed against Delli Bovi and remarked, "This is an occupational hazard of being a burglar – eventually, you're going to go into the wrong house and you're going to get hurt." (The Herald, Sharon, Pa. 11/08/12)

While driving a car he stole less than 15 minutes earlier, a thief in Ceres, Calif. spotted a 69-year-old homeowner in his garage and attempted to rob him with a knife. The homeowner responded by retrieving a nearby .38-caliber handgun and shooting the criminal twice. The wounded robber fled the home but was captured by police in a nearby yard. An investigation revealed that the criminal already had a warrant out for his arrest, resulting from his lack of participation in a court ordered alternative work program. (The Modesto Bee, Modesto, Calif. 11/05/12)

A pair of armed intruders entered a home in St. Helena Island, S.C. and attempted to rob the 31-year-old woman who lives there. The homeowner responded by retrieving a gun and firing at the criminals, striking one and causing both to flee. The wounded criminal was discovered when he turned up at the Savannah Memorial University Medical Center seeking treatment; the other was captured a day later. The home invaders face charges of armed robbery and attempted murder. (The Beaufort Gazette, Beaufort, S.C. 10/30/12)

A 63-year-old woman suffering from congestive heart failure and arthritis was asleep at home in Bessemer, Ala. when an armed intruder came into her bedroom. The home invader demanded that the woman hand over money and jewelry, and when she didn't comply, he drew a keyhole saw and cut her on her stomach and arm. Eventually, one of the woman's seven dogs alerted a guest staying at the home to the commotion. The guest distracted the criminal long enough for the woman to retrieve a .44-caliber revolver and shoot the criminal, who fled the scene. Police captured the home invader a short time later after he sought treatment at a local hospital. Following the shooting, the woman told local media, "I have

a family to protect and that's what I did. I protected me and mine." The armed citizen also noted that she has been a gun owner for more than 30 years and that "women are better with guns." (The Birmingham News, Birmingham, Ala. October 30, 2012)

12-year-old Kendra St. Clair was at home alone in Durant, Okla. when a man began banging on the front door. Frightened, Kendra called her mother at work, who told her to retrieve a .40-caliber pistol and to hide in the bathroom closet. Kendra complied, and after calling 911, heard the criminal break through a back door. **After about six minutes inside the home**, the intruder made it to the bathroom closet where Kendra was hiding. As the home invader attempted to open the closet, Kendra fired at the criminal, striking him and causing him to flee. Police captured the intruder a short time later and transported him to a hospital. Following the incident, Kendra's mother told local media about how her daughter was coping, stating, "She's a trooper... She's staying strong and confident. She's handling this much better than I would have." When asked about her experience, Kendra told reporters, "I kept my head on straight." (The Oklahoman, Oklahoma City, Okla. 10/19/12)

A 22-year-old woman was at home alone in Dallas, Texas when a pair of home invaders, at least one of whom was armed, kicked in the front door. After retrieving a gun, the woman spotted the criminals as they were headed to the second floor of the house. The woman opened fire on the home invaders, striking one and causing both to flee. The wounded burglar collapsed just outside the front door and was later taken to a local hospital, where he died. The father of the armed citizen noted that he was proud of his daughter's actions, stating, "I'm real proud of her because I taught her that... I taught my girls that -- to defend themselves when someone comes to hurt them, and apparently she listened." (NBC DFW, Dallas, Texas 10/18/12)

After going to bed early, a homeowner in Kenosha County, Wis. was awakened around 8:30 p.m. by a suspicious noise. The homeowner retrieved a .22-caliber pistol, went to investigate and found a burglar in his basement. The homeowner shouted to the home invader, "I got a weapon. It's loaded. I'm prepared to shoot, come out," at which point the criminal gave himself up and was then held at gunpoint until police could arrive. In an interview with local media, the homeowner credited his service in Vietnam as preparing him for such an incident. The home invader's father offered an apology to the homeowner, telling local media, "If you're coming into my home like that, I can't really honestly say you're gonna walk out like you came in. I offer any kind of sympathy and sorrow toward that family." (WITI Milwaukee, Wis., 10/16/12)

A 70-year-old woman was asleep in her Fayette County, W.V. home, when she was awakened by her burglar alarm. After arming herself with a .38-caliber revolver, the woman went to investigate. When she found the burglar, the criminal punched her in the face. The woman responded by firing at the home invader, causing him to flee. Local law enforcement officials have been supportive of the homeowner's actions, with Fayette County Sheriff Steve Kessler noting, "If the victim of the burglary had been unarmed she could have been seriously injured or killed when confronted by this burglar." (The Register-Herald, Beckley, W.V. 10/12/12)

72-year-old Jerry Duncan was asleep upstairs in his Lakeland Village, Calif. home when he was awakened by a loud noise. After getting up to investigate the sound, Duncan discovered that his power had been cut, so he retrieved a flashlight and made his way downstairs. Duncan noticed that an air conditioner had been pushed out of one of the windows, leaving it open, so he retrieved a pistol he had kept nearby and waited at the window. After about five minutes, a criminal attempted to come through the window, at which point Duncan fired, striking the man and causing him to flee. The home invader only made it about 15 feet before collapsing dead. In recalling the incident, Duncan explained, "All I was thinking about was defending myself... I'm in no shape to fight anybody. I'm 72 years old." (The Press Enterprise, Riverside County, Calif. 10/05/12)

63-year-old **cancer patient** Dixon Smith was at home in Laketon Township, Mich. when a pair of burglars broke into his house. Smith spotted one of the criminals walking by his front window, and then heard the burglars talking downstairs. After retrieving a shotgun, Smith confronted the intruders, ordering them to

the ground. The burglars complied, and Smith held the pair until police could arrive. According to Smith, **the police response took "Kind of a long five to 10 minutes."** (MLive.com, Michigan, 09/21/12)

A 76-year-old employee at a real estate company in Everett, Wash. discovered an intruder at the office at around 9:15 a.m. The employee called 911, retrieved a gun and confronted the criminal, ordering him to stay put until police could arrive. The intruder refused, yelling at the employee and throwing office items at him. Eventually a scuffle broke out in which the employee fired at the criminal, striking him in the leg and causing him to flee. Police captured the intruder only a block away. (The Daily Herald, Everett, Wash. 08/30/12)

92-year-old World War II veteran Earl Jones was at home on the Boone County, Ky. farm he has worked for over five decades when he heard a loud noise in the basement. Jones retrieved a .22-caliber rifle and went to a chair opposite the door to the basement. After several minutes, a home invader came through the basement door, at which point Jones fired at the criminal, killing him. The dead intruder's accomplices fled the scene, but were captured after calling police with a lie about how their cohort had been shot. During an interview with local media, Jones made clear his adamant support for the right to self-defense. Jones told a reporter, **"I didn't go to war for nothing. I have the right to carry a gun. That's what I told the police this morning,"** adding, "Was I scared? Was I mad? Hell, no... It was simple. That man was going to take my life. He was hunting me. I was protecting myself." (NKY.com, Northern Kentucky, September 3, 2012)

A group of friends were enjoying a bonfire outside one of their homes in Flint, Mich. when two armed robbers approached them. While the criminals herded the group inside the home and demanded their valuables, the homeowner got away from the main group and was able to retrieve a gun. When one of the robbers put a gun to the head of a victim who was having difficulty finding his wallet, the homeowner fired, striking the criminal and causing his accomplice to flee. The homeowner's father, who lives next door to his son, said that police were supportive of his son's actions, explaining, "the cops complemented him quite heavily on protecting his friends and his household and his family and everything else in the matter." An investigation has led police to suspect that this was only the latest in a string of robberies these criminals were involved in. (WJRT, Flint, Mich. 08/27/12)

After a dog owner lost control of her pit bull in Lewiston, Idaho, the dog ran off her property and attempted to attack a husband and wife out walking their dog. Recognizing the threat, the husband drew a pistol and shot the animal, ending the attack. The pit bull was taken to a local veterinary clinic, but later died. Following the incident, Lewiston Police Department Captain Tom Greene made clear to local media, "If you're in fear of your life, fear of your safety, and there is a well founded fear, you are able to defend yourself." The pit bull was known to authorities, having been labeled a level one dangerous dog after it tried to attack a woman in 2011. (KLEW, Lewiston, Idaho, 08/14/12)

A man was asleep in his Everett, Wash. home when he was awakened by the sound of breaking glass. The homeowner retrieved a .38-caliber revolver, went to investigate and discovered a man armed with a hammer climbing through a kitchen window. The homeowner shot and killed the home invader. Investigators made clear that they do not plan to charge the homeowner, with Prosecuting Attorney Mark Roe explaining, "We are quite certain that a jury would conclude that the shooting was justifiable self-defense." Police also noted that the deceased criminal was a suspect in a January burglary investigation. (The Herald, Everett, Wash. 07/25/12)

Vance T. Taylor was at home with his family in Idaho Falls, Idaho when the family dog alerted him to an intruder in the home's bathroom. As his daughter called police, Taylor retrieved a gun and ordered the criminal to stay put. Disobeying the order, the home invader charged at Taylor, at which point Taylor opened fire, striking the criminal twice in the leg. The intruder fled the scene, but was captured a short time later at a nearby home. (KIDK, Idaho Falls, Idaho, 07/05/12)