

In the aftermath of the despicable Newtown attack committed by a madman we are now faced with a seemingly overwhelming desire to do something. Let's be crystal clear. An out of control, psychotropic drug taking madman stole firearms, killed the owner and rampaged against the helpless innocents in a gun free zone. Lacking firearms this madman could have found innumerable methods to rampage against the helpless. Arson, homemade explosives, car bomb, poison gas, knives. The will to destroy and kill is not limited to the use of firearms. Indeed some of our worst tragedies were committed without the use of firearms. Oklahoma City comes to mind. I do not diminish the scope of horror, sadness and grief felt by all citizens of our state, and my heart and soul grieve for the loss of innocent adults and children. I am adding perspective. A psychopath with the desire to harm others will find a way. Any way that fulfills the fantasy program they are running.

I urge against any legislation that introduces new restrictions upon the selection and availability of firearms for all responsible and law-abiding citizens that choose to exercise their rights.

All men are created equal. Current proposals seek to lay separate values on equal lives by placing a limit on civilian magazine capacity. 10 rounds for me. 15, 20, 30 rounds for the police and your own security elements. Is your life worth more than mine? Is a police officer's life worth more? On this issue the truth is that a citizen may be the first to confront violent crime. Be it their home, place of business or other location. In this sense we face the same criminals as the police. Do not deny citizens the same capabilities our law enforcement personnel enjoy. An OLC report finds that a magazine ban could cost the state 100 million dollars and a possible loss of 42 million dollars in economic activity. A ban would likely lead to challenges based on potential violations of the Second Amendment's right to bear arms and the Fifth Amendment's Takings Clause. Given the state of our economy, these added financial burdens are intolerable. Magazine / capacity bans are a pointless exercise with no value in preventing crime or tragedy. Furthermore, A ban would likely lead to challenges based on potential violations of the Second Amendment's right to bear arms and the Fifth Amendment's Takings Clause.

Equally nefarious are onerous ammunition taxes, bans and insurance requirements. Would you limit the right to self defense to those capable of affording these proposed bills? Will you say to a single mother in a crime infested neighborhood "I'm sorry that you could only afford 5 rounds when you needed six". Think about the young woman who may not be able to afford insurance. Does she deserve her sexual assault due to her financial situation? Limiting the capability to defend against violent crime only to those with

sufficient economic means runs counter to a just society. Once again challenges to these proposals would be numerous. In 1819, the United States Supreme Court said in *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 4 L.Ed. 579, "the power to tax is the power to destroy." - And it was right. This case is clear - A state cannot have authority under the Federal Constitution to destroy or tax that which established by the Federal Constitution, and under *Heller* (DC Case) & *McDonald* (Chicago 2010) it is clear that the Federal Constitution protects the Right to Bear Arms. Litigation is yet another financial burden our state cannot bear.

The tax in *McCulloch v. Maryland* was 2% and the Supreme Court ruled it unacceptable. The proposed 50% tax isn't even worth discussing as it cannot be even seriously considered as constitutional. A sales tax imposed on all goods sold in a state is one thing - using the taxing power of a state to attack what the Supreme Court ruled an individual right under the *Heller* case, quite another.

A modification of Connecticut's existing assault weapons ban has absolutely no crime reduction value. In fact the NIJ has found that for the federal AWB "the ban's effects on gun violence are likely to be small at best and perhaps too small for reliable measurement." Too small for reliable measurement. There is no evidence that Connecticut's assault weapon ban has had any effect on crime in our state. There is no compelling reason to believe that modification to the current AWB will have a significant effect on violent crime. The facts just do not support it. These types of bans effect only the cosmetic features of a rifle. Pistol grips on rifles do not contribute to violent crime. Nor do bayonet lugs, collapsible stocks, barrel shrouds, and so called "flash suppressors". A thoughtful examination of evidence reveals no feature defined in any AWB has contributed to violent crime. To suggest otherwise is disingenuous and reeks of politicking. I believe that the new definition of assault weapons is too broad, and prevents the possession of many weapons that are legitimately used for hunting, target shooting and self defense. Classifying firearms as assault weapons because of one arbitrary feature effectively deprives people the right to possess firearms which have never before been designated as assault weapons. We should at this point be convinced that only law abiding gun owners will be affected by these new provisions, while criminals will still have and use whatever weapons they want. A truism that cannot be denied. As a final note against modification of the AWB I submit the FBI UCR table 20 for Connecticut. Upon examination, this data reveals that from 2004-2011 more Connecticut citizens were killed by hands, feet, fists and from being pushed than were killed by rifles of any kind. There is no argument greater than the truth.

Any benefit gained by such legislation should be so great and sure that it must outweigh any restriction upon liberty. Certainly many proposals have a certain appeal in the heat of the moment but there is little evidence that these proposals will have any effect on violent crime or the reduction of firearm violence. If that is the result we seek then we must look beyond the quick and easy demonization of firearms and their owners. Any proposal that pushes the limit of liberty and constitutionally protected rights must be examined with incredible caution and discussed within the confines of constitutional boundaries. The rush to propose and adopt these bills into statewide law has not allowed thoughtful and mature introspection.

I urge all lawmakers to examine in a meaningful and thoughtful fashion all facts, evidence and testimony. Should there be any doubt, any proposed law that cannot pass constitutional muster must not be enacted.

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