

**To:** Members of the Bipartisan Task Force on Gun Violence Prevention and Children's Safety

**Re:** Oppose any Additional Gun Control Legislation

My name is Matthew S. Cahill and I have been a resident of Connecticut for most of my life. I strongly oppose any further gun control legislation. As horrible as Sandy Hook was, the fact that Adam Lanza used an illegally obtained rifle to commit his crimes does *not* justify further infringement on the fundamental individual right of law abiding citizens to self defense as enumerated in the Second Amendment to the U.S. Constitution. The truth is that the additional firearms regulations being considered in the wake of Sandy Hook will *not* make anyone safer.

Contrary to what civilian disarmament advocates maintain, higher levels of gun ownership create a *safer* society. In the U.S., citizens use firearms for defensive purposes approximately 2.5 million times per year. The idea of a society without firearms, and hence sin, may appeal emotionally to those who think that human nature can somehow be changed by legislative fiat, but the reality is that the *per capita* degree of violence and crime in many countries that have disarmed their population, like the UK, is *staggering*.

Moreover, most regulatory schemes are not really rationally related to their alleged public safety goals. For instance, "Assault Weapons" Bans (AWB's) do not increase public safety. In fact, the Federal AWB had little measurable effect on crime. Modern rifles like the AR-15 may look "scary" to some, *but more people were killed with hammers and other blunt object than rifles in 2011*. Adding to the pointlessness of AWB's is the fact that "assault weapons" don't really exist. Modern *semi-automatic* rifles ("modern rifles) that use detachable magazines do exist. The difference between a modern rifle and a so called "assault weapon" is measured legislatively in the number of cosmetic "evil features", i.e., pistol grips, collapsible stocks, etc., a rifle may have that has no substantive effect on its actual function as a firearm.

Similarly, artificially reducing magazine capacity does not stop mass shootings or reduce crime. It is important to understand that the *tactical* advantage of a pistol (or rifle) with a standard capacity magazine of more than 10 rounds does *not* reduce the *lethality* of its counterpart with fewer rounds. In fact, a firearm with a 7 or 8 round magazine can be still be rapidly fired then reloaded with a modicum of practice in 2 seconds or less. As a law abiding citizen trying to protect myself or my spouse and restricted to lower capacity magazines, I would be at a *tactical* disadvantage against a criminal who chose to ignore an arbitrary and legislatively imposed reduced capacity on magazine size.

The reality is that modern rifles and pistols with standard magazines sizes above 10 rounds are in *common use* by civilians. As a citizen, I do not need to explain my "need" for a particular firearm any more than I have to justify my choice of car or favorite TV show to the government. However, if, as the civilian disarmaments advocates claim, there is no "need" for them why do local police departments have modern rifles and pistols as standard gear? The answer is obvious: *modern rifles and pistols are excellent for self-defense*. As a law abiding citizen, I should have the same ability to defend myself from criminal violence as a local cop.

Other schemes to reduce civilian ownership of firearms are equally as unproductive when it comes to increasing public safety. The burden of the proposed fifty percent tax on ammunition and mandatory liability insurance requirements, along with additional fees and licensing

requirements, will fall only on law abiding citizens and not criminals. A prospective home invader is not going to call his insurance agent to make sure his liability insurance is in order and premiums paid before he commits whatever nefarious act he has planned. A spree shooter preparing for his evil deeds will not be deterred by a tax.

Also, proposed tax and liability insurance requirements, along with additional fees and licensing requirements, have a disparate impact on the economically disadvantaged. For example, a single mother has to choose between feeding her family or paying for the liability insurance, taxes on ammunition, and registration costs on the handgun she uses to protect it. Should she relinquish her firearm and right to self defense at the expense of her children's safety? It is not a decision any free person should have to make.

And most importantly, the fifty percent tax on ammunition as contemplated in proposed in H.B. No. 5268 is unconstitutional on its face. The Supreme Court held in *District of Columbia v. Heller*, 554 U.S. 570 (2008) that the right to keep and bear arms is a *fundamental individual right*, just like freedom of speech or religion. The Supreme Court later held in *McDonald v. Chicago*, 561 US 3025 (2010) that the Second Amendment applies to the individual States through operation of the Due Process Clause of the Fourteenth Amendment. The simple truth is that any legislation regulating firearms is passed in the shadow of *Heller*. In that way, arms are *not* like cigarettes or other items taxed and regulated by the State. There are defined limits to the extent fundamental rights can be regulated and a fifty percent tax would act as clear restraint on the exercise of a *fundamental individual right* that is enumerated in the U.S. Constitution. A good way to think about it is by analogy. For instance, would it be constitutional if Connecticut passed a state poll tax? *Harper v. Virginia State Board of Elections*, 383 U.S. 663 (1966). No, of course not. Like a poll tax, a fifty percent tax on ammunition, however neutral on its face, is just the means to achieve an unconstitutional end.

Mandatory liability insurance as a prerequisite to owning a firearm is constitutionally defective for the same reason a fifty percent tax is. Insurance requirements on firearms would impose substantial financial burdens in the form of heavy premiums on citizens and act as an abridgment of the right to self defense recognized by the Second Amendment.

Finally, the proposed release of the names of CT Pistol and Revolver permit holders to the public places permit holders and their families, including their children, in danger of being targeted by criminals looking for access to firearms. Any citizen with a pistol permit in CT has been subjected to a full local, state, and federal background check. There is no compelling reason that pistol permit holder information needs to be public, especially considering the risk it would expose them to.

If we are to "do something" in response to Sandy Hook, it should be hardening our schools against attack, recognizing and treating the mentally ill, and linking background checks to people who have been committed involuntarily. *Ultimately, the answers to the questions posed by Sandy Hook will not be found in passing unconstitutional laws that provide the illusion of security at the expense of our freedom.*

Thank you for considering my testimony.

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