

Date: January 12, 2013
To: Bipartisan Task Force On Gun
Violence Prevention And
Children's Safety Schedules
Hearings
Legislative Office Building
300 Capitol Avenue
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From: Robert D. Soule Jr.
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Re: Sandy Hook and Pending Legislative Actions
The Respective Committee Members-

I grew up in East Granby and graduated from that high school in 1974. I am an honorably discharged Vietnam-era Marine who did not see combat action. I have been a police officer in the State of Connecticut since April of 1980 and currently am a sergeant with the Simsbury Police Department working the midnight shift. My father served honorably in the United States Navy in the Pacific theater during World War II and retired as a lieutenant from the West Hartford Police Department after 32+ years of service to that municipality. I am married to my wonderful wife of 32+ years, have a 27 year old son who is a licensed electrician in Connecticut and have a daughter, who is a senior at Northwest Region 7 high school in Winsted. She has been accepted to Cedarville University for the Fall 2013 semester and will begin her career training as a nurse. I believe that she will eventually go full time into the mission field to serve those who have not been blessed by the standard of living that America has and to spread the Good News of our Lord and Savior, Jesus Christ. I am a member of the National Rifle Association and have been around guns all my life. I belong to the Torrington Gun Club. I served my department in the mid 1980's as a police firearms instructor and provided the transitional training for the department when we transitioned from the revolver to the semiautomatic pistol as our primary duty weapon. I want to give you this background so that you have some understanding where I am coming from and that I am not a nut. I am a man, husband and father who is greatly concerned with the course of our country and state.

The horror of Sandy Hook is unfathomable to me and for me, was another defining moment for our country as was September 11, 2001. This mass murder is a bellwether of something terribly wrong with our country. As I have been on the front line of fighting evil to protect those who cannot, I have watched various actions by Congress and the Connecticut Legislature in enacting laws with the intention of a greater good for society, but have been the cause of unintended consequences. In 1994, the Clinton rifle ban, legislation creating "Gun Free" zones and the restriction of magazine capacity were the panacea from preventing the new phenomena of the mass murderer. In 1999, we had Columbine, in which two students armed with illegally supplied weapons, a pump action shotgun, a double barrel shotgun and a semi automatic carbine with multiple ten (10) round magazines; killed thirteen classmates and set a large number of IEDs around the school to explode. Thankfully these devices were improperly wired so they did not detonate, which would have increased the casualties. Columbine had two armed police officers at the school; however they were apparently on a lunch break in their vehicle. As reports of the shooting began to be received, there was an immediate response of officers. A hasty team of officers was formed and began to enter the school, but were called back by superiors. The reason

was that the established policy and tactics of that time for a building takeover was to contain and negotiate. The event was being treated as a hostage event. The concept of a mass murderer taking over a building to kill as many as they could was still foreign and unfathomable to us. Columbine changed all of that in the law enforcement community and made us take a hard look at our tactics and training on how we should respond to these events. Since that event law enforcement regularly trains in the active shooter response tactics and because of the actions of the first Newtown officer arriving at the school and immediately going to the threat, the suspect was forced to retreat and committed suicide. No doubt saving students and faculty. But we did not get there fast enough again.

Since Columbine, schools have enacted policies to try and cope with these unfathomable incidents. The established policy to a mass murderer or any other potential threat is to place the school in a “lockdown.” The students huddle in the classroom and are to wait for rescue by law enforcement officers or until the “all clear” is sounded. Now I will be completely honest with you; I have had a big problem with this tactic. Enough of a problem with this tactic that I have counseled my daughter, since middle school that should evil visit her school, she needs to get out of that building, get far away and to take as many of her fellow students as possible. My daughter has always resisted this counsel because she is afraid that she will get into trouble with the school administrators if she does this. Can you imagine that? The students are so indoctrinated that they are afraid to run for their lives. The mass murder at Sandy Hook proved to me further that this “lockdown” policy does nothing but provide the murderer with a target rich environment to attain the maximum amount of casualties. When a building is burning down, do we have our students lock themselves in a classroom and wait for the firemen? These teachers and children were trained to wait thinking they were safe behind doors of a classroom, which were not hardened against an assault with the belief that the police would get there in time. Instead, they gave this mass murderer the perfect targets to inflict his horror. Cowering in a corner with the teacher laying across her student’s trying to do the impossible. It is madness that we should expect our teachers to face a gunman without nothing but their empty hands? That is what the Sandy Hook staff had to do. And this is where enactment of laws have unintended consequences such as Connecticut General Statute 53a-217b Prohibits Firearms on School Grounds with a few exceptions. Now, I am not advocating the arming or the requirement that every teacher or staff member be armed. What I do believe is that there are faculty and staff who have taken the time to obtain a pistol permit, have sought training and would carry their firearm discreetly if they were allowed to.

My point is that the unintended consequences of “Gun Free” zones is that they provide a target rich environment of the innocence for the mass murderer to carry out their mayhem without the fear of being confronted by a lawfully armed citizen or off duty LEO (law enforcement officer). You see, **WHEN DOES EVIL FOLLOW THE RULES?** This is the pattern that I continue to see. The legislation is enacted and the law abiding and innocent follow the rule of law and evil does not. Pretty simple isn’t it? The mass murder at the Aurora, CO theater is the typical example. Colorado allows their citizens to carry concealed firearms for self defense. But they also allow businesses to request patrons to leave their guns outside of their business. The movie theater was one of these “gun free” zones. Everyone complied except evil and we now have the end result. Since the phenomena of the mass murderer, I have followed these events. I have researched these events which have led to a large amount of casualties and those which have been ended quickly with a minimal amount of casualties or without casualties. What I have learned about these events is:

- Events which have led to mass casualties have been “gun free” zones.
- Events which have been ended quickly have been when an off duty LEO or lawfully armed citizen has confronted the mass murderer when they begin their mayhem, either killing them or forcing them to commit suicide.

The most recent event was the attempted mass shooting at the Clackamas, OR mall just after Sandy Hook; in which the mass murderer was confronted by a lawfully armed citizen who forced the shooter to commit suicide as the citizen began to confront the murderer.

What concerns me is that the Connecticut Superintendents have publicly voiced their opposition to allowing those faculty and staff in the schools the option of discreetly carrying their firearms if legally permitted. What is the message they are sending to future mass murderers? Here is my concern with armed police officers at each school. A single officer in uniform is easily identified. They can easily be neutralized in an ambush. Then the murderer is left with an unprotected environment to carry out their mayhem. But what if there is an undetermined number of faculty and staff who have elected to arm themselves? The murderer now has an unknown and this is my main point. Mass murderers are cowards and will avoid anywhere they believe that they cannot carry out their plan without hostile retaliation by those in the targeted area. Evil must be dealt with as ruthlessly as it is to the innocent. The mind set of our educators need to change in this area.

Many proposals for future legislation are being made without careful thought and this is my concern. Representative Dargen of West Haven has proposed the dissemination to the public of all Connecticut Pistol permit holders’ names and addresses as one of these law changes. I have been a holder of a Connecticut pistol permit since 1977. I am also a police officer. Under Section 1-217 the dissemination of my personal address because of my job is prohibited. The point I am trying to make is the unintended consequences of this knee jerk legislative proposal will place many people whose personal addresses will include judges, state’s attorneys, etc.

The present “Assault” weapon definition under Section 53-202a is very specific and restrictive. To make any further changes to it, would ban all semiautomatic weapons. The AR15, AK47, or SIG556 semi automatic platform rifles are used by the military, police and civilians. The AR15 platform is a popular rifle used by competitors at the Camp Perry National Marksmanship events. I was trained as a Marine with the M16, a true selective fire assault weapon. In 1939, there was a Supreme court case ruling which established a two prong test on what type of weapons are subject to Second Amendment protection. The decision, U.S. v. Miller (1939); held that small arms “in common use” that “bear[s] some reasonable relationship to the preservation or efficiency of a well-regulated militia” enjoy constitutional protection. Semiautomatic rifles and pistols meet both prongs of this test; hence they are proscribed from any government ban. Since the primary purpose enumerated in the amendment is to place the people in parity with government forces viz small arms, standard-capacity magazines (erroneously dubbed “high-capacity ammunition clips”) are protected as well because they are design components integral to the efficiency of the weapons. In other words, the very things that are now scary to the uninitiated are those the amendment was written to protect.

I am concerned that those who have agendas are using the Sandy Hook event to carry out the further disarming of the citizenry. Our founding fathers left a country and settled here after being victims of persecution for the way they worshipped their God. The start of the battles at Lexington and Concord began when the British authority attempted to disarm the colonists. Our

founding fathers knew the importance of an armed citizenry. That without the right to bear arms, none of the other enumerated rights would be secure. The right to self defense is an inalienable right. As a police officer, I know that I cannot protect anyone if I am not right there, and then I still may not be able to. The government does not have an obligation to protect its citizens. The Seventh Circuit Court of Appeals in its 1982 ruling in *Bowers v. DeVito* did not mince words when it ruled, "There is no Constitutional right to be protected by the state against being murdered by criminals or madmen." An interesting note on this particular circuit, is that its jurisdiction includes Chicago and in a different ruling, has allowed the state, county and city to disarm law abiding citizens in a city which had over 500 murders for the year 2012.

The Connecticut Constitution enumerates a number of rights including Section 15 which states: "Every citizen has a right to bear arms in defense of himself and the state." The Constitution of the United States enumerates in the Second Amendment: "A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed." As a police officer and a young Marine, I took an oath to uphold these and every other right enumerated and God-given to every citizen. As a servant to your constituents, you also took a similar oath. I plead with you, do not allow our rights to self defense or access to the tools to be able to defend ourselves to be diminished any further. Benjamin Franklin eloquently observed: "They who can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."

A 2011 Gallup poll estimated that 47 percent of US households own a gun. The violent crime rate is the lowest since the mid 1960s according to the Bureau of Justice Statistics. On a daily basis, lawfully armed citizens use firearms to protect themselves from violent crime. The majority of the time, the simple brandishing of the firearm is enough to stop or cause the criminal to flee. The most recent event occurred in Loganville, GA; where a mother home alone with her nine year old twins had to shoot a home invader after he cornered them in a closet of their home. The point is that no one can predict when evil may attack them and the decision to carry for protection is a personal decision. No government or person can take this away. In Stephen P. Halbrook's book, "*That Every Man Be Armed*," the author outlines how efforts by the democrat party of the south moved to disarm the freed men after the Civil War so that they could continue their reign of terror against them. Adolph Hitler thought sensible gun control was to prohibit the ownership of firearms by Jews. The Jewish people obediently turned in their firearms and he carried out his final solution to the loss of six million lives. Adolph Hitler stated, "The most foolish mistake we could possibly make would be to allow the subject races to possess arms. History shows that all conquerors who have allowed their subject races to carry arms have prepared their own downfall by so doing." And this is the ultimate end of disarming the citizenry. It is not about safety, but freedom. An armed citizenry is a check against despots and governments who wish to usurp the freedoms and rights of citizens and it is why I am pleading with you to stand strong against any further restrictions or weakening of the right to bear arms. Mohandas Gandhi in his autobiography observed, "Among the many misdeeds of British rule in India, history will look upon the act depriving a whole nation of arms as the blackest." There are several points in which I would like to see the Connecticut legislature move to try and prevent any further Sandy Hooks. They are:

- Amendment of **Section 53a-217b(3). Possession of a weapon on school grounds: Class D felony.**

(b) The provisions of subsection (a) of this section shall not apply to the otherwise lawful possession of a firearm (3) by a peace officer, as defined in subdivision (9) of section 53a-3, ~~while engaged in the performance of such peace officer's official duties,~~ **[or a person who qualifies under the definition of H.R. 218 The Law Enforcement Officers Safety Act of 2004.]**

The unintended consequences of this law is that I cannot visit my daughter's school off duty carrying my firearm. Remembering that most mass murderer shootings which have been effectively ended have been by off duty LEO or citizens present when the murderer begins. There is an outcry for police at the schools, but I cannot carry while off-duty and on campus as the law is presently written. It makes me a felon. Does this make sense? I am trained as are those who are retired and qualify under H.R.-218. This law was no deterrent to the Sandy Hook murderer.

- Establishment of a **Dangerous Emotionally Disturbed Person registry** that would be used with the Instant Background check to determine those who are disqualified to own or possess a firearm.
- The need for a comprehensive plan by the schools to handle any emergency, which includes the options of rapid evacuation, lockdown, option of armed faculty and staff, security by private or police. Are students cowering in a corner harder to hit than hundreds of students in a hasty evacuation running and screaming? What if the school had a mass quick evacuation plan in place? Could the casualty count have been less, acknowledging that there would have been some injury or death. Would hundreds of students screaming and running have caused disorienting effect on the murderer to effectively target the innocent? These are legitimate questions that need to be explored.
- **Support House Bill 5165**-An Act Concerning The Defense Of A Person's Home, Motor Vehicle Or Business. This would establish a rebuttable presumption in a self-defense claim that, when a person believes it necessary to use deadly force to repel an intruder, such belief is a reasonable belief.
- **Support House Bill 5176**-An Act Concerning the Application Requirements For A Temporary State Permit To Carry A Pistol Or Revolver.
- **Support House Bill 5179**-An Act Concerning Access To The Interactive Voice Response System Of The Special Licensing And Firearms Unit Of The Division Of State Police. This would make access to this system by licensed federal firearms dealers during weekends.
- **Support House Bill 5269**-An Act Increasing The Penalty For Criminal Use Of A Firearm Or Electronic Defense Weapon. This targets criminal use of these weapons.

The democrat party has proposed a number of restrictive legislative proposals which are listed below. I would ask you to consider carefully what I have discussed. I would ask that you:

- **Oppose Senate Bill 1**-An Act Concerning The Protection Of Children, Families And Other Individuals From Violence. This proposal is vague and overly broad leaving no discretion on its boundaries. What is its purpose?
- **Oppose Senate Bill 21** - An Act Authorizing Bonds Of The State For An Eternal Light In Memory Of Victims Of Gun Violence. Please include all victims of violence for this eternal light. Just victims of gun violence? Really?

- **Oppose House Bill 5268**-An Act Requiring The Maintenance Of Liability Insurance By Firearm Owners And Establishing A Sales Tax On Ammunition which institutes a 50-percent sales tax on the sale of ammunition and firearms magazines. This will make the ability of the most poor in society unable to afford to obtain the tools to protect themselves. The poor continue to be victimized within their own neighborhoods at a disproportionate number. This punishes the law abiding citizen.
- **Oppose the requirement of a permit to purchase ammunition.** The ability to own a long gun does not require a permit but a person would need a permit to purchase its ammunition?
- **Oppose any restrictions prohibiting the online purchase of ammunition.** This is an economical way to purchase ammunition for me and other law abiding citizens. Personal identification can be forwarded to the vendor to fulfill an instant background check. Many online vendors do that now. Please see the attached articles, "*Federal Ammunition Sales Regulation: A Proven Failure*" and "*The Truth About Internet Gun Sales.*"
- **Support Senate Bill 42**-An Act Concerning the Criminal Possession of Ammunition. I would not be opposed to this with caveats. Instant background check.
- **Oppose legislation prohibiting the storage of firearms and ammunition in a manner that allows access by persons under age 18.** We already have a law on the books for negligent storage of a firearm under section 53a-217a. Didn't Godfrey and Bye review the laws on the books before they made this proposal???
- **Oppose Senate Bill 122**-An Act Concerning Restrictions On Gun Use. Again what is the purpose or unintended consequences of this law. This law is again overly broad and would ban all types of firearms other than single shot firearms.
- **Oppose Senate Bill 124**-An Act Banning Large Capacity Ammunition Magazines. I point to the court case of Miller vs. The United States and the two prong test of weapons protected under the second amendment.

As I review these democrat proposals, I notice once again that the law abiding individual is targeted, not the criminal. The democrat party is eager to criminalize law abiding citizens for exercising their God-given and Constitutional rights. The same party that wants to legalize an established gateway drug, marijuana. The same party that released violent criminals early to save dollars jeopardizing the law abiding citizens of Connecticut with tragic results in a Meriden murder of a shop owner. The same party that abolished the death penalty. What would have happened had the Sandy Hook murderer survived? That would have given the democrats a crisis of conscience, maybe. These proposals will have no deterrent effect on those who wish to commit evil acts on the innocent. I realize that you and your republican colleagues are the minority. I pray that sanity will reign, but as we have seen these past two years, it is highly unlikely that we will see that from the democrats. I again ask you to keep these questions in mind as you consider the proposals that you will face and I urge you to ask those on the opposite side of the aisle:

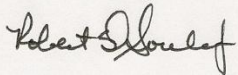
- WHEN DOES EVIL FOLLOW THE RULES?
- What will be the unintended consequences of each law?

I will close with a quote from Noah Webster in his “*An Examination of the Leading Principles of the Federal Constitution*” — 1787:

“Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom of Europe. The supreme power in America cannot enforce unjust laws by the sword; because the whole body of the people are armed, and constitute a force superior to any band of regular troops that can be, on any pretence, raised in the United States.”

America does not have a gun problem, America has a heart problem. Thank you again for taking the time to read my thoughts and suggestions. I will be praying for you and your colleagues.

Respectfully,



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