



## CAGV Education Fund

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### ABOUT THE ORGANIZATION

The CAGV Education Fund has been working since 1996 to reduce gun violence through public education and legislative advocacy.

The CT Against Gun Violence Education Fund is a 501(c)(3) organization. The mission of the CAGV Ed Fund is to provide information to the people of Connecticut concerning gun safety, and to work with individuals and organizations to make our communities, our families, and our children safe from gun violence.

Lisa Labella and Ron Pinciario serve as Co-Executive Directors of the organization.

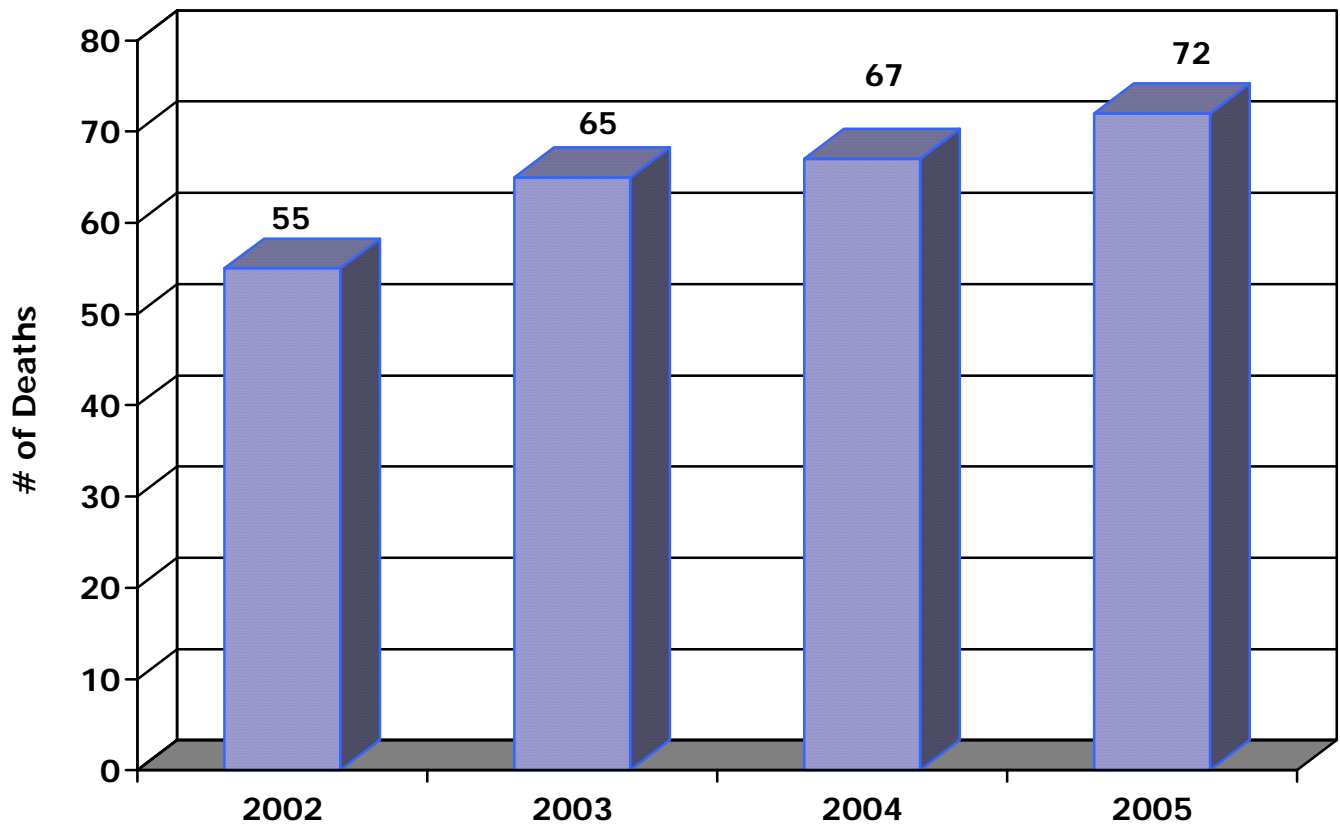
### EDUCATION PROGRAMS

- **Arm Your Child with Information-** this brochure offers precautions parents can take to protect their children from gun violence. You can download a copy from <http://www.cagved.org/armyourchild.htm>. We will be publishing a Spanish-language version this year.
- **Diversion of Firearms -** We are researching the diversion of firearms from legal to illegal markets. Firearms enter the market with a legal purchase from a Federal Firearms Licensee. Yet most gun crimes are committed by people who cannot legally own them. We are working to more specifically target the sources and types of these illegal firearms. A key element of the program will be to continue our attempts to obtain crime gun trace data from the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the agency responsible for conducting these traces. This information has been denied to the public by the Federal government.



## Gun violence in CT is increasing

Firearms homicides are up **10% vs. 2004** and almost **20% vs. 2002**.



Source: CT Office of the Medical Examiner

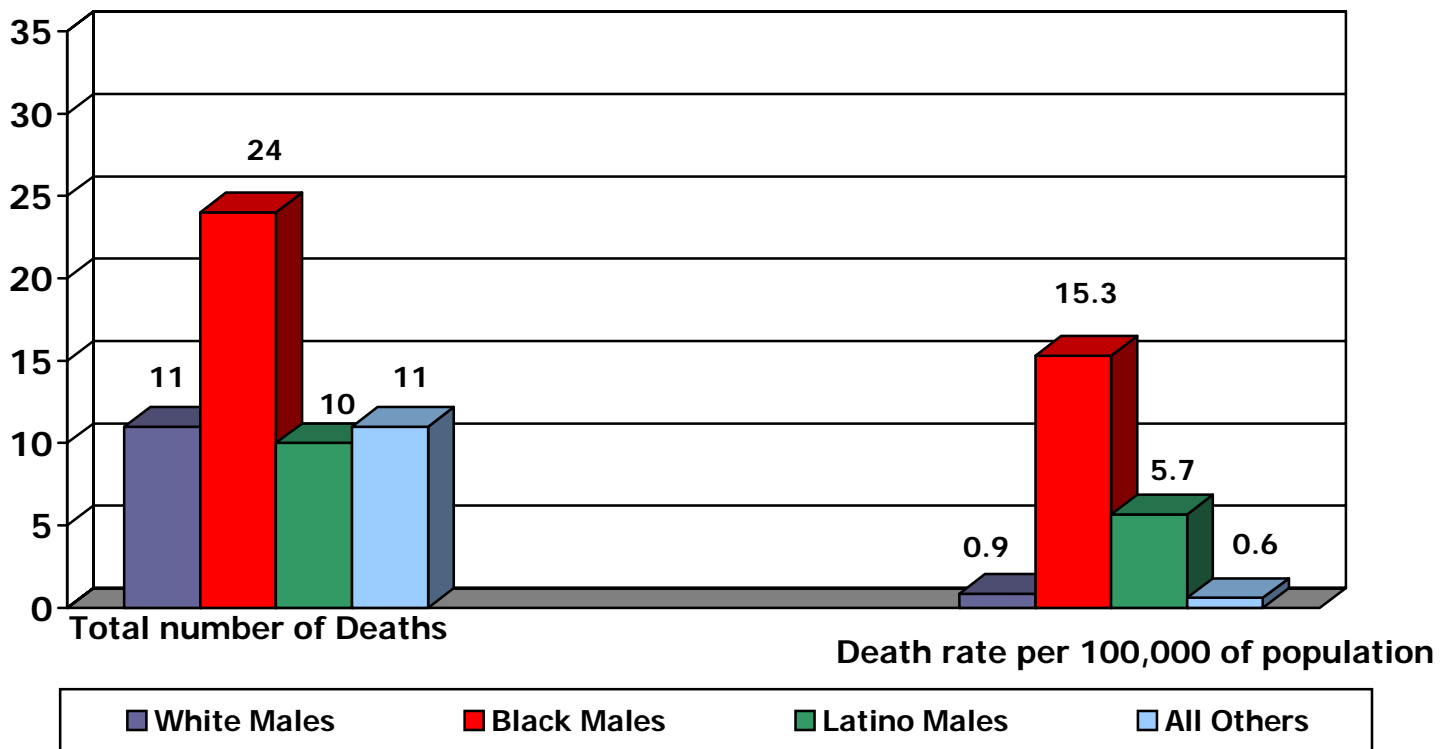


## Gun violence disproportionately affects minorities

### In 2003:

- ⊙ The death rate for **African American** males was **17 times higher** than for white males.
- ⊙ The death rate for **Latino** males was **6 times higher** than for white males.

### Firearms Homicides - 2003





## The cost of gun violence in CT

- \$ It has been estimated that the cost of providing medical care for firearm-related injuries in the United States is approximately \$4 billion a year.
- \$ In Connecticut, charges associated with treating firearm-related injuries totaled \$7,661,586 in fiscal year 2004.
- \$ Nearly 70% of all firearm-related injury victims were either uninsured or covered by Medicaid.
- \$ Bridgeport Hospital, Hartford Hospital, Saint Francis Hospital and Medical Center, and Yale-New Haven Hospital treated 52% of all firearm-related injuries (1996 - 2004).
- \$ 80% of the patients of these patients were either uninsured or covered by Medicaid.

Source: Firearms Injuries in Connecticut, CHIMEData, Ct Hospital Association, June 2005



## Gun violence is a *state-wide* problem. Some cities/towns affected in 2005

- ⊙ Ansonia
- ⊙ Bantam
- ⊙ Bridgeport
- ⊙ Bristol
- ⊙ Coventry
- ⊙ Cromwell
- ⊙ Danbury
- ⊙ Durham
- ⊙ East Hartford
- ⊙ Ellington
- ⊙ Enfield
- ⊙ Fairfield
- ⊙ Greenwich
- ⊙ Griswold
- ⊙ Hamden
- ⊙ Hartford
- ⊙ Killingly
- ⊙ Ledyard
- ⊙ Manchester
- ⊙ Middletown
- ⊙ Milford
- ⊙ Monroe
- ⊙ Naugatuck
- ⊙ New Britain
- ⊙ New Fairfield
- ⊙ New Haven
- ⊙ New London
- ⊙ Newington
- ⊙ Norwalk
- ⊙ Norwich
- ⊙ Orange
- ⊙ Oxford
- ⊙ Plainfield
- ⊙ Plainville
- ⊙ Plymouth
- ⊙ Rocky Hill
- ⊙ Stamford
- ⊙ Shelton
- ⊙ Sterling
- ⊙ Stratford
- ⊙ Torrington
- ⊙ Trumbull
- ⊙ Voluntown
- ⊙ Waterbury
- ⊙ Waterford
- ⊙ Watertown
- ⊙ West Hartford
- ⊙ West Haven
- ⊙ Wethersfield



## Some news stories from 2005

- ◉ **A Tragic Ending - Gunman Kills Officer, Himself** (Hartford Courant, 1/1/05, Newington)
- ◉ **Fairfield jewelers killed in robbery** (CT Post, 2/3/05, Fairfield)
- ◉ **1 Tattoo, 2 Dueling Shotguns, 3 Arrests** (CT Post, 6/21/05, Bridgeport)
- ◉ **Mother Killed; City Adds Patrols** (Hartford Courant, 6/23/05, Hartford)
- ◉ **Norwalk Man Shot Again** (Norwalk Hour, 7/5/05)
- ◉ **New Canaan Man Arrested After Town Hall Threat** (Greenwich Time, 7/7/05)
- ◉ **Cops Seize Gun Shown By Driver** (Middletown Press, 7/22/05, Cromwell)
- ◉ **Police Arrest Man For Threats With A Loaded Shotgun** (CT Post, 7/22/05, Milford)
- ◉ **Rifleman Held In Kidnap** (CT Post, 8/13/05, Bridgeport)
- ◉ **Ansonia Cops Nab 5 After Gunplay** (New Haven Register, 8/16/05)
- ◉ **Man Survives Second Shooting In A Year** (Danbury News-Times, 9/15/05, Danbury)
- ◉ **Arrest Follows Threats To Kill Girlfriend** (Hartford Courant, 9/20/05, Enfield)
- ◉ **Two armed robberies were reported last week** (Trumbull Times, 10/13/05)
- ◉ **Bank robbed by gunman** (Greenwich Time, 10/15/05, Greenwich)
- ◉ **50 riot at Winsted School** (Torrington Citizen Register, 11/12/05)
- ◉ **Oxford Officer Arrested** (Hartford Courant, 12/7/05)
- ◉ **Partygoer's alleged gunshot prompts arrest** (Bristol Press, 12/10/05)
- ◉ **Police arrest RI man on weapons charges** (Norwich Bulletin, 12/31/05, Sterling)



## Guns & kids

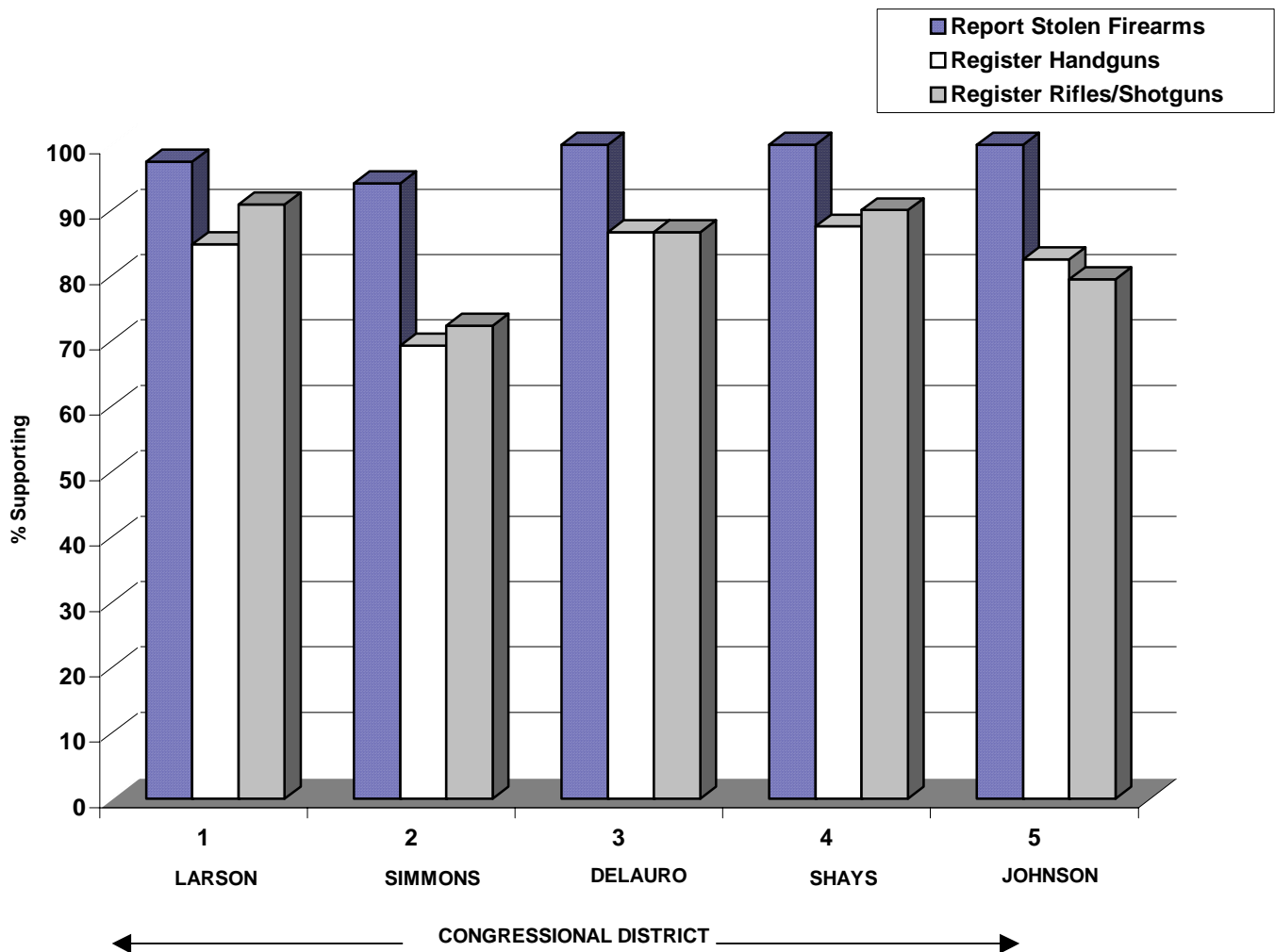
- ◉ **Charges Unlikely in Boy's Shooting** (Hartford Courant, 3/9/05, Durham)
- ◉ **Teen charge with threats to girlfriend** (CT Post, 2/21/05, Bridgeport)
- ◉ **Another Victim: Hartford Teen Injured In Her 2nd Brush With Gunfire** (Hartford Courant, 3/16/05)
- ◉ **School Reacts To Gun Incidents** (Hartford Courant, 5/20/05, West Hartford)
- ◉ **Police Arrest 11-Year-Old Shooter** (Hartford Courant, 5/20/05, New Haven)
- ◉ **Fireworks, 2 More Guns Found In Garage At Juvenile's Home** (CT Post, 6/14/05, Shelton)
- ◉ **Student Brings Gun To School** (Hartford Courant, 6/21/05, Hartford)
- ◉ **Police Arrest Second Student On Weapons Charge** (New London Day, 6/26/05, New London)
- ◉ **Gun In School Stuns Milford - Despite alert, 3rd-grader took firearm to class** (CT Post, 6/30/05, Milford)
- ◉ **Teen charged in shooting on Myrtle Street** (New Britain Herald, 7/29/95)
- ◉ **Police Arrest Youth For Alleged Gun Play** (Danbury News-Times, 8/13/05, New Fairfield)
- ◉ **Student With Gun Arrested at School** (Hartford Courant, 9/8/05, East Hartford)
- ◉ **Police: Girl, 14, is second victim of Sunday shooting** (Stamford Advocate, 10/6/05, Stamford)
- ◉ **New Haven student brings gun to school** (WFSB, 10/10/05)
- ◉ **14-year-old Shot in New London** (New London Day, 12/12/05)



## CT RESIDENTS SUPPORT STRONG GUN LAWS

A May 2003 survey conducted by the Center for Research & Public Policy (the polling arm for Sacred Heart University) showed high levels of support for registration of all firearms and for reporting lost/stolen firearms. Majority results were consistent among widely varying group characteristics such as gender, income, political party affiliation, gun ownership, and race.

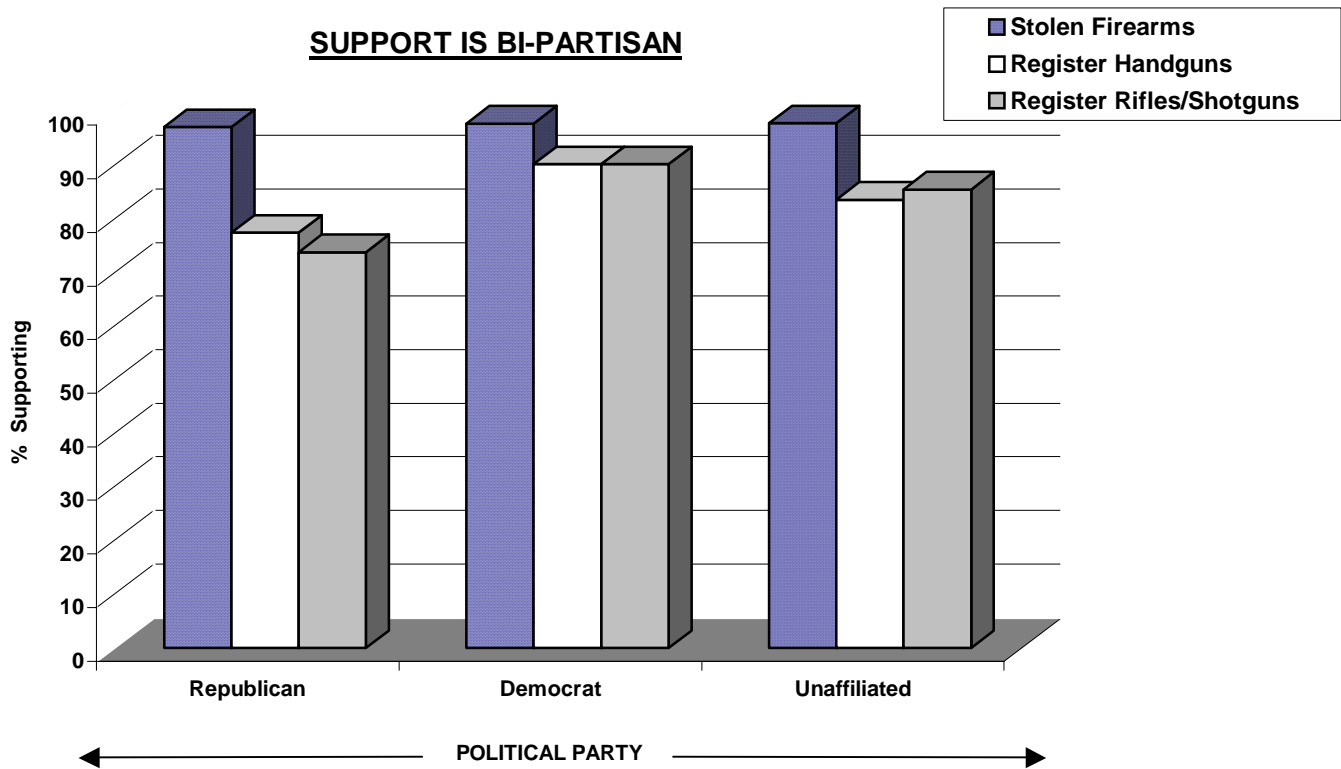
- ⊙ 71.4% of residents surveyed believe that gun control laws are not tough enough
- ⊙ 5.5% thought they were too strict



Source: Connecticut Gun Safety Study, The Center for Research & Public Policy, May, 2003

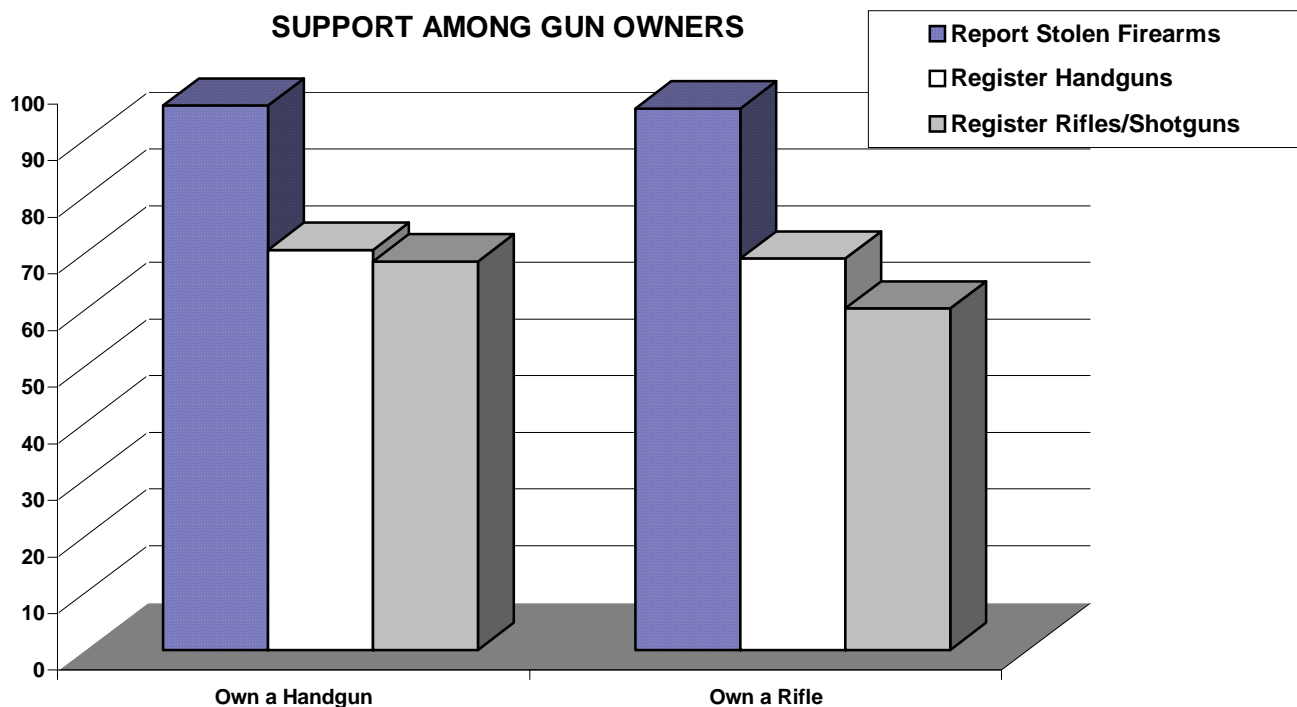


### SUPPORT IS BI-PARTISAN



Source: Connecticut Gun Safety Study, The Center for Research & Public Policy, May, 2003

### SUPPORT AMONG GUN OWNERS



Source: Connecticut Gun Safety Study, The Center for Research & Public Policy, May, 2003



## THE SECOND AMENDMENT

### Supreme Court Interpretations of the Second Amendment

By Ron Pinciario, Co-Executive Director  
CAGV Education Fund

Of all of the rights enumerated in the Bill of Rights, and among those protected but not enumerated, none has been the subject of more debate and controversy than the Second Amendment. The vague language of the amendment helps fuel the controversy:

*"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."*

The debate, as it progresses between activists of gun rights vs. gun control, centers around the question of whether the right to bear arms is an exclusive right granted to individuals in all circumstances, or whether the right is predicated on the need for a militia to be ready for purposes of defense. But this argument has not been the focus of the decisions made by the highest courts of the land. Those decisions have been more concerned about the role of Congress and the limitations placed on that body by the Constitution.

At the time of the adoption of the Constitution, standing armies were widely disfavored, because of the threat they were feared to pose toward citizens, because of the potential interference with local rule and autonomy, and because of the cost of maintenance in time of peace. State militias were the much-preferred means of defense. Therefore, in order to maintain a militia and minimize cost, individuals were expected to keep their own firearms. The Second Amendment was drafted to establish the militia as the principal instrument of defense during peacetime and the clause relating to keeping and bearing arms was eventually appended. Unwittingly, the seeds were sewn for future bitter controversy.

Not much legal attention was given to the issue in federal courts during the first part of the nineteenth century. The first case that touched on the issue was *U.S. v. Cruickshank* in 1874. The case did not directly decide on the issue of individual vs. collective right, in fact it clearly stated that the second amendment never intended to establish the right to bear arms, either individually or collectively, but rather it ruled only that Congress could not infringe on the right. The opinion declared that the right to bear arms:

*"is not a right granted by the Constitution. Neither is it in any manner dependent upon that instrument for its existence. The second amendment declares that it shall not be infringed; but this, as has been seen, means no more than it shall not be infringed by Congress. This is one of the*



amendments that has no other effect than to restrict the powers of the national government, leaving the people to look for their protection against any violation by their fellow citizens of the rights it recognizes, to 'internal police or municipal legislation, not surrendered or restrained by the Constitution of the United States.' "

The central point of the decision was that state governments, or even municipal governments, could pass whatever legislation they desired without fear of federal sanction. While the case did imply a personal right to bear arms, it stated that if the right did exist, it came from a source other than the Constitution.

The next important case involving the issue of bearing arms was presented to the court twelve years later. *Presser v. Illinois*, in 1866 presented a situation in which Presser had led a military parade and was convicted of violating an Illinois statute forbidding such parades involving any groups other than the state militia. Presser claimed that his conviction violated his second amendment right. The Supreme Court disagreed, looking back to the *Cruikshank* decision, and stated that the second amendment was a ".....limitation only upon the power of Congress and the National Government and not upon that of the states."

*Presser* did go a step farther, however. It recognized that there was a potential danger posed to the nation by the *Cruikshank* decision. *Presser* was ruled on only twenty years after the Civil War and, probably with that threat to union in mind, decided to add one restriction upon the states' power:

"....the States cannot, even laying the constitutional provision in question out of view, prohibit the people from keeping and bearing arms, so as to deprive the United States of their rightful resource for maintaining the public security, and disable the people from performing their duty to the General Government."

In the *Presser* decision, the Supreme Court was clearly concerned with possible state attempts to weaken the central government by withholding recruits and firearms from federal service.

The *Cruikshank* and *Presser* decisions remained as the standard and for the next half-century the only cases to appear before the court were those in which these decisions, holding that the second amendment merely restricted the Congress but only narrowly applied to the states, were reaffirmed.

The case that eventually established the prevailing Supreme Court position on the issue was *United States v. Miller* in 1939. The decision in this case again modified the *Cruikshank* standard in that it seemed to limit the restriction on Congress' ability to legislate on the right to bear arms only insofar as that right accrued to the relationship between an individual and a militia. As long as the weapon regulated did



not have a direct relationship to the arms used in maintaining a well-regulated militia, Miller established the precedent that control of weapons would not be outside of federal purview:

“In the absence of any evidence to show that the possession or use of a [shotgun, in the specific case being heard] at this time has some reasonable relationship to the preservation or efficiency of a well regulated militia, we cannot say that the Second Amendment guarantees the right to keep and bear such an instrument.”

In all subsequent cases heard by the Supreme Court, the Miller decision has been the applied precedent and remains the last word on the topic from the Court.

Although Miller has defined the boundaries of the collective right, it introduces the difficulty that ownership of heavy arms might be protected by the decision. The question has yet to be taken up by the Supreme Court although it has been addressed by the 1<sup>st</sup> Circuit Court in *Cases v. United States (1942)* which ruled “it would be inconceivable that a private person could have any legitimate reason for having such a weapon.” It determined that each case would have to be decided on its individual merits and in fact federal courts have subsequently interpreted the right to bear arms very narrowly.

Federal courts have also moved away from the idea that a military balance must be maintained between the population and government and have been more inclined to favor the interests of order and stability. Ever since *Presser*, whatever right to bear arms was recognized, that right was limited to arms and organizations that did not threaten the government:

“Military organizations and military drill and parade under arms are subjects especially under the control of government of every country. They cannot be claimed as a right independent of law. Under our political system they are subject to the regulation and control of the State and Federal Governments, acting in due regard to their respective prerogatives and powers.”

*Presser* intended to be quite clear that no right existed to form paramilitary organizations contrary to government interests. The decision has since been interpreted as a source for federal power rather than a protection of state power.

Gun control advocates argue that as society becomes more complex yet more efficient, and the military more powerful, and the government itself more responsive, the right to bear arms becomes more futile, meaningless, and dangerous and the need for arms for personal defense more irrelevant. Guns rights activists, on the other hand, continue to jealously and closely guard their view that the second amendment intends to protect an individual's right to bear arms.



The controversy will undoubtedly continue. Appellate courts and circuit courts have produced decisions that the Supreme Court has yet felt compelled to address. In fact, the Court has declined to consider two cases recently that would deal directly with individual, not just state militia's, right to bear arms. The two cases are *Emerson v. United States*, in which Emerson appealed that the law denying persons under restraining orders the right to own guns was unconstitutional and *Haney v. United States*, where Haney claimed that the law banning possession of machine guns violated his Second Amendment rights. Other issues have been taken up by lower courts through constitutional approaches such as the commerce clause, but these directions have not yet been tested in the higher courts.

If we take the Supreme Court decisions as the ultimate authority, which in the final analysis we must, than what we know about the current legal interpretations of the second amendment's meaning and intention are as follows:

1. The Constitution granted no right to keep and bear arms at all, either individual or collective. If the right exists, it comes from a source other than the Constitution. The second amendment declares that this right, whatever its source, merely cannot be infringed by Congress and the National Government. It did not however place any restrictions upon the states. (*U.S. v. Cruickshank, 1874*).
2. The next case, twelve years later, agreed with *Cruickshank* but then went a step farther. It limited state power in one way: the states could not "prohibit the people from keeping and bearing arms so as to deprive the United States ....and disable the people from performing their duty to the General Government." Obviously with the recent Civil War in mind, the court saw the danger in states not allowing their citizens to mobilize for war on behalf of the federal government. (*Presser v. Illinois, 1886*).
3. Finally, the court has modified *Cruickshank* once more. It decided that Congress had even a broader power to legislate on the right to keep and bear arms as long as the weapon regulated did not have a direct relationship to the arms used in maintaining a well-regulated militia. (*United States v. Miller, 1939*).

For all of the controversy, these are the only three cases where the highest court of the land has taken a stand on issues directly related to the second amendment. Measured decisions have been made very slowly, while the arguments advance passionately and rapidly.



## **GUN FACTS**

In 2003, there were 30,136 gun-related deaths - 83 people each day; 153 of those killed were in Connecticut - 1 person every 2.4 days.<sup>1</sup>

In CT, firearms homicides declined until 2002, to 55 homicides; but has risen almost 20% since then, with 72 homicides in 2005.<sup>2</sup>

Firearms are used in over 2,000 crimes every year in Connecticut.<sup>3</sup>

## **THE COST OF GUN VIOLENCE**

In CT, hospital charges associated with treating firearm-related injuries totaled \$7,661,586 in fiscal year 2004.<sup>4</sup>

In 2003, an estimated 64,389 nonfatal firearm injuries and 20,470 bb/pellet gun injuries were treated in US emergency departments.<sup>5</sup>

Nearly 70% of all firearm-related injury victims were either uninsured or covered by Medicaid.<sup>6</sup>

The total annual cost of gun violence in America is estimated at \$100 billion per year.<sup>7</sup> Medical care for firearm-related injuries in the U.S. is approximately \$4 billion per year.<sup>8</sup>

## **FIREARMS & SUICIDE**

Suicide is the leading cause of gun death both in the US (57%) & in Connecticut (58%).<sup>9</sup>

In Connecticut in 2002, 74 percent of firearms suicide victims were white males over 30.<sup>10</sup>

## **FIREARMS & HOMICIDE**

In Connecticut in 2003, 82% of firearms homicide victims were males. The firearms homicide rate for African American males was 17 times higher than that for white males, and 6.3 times higher for Latino males than for white males.<sup>11</sup>

In CT, for every 10 people killed in a homicide, at least 6 are killed by someone they know; only 1 is killed by stranger.<sup>12</sup>

In CT, 62% of murders are committed by firearms; 18% are by knife, 19% are all other methods.



## KIDS & GUNS

In CT, 23% of small-city 9th and 10th graders and 15% of affluent suburban 9th and 10th graders said that it would be sort of easy or very easy to get a gun.<sup>13</sup>

A 2003 survey of CT students reported that 14% carried a weapon, such as a gun, knife, or club on one or more of the past 30 days.<sup>14</sup>

In the US, firearms kill more 15-20-year-olds than drunk driving crashes (3,229 vs. 2,353).<sup>15</sup>

Nearly all childhood unintentional shooting deaths occur in or around the home. Fifty percent occur in the home, and 40% occur in the home of a friend.<sup>16</sup>

34 percent of all American children (more than 22 million children) live in homes with firearms, and 43 percent of those homes have at least one unlocked gun.<sup>17</sup>

In the United States 2.6 million children live in homes with firearms stored unlocked and loaded, or unlocked and unloaded with ammunition nearby.<sup>18</sup>

A U.S. Secret Service study of 37 school shootings in 26 states found that in more than 65 percent of the cases, the attacker got the gun from his or her own home or that of a relative.<sup>19</sup>

Children living in the five states with the highest levels of gun ownership (Louisiana, Alabama, Mississippi, Arkansas, and West Virginia) were 16 times more likely to die from unintentional firearm injury, 7 times more likely to die from firearm suicide, and three times more likely to die from firearm homicide than children in the five states with the lowest levels of gun ownership (Hawaii, Massachusetts, Rhode Island, New Jersey, and Delaware).<sup>20</sup>

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<sup>1</sup>Centers for Disease Control and Prevention. WISQARS. [www.cdc.gov/ncipc/wisqars](http://www.cdc.gov/ncipc/wisqars), 3/6/06.

<sup>2</sup>CT Office of the Medical Examiner.

<sup>3</sup>Crime in CT, Annual Report of the Uniform Crime Reporting Program, State of Connecticut Department of Public Safety, Division of State Police, Crimes Analysis Unit, 2003 (prelim.), 2002, 2001, 2000.

<sup>4</sup>Firearms Injuries in Connecticut, CHIMEData, CT Hospital Association, June 2005.

<sup>5</sup>Centers for Disease Control, WISQARS, <http://webappa.cdc.gov/sasweb/ncipc/nfirates2001.html>.

<sup>6</sup>Firearms Injuries in Connecticut, CHIMEData, CT Hospital Association, June 2005.

<sup>7</sup>Cook PPJ, Ludwig J. *Gun violence: The Real Costs*. Oxford University Press 2000.

<sup>8</sup>Firearms Injuries in Connecticut, CHIMEData, CT Hospital Association, June 2005.

<sup>9</sup>Centers for Disease Control and Prevention. WISQARS. [www.cdc.gov/ncipc/wisqars](http://www.cdc.gov/ncipc/wisqars).

<sup>10</sup>Centers for Disease Control and Prevention. WISQARS. [www.cdc.gov/ncipc/wisqars](http://www.cdc.gov/ncipc/wisqars), 3/6/06.

<sup>11</sup>Centers for Disease Control and Prevention. WISQARS. [www.cdc.gov/ncipc/wisqars](http://www.cdc.gov/ncipc/wisqars).

<sup>12</sup>Crime in CT, Annual Report of the Uniform Crime Reporting Program, State of Connecticut Department of Public Safety, Division of State Police, Crimes Analysis Unit, 2002, 2001, 2000.

<sup>13</sup>Canny, Priscilla F. & Michelle Beaulieu Cooke, *The State of Connecticut's Youth, 2003: Data, Outcomes and Indicators*; Connecticut Voices for Children, p. 37.

<sup>14</sup>CT Dept. of Public Health, Connecticut School Health Survey, <http://www.dph.state.ct.us/BCH/HISR/cshs.htm>

<sup>15</sup>Centers for Disease Control and Prevention. WISQARS. [www.cdc.gov/ncipc/wisqars](http://www.cdc.gov/ncipc/wisqars). MADD Online: Motor Vehicle Traffic Fatalities by age and the Highest BAC in the Crash – 2000, <http://www.madd.org/stats/0,1056,2476,00.html>. 05/10/05

<sup>16</sup>National Safe Kids Campaign, 1997

<sup>17</sup>Mark A. Schuster et al., Firearm Storage Patterns in U.S. Homes with Children, *American Journal of Public Health* (April 2000).

<sup>18</sup>Mark A. Schuster et al., Firearm Storage Patterns in U.S. Homes with Children, *American Journal of Public Health* (April 2000).

<sup>19</sup>Department of the Treasury, United States Secret Service, *An Interim Report on the Prevention of Targeted Violence in Schools* (October 2000).

<sup>20</sup>Miller, M, MD, MPH, ScD; Azrael, D, PhD; Hemenway, D, PhD; "Firearm Availability and Unintentional Firearm Deaths, Suicide, and Homicide among 5-14 Year Olds"; *The Journal of TRAUMA Injury, Infection, and Critical Care*; 2002; 267-275.