

US v. Miller, 307 US 174, United States Supreme Court, 1939

In the Supreme Court case the United States government (US DOJ) brief before the court stated:

... While some courts have said that the right to bear arms includes the right of the individual to have them for the protection of his person and property as well as the right of the people to bear them collectively (People v. Brown, 253 Mich. 537; State v. Duke, 42 Tex. 455), the cases are unanimous in holding that the term "arms" as used in constitutional provisions refers only to *those weapons which are ordinarily used for military or public defense purposes...*

And the court issued out a final opinion that stated:

...In the absence of any evidence tending to show that possession or use of a "shotgun having a barrel of less than eighteen inches in length" 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. Certainly it is not within judicial notice that this weapon is *any part of the ordinary military equipment, or that its use could contribute to the common defense. Aymette v. State, 2 Humphreys (Tenn.) 154, 158....*

Heller v. DC, 554 US 570, United States Supreme Court, 2008

The court issued its opinion and noted in detailing more regarding common defense arms:

"...Miller, 307 US 174, does not limit the right of people to keep and bear arms ... those in common use...the people have a right to keep and bear arms for the *common defense...bearing arms...of the kind in common use at the time...*"

Benjamin v. Bailey, 234 Conn. 455 - Conn: Supreme Court 1995

Connecticut's Supreme Court that upheld our AWB did so before the McDonald v. Chicago Supreme Court Case where the US Supreme Court incorporated the federal second amendment to the states and noted the lack of 2nd amendment review, as shown here: "*...second amendment not applicable ...Federal precedent otherwise adds little to our analysis*, because the text of the second amendment differs significantly from article first, § 15.." Most of the case law cited in the Benjamin case was struck down by the Heller and McDonald US Supreme Court decisions. The Benjamin case is now considered to now be bad case law and the bills in our legislator are in direct conflict with US Supreme Court decisions.

It appears as if our legislators have an issue with our 2nd amendment and are trying to end-run the law.

The arms attempting to be banned by our legislature by trying to codify various bills are in direct conflict with recent and sound US Supreme Court decisions. Federal law and the supremacy of federal law that Connecticut legislators are well aware of shows that the bills being examined cannot be passed without legislators' knowing violating federal law and federal law that impacts the security of our nation. North Korea, China, Russia and other countries and terrorists of the United States would like the people of this country to shred their arms suitable for common defense. Legislators who vote for these types of bills could be considered to be engaging in official misconduct or treason (as Connecticut does not have a penal charge of official misconduct).

Magazines are part of a firearm and the choice of what magazine is appropriate belongs to the user, not the government. And the bills in our legislator PROVE that the firearms and magazines attempting to be banned are useful for common defense as they bills exempt police from the provisions and the police serve common defense purposes. Vice President Biden and President O'Bama have also stated that the firearms attempting to be banned have a military or militia purpose giving further PROOF that the arms attempting to be banned are actually protected from such activity. It appears as if the state wish to maintain what ever arms they want and limit citizens' arms to just pea shooters. Yet one purpose of our rights is to protect the people from tyranny and this compels the citizens to acquire such arms as the state now wishes to ban. And what type of arms do the local police have? You can see on the following pages of records collected by this author through the Freedom of Information Act. They include, but are not exclusive to: M16/AR15's, 30 round magazines.

So what are the goals of the legislature and its members? This can be answered from examination of individual legislator's statements that this author has obtained through FOIA requests over the past several weeks. Lets examine a few..

"..guns are appropriate to hunting and target shooting but not to the community.." Sen. Meyer, who clearly believes that the 2nd amendment applies only to hunters and target shooters; it's an affront to this state's citizenry.

"...handguns and rifles that are more than .22 caliber, can hold more than 7 rounds, or can be semi-automatically fired banned. Guns already in circulation that fall into these categories must be placed in target range lock-down cases. Possession of such weapons outside of target ranges banned as of Oct 1, 2013..." Rep. Fleischmann who wishes to ban almost all guns and remove them from citizens' possession. Clearly Rep. Fleischmann wishes to live in China ... it's east, have a good journey comrade.

"..First amendment. ...yelled Fire! .. Subject to arrest" Sen. Bye But one can yell "fire" w/o being arrested if there is a fire; and speaking of fires, I don't not have a fire in my kitchen right now so does this mean I do not need an extinguisher? That's the mentality of our legislature now, trying to dictate what arms and equipment we need without considering why we need them or even being able to state when an arm could be needed and under what circumstances it would be. Preposterous. Also, in oral arguments in the Heller and McDonald cases before SCOTUS, the court noted that the 1st amendment rights have also caused deaths, so this "guns kill people" argument is a moot point when speaking about our natural rights and rights acknowledged by our courts; and its wrong altogether.

“...guns in lawful compliance paying liability premiums would invariably protect their second amendment rights...others ..would ... eliminat(ing) possession of firearms...” obtained from Rep. Godfrey (concerning insurance mandates) indicating his enthusiasm with gun grabs which is a similar viewpoint of the gun registration scheme of SB 1076; it’s a gun grab when one considers that it’s a yearly requirement to be re-applied for months before the registration lapses. This is the purpose behind the registration processes noted in that SB 1076, there is no doubt. Rep. Godfrey’s records indicate that he clearly thinks that the second amendment does not even exist.

This author could fill many pages with the deranged thoughts of Connecticut legislators but I was also specifically interested in the Public Protection and Security Committee members’ thoughts that they put to paper. However, this author must report that all but one legislator on the committee has failed to comply with the state’s Freedom of Information Act and decided to ignore the law that they helped pass and there are now currently cases pending before the Freedom of Information Commission due to the lack of compliance with our FOI Act. I can only assume that the committee members don’t want the public to know their actual motives behind the legislation being considered today and in this legislative session.

Oddly, there are no bills being considered today that would actually have an impact on school safety. Nothing on building security improvements at schools, the legislature has been silent on this subject matter. Nothing on requiring doors and other corrective security items that would actually keep a potential threat outside or at least delay their entry into a school. I had a neighbor, who has passed on, who served in WW II – he killed more people with his shovel than he did with his gun so I don’t think that legislators really believe that any gun laws would prevent school violence events in the future. Molotov cocktails, bladed instruments, blunt instruments, chemical weapons, etc. are all still going to be available to those mentally-ill individuals and they are just as effective and better in some cases than using guns. Instead of actually producing legislation that would positively impact school security this session the session has become a joke and not a funny one but one to stroke the agenda of anti-freedom legislators who believe that guns are evil instruments and that the people should not have the ability to defend themselves from all enemies foreign or domestic. Unfortunately, the joke is going to be on our children and grandchildren and the results will not be pleasant.

Should we ban the most dangerous gun in the marketplace? Is your answer, sure, it sounds reasonable, then consider this: when that gun is gone, then another will be the most dangerous-so this has to go, right? Then the next and the next and the next etc... until no guns are available to own. You can do this with “most used for killing”, “most used by criminals”, etc. The result is the same.

And what guns do our civilian law enforcement community purchase? Below are excerpts from two (although I have many others of a similar nature). The top invoice section is from East Windsor – note the extra 30 rd magazines and the second is from North Haven, notice the price? It was obtained through the United States Department of Defense logistics program at only shipping cost for the purpose to aid in common defense.

10	BUSHNIA XM10E25 A3 M4 Carbine, 228 cal, semi-auto, 14.5" BBL, feed	\$766.95	\$7666.50
	Phantom flash suppressor, A3 removable carry handle, silstock,		
	one 30 rd. magazine, sling and hard case, #DCWASP14M4AM		
20	BUSHNIA Spare 30 rd. magazines, #2448870	\$17.50	\$350.00
	Free Freight		

ACCOUNT NO: 1-01-15-2145-6-530			
24	Rifle, 5.56 MILLIMET	41.71825	1,001.19
	(M16-A1) CMTS		