

Harwood W. Loomis
172 Peck Hill Road
Woodbridge, CT 06525-1009
United States of America

10 March 2015

Connecticut General Assembly
Judiciary Committee
Legislative Office Building
Hartford, CT

Re: Proposed Legislation
Raised Bill No. 6962

Ladies and Gentlemen of the Judiciary Committee:

It has come to my attention that there will be a public hearing before the Committee on Wednesday, 11 March 2015, to hear testimony regarding a number of proposed bills. Although I am unable to appear and testify in person, I wish to offer the following comments regarding certain of the bills to be discussed.

Raised Bill No. 6962

I OPPOSE this bill, for the following reasons:

- As proposed, the bill contravenes the decision of the United States Supreme Court in the case of *District of Columbia v. Heller*. In the majority decision in that case, Mr. Justice Antonin Scalia wrote:
“Held:
1. The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, **such as self-defense within the home.**” [Emphasis added]

And then Mr. Justice Scalia wrote:

“From our review of founding-era sources, we conclude that this natural meaning was also the meaning that “bear arms” had in the 18th century. In numerous instances, “bear arms” was unambiguously used to refer to the carrying of weapons outside of an organized militia. The most prominent examples are those most relevant to the Second Amendment: Nine state constitutional provisions written in the 18th century or the first two decades of the 19th, which enshrined a right of citizens to “bear arms in defense of themselves and the state” or “bear arms in defense of himself and the state.”⁸

[Footnote 8 sets forth an enumeration of the states incorporating the referenced language in their state constitutions. Included in this enumeration is “Conn.

Const., Art. I, §17 (1818), in 1 *id.* , at 536, 538 (“Every citizen has a right to bear arms in defence of himself and the state”).”

Further on, Mr. Justice Scalia wrote:

c. Meaning of the Operative Clause. Putting all of these textual elements together, we find that they guarantee the individual right to possess and carry weapons in case of confrontation. This meaning is strongly confirmed by the historical background of the Second Amendment. We look to this because it has always been widely understood that the Second Amendment, like the First and Fourth Amendments, codified a pre-existing right. The very text of the Second Amendment implicitly recognizes the pre-existence of the right and declares only that it “shall not be infringed.” As we said in *United States v. Cruikshank*, 92 U. S. 542, 553 (1876), “[t]his 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”

In sum, we hold that the District’s ban on handgun possession in the home violates the Second Amendment, as does its prohibition against rendering any lawful firearm in the home operable for the purpose of immediate self-defense

- As drafted, the proposed act would make it unlawful for the owner of any firearm(s) to make such firearm(s) available to other members of his or her immediate family for the purpose of self defense. The act would require that only the owner of the firearm(s) have control of it/them, at all times. This requirement would, among other (hopefully unintended) consequences, render moot Vice President Biden’s advice that the best weapon for self defense in the home is a shotgun by the front door.
- In the case of *McDonald Et Al v. City of Chicago, Illinois, Et Al*, Mr. Justice Samuel Alito wrote for the majority:
“On the contrary, we stressed that the right was also valued because the possession of firearms was thought to be essential for self-defense. As we put it, self-defense was “the *central component* of the right itself.”
- Following the reference provided by the Supreme Court, it can be seen that the proposed language is also in violation of the Connecticut state constitution. (See above.)

The end result of the foregoing is inevitably that any law or regulation limiting the freedom of a citizen to provide access to *operable* firearms for the purpose of self defense, even at times when the owner of such firearms is absent from the premises, is in direct conflict with the Constitution of the United States and with the constitution of the State of Connecticut. For this reason, I respectfully submit that the Committee must OPPOSE Raised Bill No. 6962.

Very truly yours,



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Proposed Bill No. 650

I OPPOSE this bill, for the following reasons:

As proposed, the bill provides for the seizure of personal property without due process. This is in direct contravention of both the 5th amendment to the Constitution of the United States, and Section 1 of the 14th amendment to the Constitution of the United States. Both amendment prohibit depriving citizens of their property without due process of law.

For this reason, I respectfully submit that the Committee must OPPOSE Proposed Bill No. 650.

Very truly yours,



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Re: Proposed Legislation
Governor's Bill No. 6848

Ladies and Gentlemen of the Judiciary Committee:

It has come to my attention that there will be a public hearing before the Committee on Wednesday, 11 March 2015, to hear testimony regarding a number of proposed bills. Although I am unable to appear and testify in person, I wish to offer the following comments regarding certain of the bills to be discussed.

Proposed Bill No. 6848

I OPPOSE this bill, for the following reasons:

Section 1:

- The proposed changes to existing law are unnecessary, in that they will create confusion without accomplishing any recognizable goal.
- 24 hours is not sufficient time for the owner of even an insignificant number of firearms to arrange for their transfer to a neutral party for safekeeping.

Section 2:

- The act as proposed eliminates the statutory requirement for due process. The elimination of the due process requirement would render the law unconstitutional under the 5th and 14 amendments to the Constitution of the United States.
- The elimination of the due process requirement would also render the law in contravention of Article First, Section 8 (as amended by Article XVII) of the constitution of the State of Connecticut.

For this reason, I respectfully submit that the Committee must OPPOSE Governor's Bill No. 6848.

Very truly yours,



Harwood W. Loomis