

Commentary: Gun Permit Delays Intolerable
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Gun Permit Delays Intolerable

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There has been a spike in state residents enrolling in gun safety classes, a prerequisite for a permit. (Can you blame them — they live in a state which unleashes convicts.) According to a recent federal action, they can expect to have their constitutional rights trammled by the state. Assigned to U.S. District Judge Vanessa Bryant, the complaint alleges a pattern of abuses by Connecticut State Police (CSP) officials bent on frustrating citizens' rights. It seeks class action status and injunctive relief for all those ensnared in CSP's purported hostility to private gun ownership.

The allegations are serious enough without considering they're coming from the inside. The plaintiff is M. Peter Kuck, a member of the Board of Firearms Examiners (BFE), the very body that decides appeals from citizens denied a permit. Kuck offers a unique glimpse inside a rebellious law enforcement bureaucracy that won't respect the law.

The CSP role is to process applications, oversee criminal record checks and timely advise applicants of a decision. (State law disqualifies all convicted of felonies and other serious offenses as well as those who were committed to a mental institution.) Those denied a permit have a right to a *de novo* hearing before the BFE. Remarkably, the CSP won't disclose to applicants the basis for denial, and worse yet, plays games with the duty to disclose the reasons to the BFE.

Kuck cites a huge backlog of appeals caused by the CSP's deliberate withholding from the BFE of required documentation needed to decide them. State auditors found that over a period of six years, the average wait time for a hearing went from three months to an unconscionable 17-20 months. According to Kuck, CSP officials, aware that many denials are lawless and likely to be overturned, obstruct the Board's functioning by stall tactics calculated to delay the granting of permits for as long as possible. In the interim, law-abiding citizens are denied the right to protect their families against criminals whose own rights always manage to dominate liberals' warped priorities.

Kuck asserts this state of affairs violates citizens' rights to a meaningful and prompt hearing. He joined the victims. Himself a permit-holder up for renewal, Kuck challenged a CSP demand for a birth certificate or passport. Denied renewal, Kuck's hearing was scheduled 17 months later.

While Kuck flags a good due process issue, I believe this entire regulatory scheme flies in the face of the state constitution which contains one of the clearest guarantees in the nation: *"Every citizen has a right to bear arms in defense of himself and the state."* For decades, legislators and bureaucrats have gotten away with regulating this freedom out of existence.

A college text which greatly influenced my views about government addressed "the politics of bureaucracy." Among its premises was the inevitability of the dynamics of self-interest overtaking the bureaucrat. Agency process is molded and manipulated over time such that laws and constitutions are effectively amended by the unelected operating in the shadows of cubicles. Accomplished by accretion, the public is largely unaware that its prerogative of self-government has been hijacked by munchkins. Kuck's complaint illustrates the dynamic.

Despite the "Brady Bunch" rhetoric, gun control is really about the state insuring against an effective revolt against tyranny. Hitler understood this — gun control was one of his first measures. He preferred that when the time came, Jews would be constrained to throw rocks at the Gestapo.

The drafters of Connecticut's constitution, the product of brave men who bore arms against their own government, would be aghast at this subversion of an unambiguous text. If the public wants all these restrictions, they can amend the document. Until then, courts must intercede against constitutional amendment by bureaucratic stealth. Judge Bryant is new to the federal bench but she has hit the ground running, productively punching out rulings despite probably not having all her furniture yet. She is not wasting time. She should waste no time giving serious attention to this matter. •

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