

Our understanding of the law guides our judgment in cases that come before us. We are not free to put ourselves above the law in making our decisions. With the Supreme Court decision in *McDonald v Chicago* the law has been made clear and I for one will follow the law in considering those cases that come before us. This is our duty.

We have heard many cases involving the “suitability” of appellants during our tenure on the Board and it has become obvious that “suitability” varies greatly from town to town and city to city within our state.

The Supreme Courts decision in *McDonald v. Chicago* specifically states that “when a Bill of Rights provision is incorporated. Incorporation always restricts experimentation and local variations. Therefore, in my opinion the use of Connecticut’s vague and capricious suitability standard has been declared unconstitutional by the Supreme Court because it is experimentation and local variation.

Moreover, it appears that only federal disqualifiers are not local variations or experimentation on the part of the state of Connecticut.

The Supreme Courts decision in *McDonald v. Chicago* also specifically states that “As we have noted, while his[Breyer] opinion in *Heller* recommended an interest-balancing test, the Court specifically rejected that suggestion. See *supra*, at 38–39. “The very enumeration of the right takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis whether the right is *really worth insisting upon.*” *Heller, supra*, at ____ (slip op., at 62–63).” This appears to remove the Mathews test for balancing the states interest against the constitutional rights of its citizens and will affect those cases which have been used as precedent in state court decisions.

Therefore when an appellant comes before the Board with no federal disqualifying factors and the appellant meets Connecticut eligibility factors I will vote for the appellant. I will cast my votes using the legal standard as set forth in the *McDonald v Chicago* case and the guarantees provided Connecticut’s citizens under article 1 section 15 of the Connecticut Constitution until such time as the Courts rule that the use of this Supreme Court ruling and our states constitution is improper.

Peter Kuck
Member Board of Firearms Permit Examiners
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