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# A lesson for urban centers on concealed arms laws

By Timothy Wheeler

**L**ittle Stratton, Colo. (pop. 649) is in the vanguard of civil rights. Police Chief Brian Hill and town council members decided recently to issue permits to carry concealed firearms not only to qualified residents of Stratton but to any Coloradoans who qualify under state law.

Police in the big towns view with alarm Stratton's decision to actually "preserve our right to keep and bear arms under the U.S. and Colorado constitutions," as Stratton officials put it. *The Rocky Mountain News* reports that the police chief of Thornton (pop. 85,698) is worried. "What's good for Stratton is not necessarily good for Thornton or other towns," he said. This is code for "You don't need to protect yourself; we'll protect you," a creed of which big-city chiefs are famously fond. It's a noble sentiment, but not really true, as the 1992 Los Angeles riots proved.

To be fair, Colorado is equivocal in its commitment to the right of self-defense. Its constitution recognizes a right to own guns for self-protection, but in the next clause cautions that this provision doesn't justify the carrying of concealed weapons.

Colorado's discretionary law provides for carry permits, but dilutes that right by delegating to local law enforcement the power to issue them. That's a lot like putting the decision to enforce voting rights for 1960s Southern blacks in the hands of local police. Too often police chiefs deny permits for political reasons.

Colorado is one of 11 states that hedge the right to carry. In at least some cases (California, for example) discretionary laws are a political compromise between rural beliefs and liberal big-city aversion to firearm ownership. Thus in California's rural counties, a law-abiding, mentally competent adult can get a permit fairly easily, but in big cities, such as Los Angeles and San Diego, only VIPs or the politically

connected have much hope of ever getting one.

Ironically, discretionary permit laws discriminate against the people who need armed self-protection the most. Criminologists have shown that the benefits of armed self-defense are greater than average for minorities, who often live in the high-crime areas of cities the size of Denver. But big-city governments are least likely to honor their residents' right to protect themselves from the career criminals who are their neighbors.

It is easy to see the potential for abuse of discretionary concealed carry permit laws. Permits could easily be granted, according to an applicant's willingness to contribute to a political campaign, or denied if he or she is a political adversary. A police official's own prejudice against armed self-defense may decide the issue against all applicants in his jurisdiction, regardless of need.

The least defensible excuse offered by permit-averse officials is a fear that licensees will suddenly begin to act like violent criminals. Minnesota Police and Peace Officers Association lobbyist Dennis Flaherty wrote in a Minneapolis newspaper about his fear of "the harm and the carnage caused by pistol-packing people." Ohio State Highway Patrol superintendent Kenneth Morckel told *The Arizona Star* last February that he opposed carry permits because he worried about "road rage" and assaults on police officers.

These state police officials might have been excused for such uninformed opinions 14 years ago, when Florida kicked off the trend of states enacting uniform carry-permit laws. But in 2002, there is no excuse. The fact is, permit holders are among the most responsible citizens in their communities.

In 14 years the skeptics have been proved wrong over and over again.



Some officials have admitted their initial hostility to concealed carry laws was mistaken. "I have changed my opinion these [licensees] are all just everyday citizens who feel they need some protection," Campbell County, Ky. Sheriff John Dunn told *The Cincinnati Enquirer* in 1997. Texas and Florida police officials have also admitted that their anxiety about carry-permit abuse was unfounded.

So why are big city officials in Colorado so worried about Stratton's carry permit policy? Do they think that Coloradoans are more criminally inclined or less mentally stable than Texans, Kentuckians, and other Americans whose states allow them to carry concealed firearms?

The answer for Colorado is to pass a "shall-issue" law. Such laws eliminate cronyism and capriciousness by setting qualifications for carry-permit applicants. A shall-issue law would give the Legislature flexibility to set its own standards for firearm training, background checks and other rules deemed necessary. But most importantly, a shall-issue law will ensure that Coloradoans won't be denied that most natural of rights — the right of self-defense — just because they live outside the free town of Stratton.

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