

OPEN LETTER FROM JAMES STUART
Upholding the Second Amendment and the Minnesota Citizens Personal Protection Act
October 28, 2010

As a veteran and committed law enforcement professional, I have voluntarily sworn an oath to uphold the Constitutions of the United States and the State of Minnesota. I do not take this oath lightly. I have also consistently, fairly, and equally supported and enforced the Statutes of the State of Minnesota. Therefore, individual rights such as the right to religion, free speech, due process under the law, to keep and bear arms, or any of the other rights recognized by the Bill of Rights, ought not be subject to the whims of any elected official, including any Sheriff.

The legislature of the State of Minnesota recognizes the Second Amendment of the United States Constitution and guarantees the fundamental, individual right to keep and bear arms. The Minnesota Citizens Personal Protection Act—the law—clarifies these rights for Minnesotans. Regarding the granting and denial of handgun carry permits:

(a) The sheriff must, within 30 days after the date of receipt of the application packet described in subdivision 3:

(1) issue the permit to carry;

(2) deny the application for a permit to carry solely on the grounds that the applicant failed to qualify under the criteria described in subdivision 2, paragraph (b); or

(3) deny the application on the grounds that there exists a substantial likelihood that the applicant is a danger to self or the public if authorized to carry a pistol under a permit.

The law is quite specific and leaves no doubt as to its interpretation. Therefore, as Sheriff, I will issue permits within 30 days to applicants who meet the criteria set forth in subdivision 2, paragraph (b). Denials will only be for facts that are clearly articulated and related to specific public safety concerns, as prescribed by the statute and never as a political tool, because the people of Anoka County are as responsible and law-abiding as those in the other 86 counties. Under my administration, the Anoka County Sheriff will be consistent with granting permits.

In addition, Subd. 3 (f) states: The sheriff may charge a new application processing fee in an amount not to exceed the actual and reasonable direct cost of processing the application or \$100, whichever is less. Other sheriffs have found that they have been able to lower their permit fees below the maximum. I do not know yet if Anoka County can do the same. However, I will conduct audits to make sure that the fees for permits reflect the actual costs accrued in the process, and that the costs do not unduly burden any citizen, regardless of socioeconomic standing.

