

The Facts About Concealed Carry for Wisconsin

Michael Bender, 2010

In January of 2006, Governor Jim Doyle vetoed concealed carry legislation that had been passed by the Wisconsin legislature in 2005 by what, at the time, was a seemingly veto-proof two-thirds majority in both houses. The legislature was unable to override, falling two votes short. The same thing had happened two years earlier, when the override fell short by just one vote.

That legislation would have allowed qualified Wisconsin residents to carry a defensive firearm in public places. Forty-eight states in the U.S. have already adopted permit-to-carry laws. 38 are known as “shall-issue” state – shall-issue, because if an individual in these states wishes to carry a firearm for self-defense, the licensing authority in the state must grant that individual a permit to do so, provided that he or she meets basic requirements set forth in law, including a clean background check.

There are 10 other states, “may-issue” states, that have adopted carry laws where the licensing authority in the state, county, or municipality “may issue” a permit if that authority deems it necessary, often creating a patchwork of laws where citizens with permits to carry have to change modes whenever they cross various boundaries throughout those states.

Wisconsin is one of only two states in which residents are prohibited from carrying a concealed weapon in public under any circumstances, the other being Illinois.

It took most of these states about a decade to push permit-to-carry legislation through their state governments. And throughout the course of these legislative contests in all of these states, including in Wisconsin’s current struggle with this issue, there’s been an abundance of both facts and myths that surround the debates. It is my strong opinion that whether or not we in Wisconsin decide to join the overwhelming majority of states that already have passed permit-to-carry legislation, our choice in Wisconsin ought to be based on facts about what is happening in states that have chosen to pass this legislation.

I spend a lot of time in this arena and try to keep up with the debate. Here’s what I know to be facts:

I know the conflict between law-abiding citizens and violent criminal predators is eternal.

I know that violent crime is a relatively low-probability life event, murders taking the lives of about 6.5 of every hundred thousand citizens, and violent aggravated assaults happening to about 440 of every hundred thousand.

I also know that every one of these ugly situations, by definition, can have serious life-changing and life-threatening consequences.

I know that violent criminal attack is a problem that will have to be dealt with by victims – you, me, our spouses, children, friends, employees, colleagues – almost always individually, instantly, personally, and instance by instance, maybe only once, maybe more than once, or even several times during our lives.

I know that criminals will always carry firearms with or without legislation and it is the people who obey and respect our laws who will benefit from permit-to-carry.

I've also concluded that there will be no once-and-for-all-time final fix ... no unique piece of legislation that will get us out of this pervasive crime dilemma. Crime will be with us, and probably will grow, throughout our lives.

After years of looking at this, reading FBI reports, studying data from all 3054 counties in our United States about locales that have very strict anti-carry gun laws and comparing their data with that of counties in permit-to-carry states, I've also learned that the four primary arguments the opposition presents in all these legislative challenges are severely undermined, not only by the experience of other states, but also by readily available data and basic logic.

I'd like to deal with those arguments one-by-one.

The first argument is that more guns on the street will result in more violence.

The evidence actually indicates that after years of academic study, there is no empirical basis for believing that legally concealed weapons increase crime rates. States that have adopted shall-issue laws in the past ten years have not seen an increase in the frequency of gun use in crime.

FBI yearly crime statistics and respected academic studies gathered from the nation's 3054 counties from the mid 1980s to the mid-90s, clearly demonstrate that allowing citizens to carry handguns for self-defense reduces violent crime – murders, rapes, robberies, and aggravated assaults – and these reductions coincide very closely with the number of concealed handgun permits issued.

Also, while support for the strictest gun-control laws is usually strongest in large cities, the largest drops in violent crime from legalized handgun carry occurred in the most urban counties that had the greatest populations and the highest crime rates.

And accident and suicide rates were unaltered by the presence of concealed handguns.

Given the limited resources available to law enforcement and our desire to have those resources spent wisely to reduce violent crime, of all the methods studied so far by economists, the carrying of concealed handguns appears to be the most cost-effective method for reducing violent crime.

The second one is that guns are not useful for self-defense.

Actually, the data reveal that defensive gun use is relatively common; resisting crime with a gun reduces the probability of property loss or physical injury; and criminals are both aware of and fearful of the possibility of facing an armed victim.

The tools for self-protection can include pepper spray, sharp-edged weapons, batons, and empty-hand martial arts. Reasonable people that know lots about personal protection invariably choose firearms for the same reason the president's bodyguards choose them: they are the most effective tools for protecting innocent lives. No other means offers us and our loved ones as good a chance to remain un-hurt in the face of a violent criminal attack.

When a threat to our safety comes, it's almost always immediate, very violent, and can't be postponed until we find time to make a call for help and then wait for a first responder to make the trip over to save us. Legally possessing and responsibly knowing how and when to use a firearm defensively, just in case, have proven to be quite reasonable in other carry states.

The data show that one thing has proven certain. Safety of ourselves and our loved ones is much improved whenever a predator has to endure serious resistance, especially when he discovers there will be grave risk to his hide and he has no guarantee of victory.

A verbal command, "STOP! I have a gun. If you come through that door, I WILL shoot you!" and the mere glimpse of that handgun are sufficient to discourage most predators.

Most law-abiding citizens don't realize that use of a firearm or concealed handgun doesn't always involve firing it. In fact, FBI reports tell us that when effective resistance is offered, as with a handgun, 92 out of a hundred predators retreat promptly. Another 7 unwisely refuse to stop their attack but live to spend time in prison. The typical self-defense gun use results in no shots being fired, the predator is scared off, there are no news headlines, and lives are saved.

Again, according to FBI reporting, the 92 out of 100 predators that fled in 2005 could range from about 700,000 up to roughly two and a half million uncompleted violent crimes ... these are murders, rapes, violent criminal assaults, and armed robberies. I can think of no better argument about the effectiveness of guns than reducing violence in this country, and actually think they are a great *de-escalator* of violence. No shots fired, predator scared off, no news headlines, lives saved.

Quite simply, it's not easy to victimize someone who has and knows how to use a firearm!

The third most-often cited argument is that the governor and some law enforcement officials oppose permit-to-carry so the rest of us should, too.

In fact, the record clearly indicates that many law enforcement officials who resisted shall-issue legislation in other states now admit that their concerns were unfounded. And these public servants are speaking from experience rather than from unfounded anti-self-defense rhetoric we too often hear from public servants who don't yet have or choose to ignore that experience.

Another thing most Wisconsin citizens don't know: When Governor Doyle vetoed permit-to-carry legislation, he knew that in 2005, eleven of the twelve states that had the greatest decreases in total violent crime were permit-to-carry states. He also knew that twelve of the fourteen states with the greatest decreases in murder were permit-to-carry states. He knew that the seven states with the lowest total violent crime rates in 2005 were permit-to-carry states. And he knew that eleven of the twelve states that had the lowest murder rates were right-to-carry states.

I'd like you to know there's more Jim Doyle knew when he vetoed those two carry bills. Statistics show that crime has been increasing under his watch. Between 2004 and 2005, Wisconsin had a 15.1% increase in the rate of violent crime, with murder up 25.2%; robbery up 11.2%; and aggravated assault up 20.2%.

Sounds kinda risky for me and my family. Some folks choose to delegate the task of assuring personal safety to others, something I think akin to not brushing their teeth, preferring to rely on their dentist.

It's awfully hard for me to agree with the governor's argument and those politically-appointed senior law enforcement officials that have to support him that Wisconsin citizens should be denied the means to defend themselves and their loved ones when law-abiding citizens have been carrying for years with absolutely no evidence of the dire consequences our governor and his supports warn us about.

The fourth fallacy is that permit-to-carry laws provide for inadequate training for permit holders.

Critics argue that training is inadequate because it falls short of the more rigorous requirements for police training.

If we think about that a bit, there are a bunch of differences between the situations for which carry permit holders must train and those that routinely confront police.

For starters, permit holders need concern themselves with only one thing: protecting themselves from a sudden, violent assault that threatens life or grievous bodily injury. Rape, robbery, and attempted murder are not typically actions rife with ambiguity or subtlety, requiring special powers of observation, great law enforcement book-learning, or a stint at the police academy to discern. When a Bad Guy pulls a knife on a woman and says, "You're coming with me!" her judgment that a crime is being committed is not likely to be in error.

Police, by contrast, don't carry arms solely for the purpose of defending themselves, but also for enforcing the law and deliberately injecting themselves into potentially dangerous and violent situations, responding to calls for assistance, investigating crimes, intervening in domestic violence, and making arrests.

A carry permit holder, the criminal's target for sake of our discussion here, is always at the scene of the crime. He knows precisely who the tormentor is. It is the police who, because they are rarely on the

scene when a crime occurs, that are more likely to find themselves in situations where guilt or innocence is not so clear-cut, and the probability for mistakes is correspondingly higher.

In fact, states that have passed shall-issue laws have reported very, very few problems. We have some pretty good indicators in the form of data on permit revocations and suspensions in shall-issue states that have training requirements similar to those proposed in Wisconsin.

For example, Florida:

Since 1987, Floridians have been permitted to carry defensive firearms, provided they pass a background check and complete training very much like the proposed requirement in Wisconsin. Between that 1987 beginning of Florida's permitting program and the end of 2005, Florida issued 1,104,468 concealed weapons permits. One point one million! During that time just 157 permits were revoked for involving the use of a firearm, meaning only one one-hundredth of a percent of Florida's carry permit holders have had permits revoked for commission of a gun crime. Insisting that that number be zero is unrealistic.

Other states tend to affirm the experience in Florida: Utah, Kentucky, Indiana, North Carolina, Virginia, Wyoming, Oklahoma, and many, many others.

By itself, not even the most potent weapon of any kind will do much to improve our safety. Guns aren't magical. Users must have some level of competence to operate them ... not much different than learning how to operate any other kind of power tool ... cake mixer, skill saw, power boat motor.

If I can change a tire, I'm more independent than one who never learned how. Same is true for the person that knows how to scare off an intruder rather than be a helpless target, just hoping that that call to 911 will bring a hero to the scene in the nick of time to make the rescue. In reality, what almost always happens in crimes of violence is that the cops show up to begin the investigation into an already-completed crime. Little help for the victim.

The proposed shall-issue legislation in Wisconsin required permit applicants to complete a training course. I designed my program to be in compliance with what I knew then about intentions of Wisconsin legislators. I've studied this topic for a while, and have determined the proposed Wisconsin Personal Protection Act would be one of the best in the nation. So much so that I expect dozens of others will recognize it for lawful carry in their states.

Here's what my clients learn:

- Legalities of pistol possession in homes, businesses, and elsewhere, so they remain within the law.
- Legalities pertaining to use of force, or threatening to use it, in self-defense ... actions one must take and must not take before and after a defensive gun use. If a citizen's survival plan for a home invasion involves a firearm, he or she will have contact with the police afterward. One of the most important topics covered during this instruction is "lawful" use of force, with the goal

that law enforcement folks recognize the intended victim's actions as justifiable rather than criminal, so they lawfully protect themselves and loved ones and stay out of prison.

- I talk about predatory criminals and their warning signs ... lots about conflict avoidance ... tactics for heads of households and family members to use when confronted by home invaders, rapists, muggers, carjackers, and other predators ... ways to keep loved ones more aware of their surroundings and, of course, safer.
- Clients learn fundamental handgun training ... a great big dose of safety, and instruction on handling, loading, unloading, shooting, and clearing of both revolvers and semi-automatic pistols. Knowing how to safely handle a gun gives them confidence ... also peace of mind when they know they have the means of lawfully protecting themselves and their families ... the biggest reason most of them enroll in my course in the first place.
- They learn the difference between "defensive" accuracy and "bullseye" accuracy, knowledge that might save their lives in an attack.
- Instruction involves a thorough discussion about decisions one has to make when deciding on a type of defensive handgun ... revolver or semi-automatic, size and weight for an individual's hand, caliber, trigger action, loading and unloading mechanisms, maintenance, and reliability ... all designed into the program to help clients avoid spending lots of money on the wrong equipment.
- Training involves various methods of concealment, holster types, clothing ... about how to safely be around police officers while armed ... about traveling with firearms (both by land and air) ... types of ammunition ... and everyday events from safely using a public restroom when armed to securing a firearm in their vehicle when entering restricted areas, like schools and government buildings.
- Regardless of one's prior handgun experience, clients are required to brush up on shooting fundamentals ... stance, grip, trigger and breath control, sight picture and sight alignment ... all designed into this course to increase safety and accuracy.
- Before graduation, I validate what clients have learned. Clients and I complete a defensive shooting exercise where it's made certain the client has sufficient understanding of safety, gun handling, and defensive shooting accuracy to be a competent first-responder if a firearm is going to be part of their survival plan.
- This is outstanding firearms training. With FBI criminal history background checks to boot, these folks are society's Good Guys, sheepdogs protecting flocks, some of the most law-abiding citizens we have in this nation.

What kinds of people acquire these permits?

They come from all walks of life: teachers, couples, families big and small, business owners and their employees, doctors, a mayor of one of our fine communities adjacent to Madison, lawyers and law enforcement people, judges, psychologists, transportation workers, homemakers, retirees, government officials, father-daughter teams, you name it. Youngest I've had in class is 14 accompanied by his dad and grandfather, and oldest was 83. No clinkers. No Rambos. Every one of them is a good-hearted family person that was willing to take responsibility to equip and train to be their own first responder, much as with their other homeowner responsibilities because they are already on the scene.

Where will Wisconsin go from here?

That's up to the citizens of Wisconsin. I'm optimistic that once this kind of information is honestly shared with them, permit-to-carry will be in our future. I'm equally as confident that permit-to-carry will reduce crime and de-escalate violence in Wisconsin, just as it has elsewhere.

Author's Biography

Law Enforcement Officer Firearms Training (Wisconsin Department of Justice)
Certified Permit to Carry a Pistol Instructor (Utah Bureau of Criminal Identification)
Certified US Training Center Carbine Instructor (formerly Blackwater USA)
US Army Combat Rifle Training (M14 and M16)
Room Clearing Training (Dane County Sheriff's Department)
Certified Colt Defense Law Enforcement & Military Armorer (M16/AR-15 Rifle)
NRA Personal Protection Instructor
NRA Pistol Instructor
NRA Firearm Safety in the Home Instructor
NRA Distinguished Expert Marksman (Handgun)
NRA Certified Range Safety Officer
Civilian Defensive Handgun Tactics Training
Formal and Informal Study of Japanese and Israeli Martial Arts
Born in 1949
Married, with one adult son
Resident of Madison, Wisconsin
Website: www.PPA-WI.com