

National Rifle Association of America

Questions and Answers

2011 Wisconsin Personal Protection Act (PPA)

How many states allow citizens to carry concealed firearms for self-defense?

The numbers stands at 48. Of these, 37 have “shall issue” laws like the one proposed in the PPA. Under a “shall issue” law, the Legislature establishes uniform, statewide standards that a person must meet in order to obtain a license to carry a concealed firearm for self-defense. Three of these states also provide citizens the ability to carry a concealed firearm without first obtaining a license. Another 10 states have “may issue” laws, which allow issuing authorities to arbitrarily deny carry licenses, even to people who meet all of the standards established by the Legislature (two of these ten are considered Right to Carry states because they are fairly administered). Vermont is the only state that does not have a license system but still allows gun owners to carry concealed.

How many states have repealed “shall issue” carry license laws?

None. The doomsday predictions of the laws’ opponents never materialized. In fact, license holders have proven to be far more law-abiding than the rest of the public, and because “shall issue” laws have been successful, most states that have them have liberalized them after enactment. The time for guessing is over. With the experience of 48 states, it is known beyond doubt that these laws work.

Which states prohibit people from carrying concealed firearms for self-defense?

Wisconsin and Illinois are the two remaining holdouts. Illinois has pending legislation.

How many license holders are there in the United States?

There are about seven million. Two-thirds of the U.S. population lives in “shall issue” states and 94 percent lives in states that have some form of a carry license system.

Would Wisconsin license holders be less law-abiding than those in other states?

No. Suggestions of this sort are an insult to Wisconsinites. Wisconsin’s murder rate is half that of the national rate and its total violent crime rate is 40 percent lower than the national rate. (Firearms are used in only about one-quarter of violent crimes that are reported to the police and in a much smaller percentage of those that are not reported to the police.)

Why is the PPA necessary if crime rates are low in Wisconsin?

Crime can occur anywhere. There were over 14,000 violent crimes in Wisconsin in 2009 according to the FBI. Each one of these represents individual citizens who should not be denied the right to defend themselves. Law enforcement officers cannot be everywhere at once, and criminals typically do not attempt their crimes when they see law enforcement officers in the area. Courts have ruled that the police are not obligated to protect any individual person.

How does Wisconsin's crime trend compare to the rest of the nation?

From 1991, when violent crime peaked in the United States, through 2009 (the most recent complete year of data available), the nation's total violent crime rate decreased 43 percent, while Wisconsin's decreased only 7 percent. In the same time period, the nation's murder rate decreased 49 percent, while Wisconsin's decreased 47 percent.

Do "more guns lead to more crime?"

No. Since 1991, when violent crime peaked in the United States, the numbers of guns, gun owners, and "shall issue" carry license states have risen to *all-time highs*, and at the same time the nation's murder rate has been cut in half, to a *45-year low* through 2009. And in the first half of 2010, it fell another seven percent. Total violent crime has fallen to a 35-year low through 2009, and another seven percent in the first half of 2010. If more guns led to more crime, the violent crime rate would be at an all time high, not a 35-year low.

Do states that have "shall issue" laws have higher crime rates?

No. Some states that have strict gun laws have higher crime; some have lower. According to the FBI, crime rates are determined by a variety of factors, such as economy, climate, demographics, and criminal justice policies. Rather than comparing one state against another, a better measure of the effect of "shall issue" laws is whether it contributes to an increase or a decrease in crime in a state *after* the law goes into effect. Economist John Lott studied crime trends in every county in the country and found that "shall issue" laws are associated with significant reductions in violent crime. He concluded, "Allowing citizens to carry concealed weapons deters violent crimes and it appears to produce no increase in accidental deaths. If those states which did not have Right to Carry concealed gun provisions had adopted them in 1992, approximately 1,570 murders; 4,177 rapes; and over 60,000 aggravated assaults would have been avoided yearly...[T]he estimated annual gain from allowing concealed handguns is at least \$6.214 billion...[W]hen state concealed handgun laws went into effect in a county, murders fell by 8.5 percent, and rapes and aggravated assaults fell by 5 and 7 percent." ("Crime, Deterrence, and Right To Carry Concealed Handguns," 1996.)

Lott submitted his findings for extensive peer review and the majority of the reviewers did not fault his findings. Two studies used by PPA opponents claim that "shall issue" carry laws have *no effect* on violent crime and *may* even slightly increase it. However, those studies have not been submitted for the same extensive peer review as Lott's.

Are Wisconsinites who seek to become license holders “paranoid?”

No. They understand that anyone can become a victim of crime. Just as people lock their doors at home, wear their seatbelts, and buy insurance not because they are sure they will need it, but rather *just in case* they need it, some Americans keep and carry firearms just in case they are attacked. One could assume most of the 14,000 annual victims of violent crime in Wisconsin (FBI) did not expect to be attacked when they became violent crime statistics.

Are handguns effective self-defense tools?

Criminologist Gary Kleck’s landmark study of defensive gun uses found that two-thirds of such uses are accomplished with handguns. Studying National Crime Victimization Surveys, he found that people who use firearms for protection are less likely to be injured in an attempted robbery or assault than people who attempt to defend themselves by other means, or who do not resist at all. The Supreme Court, in *District of Columbia v. Heller* (2008), ruled that Washington, D.C.’s handgun ban was unconstitutional because handguns are the type of firearm that Americans most often use for self-defense. Inexplicably, many of the PPA opponents claim that handguns are so *effective* in the hands of criminals that they should be banned but so *ineffective* in the hands of law-abiding citizens that they should not be owned or carried.

How many times are firearms used for self-defense each year in the United States?

In the early 1990s, criminologist Gary Kleck’s landmark survey of defensive gun use found that firearms were used for self-protection in the United States upwards of 2.1 million times annually. (*Journal of Criminal Law and Criminology*, Fall 1995) The most prominent criminologist who supported gun control, the late Marvin E. Wolfgang, self-described as “as strong a gun-control advocate as can be found among the criminologists in this country” said, “The methodological soundness of the current Kleck and Gertz study is clear. I cannot further debate it... I do not like their conclusion that having a gun can be useful, but I cannot fault their methodology.” (*Ibid.*) With the dramatic increase in the number of guns, gun owners and Right to Carry states since the time of the study, it can be assumed that the number is greater today.

Why do PPA opponents claim that the number of defensive firearms uses is small?

The claim is based upon police department reports, as reported in the aggregate by the FBI, indicating the number of homicides that police reported to have occurred in self-defense. This undercounts the number of fatal shootings of criminals, since most self-defense homicides are not treated as such in initial police reports (they are treated as crimes until investigated). More significantly, it dramatically undercounts the number of defensive gun uses, because in the vast majority of such events criminals are frightened off without a shot being fired or they are shot but not killed. This is an indication of the restraint gun owners exercise when attacked.

Why shouldn't citizens *rely* on law enforcement for their protection?

As most law enforcement officers understand, the nature of their work is reactive, not proactive. They arrive on the scene after a person has been victimized in an effort to apprehend the perpetrator and console the victim if he or she is still alive. Also, the U.S. Court of Appeals has ruled that the state is not responsible for the protection of individual citizens, only for the protection of society as a whole. In Castle Rock, Colo. v. Gonzales (2005), the U.S. Supreme Court confirmed this principle. This is why the families of murder victims do not sue local law enforcement for failing to protect their loved ones. When states like Wisconsin prohibit citizens from carrying firearms for self-defense, they on one hand contend, "We are not responsible for your protection" while on the other hand they actively deprive citizens of the most effective means of self-defense when they are outside of their homes. These two concepts are simply irreconcilable.

Will the PPA benefit people who don't carry firearms?

Yes. When some people carry concealed firearms, criminals do not know who is carrying and who is not. This deters crime. A study for the federal government found that 40 percent of imprisoned felons had decided against attempting at least one crime, for fear that their prospective victims were armed. This is one reason that the U.S. rate of "hot" burglaries—those taking place when the resident is at home—is relatively low, compared to countries that heavily restrict firearms ownership. Because criminals in this country know that many homes have firearms, they are disinclined from entering homes unless the residents are gone. But in England, for example, where guns are almost entirely banned, criminals think nothing of breaking into occupied homes and confronting their residents. The carry prohibition eliminates this concern for criminals and provides a safe "work environment" for them when perpetrating violent crimes in a public setting.

Are law enforcement officers the only people who have enough training to use firearms for self-defense?

No. Instances in which private citizens make matters worse by attempting to defend themselves with guns are rare. Studying National Crime Victimization Surveys, criminologist Gary Kleck found that people who use firearms for protection are less likely to be injured in an attempted robbery or assault than people who attempt to defend themselves by other means, or who do not resist at all.

Law enforcement officers have additional training because they are expected to do things that a private citizen is not. The citizen's goal is to *survive* a life threatening encounter and seek safety. Law enforcement must pursue, apprehend and control suspects, and deliberately inject themselves into potentially dangerous situations in which they cannot quickly distinguish between criminals and other people.

Are firearms more likely to be used against their owners?

No. Criminologist Gary Kleck reports that, at most, 1% of defensive gun uses result in the offender acquiring the gun from the defender, including instances in which criminals steal guns from residences.

Is the PPA a woman's issue?

Yes. Approximately 20% of license holders in the 40 Right to Carry states are women. Women are most likely to be attacked by men, who, by and large, have the advantage of size and strength. Having a firearm shifts the advantage in the woman's favor.

Should we teach our children that conflict should never be resolved through weapons and violence?"

We should teach our children when the use of force is appropriate. To take the position that force should never be used against an attack is to take the position that the police should not use force against criminals, and that America should not have a military for its protection, a notion with which most Americans would strongly disagree. Also, PPA proponents do not believe that a woman stopping a sexual predator from completing his attack is a form of "conflict resolution." It is the exercise of the right to self-defense.

Is self-defense a natural right?

It is hard to imagine anything more natural than defending yourself from harm. This is illustrated by the fact that self-defense does not require conscious thought—all animals have a fight or flight instinct. Further, the laws and common laws of all states, and the constitutions of 44 states, recognize the right to use armed force in self-defense.

Why has the Wisconsin Chiefs of Police Association (WCPA) opposed the PPA in the past?

Chiefs of Police are experts in dealing with criminals, not law-abiding citizens. As the experience of the other 48 states indicates, they should not fear the law-abiding citizens who obtain licenses because they are an exceptionally trustworthy segment of the population. WCPA has not named a single law enforcement organization clamoring to repeal its state's carry license law. After the experience of the 48 states, it is difficult not to compare these officials to flat-earthers clinging to their misguided beliefs in the age of satellites and routine space travel.

Do rank-and-file law enforcement officers support the Right to Carry?

Polling of rank-and-file law enforcement officers has indicated overwhelming support for "shall issue" license legislation. Because of the nature of their job, most police officers recognize that, despite their best efforts, they cannot be everywhere all of the time to protect everyone. They understand that the potential victim is often the first line of defense against a violent criminal. The Milwaukee Police Association, Law Enforcement Alliance of America and Wisconsin's Fraternal Order of Police have all supported the PPA in the past. Most rank-and-file law enforcement officers in Wisconsin appreciate the fact that they will retire one day and want to ensure that they continue to have the ability to carry a concealed firearm to protect themselves and their loved ones from violent attack. The PPA provides them with this ability.

How have law enforcement professionals responded to similar legislation in other states?

Many have supported those proposals, and some that have opposed the legislation withdrew their opposition after the legislation was adopted and the carry license system turned out to be successful. Glen White, the President of the Dallas Police Association is an example of a converted opponent. He opposed Texas' "shall issue" legislation in 1993 and 1995, claiming that law enforcement officers would be put in jeopardy. Since the enactment of the law in 1996, he has stated, "All the horror stories I thought would come to pass didn't happen... No boogiemán. I think it's worked out well, and that says good things about the citizens who have licenses (240,000 at the time). I'm a convert."

How will law enforcement officers know who is armed when they confront a citizen?

Some PPA opponents in the law enforcement community have contended that the passage of the PPA will change the relationship between law enforcement and the citizens. If these law enforcement officials would take the time to speak with their counterparts in the 48 states that allow concealed carry, they would learn that this is not true. Other opponents have contended that law enforcement will have to assume that every citizen they come into contact with is armed. This statement has been echoed by a number of law enforcement officials in the past. This is concerning because every police recruit should already be *trained* to make this assumption. Not assuming this leads to complacency and danger. As everyone knows (or should know), criminals are already illegally carrying firearms. Law enforcement must assume the worst so that they are prepared to react properly if threatened by an armed criminal.

Should law enforcement agencies have unrestricted access to the list of licensees?

No. Such access could be dangerously abused. During debate over the PPA previously, one police chief said that he would instruct his officers to approach all license holders with guns drawn. Another suggested that the list should be available so the police would know whom to interview as potential suspects in the area around a shooting. The experience in the other states would actually indicate that such a list would be a way to *exclude* people from suspicion since licensees are exceptionally law-abiding. While most law enforcement officers and leaders are trustworthy, these examples are frightening.

How many states allow license holders to carry in establishments that serve alcohol?

There are 42 states that allow concealed firearms to be carried in these establishments. As is evidenced by the fact that no state has attempted to repeal this provision of law, there have been no problems. The PPA is more restrictive than the laws in many states because it prohibits alcohol consumption by licensees while carrying on the premises. These places are not immune from violence and citizens should be able to protect themselves. A statutory prohibition violates the private property rights of establishment owners who should be able to decide for themselves as to whether law-abiding citizens carry; criminals already do. Finally, it is better for licensees to keep possession of their firearms so that they are not stolen from vehicles while unattended in parking lots.

Why should Wisconsin enact a “shall issue” law instead of a “may issue” law?

Under a “shall issue” law, the legislature establishes uniform, statewide standards for who may obtain a license to carry a firearm. Under a “may issue” law, issuing authorities are allowed to arbitrarily deny licenses to citizens who are eligible for the licenses under the law. Such a system is prone to abuse and discrimination, as demonstrated by the fact that such abuses are the norm in eight of the ten states that have “may issue” systems. In those eight states, license applicants are discriminated against based on their race, socio-economic status, political affiliations or lack thereof.

PPA opponents claim that a “may issue” system limits licenses to those who *need* them. In reality, they are incapable of determining who needs to be able to defend himself or herself. Obviously, most of the 14,000 annual violent crime victims in Wisconsin did not know that they “needed” a means of self-defense prior to being attacked.

Has the Wisconsin Supreme Court suggested to the Legislature that it pass the PPA?

Yes. In *State v. Hamdan*, the Court suggested that the Legislature implement a license system allowing citizens to carry concealed firearms for self-defense. It made this suggestion because of the current conflict between the statutory prohibition of the concealed carry of firearms and the provision in the State Constitution specifying an individual right to bear arms for personal defense and security. The Court is concerned that this conflict may require that every case involving the carry of firearms outside of the home be considered on a case-by-case basis by the courts in order to assess the interest of the state versus the self-defense interests of the citizen as protected by the State Constitution.

In light of the systemic abuses associated with a “may issue” system, why did the Wisconsin Supreme Court suggest the implementation of a system that allows for the issuance of licenses to those citizens who demonstrate a “need?”

It must be remembered that the Supreme Court is charged with determining whether laws are constitutional and legal. It is not intended to be a political body that determines the value of one public policy over another. The Court was only interested in having the Legislature put an end to the ambiguous nature of the current statute prohibiting the carrying of firearms. It can be assumed that the Court was unaware of the dramatic differences between a “may issue” and “shall issue” license system.

Do “permissive” concealed firearms laws lead to more gun deaths, as PPA opponents claim?

No. As the number of “shall issue” states has risen to an all-time high, the nation’s murder rate has fallen to a *45-year low*. Carry licenses are irrelevant to the most common type of firearm-related death, suicide. If the opponents’ claims were remotely accurate, one would assume the murder rate would be at an all-time high, not a 45-year low.

Why have suicide prevention advocates opposed the PPA?

The answer is unknown. Carry licenses are irrelevant to suicides because they are required only to carry a handgun away from home. A person who commits suicide at home does not need a carry license to possess a gun legally, and the legality of the gun's possession would not be relevant to a person intent on killing himself. Also, firearm availability has no effect on suicide rates. At most, lack of a firearm merely inclines the person who commits suicide to do so by other readily available means. Suicide rates are higher in Japan and other countries that severely restrict firearms ownership than in the United States. The most common method in many of these countries is carbon monoxide poisoning by vehicle exhaust.

Do carry license laws lead to an increase in firearm accidents?

No. As the number of carry license holders has risen to an *all-time high*, the number of firearm accident deaths has fallen to an *all-time low* according to the Centers for Disease Control (CDC). Holstered handguns are unlikely to be involved in an accident. Most firearm accidents occur when a person attempts to service a gun improperly.

What about the right of PPA opponents to "feel safe?"

This is a common and unfortunate refrain from PPA opponents. Unlike the right to bear arms for self-defense in the Wisconsin State Constitution, there is no explicit right to "feel safe." The concept of personal safety is extremely subjective -- one person's idea of feeling safe may be a self-defense firearm being available while another's may include never leaving the security of home. If the PPA is passed, citizens will have the right to *make* themselves safe, as is explicitly referenced in the State Constitution.

How does the \$65 (includes \$13 background check fee) maximum allowable license fee proposed in the PPA compare with the fees charged by other "shall issue" states?

This fee would be roughly in the middle of the pack, among carry license states. Fees range from as little as \$25 in North Dakota to \$140 in Texas. Based upon the experience of other states over many years, the proposed fee would be sufficient to cover the cost of administering the license system.

Is it right for the state to deny citizens the means of self-defense when it knowingly releases violent criminals from prisons on a daily basis?

No, this is a wrong and dangerous practice. Of course, the American system of justice includes the release of prisoners back into the general community after their sentence is served. However, the process includes releasing convicted murders, sexual offenders, and robbers, knowing that a significant number will re-offend. It is unconscionable that a state would deny its law-abiding citizens the means to defend themselves against these released offenders when outside of their homes, where most violent crime is committed.

Why does the PPA provide for the recognition of licenses issued by some other states?

The right to self-defense is not limited to within a person's state of residence. Most "shall issue" states recognize licenses issued by other states. Ten states, like with driver licenses, allow for "full recognition" of all other states' carry licenses. These states have not experienced any problems caused by out-of-state licensees. The fact that license holders from other states possess a *valid* license shows that they have been responsible and trustworthy in their home state. Nothing suggests that the licensee's law-abiding conduct will change upon entering Wisconsin.

What are the license revocation rates of all of the states that report such data?

License revocation rates are the best available measure of the conduct of licensees. However, it should be noted that the majority of revocations are for technical violations and offenses unrelated to a concealed firearm (i.e. DUI). The information is taken from the agency responsible for reporting in each state.

Arizona: 162,695 licenses, 1095 (0.7%) revoked for *any* reason (5/2011)
Florida: 1,439,446 issued, 166 (0.01%) revoked for firearms-related offense (9/87-11/08)
Indiana: 300,000 licenses, 744 (0.2%) revoked for *any* reason (2007)
Michigan: 155,000 licenses, 163 (0.1%) revoked for *any* reason (2007)
Missouri: 50,507 licenses, 96 (0.2%) revoked for *any* reason (2008)
Montana: 17,974 licenses, 20 (0.1%) revoked for *any* reason (2008)
North Carolina: 246,243 licenses, 789 (0.3%) revoked for *any* reason (12/95-12/08)
Ohio: 73,530 licenses, 148 (0.2%) revoked or *any* reason (4/04-8/06)
Pennsylvania: 668,372 licenses, 2,318 (0.3%) revoked for *any* reason (2007)
Tennessee: 102,879 issued, 108 (0.1%) revoked for *any* reason (2010)
Texas: 258,162 licenses, 140 (0.05%) revoked for any criminal offense (2006)
Utah: 134,398 licenses, 12 (0.01%) revoked for any violent crime (2008)

How many citizens have become violent crime victims since the PPA was first rejected in 2002?

According to the FBI, there have been 125,000 violent crime victims in Wisconsin since the Senate democrat leaders closed session two days early to deny a full and fair vote on the floor. The bill had previously passed the Assembly with nearly a two-thirds majority and Governor McCallum was likely to sign it. This number is greater than that of the entire population of Green Bay. These are good people who were denied the ability to defend themselves from murder, rape, robbery and aggravated assault. It is time that violent criminals think twice before attacking their next intended victim in the Badger State.

How will we determine whether license holders have been law-abiding?

The PPA provides for an annual report that will specify the number of licenses issued, denied, suspended and revoked and the specific reasons for the denial, suspension or revocation.

In states where the list is not kept confidential, irresponsible newspapers have published the names of all license holders in the state. Of course, this defeats one of the primary benefits of the *concealed* firearms law -- not allowing criminals to know who is and is not armed. The newspapers conveniently provided stalkers with information regarding the license status of their victims. Burglars were provided with a list of gun owners so they could burgle valuable firearms while the license holders were away from home. An open list is a terrible policy. This is why 25 "shall issue" states guard the confidentiality of license holder information.

Shouldn't people be able to determine if a neighbor or co-worker has a concealed weapons license?

No. As discussed above, an open system is prone to abuse. Also, it will discourage many citizens from obtaining licenses because of the potential for negative consequences in social and professional realms. For example, schoolteachers and nurses may be harassed by co-workers or employers. If people are not able to determine whether neighbors and co-workers *own* firearms, why should they be able to determine whether they have a concealed carry license? This is clearly a matter of personal privacy.

What about gun control activist groups' lists of license holders who have committed crimes?

When you remove from their lists the various incidents in which the person who was arrested was not convicted, or the crime in question did not involve a gun, or did not involve a gun that the license allowed to be carried (i.e. rifle), or did not take place in circumstances in which a license was required to possess the gun, or was committed by a former license holder, and things of that sort, the anti-gun groups' lists shrivel from short to exceptionally short. If the lists had any value, it would be to underscore that license holders are statistically far more law-abiding than the rest of the public. One must remember that there are nearly seven million active license holders in the country and there have been tens of millions through the years.

Why are parking lots treated differently with regard to prohibitions in the PPA?

Parking lot prohibitions disarm law-abiding licensees from the time they leave home until the time they return because they cannot legally store their firearms in their vehicles while at work or conducting other business. In particular, prohibitions leave employees defenseless virtually all day because most errands are conducted to and from work during the workweek. The PPA balances the rights of property owners to keep licensees from carrying firearms on their property with the property rights of vehicle owners.

Should training be mandated in order to obtain a license?

No. Training mandates discriminate against those who most need to obtain a license for personal protection – lower income minorities who live in high crime areas – and provide no evident benefit with regard to licensee conduct as measured by license revocation rates. The NRA is the world's largest firearms safety and proficiency training organization but it trusts citizens to assume this responsibility on their own. The fact that NRA's trust is well placed is proven through the experience associated with millions of citizens who have obtained concealed carry licenses in the **nine "shall issue" states with no mandatory training component** and millions of others in 20 additional states who are able to carry firearms in public, concealed or openly, without a permit being required. None of these 29 states is experiencing problems. Open carry is currently legal in Wisconsin and no training is required. No apparent problems have been reported. While there is no evidence of any benefit associated with a mandate, the costs are real and unacceptable. Many of those who most need protection will not get it due to cost and lack of available venue in their immediate area.

Should government buildings be able to prohibit firearms carry in the same manner as private property owners?

No. In order to deny citizens the right to self-defense, public building managers should be required to perform electronic weapons screening at all entrances and store the firearm for licensees while they are in the facility. Unlike private property owners, government officials are compelled to honor constitutional rights. No government official can be serious about claiming a "weapons free" environment unless screening is performed. There are reasons why the federal government doesn't rely on the "honor system" at airports when enforcing the prohibition on weapons and explosives. Licensees should expect a reasonable degree of certainty that they will not face armed criminals inside these government properties and screening is the only means of accomplishing this.

Claims of unfunded mandates by local officials ignore the fact that they first must make the *decision* to ban law-abiding citizens from carrying before costs are incurred. Unlike the ability to choose to patronize businesses that allow licensees to carry firearms, citizens are often *required* to conduct business in certain government buildings (obtain licenses and property documents, pay fees and taxes etc.). Storage should be required to allow licensees to defend themselves to and from their vehicles and to prevent theft of firearms from unattended vehicles.

Why should an "opt-in" provision for carry on private property be rejected?

This refers to the claim from PPA opponents that private property owners should have to affirmatively post their properties in order to allow licensees to carry handguns on their property. There is a single purpose associated with such a provision -- to discourage carry in public to the maximum extent. There is no similar provision anywhere in state statute and there is certainly no reason to specifically target constitutionally protected items, such as firearms. A provision like this should be soundly rejected by anyone claiming to support the PPA. None of the other 48 states has such a provision.