



The Wisconsin Gun Owner

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Mission

To restore and defend the right to keep and bear arms through on-target strategy, and to hold accountable all those who surrender that right through compromise.



"...all firearm transfers would have to be reported and all guns registered into a centralized database without establishing who has access to the database..."

— AB643, Introduced in the Wisconsin legislature. See story page 4

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Gunderson Still Pushing Brady Check Expansion Bill

SB 44 passed the State Senate. Will Rep. Gunderson make Sarah Brady's dream come true by passing it in the Wisconsin Assembly?

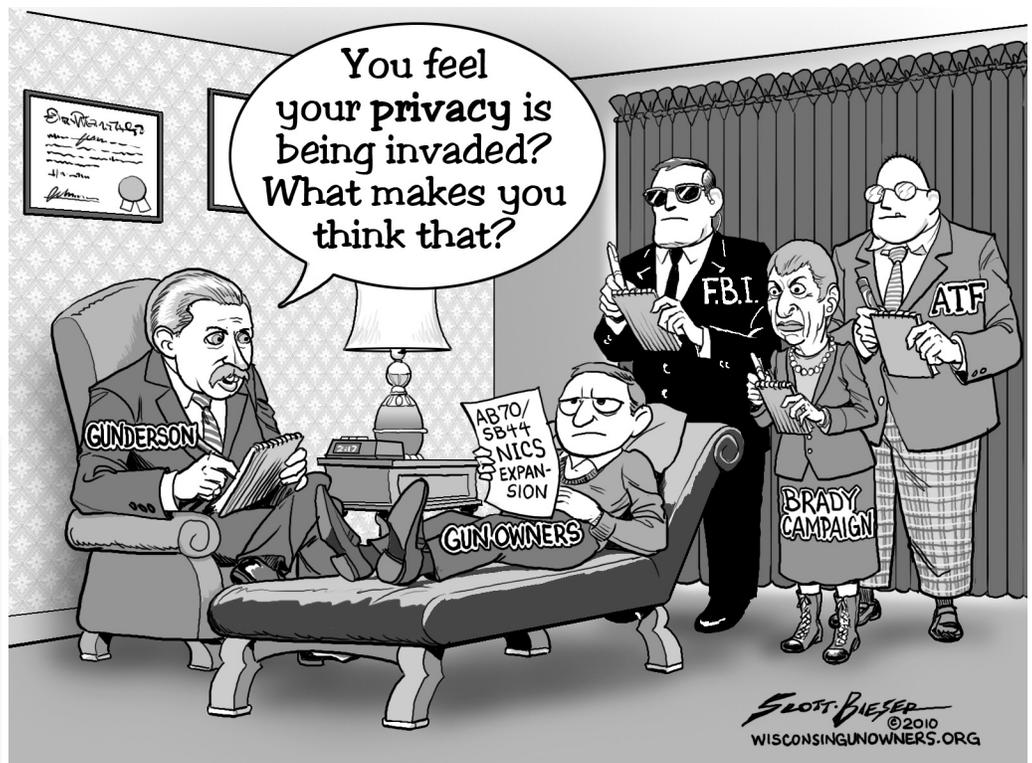
Madison, Wis. — The State Senate has passed Senate Bill 44, which would expand the state-run background checks conducted on gun buyers from the State Department of Justice to the federal National Instant Check System (NICS).

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Private Handgun Sales Ban Introduced p.4



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WI NICS Expansion

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Championing this massive expansion of gun control in Wisconsin are State Senator Alberta Darling and State Representative Scott Gunderson — both republicans.

“The Senate unanimously passed a bill Tuesday mandating mental health information be included in background checks for firearm purchases in Wisconsin,” a report in the Badger Herald said. “The bill would bring Wisconsin into compliance with current federal law concerning handgun sales, as well as put Wisconsin in the company of many other states that have worked to monitor mental health histories and gun purchases in the wake of the Virginia Tech massacre in 2007.”

Buster Bachhuber, spokesperson for the Wisconsin chapter of the National Rifle Association, hit the nail on the head when he noted that, “There are a lot of things that could be done to make campuses safer, to keep dangerous people from running around with guns, but this was done more out of fear than out of any sound public policy basis,” according to the Herald story.

How About Campus Concealed Carry?

Gun owners should wonder why Gunderson and Darling are reacting to mass public shootings with legislation designed to strap lawful gun owners with more restrictions, WGO asked. “These are just more excuses for bureaucrats to deny gun owners the right to buy guns without government permission slips.”

Gun owners surveyed consistently want a clean concealed carry bill introduced, not more restrictions and centralization of power (which will only be ignored by criminals).

“Whose side is Gunderson on?” asked Corey Graff, executive director of Wisconsin Gun Owners, Inc. (WGO). “When we survey gun owners across Wisconsin, their reaction to the Gunderson-Darling gun control bill is contempt and outrage. They are righteously indignant. Republicans should not be groveling at the feet of Washington DC gun control groups. They should be repealing this federal database, not expanding it.”

With President Obama’s recently-passed health care “reform” bill turning America officially into a socialist state, it remains to be seen

how SB 44 and AB 70 — if passed by the state assembly and signed by Wisconsin Governor Jim Doyle — will become the perfect storm against gun ownership in the Badger State.

What’s So Dangerous About Expanding NICS?

As pointed out in previous alerts, Assembly Bill 70 and Senate Bill 44 would dangerously expand state-level back ground checks to include far-reaching medical data.

The federal version of this gun control scheme, HR2640, was passed into law by what most gun owners considered a betrayal of trust by congressional republicans and the NRA.

Gun Owners of America (GOA), the National Association for Gun Rights (NAGR) and Wisconsin Gun Owners, Inc. (WGO) (along with an army of rock-solid state-level gun rights organizations from across the country) steadfastly opposed the mental health bills on the basis that they would subject gun owners and their rights to arbitrary “diagnosis” by psychiatrists.

Continued Page 3

Yes! You CAN Get a Permit to Carry!

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A Note from Paul Horvick, Concealed Carry Instructor

The two most-often honored non-resident concealed carry permits are from Florida and Utah. And once you complete my 4-hour class, you can apply for a permit to carry a concealed handgun that is valid in 30 States.

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WI NICS Expansion

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The analysis by the Legislative Reference Bureau provides these chilling insights into AB70: “This substitute amendment requires DOJ, when conducting a background check on a prospective handgun purchaser, to check whether a court has ordered the person not to possess a firearm due to a determination that the person’s mental health would render the person ineligible under federal law to possess a firearm.”

Mental Health Definitions: A Moving Target

Since 1952, the American Psychiatry Association (APA) has utilized the Diagnostic and Statistical Manual of Mental Disorders (DSM) as its standard for defining, diagnosing and treating mental health disorders. Since its first printing, the manual has undergone five revisions, the most recent being the DSM-IV, which was finalized in 1994. Currently a fifth version is being prepared and is due out by 2012.

Each new version contradicts the previous version; new authors with new perspectives and agendas write each new release. The standard keeps changing, shifting, sometimes radically — the result is that mental illness is never clearly or objectively defined. It is a moving target shaped by political and social pressures.

“Following controversy and protests from gay activists at APA annual conferences from 1970 to 1973, the seventh printing of the DSM-II, in 1974, no longer listed homosexuality as a category of disorder. After talks led by the psychiatrist Robert Spitzer, who had been involved in the DSM-II



Sarah Brady and State Rep. Scott Gunderson (R-Waterford) both seem to be working toward the same goal: to expand Brady background check gun control.

development committee, a vote by the APA trustees in 1973, confirmed by the wider APA membership in 1974, replaced the diagnosis with a milder category of “sexual orientation disturbance,” one report said.

In today’s politically correct climate, the most recent version of the DSM-IV contains “no reference to homosexuality.”

Which DSM was correct or were both wrong? One can easily see the danger this contradiction raises if these diagnoses were synced up with a gun owner database that acts as an automated judge, jury and executioner for the gun buyer. Such variance also calls into question the credibility of those who define mental illness. Psychiatrists can’t even agree amongst themselves over a relatively short period of time on how to precisely define mental illness on any given issue. Thirty years ago no one heard the term “attention deficit disorder” or “post-traumatic stress disorder” — today diagnoses for these new mental

illnesses are commonplace.

If NICS is expanded, expect entire groups of Wisconsinites to be denied their right to purchase a firearm. Legislation like this paints with a broad brush and will disarm many good people who should be able to buy handguns. One such group is veterans.

On one side of the spectrum: someone could be diagnosed today as “mentally defective” who would later be undiagnosed tomorrow based on which way the political or societal winds blow. In terms of the psychiatric standards themselves, which DSM was right? Before the politically correct movement gained steamed or after — and which DSM will the NICS system rely upon — the one that may disarm you, or the other that may not? 

Contact State Rep. Scott Gunderson at 608-266-3363 or by e-mail at Rep.Gunderson@legis.wisconsin.gov. Tell Gunderson to repeal NICS, not expand it.

Late Bill Would Ban Most Private Gun Sales in Wisconsin

Certain misdemeanor convictions could bar gun ownership under AB643 By Richard Moore



Richard Moore

A fast-tracked bill introduced in the state Legislature at the end of March would ban the private sale of most firearms in Wisconsin and would for the first time extend a prohibition on the possession of firearms to those convicted of certain misdemeanors.

State Sen. Spencer Coggs (D-Milwaukee) and Rep. Tony Staskunas (D-West Allis) are the principal authors of the legislation, which received public hearings in both the Senate and Assembly this past week.

The bill would essentially require all firearm transfers to be conducted through a federally licensed firearms dealer, except transfers to family members, law enforcement and military agencies.

Specifically, according to an analysis by the Legislative Reference Bureau, the legislation prohibits the sale or transfer of any firearm unless one of five conditions applies. That is, the sale or transfer must be by a federally licensed firearms dealer or the sale or transfer is to or through a firearms dealer, or the transfer is by gift, bequest,

or inheritance to a family member, or is intended to be temporary and the purpose of the transfer is not illegal.

Finally, a sale or transfer may be made if a waiting period does not apply, such as for the transfer of firearms classified as antiques, or transfers between firearms dealers or between wholesalers and dealers, or transfers of any firearm to law enforcement or armed services agencies.

Under the proposed statute, family member means a spouse, parent, grandparent, sibling, child, or grandchild. The relationship may be by blood, marriage, or adoption.

In addition, while current law prohibits a person from possessing a firearm if he or she has been convicted of a felony, this bill would prohibit a person from possessing a firearm if he or she has been convicted of a "violent nonfelony offense" unless five years have passed since the conviction.

Such offenses include misdemeanor battery, misdemeanor harassment, misdemeanor endangering safety by use of a dangerous weapon, exposing genitals to a child, violations of a domestic abuse, child abuse, or harassment temporary restraining order or injunction, and misdemeanors for which the maximum term of imprisonment has been increased for use of a dangerous weapon when committing the misdemeanor.

Way Out There

The National Rifle Association says the proposed legislation is an infringement of the Second Amendment rights of Wisconsin citizens.

"These proposals contain outrageously hostile language which would put unconstitutional restrictions on firearm transactions and transfers at gun shows," the NRA stated on its website. "Gun control advocates refer to this

legislation as a fix for the 'gun show loophole,' the scare tactic created by New York Mayor Michael Bloomberg to push his anti-gun agenda. (As) in most cases with state legislation and Bloomberg's federal legislation regarding closing this 'loophole,' the bill goes way beyond that and provides many unconstitutional restrictions on law abiding citizens."

"Including information to identify all firearms, and not just handguns, would create a registration database similar to Canada's long gun registry..."

The problem for Wisconsin is that Bloomberg has found a sympathetic ear with Milwaukee's mayor and some Milwaukee legislators who have been misled by his false statements and rhetoric, the NRA stated.

The NRA said the proposals do more than close a gun-show loophole.

"These proposals go way beyond gun shows though, and frankly attack many personal freedoms," the NRA stated. "These proposals would require that all firearm transfers be conducted through a federally licensed dealer, except to family members. That means if you wanted to sell your firearm to a friend, you would have to find a federally licensed dealer and pay whatever transfer fees they felt appropriate."

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AB643, Private Sales Ban

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The organization also points out that all firearms transfers would have to be reported and all guns registered into a centralized database without establishing who has access to the database.

According to the legislation, before any firearm is transferred, the person receiving the firearm must provide identification to the firearms dealer and the firearms dealer must complete a notification form listing his or her name, his or her contact information, and information to identify the firearm and convey the information on the form to the Department of Justice.

Including information to identify all firearms, and not just handguns, would create a registration database similar to Canada's long gun registry, which that country is on the verge of dismantling. The difference would be that only guns involved in sales or transfers after the effective date of the law would be included.

Finally, the NRA took issue with the constitutionality of applying possession restrictions to those convicted of misdemeanors.

"This provision is a blatant constitutional violation," the NRA stated. "In *Heller v. D.C.*, the ruling states that only felony convictions are justified in restricting this constitutionally guaranteed right."

For his part, state Sen. Glenn Grothman (R-West Bend) has criticized the process by which the bill's supporters are moving it along. Grothman has called the effort "a rush to the finish line" to pass bills targeting Second Amendment rights.

Closing the "Loophole"

The bill's authors and its supporters say criminal background checks are needed for all sales or transfers of firearms; the bill would accomplish that by outlawing most private sales, and extending the

current required background check for handgun purchases to all firearms.

Under current law, a criminal background check must be conducted on the prospective purchaser when a handgun is purchased from a federally



WGO Staff Photo

Jeri Bonavia, executive director of the Wisconsin Anti-Violence Effort (WAVE), testifies at a legislative hearing in Madison. If Bonavia gets her way, it could be a crime to sell your private property to a friend or neighbor.

licensed gun dealer, says Jeri Bonavia, the executive director of the Wisconsin Anti-Violence Effort (WAVE), while no such background check is performed when guns are sold by unlicensed gun sellers or private individuals.

"It's as though we are saying to the bad guys, 'Do you want to go through security screening or not? It's your choice,'" Bonavia said. "What if we used this kind of optional system at an airport and let passengers decide whether or not they wanted to go through security? I don't think anyone would believe for a second that it could work. Not surprisingly,

optional security doesn't work for gun purchasing either."

Bonavia said approximately 30,000 U.S. citizens, including 450 Wisconsin residents, are killed by gunfire every year.

The bill's authors say the legislation has broad public support, even among members of the NRA, and would put a stop to the private "straw" sale of guns at gun shows and garage sales.

"Gun violence is arguably the most significant threat to the safety of urban residents in the United States of America," Coggs and Staskunas wrote in a March 15 memo to fellow lawmakers. "According to a nationwide poll conducted by conservative political consultant and Fox News commentator Frank Luntz, 69 percent of National Rifle Association members and 85 percent of non-NRA gun-owners support 'requiring all gun sellers at gun shows to conduct criminal background checks of the people buying guns.'"

They also cited a survey by WAVE claiming that 84 percent of likely voters in Wisconsin agreed with the statement that "anyone who buys a gun should be required to have a background check done by a licensed gun dealer to make sure they have no criminal record."

The national survey they cited was performed on behalf of Mayors Against Illegal Guns by Luntz's polling firm, the Word Doctors, Nov. 25 to Dec. 2, 2009, and, according to the mayors' group, surveyed 401 NRA gun owners and 431 non-NRA gun owners. 

Source: LakelandTimes.com

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Hold the Fort — Don't Surrender So Quickly

By Gary Marbut

Why the Firearm Freedom Act is a Fight Worth Fighting



New Hampshire attorney E.F. Nappen writes that the Firearms Freedom Acts being introduced and enacted in various states are subject to “The Achilles Heels of the Firearms Freedom Act.” He argues that the inclusion of NFA (National Firearms Act) items (e.g., suppressors or short-barreled rifles) in the asserted exemption from federal authority will cause the Acts to fail in court because the NFA regulates under federal tax power, not federal commerce clause power.

Of course Nappen is correct to assert that getting the permission of federal judges in approval of the Acts will be a difficult exercise. The federal government (including its judicial branch) doesn't surrender power readily.

As the author of the original Montana Firearms Freedom Act (MFFA) that is being cloned around the nation, I've long known that litigating the MFFA would be a chancy proposition. But, I believe, there is more to hope for than

Nappen credits.

Addressing Nappen's concern about NFA items, it is true that the NFA purports to be founded in the power given to Congress in the Constitution to tax. However, there are two sorts of taxes: 1) Those enacted and implemented primarily to raise revenue, and 2) those enacted and implemented to affect commerce. The federal excise tax on firearms and ammunition is clearly the former sort, since it raises millions of dollars the feds dole out to the states for wildlife management. The various Firearms Freedom Acts do not challenge or affect this genuine revenue raising. It is expected that if litigation under the MFFA is successful, it will still leave the excise tax on state-made and state-retained firearms and ammunition in place, and makers will likely remain liable for this tax.

The taxes levied under the NFA, however, are of the second sort, intended primarily to affect (restrict) commerce in these items. The NFA probably brings in less revenue than the cost of enforcement, so it's probably a net loss to the federal government. Therefore, although it may claim to be done under Congress's tax power, that claim will fail and the fall-back position of the federal government will be Congress's authority to regulate commerce “among the states.” Thus, NFA-asserted tax power would actually fall exactly under the commerce clause power challenge that is the core of the MFFA and its clones around the U.S.

Also, it's helpful to keep in mind that the MFFA and its clones are really

a states' rights exercise, a challenge to federal commerce clause power on Tenth Amendment and other grounds. It is more about federal power than firearms. States' rights are the subject; firearms are the object.

The Montana Shooting Sports Association has filed its promised legal challenge over the MFFA in federal court. The most powerful card we have to play is “emerging consensus,” judicial jargon for “There are mobs of peasants at the palace gates bearing pitchforks and torches and we'd better pay attention to what they want.” That two states have enacted Firearms Freedom Acts, eight states have introduced them, and 20 other states are poised to introduce their own is an “emerging consensus” that the federal judiciary probably won't actively acknowledge, but that those in the black robes will be aware of and pay attention to.

Does this mean that litigating the MFFA will be a slam-dunk? Absolutely not! Nappen is correct that the barriers are high and well-established. Still, it's high time for this challenge to be mounted. Nappen would serve us all better by charging with his legal musket than by being so ready to concede the field to the other side.

From Nappen's Website: “Aggressive fighting for the right is the noblest sport the world affords.” — Theodore Roosevelt

Gary Marbut is president of the Montana Shooting Sports Association (www.mtssa.org) and author of *Gun Laws of Montana* (www.mtpublish.com.) Reprinted with permission.

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Department of Redundancy Department

By Larry Pratt

Larry Pratt explains why Wisconsin's background check should be repealed, not expanded



Apart from all the problems with the Instant Background Check, aka National Criminal Information System (NICS), having a separate batch of bureaucrats doing the same thing really invites derision. Government deservedly has a bad reputation. One has to wonder why Wisconsin legislators are seriously advocating duplicating the inefficiencies and problems already afflicting NICS.

The fatal fallacy of duplicating NICS at the state level is that doing so locks the state into prohibiting people from keeping and bearing arms who should not be barred. Some of the problems are relatively petty, yet reveal how eager the trolls in the state bureaucracy are to disarm their fellow Americans. For instance, NICS on its startup had traffic offenses put in the system — completely over the top and illegal. Of course, bureaucrats don't suffer any repercussions for doing things like this.

Worse, is that states deciding to duplicate the federal NICS will be putting categories of people in the system by state law. They will be

stuck if the feds peel back some of these unconstitutional lists of people. A significant possibility of rollback would be to remove the listing of people with certain medical diagnoses.

The Congress came close to overturning the law creating Second Amendment disabilities for people who are diagnosed so that they might be a danger to self or others. This would be an appropriate procedure if due process had been followed and a true court proceeding with all the procedural protections available there were followed. A court trial also clearly puts the burden of proof on the government — exactly the opposite of current federal law.

Some 150,000 veterans have already been disqualified under this federal law, even though there is no evidence whatsoever that people with such diagnoses as Post Traumatic Stress Disorder represent a threat to self or others. Veterans have had careers and families for decades while dealing with PTSD. Many of these have even had concealed carry permits in states where that freedom prevails. Yet, with no due process those who have risked their lives for our country have lost their Second Amendment freedoms.

It is quite possible that this unjust law will be put out of its misery in 2011.

What a sad development if the US Congress brings justice back to our veterans, and others, but Wisconsin ploughs ahead and enacts a statute that is so manifestly unjust.

Proponents of this legislation should explain what they are doing to the victims of such legislation — why it was a good idea to leave people defenseless who have committed no crime.

The best destination for AB70, the current effort to duplicate NICS, would be the wastebasket. Wisconsin does not need to establish another Department of Redundancy Department. Rather than expanding the Wisconsin little brother of NICS, what is already on the books should be taken off the books. 

Larry Pratt is the executive director of Gun Owners of America (GOA) and the author of Armed People Victorious and Safeguarding Liberty. His latest book is On the Firing Line: Essays in the Defense of Liberty. To join or learn more about GOA visit gunowners.org.



Larry Pratt speaks at a Michigan Tea Party. To watch this online video, visit wisconsin-gunowners.org.



It's Time for the Wisconsin Firearm Freedom Act

By Corey Graff, Executive Director

Bullet Points

Some states are re-asserting their rights. Now it's our turn.

Introduced in nineteen states and passed in seven as of this writing, state-level Firearms Freedom Acts (FFAs) are pulling the rug out from underneath federal gun control as we speak. Wisconsin isn't on that list — at least not yet.

What are the FFAs and why should you care? Why should Wisconsin consider similar legislation? This might surprise you, but the gradual surrender of states' rights by our state politicians to the federal government has left us less free with respect to our firearms — 20,000+ and growing federal gun control laws less free, to be exact.

The Firearms Freedom Act was first passed in Montana thanks to Gary Marbut and the Montana Shooting Sports Association (see Gary's column page 6). The FFA is a Tenth Amendment challenge to the federal commerce clause so often used by the feds to claim the right of control over firearms. It codifies into state law what shouldn't need to be said: that the federal government has no authority to regulate firearms within the state in which they were manufactured (actually they have no rightful authority to regulate any

private property, but that's another column).

The feds — with their attack dogs the BATFE — have been bullying the states for a good long time. The FFA is like a new kid on the block who is suddenly and courageously pushing back. Pushing back in a credible way, via the legislative process, that is.

As Marbut points out, there is a long, hard road ahead, with many legal challenges by the feds. Passing these bills is only the first salvo. But it's about time the states started to act as they were originally conceived and founded — as independent sovereigns in voluntary union with the federal government, rather than groveling slaves.

In addition to the obvious political upside to this legislative battle, I can think of several firearm manufacturers in Wisconsin who could instantly begin to churn out fed-free guns for our own use. Might that open up a market and create some jobs? Ideally, we could buy these firearms without any background check. Heck, it'd be kind of like the good 'ol days. You know, back when we were free.

Naturally, the federal government is seeing red over all this. Any student of the War Between the States knows how they react to state sovereignty — they steamroll it with an act of unconstitutional aggression and military occupation if necessary.

I've read BATFE's letter to state FFLs following passage of the Montana Firearms Freedom Act. Let's just say the F-Troop doesn't

like the Freedom part in FFA, and that is putting it mildly.

BATFE's message: Any firearm transaction not going through an FFL will be prosecuted. To hell with state law.

Get the message? They didn't like states' rights in 1860 and they don't like them now. An objective observer might conclude their posture to be arrogant and lawless.

Not surprisingly, the NRA won't touch this issue. "The nation's most influential gun-rights group is conspicuously absent — and nearly silent — in a growing battle between states and the federal government over gun control," read a recent story (*The NRA sits on sidelines of gun fight with feds — Charleston Daily Mail, April 18, 2010.*)

NRA leadership has chosen to sit out the most significant gun rights battle arguably of the past century. That means it's up to you and me.

This underscores the importance of your support of Wisconsin Gun Owners (WGO.) We're fiercely dedicated to getting a Wisconsin Firearms Freedom Act passed. It's a legislative fight we intend to win — a fight worth fighting. 

For more information, visit <http://firearmsfreedomact.com/>

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