

OpenCarry.org

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OpenCarry.org calls on greater Milwaukee, WI prosecutors and police chiefs to end their official oppression policy of harassing, falsely arresting, and confiscating guns from open carriers

Back in 2006, in response to a question on concealed carry legislation, Governor Doyle said such laws don't make sense. 'If you want to wear a gun, wear it on your hip,' Doyle said, patting his hip." [1] Doyle correctly pointed out that in Wisconsin, like most states, it is completely legal to openly carry a holstered handgun on foot without any license. And that the traditional public policy concern is about CONCEALED carry, not the honorable and peaceful open carry of guns.

But not in Milwaukee. In Milwaukee, police and prosecutors will unlawfully arrest open carriers on bogus charges (which are never formally filed) and seize their guns without receipt and never return it. Case in point is Hispanic Milwaukee resident Jesus C. Gonzales. Jesus was arrested in mid May, never charged, and they won't give him his gun back even though all he was doing was ****legally openly carrying**** his handgun. In other words, he was just obeying the law and not concealing his gun.

Wisconsin is one of only 2 states to have no concealed handgun permit program, so the only way to carry a handgun in Wisconsin is to do so openly.

Open Carry not a problem in the states where it has become popular

Here is an audio recording of a police spokesman in urban Richmond, VA at <http://tinyurl.com/6dvg5d> explaining this past week that a police response to a man openly carrying a gun on a bus was handled routinely only to determine that he was legally OPENLY carrying the gun, and stating that police have no problem with the growing number of open carriers - that unlawful concealed carriers are their concern. Interestingly, United States Supreme Court has already said that police cannot detain or search anyone based merely on a 911 call or other report that he is carrying a gun. Florida v. J.L., 529 U.S. 266 (2000).

An FBI study recently documented that, essentially, bad guys don't open carry, or even wear holsters: [2]

In 2004 Virginia's legislature fortified its state firearms preemption law by eliminating grandfathered local gun bans. A news report at the time from urbanized Arlington County, adjacent to and formally part of Washington DC, noted that under the law, it would be legal for gang members to walk around with a guns [sic] visibly swinging from their belts. But [Matt] Martin, the Arlington County police spokesman, said police officers were not particularly concerned about gang members following the law. "We're not worried about a gang member legally using a gun we're worried about a gang member illegally using a gun," he said. "Criminals who are going to use firearms aren't going to follow the law anyway." [3]

Civil rights lawsuits possible against greater Milwaukee localities, police officers, and officials

If the greater Milwaukee law enforcement leadership doesn't get their act together soon, they may face federal civil rights law suits similar to those filed and about to be filed in Pennsylvania for violation of Constitutional rights of open carriers under the First, Fourth, and Fifth Amendments. See one recent Section 1983 complaint filed and associated news reports at <http://opencarry.mywowbb.com/forum46/11874.html>.

Media Contact : Mike Stollenwerk
John Pierce

Footnotes

[1] Lake Delton - Governor Jim Doyle during a Capitol day in Sauk and Columbia counties promised tourism . . . Governor Doyle visits Dell, Wisconsin Dells, March 11, 2006.

[2] Anthony Pinizzotto, et al., Violent Encounters: A Study of Felonious Assaults on Our Nation's Law Enforcement Officers, FBI (2006) (finding that violent criminals carefully "conceal" their guns and "eschew holsters"), summary available at <http://www.forcesciencenews.com/home/detail.html?serial=62>.

[3] David Harrison, VA: Gun Owners Emboldened by New Laws, Connection Newspapers, July 22, 2004 (emphasis added), snips of article available at <http://www.jonathanmark.com/Blog/1100620473>.