GrassRoots Action Alert

H. 3292 Update
March 6, 2011

This Action Alert might well be the most important Action Alert we have ever
sent out.
PLEASE read it carefully.
Then, YOU NEED to TAKE ACTION.
If YOU fail to read and take action, the future of YOUR gun rights will be put
at risk.

There is much misinformation concerning what is happening with H. 3292, and people are
getting confused. Unfortunately, when people get confused, they tend to just give up trying.
Politicians are counting on this confusion to hide the truth. YOUR gun rights are too important
to let them be taken away because you are confused. GrassRoots wants to clear things up for
you.

GrassRoots sent out an Action Alert on Feb 26 warning you of how the Viers amendment to H. 3292 passed on Feb 24, 2011, would violate YOUR constitutional rights and take away gun
rights we now have. Rep. Thad Viers immediately denied his amendment violated or took away
anyone’s constitutional gun rights, and told you GrassRoots was being “dishonest.” So, who is
telling the truth?

GrassRoots pointed out how the official Viers amendment would violate both the
constitutional rights of out of state gun owners and the constitutional rights of 18 to 20 year
old young adults. Taking away the constitutional rights of others to possess a handgun is
gun control. GrassRoots stated we could not support unconstitutional gun control, and we
asked YOU to take action. It was the unconstitutional taking away of gun rights that
GrassRoots objected to in the Viers amendment. Any accusations to the contrary are
meant to CONFUSE YOU. Do not allow yourself to get confused by false accusations.

Before we go any further, GrassRoots wants YOU to see what the SC Supreme Court said about
the constitutional rights of young adults 18 to 20 years old. The SC Supreme Court was quite
clear when it stated “the state constitution precludes the General Assembly from prohibiting
this age group's [18 to 20 year old young adults] possession of handguns.” See State v.

The SC Constitution in Article I, Section 3 protects the rights of out of state gun owners with
these words:
“The privileges and immunities of citizens of this State and of the United States
under this Constitution shall not be abridged, nor shall any person be deprived of
life, liberty, or property without due process of law, nor shall any person be
denied the equal protection of the laws.”

GrassRoots makes no apologies for supporting YOUR Constitutional rights, standing firm on principle, or refusing to give away the gun rights of others so that we might get something else in return. There is nothing politicians can offer to gun owners to justify taking away the constitutional rights of others. GrassRoots wants to get whatever goodies politicians offer to gun owners, but NOT if we have to violate the constitutional rights of others to get them.

Make no mistake about H. 3292, the original version of H. 3292 introduced by Rep. Mike Pitts DID NOT violate the constitutional rights of anyone! It was not until Rep. Viers introduced the official Viers amendment that any constitutional rights were put in jeopardy! GrassRoots and others realized the original version of H. 3292 needed some improvements, and we all asked for reasonable amendments - not violations of our constitutional rights. It is important to remember that the Rep. Mike Pitts version of H. 3292 protected the constitutional rights of all, and that is what we need to continue to do.

GrassRoots is and has been willing to support the original version of H. 3292 introduced by Rep. Mike Pitts, which can be fixed with a few simple amendments to protect gun owners. If YOU are not confused and already oppose more gun control on principle, then you can jump to the Action Steps at the end of this alert.

So, lets get back to the Viers amendment. Ideally, you would just read the amendment and see for yourself who was telling the truth. But, the official Viers amendment passed by the General Laws subcommittee on Feb 24 was NEVER posted online. GrassRoots obtained a copy of the Viers amendment passed on Feb 24 from the staff attorney after the subcommittee meeting, and posted it on our web site here.

Rep. Viers - in response to YOUR emails and phone calls - finally realized his official amendment did exactly what GrassRoots said it did, but Rep. Viers refused to admit the truth. Instead, Rep. Viers created a new unofficial amendment on March 1, posted it online here, told people GrassRoots was being “dishonest” about his official amendment, and referred people to this new unofficial amendment as if it was the official amendment GrassRoots wrote to you about. If you look at the top of the new unofficial amendment, you will see it says “Amendment to be Proposed By Rep. Viers at Full Judiciary.” Notice it says “to be proposed.” But, this is NOT the official amendment Rep. Viers pushed through the General Laws subcommittee on Feb 24, nor is it the official Viers amendment that GrassRoots told you about in our Action Alert of Feb 26, nor is it the official Viers amendment that is sitting in the Judiciary Committee right now. This is causing confusion because the official amendment passed by subcommittee is drastically different - and worse - than the unofficial amendment posted online.

Why did Rep. Viers only post his new unofficial amendment online? Why did Rep. Viers fail to post online the official amendment passed by the subcommittee, which has already been sent to the Judiciary Committee, and which was the one GrassRoots warned you about?
The answer is simple: Politicians want YOU to get confused so that YOU stop contacting them! Then, they can get away with taking away YOUR rights.

The ONLY reason Rep. Viers created a new unofficial amendment is because GrassRoots told YOU about how the official Viers amendment contained unconstitutional gun control, and YOU let him know YOU did NOT appreciate his trying to take away YOUR gun rights. If YOU had not contacted Viers, he would never have created a new unofficial amendment.

Politicians are watching to see whether gun owners can be duped, or whether gun owners will stand up and protect their gun rights. What YOU do - or fail to do - today will impact YOUR gun rights for many years to come.

The official Viers amendment to H. 3292 that passed unanimously out of the General Laws subcommittee on Feb 24 changes Section 16-23-20 of our current South Carolina law. Current law found in Section 16-23-20 (http://www.scstatehouse.gov/code/t16c023.htm) makes it illegal to carry a handgun unless you fit into one of the 16 listed allowable carry exceptions. ANY person can now carry a handgun in South Carolina whether the person is from South Carolina or from out of state as long as the person can fit into one of the 16 allowable carry exceptions. But, the official Viers amendment deletes all 16 allowable carry exceptions from the law, and then makes it a crime for out of state people or young adults 18 to 20 years old to carry a handgun - period, the only exception being for an out of state person with a concealed weapon permit (CWP) and only if their home state has CWP reciprocity with SC.

Let us count some of the ways that current law now allows an out of state person or a young adult 18 to 20 years old to legally carry a handgun in SC. But, the official Viers amendment will make all of these a crime for most people from out of state - including all people from Georgia, and all young adults 18 to 20 years old - including military veterans. It will be crime for most out of state people and all young adults 18 to 20 years old to carry a handgun when:

One  Target shooting, or going to and from the gun range either as a member or guest of a gun club (this is exception 3 in Section 16-23-20, but exception 3 is deleted in the official Viers amendment) - say goodbye to out of state shooters in handgun competitions and the dollars they now spend in SC;

Two  Hunting or fishing or going to or from their places of hunting or fishing while in a vehicle or on foot (this is exception 4 in Section 16-23-20, but exception 4 is deleted in the official Viers amendment) - GA and NC fishermen better not let their boat drift across state lines, and handgun hunters will take their guns and money to GA;

Three In his home or upon his real property or a guest of the owner or the person in legal possession or the person in legal control of the home or real property (this is exception 8 in Section 16-23-20, but exception 8 is deleted in the official Viers amendment) - out of state family and friends can not shoot handguns on Uncle Fred’s farm anymore;
Four  In a vehicle if the handgun is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle (this is exception 9 in Section 16-23-20, but exception 9 is deleted in the official Viers amendment) - **tourists and travelers will take their money elsewhere**;

Five  Carrying a handgun unloaded and in a secure wrapper from the place of purchase to his home or fixed place of business or while in the process of changing or moving one's residence or changing or moving one's fixed place of business (this is exception 10 in Section 16-23-20, but exception 10 is deleted in the official Viers amendment) - **out of state business owners will stay out of state along with their investment money**;

Six  He is the owner or person in legal possession or the person in legal control of a fixed place of business, while at the fixed place of business (this is exception 13 in Section 16-23-20, but exception 13 is deleted in the official Viers amendment) - **those out of state people should know their investment money is not wanted here**;

Seven  Engaged in firearms-related activities while on the premises of a fixed place of business which conducts, as a regular course of its business, activities related to sale, repair, pawn, firearms training, or use of firearms (this is exception 14 in Section 16-23-20, but exception 14 is deleted in the official Viers amendment) - **this will stop factory representatives who provide safety inspections and cleanings for their products from coming to SC**;

Eight  Transferring a handgun directly from or to a vehicle and a location specified in this section where one may legally possess the handgun (this is exception 15 in Section 16-23-20, but exception 15 is deleted in the official Viers amendment) - **a visitor used to be able to keep a handgun in her vehicle and take it into the home of a friend, but not after the Viers amendment - say good-bye to self-defense for out of state visitors**; and

Nine  On a motorcycle when the pistol is secured in a closed saddlebag or other similar closed accessory container attached (this is exception 16 in Section 16-23-20, but exception 16 is deleted in the official Viers amendment) - **say good-bye to all those motorcycle rallies that bring in tourist dollars from all over the US and Canada**.

The above are examples of how the official Viers amendment - the Viers amendment that GrassRoots warned you about in our Feb 26 Action Alert - would take away rights we now have. These are just some of the problems with the official Viers amendment, and there are more. But, these examples are enough to show the GrassRoots analysis was correct and YOU needed to know how YOUR rights were being attacked.

Thanks to YOUR emails and phone calls, the new unofficial Viers amendment will remove the unconstitutional taking away of gun rights for out of state gun owners, *if it gets passed.*
But, if GrassRoots had not told YOU about the official Viers amendment and how it took away the gun rights of others, or if YOU had failed to contact politicians as GrassRoots asked you to do, then there would never have been a reason to create the new unofficial Viers amendment. THANK YOU!!

But, the unofficial Viers amendment still violates the constitutional rights of 18 to 20 year old young adults even though the SC Supreme Court has told the General Assembly it can not do so, and even after GrassRoots and YOU have told Viers to stop taking away the constitutional gun rights of these young adults. While the new unofficial Viers amendment contains some goodies for most of us, it still violates the constitutional rights of young adults 18 to 20 years old and makes them second class citizens in violation of the SC Constitution.

Some people will say “I don’t care about out of state gun owners or young adults 18 to 20 years old.” Well, that is exactly why more and more gun control gets enacted into law. Once we allow the constitutional rights of some to be violated, we create a precedent to allow more of our rights to be violated.

If every state started doing as Viers wants SC to do, our right to keep and bear arms would stop at the state line. If we want people in other states to protect our rights, then we must protect their rights here. The 2nd Amendment protects people anywhere in the USA regardless of what state they are in or from. Together we stand, divided we fall.

As to young adults, the SC Supreme Court was quite clear when it stated “the state constitution precludes the General Assembly from prohibiting this age group’s [18 to 20 year old young adults] possession of handguns.” See State v. Bolin, 378 S.C. 96; 662 S.E.2d 38 (2008).

Any self respecting pro gun rights organization could never support legislation that tries to deny honest law abiding people - including young legal adults - their constitutional right to keep and bear arms. It has been said many times that it is crucial that young people be exposed to firearms early on so that young people will grow up knowing the importance of firearms in a free society. How can violating the constitutional rights of young adults 18 to 20 years old help promote the long term protection of YOUR gun rights?

If we allow the government to deny a constitutional right to one minority, then what is there to stop the government from denying a constitutional right to another minority? If young adults can have their constitutional rights denied because we fear they are not mature enough to act like older adults, then older people can have their constitutional rights denied because we fear they might be at risk of senility. The number of imagined justifications for denying a person their constitutional rights is virtually limitless. We must not allow ourselves to be duped into taking away the rights of “others” because we are the “others” to everyone else.

In an effort to confuse people, some politicians are falsely claiming GrassRoots demands an “all or nothing” effort to both H. 3292 in particular and gun rights in general. That is a lie
meant to confuse you and cause you to stop contacting politicians.

In 2000, GrassRoots pushed to get the Shooting Range Protection Act passed. GrassRoots did not get everything we wanted, but we still supported the bill because we got something more without giving away anything.

In 2002, GrassRoots pushed for CWP and gun law improvements. GrassRoots did not get everything we wanted, but we still supported the bill because we got something more without giving away anything.

In 2004, GrassRoots pushed for more CWP and gun law improvements. GrassRoots did not get everything we wanted, but we still supported the bill because we got something more without giving away anything.

In 2009, GrassRoots pushed for a CWP carry on school grounds law. GrassRoots did not get everything we wanted, but we still supported the bill because we got something more without giving away anything.

As any reasonable person can clearly see, GrassRoots has a long history of accepting what we can reasonably expect to get. But, GrassRoots has NEVER agreed to give away any of the rights we already had.

Do not let the politicians to confuse you with their lies about H. 3292. GrassRoots has always been willing to accept and support H. 3292 with less than we ask for. Why? Because that is the political reality in which we live. But, GrassRoots refuses to violate the constitutional rights of others or give away any of our existing rights in order to restore some other rights. GrassRoots is not in the trading away of our gun rights game. GrassRoots is dedicated to restoring our gun rights - and it is NOT a game.

Remember, politicians want you to get confused and then stop contacting them. If YOU stop contacting politicians because they confused you, then they win and YOU lose.

Here is what Viers wrote to one person who asked Viers to respond to the GrassRoots alert:

“You are wrong. Follow these instructions and you are welcome to call me:
Go to www.scstatehouse.gov
Its on the citizens interest page.
8037343000 if you are still having problems.”

Notice that Rep. Viers referred the person to the new unofficial Viers amendment even though the person was asking about the original official Viers amendment. That is dishonest. The new unofficial Viers amendment removed most of the unconstitutional things that GrassRoots wrote about. But, that would not have happened unless YOU put the pressure on Viers to change.
Then Viers wrote:

“You are being duped by folks who are taking an all or nothing approach. The legal analysis is flawed in logic, approach and conclusion! Read my amendment. It does not do those things. There is a massive misinformation campaign out there. I am cosponsor of the bill.

There is nothing in the amd that has anything to do with Dudley Brown or gunrights is putting out. All current rights under the law do not change. Rights are increased.

This is amazing! The amount of disinformation is staggering!”

As can be clearly seen, the one doing all the duping is Rep. Thad Viers. The “misinformation” and “disinformation” comes from Rep. Thad Viers, not GrassRoots. Current rights are being taken away.

Yes, GrassRoots did read the official Viers amendment, and the official Viers amendment did terrible things to the rights of gun owners. Yes, GrassRoots also read the unofficial Viers amendment - the one created to confuse people, and it does remove most of the unconstitutional things from the official Viers amendment. But, even the new unofficial Viers amendment continues to violate the constitutional rights of young adults 18 to 20 years old. And yes, both of the Viers amendments gave some goodies to gun owners in order to tempt them into violating the constitutional rights of others.

What Viers is failing to tell people is that the original official anti-gun Viers amendment - the one that is now officially sitting in front of the Judiciary Committee - is NOT the one posted online. It is the original official anti-gun Viers amendment that was passed by the subcommittee, it is the original official anti-gun Viers amendment that the House Judiciary Committee must vote to accept or reject on Tuesday March 8, and - most importantly - it is the original official Viers amendment that GrassRoots GunRights wrote about in its Action Alert.

Gun owners need to let the Judiciary Committee know it must reject the original official Viers amendment. Then, the Judiciary Committee can consider other amendments to H. 3292. One of those other amendments will be the new unofficial Viers amendment - the one that still contains constitutional violations of the gun rights of young adults 18 to 20 years old.

GrassRoots alerted YOU about this taking away of rights. Then, YOU took action and temporarily stopped it. YOU have won a temporary victory. What YOU do next is important.

We need to reject all amendments that contain gun control. We need to fix the Rep. Mike Pitts version of H. 3292, which did NOT contain any gun control.
ACTION STEPS TO TAKE NOW!

1. Call the Judiciary Committee at (803) 734-3120 and tell them "GrassRoots GunRights speaks for me! Remove all constitutional violations from H. 3292."

2. Email each member of the Judiciary Committee - email addresses are below - and tell them "GrassRoots GunRights speaks for me! Remove all constitutional violations from H. 3292."

3. Email each co-sponsor of H. 3292 - email addresses are below - and tell them "GrassRoots GunRights speaks for me! Remove all constitutional violations from H. 3292."

4. Call the Judiciary Committee at (803) 734-3120 and ask to be transferred to whichever member you are calling from the list of email addresses below.

5. Forward this to everyone you know who is concerned about protecting our Constitutional rights, and ask them to take action too.

Thank you,

Robert D. Butler, J.D.
V.P
GrassRoots GunRights

The following email addresses should allow you to send an email to each member of the House Judiciary Committee with a simple "cut and paste" into your email "To" field:

"James Harrison" <JimHarrison@schouse.gov>, "James Smith" <JamesSmith@schouse.gov>,
"George Hearn" <GeorgeHearn@schouse.gov>, "Karl Allen" <KarlAllen@schouse.gov>,
"Bruce Bannister" <BruceBannister@schouse.gov>, "Boyd Brown"
<BoydBrown@schouse.gov>, "Alan Clemmons" <Clemmons1@aol.com>, "Derham Cole"
<DerhamCole@schouse.gov>, "Greg Delleney" <GregDelleney@schouse.gov>, "Laurie Slade Funderburk" <LaurieFunderburk@schouse.gov>, "Daniel Hamilton"
<DanHamilton@schouse.gov>, "Jenny Horne" <JennyHorne@schouse.gov>, "Peter McCoy"
<PeterMcCoy@schouse.gov>, "Walt McLeod" <WaltMcLeod@schouse.gov>, "Wendy Nanney" <WendyNanney@schouse.gov>, "Todd Rutherford" <ToddRutherford@schouse.gov>,
"Bakari Sellers" <BakariSellers@schouse.gov>, "Garry Smith" <GarrySmith@schouse.gov>,
"Mike Sottile" <MikeSottile@schouse.gov>, "Leon Stavrinakis" <leonstav@schouse.gov>,
"Eddie Tallon" <EddieTallon@schouse.gov>, "Thad Viers" <tviers@yahoo.com>, "David Weeks" <DavidWeeks@schouse.gov>, "Seth Whipper" <SethWhipper@schouse.gov>, "Tom Young" <TomYoung@schouse.gov>

The following email addresses should allow you to send an email to each co-sponsor of H.
3292 with a simple "cut and paste" into your email "To" field:

"Mike Pitts" <MikePitts@schouse.gov>, "Dan Cooper" <DanCooper@schouse.gov>, "Greg
Dellene" <GregDellene@schouse.gov>, "Dennis Moss" <DennisMoss@schouse.gov>, "Chip
Huggins" <ChipHuggins@schouse.gov>, "Kenny Bingham" <KennyBingham@schouse.gov>,
"Bill Hixon" <BillHixon@schouse.gov>, "Liston Barfield" <ListonBarfield@schouse.gov>,
"Andy Patrick" <AndyPatrick@schouse.gov>, "Garry Smith" <GarrySmith@schouse.gov>,
"Dwight Loftis" <DwightLoftis@schouse.gov>, "David Umphlett"
<DavidUmphlett@schouse.gov>, "Don Bowen" <DonBowen@schouse.gov>, "Phil Owens"
<PhilOwens@schouse.gov>, "Chris Murphy" <ChrisMurphy@schouse.gov>, "David Hiott"
<DavidHiott@schouse.gov>, "Eric Bikas" <Ericbikas@schouse.gov>, "Bill Sandifer"
<BillSandifer@schouse.gov>, "Brian White" <BrianWhite@schouse.gov>, "Peter McCoy"
<PeterMcCoy@schouse.gov>, "George Hearn" <GeorgeHearn@schouse.gov>, "Steve Parker"
<SteveParker@schouse.gov>, "Shannon Erickson" <ShannonErickson@schouse.gov>,
"Deborah Long" <DeborahLong@schouse.gov>, "Phyllis Henderson"
<brPhyllisHenderson@schouse.gov>, "Bill Taylor" <BillTaylor@schouse.gov>, "Rick Quinn"
<brRickQuinn@schouse.gov>, "Bruce Bannister" <BruceBannister@schouse.gov>, "Daniel
Hamilton" <DanHamilton@schouse.gov>, "Eric Bedingfield" <EricBedingfield@schouse.gov>,
"Mike Forrester" <MikeForrester@schouse.gov>, "Bill Herbkersman"
<brBillHerbkersman@schouse.gov>, "Gary Simrill" <GarySimrill@schouse.gov>, "Tom Young"
<brTomYoung@schouse.gov>, "Tommy Pope" <TommyPope@schouse.gov>, "Mark Willis"
<brMarkWillis@schouse.gov>, "Murrell Smith" <MurrellSmith@schouse.gov>, "David Weeks"
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