GrassRoots GunRights

P.O. Box 2446 Lexington, SC 29071 http://www.SCFirearms.org

May 2, 2007

The Honorable John D. Hawkins
South Carolina Senate
P.O. Box 142
Columbia, SC 29202

RE: H. 3212

Dear Senator Hawkins:

As I was trying to edit the mountains of factual, principled, and logical data supporting passage of H. 3212, I realized it was most likely a waste of time. Why? Because most people are motivated to act by emotions such as fear and hate rather than principles, logic, or facts. But, the good people of South Carolina deserve better than to have their laws passed based upon the factually unsupported and irrational fears of others, especially when those laws deal with matters of life and death. So, here are the facts.

H. 3212 would allow concealed weapon permit (CWP) holders from other states to carry in South Carolina. Then, other states would allow South Carolina CWP holders to carry in their states. Georgia and Florida are two of the closer states that would allow SC CWP holders to carry in their states if only SC would allow their CWP holders to carry here.

Unfortunately, there are those who resort to half truths and deceptions to get people emotionally upset in efforts to stop passage of this bill. For example, in the House General Laws subcommittee hearing earlier this year on H. 3212, SLED stooped to a new low when Capt. Joe Dorton told the subcommittee that New Hampshire would issue a CWP to a 16 year old youth thereby allowing such youth to carry guns in Myrtle Beach, SC. That is simply NOT true. Attached you will find the letter GrassRoots sent to the members of the House General Laws subcommittee to set the record straight.

Last year, SLED told lawmakers Florida would issue a CWP to a mentally incompetent person or a felon. SLED knows a state can not grant a privilege to do something that federal law prohibits, and SLED also knows federal law prohibits such people from possessing a firearm. Thus, SLED was intentionally deceptive in their successful effort to kill a bill similar to H. 3212. The fears generated by this factually unsupported, emotional response overruled logic and facts.

The current fear being exploited with regards to H. 3212 is the fear that “untrained” people from Georgia will inundate SC and wreak havoc upon us. Georgia CWP holders have

proven themselves to be just as law abiding people as SC CWP holders have proven themselves to be. GA CWP holders have proven themselves to be no threat to the people of GA, so why would they suddenly become a threat to the people of SC? The fear mongers would have you believe GA CWP holders will have radical personality changes when they cross the state line into SC and become homicidal maniacs. That is a factually unsupported, emotional response to our fear of strangers. SC deserves better.

Since the issue of mandatory CWP "training" is a primary concern for the vocal opponents of H. 3212, lets look at the real value of CWP "training." Dr. John Lott studied this very issue. Dr. Lott found that whether a state required no "training", a little "training", or extensive "training", there was *NO* adverse impact upon public safety due to accidental shootings by CWP holders. But, Dr. Lott did find that mandatory CWP "training" *negatively* impacted public safety by allowing violent crime rates to remain higher than the rates would have been had there been no mandatory CWP "training" requirement. Thus, mandatory CWP "training" has been shown to actually *decrease* public safety, not increase it. But, this is another inconvenient truth, not an emotional hot button.

The federal Centers for Disease Control published a study that found there was no evidence supporting the claims that any gun control laws have saved any lives. Again, more facts.

The fact of the matter is that most shooting incidents fall within the "Rule of Threes," which states that a shooting incident will last less than three seconds, at a distance of less than three yards, and will involve three shots or less. Think about that for a minute. How much training does it take to hit a target that is almost within touching distance? An honest answer will tell you why some states do not impose a mandatory "training" requirement to obtain a CWP.

The true "value" of CWP "training" has already been recognized in some states. SC CWP "training" teaches that one should get a proper sight alignment, proper sight picture, use proper breath control, and slowly squeeze the trigger when shooting a firearm. Unfortunately, such teaching is only good for target shooting or hunting. It is not compatible with the real world of life and death self-defense, where people - even highly trained police - just point and shoot when their lives are in imminent danger from a threat less than three yards away.

Imposing a mandatory CWP "training" requirement before allowing one to exercise the constitutionally guaranteed right to keep and bear arms and the right to effective self-defense, is no different than imposing a mandatory literacy test prior to allowing one to exercise the constitutionally guaranteed right to vote. Both the mandatory "training" and the literacy test are designed to prevent people from exercising their rights. Both are wrong.

H. 3212 does not ask that SC eliminate its CWP "training" requirement. All H. 3212 does is allow SC CWP holders to carry in other states by allowing CWP holders from other states to carry here. There is no danger to SC from allowing good people from other states to

carry here as they already do at home. And, there is a tremendous benefit to SC CWP holders being able to carry in other states when traveling.

GrassRoots can not impress and entertain you with emotion ridden fears, half-truths, deceptions, and predictions of blood running in the streets, people from Georgia turning into zombies after coming to SC and killing our children, or that the sky will fall if you pass H. 3212. But, that is because none of those things will happen. GrassRoots believes the best laws are those based upon factually supported, logical, and principled reasons. That is why you should pass H. 3212.

GrassRoots asks you to please pass H. 3212 exactly as it came from the House.

Sincerely,

Robert D. Butler, J.D.
Vice President, GrassRoots GunRights SC

GrassRoots GunRights

P.O. Box 2446 Lexington, SC 29071 http://www.scfirearms.org

February 20, 2007

The Honorable Scott Talley
South Carolina House of Representatives
P.O. Box 11867
Columbia, SC 29211

Re: SLED deception regarding H. 3212

Dear Rep. Talley:

Last Wednesday, February 14, 2007, during the General Laws subcommittee hearing on H. 3212 (a bill to amend the concealed weapon permit reciprocity law), Capt. Joe Dorton, the lobbyist from SLED, attempted to mislead the subcommittee with information that he knew, or should have known, was not truthful. Capt. Dorton told the subcommittee New Hampshire did not have a minimum age limit for the issuance of concealed weapon permits, and specifically pointed out that New Hampshire could issue a concealed weapon permit to a 16 year old juvenile. Capt. Dorton went on to say that SLED had concerns about allowing such young people to carry concealed handguns while visiting Myrtle Beach. Capt. Dorton's representations would have led the General Laws subcommittee to believe 16 year old juveniles from New Hampshire would be allowed to carry concealed handguns while in South Carolina if H. 3212 was passed. Quite simply, that is not true.

The well established legal hierarchy of laws is that a state does not have the power to permit that which federal law prohibits. Federal law, 18 U.S.C. § 922(x)(2), states "It shall be unlawful for any person who is a juvenile [i.e., under 18 years of age] to knowingly possess a handgun or ammunition that is suitable for use only in a handgun." There exist a very limited number of exceptions, none of which would allow an out-of-state juvenile to carry a handgun while visiting Myrtle Beach, SC, or anywhere else in SC for that matter. The representations made by Capt. Dorton to the General Laws subcommittee are vilely deceptive. It is shameful when the premier law enforcement agency in South Carolina resorts to such deceptive tactics to influence legislation. The applicable section of the United States Code follows for your review so that you can verify who is being truthful and who is being deceptive.

GrassRoots GunRights demands its representatives always adhere to the highest ethical standard when lobbying, i.e., complete honesty. Our desire is that you demand the same from others.

GrassRoots thanks you for your support of H. 3212 as drafted, and we ask you to please let other members of the House Judiciary Committee know of how SLED has attempted to deceive

you on this bill. Then, if SLED has tried to deceive your fellow Judiciary Committee members too, you will have set the record straight to protect the interests of the good people of South Carolina. GrassRoots is confident that if the truth is known about H. 3212, it will pass. Again, thank you for your support of this meritorious legislation.

Sincerely,

Robert D. Butler, J.D.
Vice President
GrassRoots GunRights SC

18 U.S.C. § 922(x):

(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile —

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess —

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to —

(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile —

(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except —

(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place at which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;

(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.