

GrassRoots GunRights

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

February 2, 2010

Rep. James H. Harrison
South Carolina House of Representatives
P.O. Box 11867
Columbia, SC 29211

Re: H. 3652

Dear Rep. Harrison:

GrassRoots GunRights **strongly opposes** H. 3652 and respectfully requests H. 3652 be killed now, or at least sent back to subcommittee for a full hearing on the “merits” of the bill. H. 3652 was not listed in the “Current Legislation” index under “Weapons” as it should have been. The failure to properly list H. 3652 resulted in GrassRoots not being aware of H. 3652 until after the subcommittee hearing last week. Thus, GrassRoots was denied the opportunity to expose the evils contained in H. 3652 until now.

The primary evils contained in H. 3652 are:

1. A “well-regulated militia” should include long guns, not just handguns. But, H. 3652 would restrict militia weapons to only concealable weapons less than twelve inches (12") in overall length since the “Law Abiding Citizens Self-Defense Act of 1996” restricts and limits possession to only concealable weapons as defined by the law. See Sections 23-31-210(6) and 23-31-215(A). H. 3652 could be used to show the intent of the legislature was to deny long guns to the militia and to require that all militia weapons be concealable. This change alone is sufficient reason to kill H. 3652.
2. Being a member of the “unorganized militia” is a right possessed by all citizens and those who are committed to becoming citizens (except those who are already in the “organized militia”). See 10 U.S.C. § 311. But, H. 3652 would destroy the very concept of an “unorganized militia” by changing that right into a mere privilege regulated by the government. H. 3652 would require a person to obtain a government issued permit to become a member of the militia. This change alone is sufficient reason to kill H. 3652.
3. H. 3652 is an insult to the Second Amendment in that H. 3652 reduces the freedom possessed by the people, which is something not supported by the intent of the Second Amendment. The Second Amendment spoke of a “well regulated Militia, being necessary to the security of a free State,” which meant all the people should possess the ability to handle firearms accurately if freedom was to be protected. But, H. 3652 speaks to a “well controlled” people by giving a government bureaucracy (SLED) the power to deny a person the right to bear arms even

though such person can otherwise legally possess arms. This change alone is sufficient reason to kill H. 3652.

GrassRoots GunRights has consistently provided proposed amendments to fix problems associated with bills affecting our right to keep and bear arms. But, H. 3652 is too broken to fix and simply needs to be defeated.

For example, if the legislature decided to include long guns under the proposed "'South Carolina Well-regulated Militia Act," then the result would be that H. 3652 would now require people to obtain a permit to possess a long gun. This is unacceptable to South Carolina gun owners.

SLED is empowered to interpret the "Law Abiding Citizens Self-Defense Act of 1996" law and create regulations to give force of law to such interpretations. H. 3652 would thus give such power to SLED with regards to the militia. This is unacceptable.

Looking at the history of SLED's control over the concealed weapon permit (CWP) program, one will see SLED has been extremely restrictive in its interpretation of the law's "favorable" background check requirement. SLED initially rejected CWP applications for multiple traffic citations over a person's lifetime. Now, SLED has loosened the restriction by allowing one traffic citation per year over a five year period. People have complained to GrassRoots about SLED denying a CWP to a person because of a simple college prank committed over twenty years earlier that resulted in a misdemeanor conviction even though that person has been a law abiding productive citizen since that time.

Allowing SLED, or any government bureaucracy, the power to deny a person the right to be a part of the unorganized militia over such relatively trivial indiscretions is just plain wrong. H. 3652 would empower SLED to control the unorganized militia in the same way that it has controlled the CWP program. South Carolina gun owners will be outraged if this is allowed to happen.

BOTTOM LINE: H. 3652 is too broken to fix and needs to be defeated.

If you have any questions regarding H. 3652, I remain available to discuss whatever questions you may have.

Sincerely,



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

cc: House Judiciary Committee & H. 3652 co-sponsors