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The Defender

Why CWP Reciprocity Was Killed Pg 3

OFFICAL JOURNAL OF GRASSROOTS SOUTH CAROLINA VOLUME 10 NUMBER 1 JANUARY 2007

What Would *You* Do?

Imagine you're standing outside your locked apartment building on the welcome mat under the awning. Suddenly two drunks about 20 yards away decide they are going to beat you up. They charge you while yelling vulgar threats of how they are going to "beat your ass."

At first, you can't believe this is really happening. Then, you realize it is happening. Unfortunately, during those couple moments of disbelief, the two drunks have closed the distance. Now, they are only 10 yards away from you, still charging, and still cursing and threatening you.

You are a disabled Army veteran. You served in Korea, Mogadishu in Somalia, and Egypt in Desert Storm. But, nothing has prepared you for something like this.

Your 30% Army service disability is due to nerve damage in your right leg, which causes foot drop (the inability to pull your foot upwards at the ankle, so your foot always points down). You can't outrun these two mean drunks, and you can't hope to win a fight against these two healthy young men either.

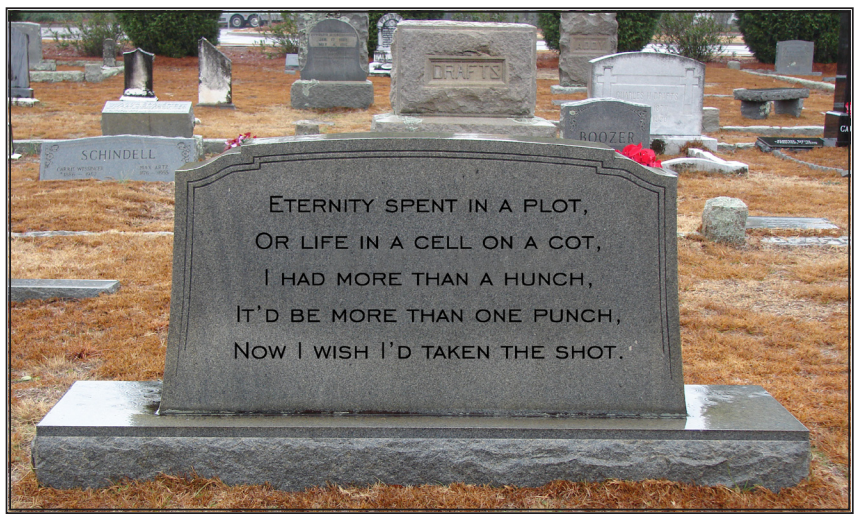

Photo by Melinda & Susan Butler

Even though you have done nothing to provoke them, they aren't giving you a choice on whether there is going to be a fight or not. They are going to beat you up.

These two mean drunks are the ones initiating and forcing a violent encounter. They are predators, and you are now their prey.

You are more afraid now than you have ever been in your entire life. You know these mean drunks are going to cause you serious bodily injury or death because they are still charging and still yelling vulgar threats of how they are going to "beat your ass." You realize you are in a real life nightmare.

These mean drunks are now only 15 feet away. You pull your handgun most of the way out of your pocket and show these two drunks you are armed in an attempt to get them to stop their attack. You raise your left hand and tell them to stop. They both stop.

You feel a moment of relief, but only a moment. Suddenly, the lead drunk yells "I got something for you too", reaches inside his shirt, and charges straight at you.

You don't know what is under this drunk's shirt - it could be a knife, a razor, a gun, a club, whatever. But, what you do know is that even after seeing you are armed, this drunk is still charging at you with the intent to do you great bodily harm. Even if he is lying and has nothing under his shirt, he is still big enough to take your gun away from you and use it on you if he gets his hands on it. And, there is still the second drunk only 15 feet away who is ready, willing, and able to help his buddy once you are disarmed.

You have a choice to make. Do you let this drunk get a hold of you and your gun and let him and his accomplice do what they have been saying they are going to do to you, or worse? Or, do you shoot the drunk who is almost upon you now and stop the threat to your life?

The drunk is only 6 feet away when you quickly pull the trigger three times to save your life. As the drunk is falling down, he drops the vodka bottle that he was reaching for under his shirt. The other drunk comes to the aid of his friend. You call 911.

The above real life scenario happened to Jason Dickey on April 29, 2004, in Columbia, SC. Somehow, the prosecutor decided the "evil" that needed to be punished was Jason, not the two mean drunks attacking a disabled innocent man. Now, Jason needs your help.

It was obvious at trial the real "evil" the prosecutor was going after was the South Carolina Concealed Weapon Permit (CWP) program. The prosecutor repeatedly stated that if Jason had not had a CWP, then the dead man would still be alive. What the prosecutor failed to mention is what condition Jason would have been in had he not been able to defend himself against two mean aggressive drunks bent on doing great

see **JASON** on page 5

Senate Republican Leadership Kills CWP Reciprocity Bill

Senate Republican leadership - led by Senators Glenn McConnell, Larry Martin, Jake Knotts, James Ritchie, and J. Verne Smith - killed the CWP reciprocity bill in 2006 which had been passed by the House in 2005. Republican leaders were joined by anti gun Democratic Senators Robert Ford and Kay Patterson. These Republican Senators did not just kill the CWP bill, they amended it with a poison pill amendment, i.e., an amendment that made the bill worse than existing law. See page 134 of the official Senate Journal for May 19, 2005. They killed the reciprocity bill over the issue of how much CWP training should be required before granting reciprocity with another state. To learn the facts about required CWP training, please read "Why CWP Reciprocity Was Killed" starting on page 3.

According to NRA-ILA, if the bill had passed as amended by Senate Republican leadership, it would have taken away reciprocity with three of the states with which SC currently has reciprocity. Senate Republican leadership was trying to force SC CWP holders to take a step *backwards* instead of a step forwards!

Once the Senate refused to accept the House version of the CWP reciprocity bill, a conference committee of three House and three Senate members was appointed. The Senate members insisted upon passing the Senate's version of the bill (which would have cost SC reciprocity with 3 states). The House members stood firm and demanded passage of the House's version of the bill (which would have allowed SC to have reciprocity with up to 2 dozen plus states). GrassRoots preferred to see the bill die rather than have the Senate's version passed and thus force SC CWP holders to take a step backwards. According to Rep. Mike Pitts, the NRA told him the NRA would also rather have seen the bill die than take a step backwards by passing the Senate's version.

Why would Senate Republican leadership do this you ask? The answer is quite simple. Because YOU told them they could!

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President's Message

by Ed Kelleher

Problems and opportunity are opposite sides of the same coin. GrassRoots has recently had some problems, but the best solutions to those problems have created opportunity.

The biggest problem has been no newsletters since March 2005. Why? Because the unpaid volunteers who have been writing most of the articles and doing most of the work for GrassRoots - Rob Butler and me - burned out at the same time. We just got too tired to keep doing everything. We had to choose between continuing to work to get more good things done, or to stop working on getting more good things done and instead take the time to report on what we had already done. We chose to keep working to protect the rights of gun owners. We believed the GrassRoots membership would understand and support our decision. So, even though we stopped reporting on what we did, we did not stop working for you to get more good things done.

We know we can not continue to fail to keep GrassRoots members fully informed as to all that is being done on their behalf. You - the membership - deserve better.

This issue of The Defender will catch you up on most of the important things that have been going on. Please be sure to read the ENTIRE issue of The Defender to see what GrassRoots leaders have been doing for you, but have failed to tell you about until now. The next issue of The Defender should get you completely caught up.

There is really only one way to fix the problem of too much work piled onto unpaid volunteers. GrassRoots must hire a full time Executive Officer to start doing most of the work that GrassRoots leadership has been doing. This is where the problems can also create opportunity.

GrassRoots has hired a new full time Executive Officer - Bill Rentiers. Bill has already started getting the nuts and bolts work of maintaining an organization under control. In fact, Bill put this issue of The Defender together using a new desktop publishing package GrassRoots bought so that we could keep control of our newsletter in house.

Please read the article "Why GrassRoots Hired a New Executive Officer" on page 20. Then, show Bill you support the work GrassRoots has been doing, and that you want to keep GrassRoots alive and well. You can do this by sending in your new or renewal membership dues today.

There is still much pro gun rights work to be done, and there is a never ending flow of gun control bills to kill. In fact, more gun control bills have already been prefiled in the SC General Assembly waiting for the 2007-2008 legislative session to begin. We need GrassRoots to be there to fight on your behalf. Show us you agree.

ED Kelleher

Please make a contribution to GunRights PAC today!
Send your donations to:

GunRights PAC
220 Isobel Ct.
Lexington, SC 29072

Why We Need To Re-Write the Law of Self-Defense

The law of self-defense in South Carolina is common law. Judges write common law, not the elected legislature. But, in some states, the legislature has written the law of self-defense. We need the South Carolina General Assembly to rewrite the law of self-defense in South Carolina because the common law is prone to abuse. Here's why.

The common law of self-defense in South Carolina is set forth in *State v. Fuller*, 297 S.C. 440, 377 S.E.2d 328 (1989). The elements (conditions that a person must meet in order to successfully claim self-defense) of self-defense in South Carolina are:

1. you must be without fault in bringing on the difficulty;
2. you must actually believe you are in imminent danger of loss of life or serious bodily injury or actually be in such danger;
3. if you believe you are in such danger, you must use deadly force only if a reasonable or prudent man of ordinary firmness and courage would have believed himself to be in such danger, or, if you actually were in such danger, the circumstances were such as would warrant a man of ordinary prudence, firmness and courage to strike the fatal blow in order to save yourself from serious bodily harm or losing your own life; and
4. you had no other probable means of avoiding the danger of losing your own life or sustaining serious bodily injury than to act as you did in the particular instance.

(Source: http://www.sled.state.sc.us/sled/default.asp?Category=sccwp&Service=Reciprocity)

Lets look closely at the Jason Dickey case to see why the law of self-defense must be changed to ensure the law protects the victims of crime instead of the predators. You might want to read the full account of what happened leading up to the fatal shooting in Jason Dickey's case to verify the following analysis is factually accurate.

Before reading the following analysis of the fatal shooting and how the law of self-defense was abused, you must understand two important issues regarding criminal law: 1) who needs to prove what, and 2) how strong that proof needs to be.

In any criminal trial, the government must prove the defendant is guilty. It is not the responsibility of the defendant to prove he is innocent. This gets to the heart of our legal system, i.e., a man is presumed innocent until proven guilty.

In a trial where the defendant claims self-defense, South Carolina law requires the government to prove self-defense was not applicable. The defendant does not have to prove he acted in self-defense. If the government can not prove self-defense was not applicable, then the claim of self-defense must stand and the defendant must go free.

How strong does the proof of guilt have to be? In a civil trial such as a contract dispute or auto accident injury claims, all it takes to win is for the jury to think one side is more deserving than the other side. So, if the jury thinks it is a close call on the facts, but none the less thinks one side is just a little more right than the other side, then the side that is just a little more right wins. This standard of proof is called "preponderance of the evidence", which just means

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The GrassRoots South Carolia newspaper, The Defender, is distributed quarterly to the membership of GrassRoots. Submissions can be sent by email to Editor c/o GrassRoots South Carolina, PO Box 2448, Lexington, SC 29071, or electronically to Newspaper@SCFirearms.org. Original material on local issues will be given highest priority, and since permission must be received to reprint previously published materials, items without an author and source will not be considered for publication. Changes of address and questions regarding membership status should be sent to Bill Rentiers at the above PO box or email address.

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GrassRoots South Carolina, Inc. is a South Carolina 501(c)4 nonprofit corporation. Our mission is to educate and promote acceptance of responsible firearms ownership within the State of South Carolina and to protect the rights of gun owners. Our objectives are to improve all aspects of lawful ownership and carrying of firearms in South Carolina.

GrassRoots South Carolina, Inc. members contact their elected representatives to promote or oppose legislation concerning all gun owners and issues surrounding the Right to Keep and Bear Arms in South Carolina.

Why CWP Reciprocity Was Killed

or, Fears or Facts: What Should the Law Reflect?

Laws are passed to control other people's lives. So, if other people are going to control your life by passing laws that you must obey, then shouldn't those laws be based upon facts and logic - not fears and emotion? Do you want to be controlled by laws based upon the irrational fears of others? Or, should you be free to live your life controlled by laws based upon real facts and good logic?

When our "shall issue" CWP law was being debated in 1996, all the liberal mass media and anti gun politicians kept screaming blood would run in the streets. They said it was only "common sense" that more guns on the street would mean more innocent people being shot. The liberal mass media and anti gun politicians constantly told us we were trying to turn SC into the Wild West with gunfights on every corner. These fear mongers conveniently ignored the fact their fears never happened in any of the states that had already passed "shall issue" CWP laws. These fear mongers claimed people would start being killed over fender benders. These fear mongers conveniently ignored the fact people already had guns in their glove boxes or consoles, and they were not shooting each other over fender benders.

The fear mongers oppose pro gun bills simply by claiming all it takes is "common sense" to know they are right.

The liberal mass media and anti gun politicians bombarded us with these dire warnings of death and mayhem on a daily basis in an attempt to kill our "shall issue" CWP law. These fear mongers conveniently ignored all the facts because the facts did not support anything they said. These fear mongers never provided any facts because who needs facts when they are supported by "common sense"?

Gun owners stuck together and refused to be intimidated by the fears and emotional rantings of the liberal mass media and anti gun politicians. We put pressure on our politicians and told them that how they voted on our "shall issue" CWP law would determine how we voted in the next election. Since the primary objective of every politician is to get re-elected, they passed a "shall issue" CWP law in 1996.

It has been ten years since we got our "shall issue" CWP law passed. There has been no blood running in the streets, innocent people are not being shot, and there have been no Wild West gunfights on street corners by CWP holders. How could this be? How could the liberal mass media and anti gun politicians be so wrong? How could "common sense" be so wrong? It's really quite simple.

The liberal mass media and anti gun politicians based their position on fears and emotion, and hid their lack of factual proof behind claims of "common sense". We - the pro gun folks - based our position on facts and logic. We won't bore you with repeating all of the facts we had to support us back then, just let it suffice to say that they can be reproduced if need be (much of which can be found in Dr. John Lott's book "More Guns, Less Crime").

Time has proven the pro gun side's facts and logic were right. Time has also proven the liberal mass media's and anti gun politicians' fears and emotions - while hiding their lack of facts behind claims of "common sense" - were unreasonable and wrong. But, you don't hear the liberal mass media or the anti gun politicians admitting they were wrong. No, they continue to make the same tired and untrue claims every time we try to pass more sensible gun laws to return our God given rights to us.

Each time a pro gun bill is introduced, we support our bill with facts and logic. The fear mongers oppose pro gun bills simply by claiming all it takes is "common sense" to know they are right.

Who needs facts or logic when "common sense" is all they need to "prove" their point, and take away your rights. Unfortunately, the SC Senate Republican leadership started listening to the liberal mass media and the anti gun politicians because you remained silent. Senate Republican leadership is now basing their opposition to reasonable and better gun laws on claims of "common sense". They are forced to rely upon claims of "common sense" because the facts are not on their side.

Sen. Jake Knotts tells people the reason Senate Republicans killed the CWP reciprocity bill is because they believe "training" should be a requirement to obtain a CWP. They believe people without training are dangerous and should not be allowed to carry a concealed handgun in SC. Sen. Knotts says people believe that requiring training is just plain "common sense". That "common sense" argument is the same old discredited argument used by the fear mongers when they tried to stop our "shall issue" CWP bill in 1996. It is amazing how people resort to "common sense" when they can not find any factual support for their wrong headed opposition.

The problem is that "common sense" is not very common and is frequently wrong. It's been said that "It ain't what people don't know that gets 'em in trouble, it's what they do know that ain't so."

So, lets look at the real facts on the costs and benefits of CWP "training". We deserve better than to be controlled by laws based upon "common sense". Our laws should be based upon verifiable facts and good sound logic.

Dr. John Lott, in his book "More Guns, Less Crime", analyzed the costs and benefits of CWP training. Dr. Lott found that different states have different training requirements. Some states require NO training, some states require a LOT of training, and some states try to find a "happy" middle ground.

Dr. Lott found that the amount of training required to get a CWP had NO positive effect on public safety (we will discuss the public costs of required training later). Those states that required a lot of training were no safer than those that required some training. And, those states that required some training were no safer than those that required NO training. There was NO statistically significant benefit to support CWP training. How can that be? It's just "common sense" that "training" would have to help with public safety, right? Wrong.

It is amazing how people resort to "common sense" when they can not find any factual support for their wrong-headed opposition.

SC CWP "training" is composed of two parts - demonstrating both handgun proficiency and knowledge of the laws. "Training" is supposed to set minimum standards of proficiency, not ideal standards. An ideal standard would require every CWP holder to shoot 3" groups at fifty yards and to know each and every case holding in the common law and each and every statute relating to gun laws, self defense, citizen's arrest, and property crimes. Obviously, it would be unreasonable to require such ideal standards.

Ideally, voters should have a knowledge of our government, who is in office, and the important issues before voting. It makes sense that voters should know the Constitution and who our President, Senators, Representatives, and Governor are before casting their votes. It makes sense that people should know something about the issues before voting on them. But, it is unconstitutional to require people to demonstrate any knowledge of how government works, who the current office holders are, or knowledge of the issues before allowing a person to vote. The right to vote - which is the power to tell other people how to live their lives - can be exercised with virtually no standards for knowledge or proficiency. All that is required to exercise one's right to vote is that one be 18 years old, breathing and reside in the voting district (except in Chicago where they don't even require that to count a person's vote).

So, lets address what the minimum standards should be for obtaining a CWP, not the ideal standards.

CWP holders are not police officers. CWP holders don't need the same training as police officers because CWP holders deal with different situations than police officers deal with. Police officers are called to arrive at a crime scene after the crime has happened. Police officers must try to quickly figure out what has happened and separate the good guys from the bad guys as quickly as possible. Police officers don't know who started what or who did what because they were not there when the crime happened. Police officers may have to shoot farther distances at a fleeing suspect or a hostage taker, or chase after criminal suspects. Training is beneficial for police officers because what they do is different than what CWP holders do.

We are constantly told that police officers are the most highly trained people to handle guns outside of the military. Is the training that police officers receive really the gold standard? A few years ago, four of New York City's finest shot 41 times at an unarmed man in a doorway only a couple of feet away from them. They only hit the man 19 times. Just a few weeks ago in Columbia, SC, the press reported that four police officers shot 16 times at a man across the room

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Down Range

by Bill Rentiers

Greetings to all my fellow GrassRoots GunRights members out there! Many of you already know me, but many may not. Please allow me to introduce myself. My name is Bill Rentiers and since the beginning of October, I have been the new full-time Executive Officer. I've been hired to take care of many of the day-to-day administrative tasks of running GrassRoots, such as receiving & answering mail, depositing funds received for dues and donations, updating the membership database with your new memberships or renewals, keeping the website updated & current and getting the newsletters put together, printed and mailed out to everyone. Soon, I'll also be monitoring any gun-related bills and showing up at any meetings on the state house grounds where GrassRoots has a dog in the fight.

So what does all this mean to the average GrassRoots member? Simple. It means that GrassRoots is growing and progressing to the next level of gun rights activism. Previously, the Executive Officer was a part-time position, and many of these additional tasks were handled by various officers and many other members who volunteered their own valuable personal time. From now on, you will have someone working for you in this role full-time.

While we will still need every one of you to actively volunteer their time as much as possible, it means that much of the daily administrative tasks are now being taken off of the shoulders of the officers and members who have volunteered to do this stuff in past years. Many of you have poured your blood and sweat into making GrassRoots what it is today.

From now onward, you will have me to handle all of these things and more. I'll be available to anyone who has questions (my contact information can be found in the staff box on page 2), so please do not hesitate to call me any time there is a GrassRoots-related issue that I can help you resolve.

I'd also like to take a few moments to outline my vision and my priorities for GrassRoots during the coming months and years ahead. We have much work ahead, and all of it is very important indeed.

First on my list of priorities is getting justice for Jason Dickey. I don't know Jason personally, but I know his story. Jason was put in the horrible position of having to defend himself from two drunk attackers. A scenario that we who carry a firearm for self defense have all thought about and dreaded. I bet that we've all heard the phrase: "I'd rather be judged by twelve than carried by six," right? Well Jason had to make that choice one night back in April of 2004 and he chose correctly. If he had not done *exactly* as he did that night, he might very well not be alive today.

> *...we've all heard the phrase: "I'd rather be judged by twelve than carried by six,..."*

Unfortunately, an over-zealous prosecutor felt that Jason shouldn't have the right to self-defense and actually charged Jason with murder simply for defending his life. While the jury did not see fit to convict Jason of murder, they were somehow still able to disregard the plainly apparent elements of self defense and convict him of manslaughter. Jason Dickey is now unjustly serving 16 years in prison for acting exactly as any reasonable person would act in his situation. I am committed to getting real justice for Jason Dickey, which can only mean freeing him from prison. We can achieve this either through action from the governor, or by getting him a new trial, but achieve this we must! But for the grace of God, that could be you or me sitting in that cell right now. Jason is you and me. He is every one of us. We are going to do everything humanly possible to free Jason Dickey. Anything you can do to help with that effort is needed immensely.

Next on my list of goals is pushing our legislative agenda, and pushing it *hard*. Achieving "restaurant carry;" getting more reciprocity agreements and getting our permits honored by more states, eliminating restrictions on where we may lawfully carry; fighting all attempts to add new restrictions or increase the current ones now in place. GrassRoots believes citizens should be able to carry anywhere they see fit. Anywhere that we can't lawfully carry becomes a place that we are vulnerable to attack by predators who disregard those same laws which we obey.

I'm also very focused on increasing the size of our membership by leaps and bounds. In the past, our membership has always had pretty large numbers, but we still have lots of room to grow. There are over forty-thousand South Carolinians who currently possess a CWP. I want to get every one of them to join as members. There are also thousands of hunters, gun collectors, shooting enthusiasts, range owners, gun dealers, and regular-old-everyday gun owners out there in our state. GrassRoots is the very vanguard of their gun rights in this state. Many more people out there still benefit from the safety that a firearm provides. There are many small shopkeepers, moms, clergy, minorities, handicapped, and elderly citizens that have the right to protect themselves from thugs and attackers. There are (unfortunately) many citizens of our fine state who don't carry, or even own a firearm. Each of them in turn benefit from the fact that some of us do carry. GrassRoots is fighting for their 2nd Amendment rights too. Why shouldn't they become members too?

I'm looking ahead to the near future at the many things we hope to accomplish and the future looks bright indeed. I am very honored and privileged to have been chosen to serve you as the new GrassRoots Executive Officer. There will be challenges ahead, but we are committed to winning! Please feel free to contact me if you have articles that you have written for The Defender, questions about your membership dues, the website, or any suggestions that you may have for improvement. I'll need your help very dearly in the months ahead. Lets all pull together and help GrassRoots GunRights continue to be the highly successful "no compromise" pro-2nd Amendment organization it has been for so many years now.

Join the GrassRoots online discusion forum at: http://groups.yahoo.com/group/scfirearms/

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something more likely than not.

In a criminal trial, the standard of proof needed to convict a person of a crime is "beyond a reasonable doubt." This standard requires the jury to not just think the defendant is guilty, but to think there are absolutely no reasonable doubts as to the defendant's guilt. This standard of proof is the toughest standard of proof in the American legal system. It is based on the principle that no innocent man should ever be imprisoned or punished for something he did not do.

How does this play out in real life? Think about the OJ murder trial. The standard of proof necessary to criminally convict someone is guilty beyond a reasonable doubt. On the witness stand, Mark Furman - the investigating officer - was asked if he had planted the bloody evidence used against OJ. Furman did not deny planting the evidence. Instead, Furman invoked his 5th Amendment right not to say anything that might tend to incriminate himself. The jury obviously felt if the investigating officer refused to testify he had not planted the evidence, then a reasonable doubt existed as to whether OJ was guilty. That is why OJ walked out a free man.

In a civil trial for wrongful death brought by the families of the people OJ allegedly killed, the standard of proof necessary to win was a preponderance of the evidence - a much lower standard than beyond a reasonable doubt. In the civil trial, the jury felt OJ was more likely than not guilty of having wrongfully killed two people. The jury found in favor of the plaintiffs and OJ lost a lot of money.

> *Our society has been raised on television, and what people see on TV is their reality...*

In Jason Dickey's case, Jason claimed self-defense. Once the issue of self-defense was raised, the government had the responsibility to disprove self-defense beyond a reasonable doubt. If the government failed to prove *beyond a reasonable doubt* that Jason had not satisfied at least one element of self-defense, then Jason should have been set free.

The analysis below will show Jason proved he had indeed satisfied every element of self-defense beyond a reasonable doubt even though Jason had no duty to prove anything. The government had the duty to prove *beyond a reasonable doubt* that Jason had failed to satisfy at least one element of self-defense. Yet somehow, the jury found that the government had proven their case *beyond a reasonable doubt*. This case illustrates why we need to change the law of self-defense in South Carolina.

Once you finish reading the facts about this case, you will un-

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bodily harm to an innocent person.

Every CWP holder needs to realize Jason's trial is only the beginning of the war on CWP holders in SC. There is a saying that "all's fair in love and war", and the truth is one of the first casualties in war.

In this war on the CWP program, the prosecutor did a few things any self respecting person would not have done. For example, the prosecutor objected to allowing a SLED investigative report to be used at trial because it would have helped to clear Jason. Unfortunately, Jason's attorney had failed to lay the proper foundation for introducing the SLED investigative report into evidence, and thus the SLED investigative report was not allowed to be used to clear Jason once the prosecutor objected. When was the last time you heard of a prosecutor so bent on convicting an innocent man that he would keep reliable evidence out that would help clear an innocent man? Obviously, the truth was not as important as winning the war against the CWP program. This was not the only despicable thing done by the prosecutor to convict an innocent man. To read about all of the despicable things the prosecutor did, you will need to read the full account of the trial.

...the prosecutor objected to allowing a SLED investigative report to be used at trial because it would have helped to clear Jason.

Jason was convicted of manslaughter in a flawed trial, and sentenced on September 18, 2006, to 16 years in prison. This is a travesty of justice, and it is a threat to every CWP holder in SC. To see just how wrong this decision was, please read the full account of what happened at trial in the next issue of the Defender.

Ask yourself what you would have done in the same situation. If you would have pulled the trigger too, then Jason and the very existence of the CWP program need your help.

This case is now being appealed. Any legal precedents set in this case will become binding upon *YOU*! Whatever happens to Jason in this case can happen to you, and be used against you in the future. That is why you must help Jason win. Otherwise, you will be allowing bad precedents to be set that will be used against you if you are ever forced into a situation like the one Jason was forced into.

The problem is that an appeal costs money - a lot of money. And, Jason doesn't have any money left. So, his appeal was going to be handled by the office of indigent defense.

Do you want the legal scope of *your* rights being argued in court by a public defender? Or, would you rather have the legal scope of *your* rights being argued in court by a pro gun rights attorney who has already won a pro gun rights case before the SC Supreme Court? Which attorney do you think will have *your* best interests at heart?

A decision had to be made, and it had to be made before this issue of The Defender was published. Would we allow Jason's and our rights to be argued by a public defender, or would we hire a pro gun attorney to protect all of our rights?

Any legal precedents set in this case will become binding upon YOU!

The problem is that we did not have the money to hire the pro gun attorney to protect our rights. But, GrassRoots' VP - Rob Butler - decided to ask for a favor. Rob Butler asked pro gun attorney Larry Salley to take on Jason's case immediately even though we could not guarantee payment. In return, GrassRoots would ask its membership to come up with the money to pay Larry Salley as soon as possible.

Larry Salley took on Jason's case for two reasons. First, Larry knows that he would have shot the attacking drunk, too. Second, Larry trusts that Rob Butler was right when Rob said GrassRoots members will do the right thing and help pay for the many hours of work that will be required to win this case. Not many attorneys would take on a case in return for a mere promise to pay, but Larry believes this case *MUST BE WON* and GrassRoots members are good people!

Jason Dickey and GrassRoots GunRights need your support right now. The trial transcript alone will cost a few thousand dollars. We need you to send a donation (the larger the better) to the GrassRoots Legal Defense Fund as soon as possible. Remember, this donation is to protect *YOUR* rights, too.

Two things need to be done ASAP:

1. Get Jason out of prison and clear his good name. Please read the notice on page 20 to see how.
2. Change the law of self defense to protect innocent victims, not violent predators. Please read the article on page 2 to see how.

Make a donation today!
GrassRoots Legal Defense Fund
P.O. Box 2446
Lexington, SC 29071

WHY continued from page 4

derstand how the old adage "never trust your fate to 12 people too stupid to get out of jury duty" came into being.

Element 1: You must be without fault in bringing on the difficulty.

Jason was employed as a night watchman at the apartment building where Jason also lived. Two female residents of the apartment building had gone out partying earlier that evening and brought home a couple of drunk guys they had just met. One of the female residents became concerned because one of the drunks had gotten "out of control." This drunk had left her apartment seeking to fight with other residents of the building. This drunk was causing trouble by knocking on doors on other floors of the apartment building looking for a person to beat up. The female resident of the apartment went to the front desk and requested that Jason ask the drunks to leave. Jason did as his job required him to do and politely asked the drunks to leave the apartment building.

When the out of control drunk refused to leave when politely asked to do so by Jason, Jason called 911 and requested that the police come to evict the drunks. Jason was told the police were en route. This enraged the "out of control" drunk. But, the other drunk convinced the "out of control" drunk it was in their best interests to leave, and they did.

As the drunks were leaving the apartment building and turning right out the front door, Jason saw the taillights of a Crown Victoria go past the front door of the apartment building to the left. Since the police drive Crown Victorias, Jason thought it was the police responding to his 911 call. Jason stepped outside and turned left to go talk with the police. But, it turned out the Crown Victoria Jason saw was not a police car. This left Jason standing outside on the welcome mat under the awning of his locked apartment building.

...the FBI reports more people were murdered using hands, feet, elbows, and knees as deadly weapons - the very weapons the two mean drunks were going to use against Jason - than were murdered by rifles, shotguns, poison, explosives, and drowning COMBINED!

So, what did Jason do wrong that put him at fault in bringing about this difficulty? Jason was polite and never raised his voice or used abusive language. Jason did nothing wrong to bring on the difficulty that evening.

Element 2: You must actually believe you are in imminent danger of loss of life or serious bodily injury or actually be in such danger.

To keep things in proper perspective, certain facts need to be pointed out. The FBI provides detailed reports on crime. In both 2003 and 2004, the FBI reports more people were murdered using hands, feet, elbows, and knees as deadly weapons - the very weapons the two mean drunks were going to use against Jason - than were murdered by rifles, shotguns, poison, explosives, and drowning COMBINED! What starts out as a "simple" fistfight can turn deadly.

And, lets not forget about the vodka bottle that was under the shirt of the lead attacking drunk - the bottle the drunk was reaching for when he told Jason that he "had something for you, too" as he charged at Jason. A vodka bottle is a deadly weapon, too. It can be used as a blunt instrument to bludgeon people with, or if broken, it can be used as a cutting instrument. According to the FBI, almost three times as many people are killed by blunt instruments and cutting instruments as are killed by hands, feet, elbows, and knees - which only increased the dangers Jason was unwillingly being forced to face.

These FBI numbers only report on people who were actually killed. There were even more people who "only" suffered serious bodily injury. The law of self-defense is supposed to allow you to protect yourself against both death and serious bodily injury.

See **WHY** on page 6

SENATE continued from page 1

Republican incumbents knew they could get more votes by killing the reciprocity bill than they could get by passing it. Republican incumbents knew you would still vote for them even if they killed pro gun rights bills. And, they figured they just might pick up a few votes from the "undecided" voters in the middle if they killed some pro gun bills. They had nothing to lose and everything to gain by voting against CWP reciprocity.

GrassRoots sent a survey out to the entire CWP list asking CWP holders what they considered to be the most important issues to them. The response to our survey was tremendous, with 25% of all CWP holders responding to our survey (typical response rates are only 1-3%)! The results were clear. CWP holders wanted two things: 1) the right to carry in restaurants that serve alcoholic beverages, and 2) a better reciprocity law to allow SC CWP holders to carry in more states.

The March 2005 issue of The Defender contained the famous orange postcards addressed to politicians, and an action plan for success. The Defender was sent to our 5,000 dues paying GrassRoots members and to the 10,000 CWP holders who answered the GrassRoots survey.

GrassRoots leadership told you how important it was that you do two things: 1) send the postcards to the politicians, and 2) help fund the GunRights PAC. GrassRoots leadership told you that a failure to either send the postcards or to fund the GunRights PAC would tell the politicians they could ignore gun owners with impunity. To re-read the GrassRoots predictions and see that you don't need hindsight to be able to have 20/20 vision, see the March 2005 issue of The Defender.

Unfortunately, you ignored the warnings from GrassRoots leadership. The politicians figured you didn't care and they could kill the CWP reciprocity bill without having to pay a price. So, the politicians killed CWP reciprocity.

There will be winners and losers in every political battle. Usually, the winners will be those people who refuse to accept excuses from politicians for losing - these people are known as sore losers. And the losers will be those people who are willing to accept excuses from politicians for losing - these people are known as good losers. Politicians know they have to fear sore losers come election time, but they don't have to fear good losers. Well, you told the politicians you were willing to be good losers! So, how do you feel now? Do you feel good?

There will be winners and losers in every political battle...the winners will be those people who refuse to accept excuses from politicians for losing...the losers will be those people who are willing to accept excuses from politicians for losing...

Out of the 15,000 sets of postcards GrassRoots sent out to you, only 1,600 of you bothered to send the postcards back to the politicians. Your response was so pitiful that the politicians felt they had nothing to fear by denying you a better reciprocity law. If you were too lazy to send in postcards, why should politicians think you would actually show up and vote against them? The politicians knew they had more to fear come election time from the liberal anti gun mass media and liberal voters than they did from you. Your failure to send in the orange postcards is why the reciprocity bill was killed! You showed the politicians you were good losers!

Out of the 15,000 requests for donations to the GunRights PAC, fewer than 600 of you bothered to make any donation at all. All you were asked to send was a measly $10 a year! Unfortunately, too many of you couldn't be bothered to make even that small of a donation! Your failure to help fund GunRights PAC is why the reciprocity bill was killed! You showed the politicians you were good losers!

Some people sent more than $10 to the GunRights PAC. To those of you who sent any money to GunRights PAC, "Thank you!"

The GunRights PAC currently has a little over $26,000 to use to fight to protect our rights. But, $26,000 is NOT enough to oust an incumbent senator who helped kill our CWP bill or who will not support carry in nice restaurants. If you are too tightfisted to donate money to support your rights, why should politicians fear you? Your failure to donate to GunRights PAC told the politicians they could kill your CWP reciprocity bill with no risk to them for doing so. You showed the politicians you were good losers!

You told the politicians you are too apathetic to vote against them for killing your CWP reciprocity law, and you are too cheap to fund the GunRights PAC to try to oust them from office. Tell me, what does a politician have to fear from gun owners now?

If you were too lazy to send in postcards, why should politicians think you would actually show up and vote against them?

A smart politician wanting to ensure he gets re-elected will know he needs to cater to the liberal mass media and the liberal anti gun voters because these groups will work to oust him if he does not do their bidding. Is this what you want? Or, are you willing to start doing what needs to be done to win back your rights?

GrassRoots leadership has consistently said the power of GrassRoots comes from you - the thousands of GrassRoots members that vote these politicians in or out of office. GrassRoots leaders told the politicians that better CWP reciprocity was one of your two top issues. We told the politicians they could expect to get thousands of postcards from you in support of better CWP reciprocity laws. Unfortunately, you failed to send in the postcards.

You let GrassRoots leadership down. You let yourself down. You let your children down. You showed both the anti-gun and apathetic politicians you didn't care about pro gun issues. And, if you don't care, why should they?

The biggest disappointment was to truly pro gun politicians. True pro gun politicians have told us how important it is to have a reliable and consistent pro gun presence at the statehouse. Only GrassRoots has done this for years. So, your failure to send in the postcards also told these pro gun politicians that they can not count on you to support them if they support your rights. Why should any politician take the risk of fighting the liberal mass media if they can not count on you to support them when it counts? Your failure to send in the postcards was tantamount to shooting yourself in the foot because even pro gun politicians know they can not count on you now.

The very future of your gun rights is at stake here. You must decide whether you want to continue being good losers who get nothing, or whether you want to once again become sore losers who get results like we did in the legislative sessions ending in 2000, 2002, and 2004. We can either regroup and start winning again, or we can fade into the sunset. The choice is yours to make.

WHY continued from page 5

Jason rightfully believed he was in imminent danger of loss of life or serious bodily injury, and testified to such on the witness stand. A female witness sitting outside on a bench near the entrance of the apartment was so afraid for her own safety when the drunken predators started to charge Jason that she tried to escape into the apartment building. She didn't make it all the way inside before Jason was forced to shoot to stop the attack. If the girl was so afraid for her own safety that she tried to run inside the apartment building, imagine how afraid Jason must have been since the two mean drunks were coming to harm Jason, not the girl. Jason testified he was more afraid of the two attacking drunks than he had ever been before in his entire life.

The surviving drunk testified they intended to beat up Jason when they charged him. So, what reasonable person could possibly believe Jason was not in imminent danger of loss of life or serious bodily injury, and rightly feared for his safety under these circumstances?

Not only was Jason actually in imminent danger of loss of life or serious bodily injury, Jason was quite reasonable in believing he was in such danger. Therefore, Jason satisfied both alternatives of the second element of self-defense.

Element 4: You had no other probable means of avoiding the danger of losing your own life or sustaining serious bodily injury than to act as you did in the particular instance.

What alternatives - short of using lethal force - are available to you to avoid the danger when two predators are determined to do you harm? You could try to escape by running away. You could try to overpower them by fighting with them. You could try to talk and reason with the predators and get them to change their minds. Lets look at each of these alternatives.

Escape: Jason has a 30% disability from the U.S. Army due

See **WHY** on page 14

The following letter was sent on May 24th, 2005 to every Senator prior to their voting on whether to support the House version of H. 3110 (which would have greatly increased the number of states having reciprocity with SC) or the Senate version (which would have reduced the number of states having reciprocity with SC).

GrassRoots GunRights

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

The Honorable Glenn McConnell
South Carolina Senate
P.O. Box 142
Columbia, SC 29202

RE: Conference Committee on H. 3110

Dear Senator McConnell:

There has been a lot of chicken little's "the sky is falling" talk going around about H. 3110 and concealed weapon permit (CWP) training requirements. So, please make a reality check before voting. You need to consider the following before casting your vote.

First, WE ARE THE GOOD GUYS! CWP holders are the most law abiding segment of society. We know that we should not shoot someone unless it is as a last resort to prevent the loss of life of innocent people, and we didn't learn this simple fact in a training class. We already knew it because we are the good guys - not a bunch of gang bangers! All of the legal mumbo jumbo taught in a CWP training class is unnecessary when one realizes that you only shoot to save a life.

Whether we reside in SC - where CWP training requirements are on the more onerous side, or whether we live in Georgia - where there are no CWP training requirements, the facts show that WE ARE STILL THE GOOD GUYS! To assume that we would suddenly change from being the good guys into one of the bad guys merely because we crossed a state line is simply chicken little's "the sky is falling" talk.

Second, CWP handgun training requirements serve no useful practical purpose. The CWP class handgun training teaches people to "focus on the front sight", "assume the proper stance", use "proper breathing technique", and employ "a slow steady trigger squeeze". These are all fine techniques for target shooting. But, in a life or death situation, the research shows that even "highly trained" law enforcement officers focus on the deadly threat in front of them - NOT the front sight, and they completely forget about assuming the proper stance, using the proper breathing control, or employing a slow steady trigger squeeze as they start shooting to save their lives. The reality is that even when a "highly trained" LEO is suddenly placed in a life and death situation and forced to use his handgun, he DOES NOT employ his training on how to use a handgun! Instead, the "highly trained" LEO resorts to basics and does just as an untrained CWP holder would do - point and shoot.

The facts show that the vast majority of self defense shootings (over 90%) occur within 3 yards, take less than 3 seconds from start to finish, and have a total of 3 rounds fired. They call this the Rule of 3's. The reality is that the target shooting techniques taught in the CWP classes are NOT useful or practical for the real life situations that CWP holders will find themselves in when the excrement hits the fan. What a CWP holder will do is simply point and shoot at the attacker that is usually within touching distance. Even "highly trained" LEOs don't use the target shooting techniques taught to them when their lives are on the line, instead they also just point and shoot. So, where is the real value in CWP handgun training? Or, is it simply chicken little's "the sky is falling" attitude defending a useless CWP training requirement?

Third, CWP training requirements actually work against improving the public safety! Dr. John Lott, in his book "More Guns, Less Crime" found that: 1) there was no increase in accidental deaths after CWP laws were enacted; 2) shall issue CWP laws lowered violent crime rates whether there were no training requirements or extensive training requirements; 3) the more CWPs issued in a state, the lower the violent crime rate went for all people - not just CWP holders (whence the "More Guns, Less Crime" title to his book); and 4) increased training requirements were responsible for causing people to NOT get a CWP.

The ONLY reasonable conclusions to draw from these facts are that CWP training requirements actually keep violent crime rates artificially higher than they would be without CWP training requirements! This means more people are killed, more women are raped, more people are beaten, and more people are robbed every year do to CWP training requirements! Training requirements DON'T save lives, they cost lives! Why should SC people be at greater risk when traveling out of state just because other states are smarter than we are and refuse to impose harmful training requirements on their own citizens?

Fourth, some chicken little's claim that if CWP training requirements are dropped, then a bunch of untrained gun toting bozos will come to SC and harm our people. But, we already allow ANY person to bring a gun to SC and carry it in a glove box, console, or trunk. The criminals carry guns in SC without asking permission.

The CWP training requirement for reciprocity only stops the proven good guys from carrying a gun in SC, and it stops SC CWP holders from being able to protect their families while traveling. Preliminary research by the SC administrator of packing.org (an internet CWP law clearing house) shows that a dozen states DO NOT require training to get a CWP. Another dozen states only require minimal CWP training, not the extensive training that is contained in SC law or H. 3110. Yet, these other states don't have problems with their CWP holders. What reasonable explanation can be offered as to why these otherwise law abiding people would suddenly become a reckless endangerment when they enter SC? Or, is the true explanation simply chicken little's "the sky is falling" mentality?

In the ten years that our CWP law has been in existence, South Carolina has only established reciprocity with nine states - with, coincidentally of course, half of them only since H. 3110 started working its way through the legislative process. Yet, North Carolina (which only started allowing reciprocity a year ago) and Florida have established reciprocity with 27 states! The people of South Carolina deserve better!

Lets not let the chicken little's of the world make the laws! Stand up and do the right thing! Pass H. 3110 WITHOUT a CWP training requirement! The sky will not fall!

Sincerely,

RD Butler

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

Criminal Domestic Violence Bills and Your Gun Rights

As you may recall from the headlines in all of the newspapers across SC, there was a real fight over proposed criminal domestic violence (CDV) bills in the 2005-2006 legislative session. These bills would have made SC law even worse for gun owners than federal law with regards to criminal domestic violence. But, GrassRoots leadership worked hard and was successful in protecting your rights.

Please read the letters GrassRoots sent to your elected representatives, and also the prepared statements delivered at the subcommittee and study committee hearings on CDV. GrassRoots fought the anti gun provisions at every level of the political process. First, GrassRoots spoke at a House subcommittee hearing (see below) in 2006. Second, GrassRoots sent a letter to the chair of the House subcommittee (see page 9). Third, GrassRoots sent a letter to each member of the House Judiciary Committee (see below). Fourth, GrassRoots spoke at the CDV study committee (see below).

These CDV bills were extremely anti gun, and included gun confiscation (some even allowed gun confiscation without compensation), lifetime firearms disability (which is legalese for never being able to possess a gun for the rest of your life) for non violent misdemeanors, and many other anti gun provisions (detailed in the letters and statements). Gun owners would have been treated worse than child molesters.

GrassRoots was the ONLY pro gun organization fighting to protect the rights of gun owners. The NRA and GOSC failed to speak out against these bills. The NRA and GOSC said they would not speak out against these CDV bills because they feared that to do so would jeopardize their CWP reciprocity bill. How sad and ironic that even the ACLU of SC (both the ACLUSC Executive Director and National Board Representative were cornering politicians in hallways and offices asking the politicians to kill the CDV bill) spoke out in support of the rights of gun owners while the NRA and GOSC sat back and silently watched as your gun rights were under attack.

GrassRoots Statement to House Subcommittee CDV Hearing

The following message was delivered to the House subcommittee by Robert D. Butler - GrassRoots' VP - at a public hearing on criminal domestic violence:

"Mr. Chairman and Honorable members of this subcommittee, thank you for the opportunity to speak on H. 3143. I am here to speak on behalf of GrassRoots GunRights and its members. GrassRoots members are the ones sending you the orange postcards that have just started hitting your desks.

I would like to give an example of why we need to increase the penalties for domestic violence. When I was a practicing physician, I had a young lady come to see me for treatment of neck and back pains. I asked her if she had suffered any trauma. She laughed and told me she had x-rays taken on numerous occasions. I asked her to bring her x-rays to me. When she did, she had a stack of x-rays over two inches high. She told me her ex husband regularly came by her home after he had been drinking, broke into her home, and beat her. I asked her why she didn't press charges against her ex husband. She told me she could wall paper her home with the restraining order papers she had. Then, she showed me a stack of restraining orders issued over the last few years. That is when I realized how ineffectual the legal system and court orders were, and how important it was for this young lady to get real protection since the legal system either could not or would not protect her.

..not everything done in the name of fighting domestic violence is truly done to stop domestic violence.

As I was driving to the statehouse today, I read a sign warning people not to litter. I noticed that the penalties for littering - $1,000 fine and prison time - were greater than the penalties for domestic violence. I thought to myself, if the General Assembly really wanted to do something about domestic violence, then they would increase the penalties for first and second offense domestic violence from the piddling penalties that exist now to substantial penalties that show that we are serious about stopping domestic violence. The key to stopping domestic violence deaths is to start punishing abusers early, and to break the cycle of violence long before it gets to the point of using deadly weapons. Virtually all deaths from domestic violence are not the result of a first or second domestic violence offense, they are the result of a pattern of violence over years that has been allowed to escalate without significant sanctions. Just as Rep. Smith stated last week, we must break this cycle of violence early.

But, not everything done in the name of fighting domestic vio-

see **STATEMENT** on page 11

Letter to House Judiciary Committee Re: CDV Bill

The text below was faxed in a letter to every member of the House Judiciary Committee prior to their vote on the anti-gun CDV bill H. 3143.

Rep. John Graham Altman moved to table H. 3143 just as GrassRoots had asked him to do. The full Judiciary Committee then voted to table the bill (which is a procedural move that kills the bill). We owe Rep. Altman a big "Thank you."

The mass media was incensed and mercilessly attacked Rep. Altman. Rep. Altman then sponsored a new CDV bill that did not contain any gun control measures. Rep. Altman's CDV bill was eventually passed into law. Interestingly, the primary sponsor of the anti-gun CDV bill refused to co-sponsor the CDV bill without the gun control provisions included.

...the primary sponsor of the anti-gun CDV bill refused to co-sponsor the CDV bill without the gun control provisions included.

"GrassRoots GunRights SC opposes passage of H. 3143 until ALL gun control provisions are removed from the bill, specifically, Sections 10, 11 and 12 denying the right of expungement for FIRST TIME MISDEMEANOR criminal domestic violence crimes (and Section 20, which the Criminal Laws subcommittee has already advised be deleted). H. 3143 contains NEW gun control provisions that make South Carolina law more onerous than federal law. While supporters of H. 3143 tell people that all they are doing is making state law mirror federal law with regards to gun control, that is simply NOT true. I will explain.

Federal law prohibits a person convicted of a misdemeanor crime of domestic violence (US Code of Laws, Title 18, Chapter 44, Section 922(g)(9)) from ever

see **JUDICIARY** on page 11

CDV Study Committee Report

GrassRoots was successful in getting all anti gun provisions removed from the criminal domestic violence (CDV) bill that eventually became law. Contained in that law was a requirement to create a CDV study committee to consider what else should be done. GrassRoots spoke at the study committee hearing to once again let politicians know that gun owners did not want to be discriminated against. Here is what Robert D. Butler - VP of GrassRoots - said on your behalf:

"Honorable members of this Criminal Domestic Violence (CDV) study committee, thank you for the opportunity to speak.

Most of you know me as the representative of GrassRoots GunRights SC. But today, I wear two hats - I am here on behalf of both GrassRoots GunRights and the ACLU of SC.

Earlier this year, there were various bills considered by the General Assembly that dealt with CDV. Eventually, H. 3984 was enacted into law, with the provision that a study committee would be formed to better look at what could be done to stop CDV. GrassRoots and the ACLU of SC urge you to keep the following ideals in mind when considering additional legislation.

These [CDV] bills do little or nothing to stop CDV, they simply attack gun ownership.

Both GrassRoots and the ACLU of SC oppose any laws that create second class citizenship. Therefore, we both oppose any laws that deny a person the opportunity to have their rights restored after they have

see **STUDY** on page 15

The following letter was sent to Rep. Murrell Smith - Chair of the House Judiciary subcommittee - after the subcommittee hearing and in response to Rep. Smith's questions regarding how federal law treats CDV. Excerpts of the federal law supplied to Rep. Smith can be found on page 18 and the attached text of what GrassRoots said at the subcommittee hearing can be found on page 8.

GrassRoots GunRights

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

April 13, 2005

Honorable Murrell Smith
South Carolina House of Representatives
P.O. Box 11867
Columbia, SC 29211

RE: H. 3143 and H. 3649

Dear Representative Smith:

The issue of how federal law impacts the anti gun rights provisions found in H. 3143 and H. 3649 has been raised. I will attempt to clearly explain the matter to you. On an attached sheet you will find the pertinent sections of federal law.

At the last subcommittee hearing, the question was asked as to whether federal law prohibited only the purchase of firearms for a conviction of misdemeanor criminal domestic violence, or whether federal law also prohibited the possession of firearms for a conviction of misdemeanor CDV. I told the subcommittee that while I had no personal knowledge of the matter because I had not researched the issue, a federal firearms licensee had told me that only the purchase was prohibited under federal law. As you can see from the attached federal laws sheet, a misdemeanor CDV conviction that meets certain criteria prohibits BOTH the purchase and possession of a firearm under federal law. But, federal law also provides that a pardon, expungement or restoration of rights will allow a person convicted of CDV to have their rights to purchase and possess a firearm restored.

The prohibitions against the restoration of rights found in H. 3143 are of concern to GrassRoots GunRights and gun owners. We oppose all the prohibitions against expungement found in H. 3143. Expungement exists to allow people who have changed their ways to clear their records and be treated as first class citizens. Pre trial intervention is a proven method of allowing good people who have made a single minor mistake to keep their records clean.

GrassRoots GunRights opposes all forms of second class citizenship whether it be based upon race, color, creed, national origin, previous condition of servitude, or a prior CDV conviction. GrassRoots GunRights wants all prohibitions against expungement and pre trial intervention deleted from H. 3143 (i.e., delete sections 9, 10 and 12 from H. 3143).

Another issue of concern with H. 3143 is that a CDV conviction under federal law requires that "the use or attempted use of physical force, or the threatened use of a deadly weapon" be an element of the CDV crime. South Carolina misdemeanor CDV law only requires that a person "offer ... to cause physical harm or injury" to be convicted of misdemeanor CDV, and does not require that physical force actually have been used or attempted to have been used. South Carolina misdemeanor CDV law is already more stringent than federal law and allows for a conviction for misdemeanor CDV for less than an actual "use or attempted use of physical force, or threatened use of a deadly weapon" as required in federal law. Therefore, if H. 3143 is enacted into law, the firearms prohibitions contained in H. 3143 will be more onerous than federal law. This is unacceptable to South Carolina gun owners.

The federal law providing that CDV convictions are sufficient cause to "infringe" upon "the right of the people to keep and bear arms" is in direct contradiction to the explicit language of the Bill of Rights as found in the Second Amendment to the US Constitution, and has not yet been addressed by the highest court in the land. GrassRoots GunRights expects the federal law will eventually be found to be unconstitutional. GrassRoots does not want to see additional unconstitutional state laws added to the unconstitutional federal law. This would simply make the fight to defeat second class citizenship and restore our rights even more expensive. GrassRoots GunRights wants Section 20 of H. 3143 deleted from the bill.

Attached you will find the text of the concerns voiced by GrassRoots GunRights at the last Criminal Laws subcommittee hearing. Please remember that those people who are a serious threat to others are already prohibited from possessing a firearm under existing law. Those who commit a domestic violence crime of a high and aggravated nature are already prohibited from possessing a firearm under federal law because they are felons. Those who commit a third domestic violence crime are already prohibited from possessing a firearm under federal law because of the three year possible jail term - even if they only received 30 days. Therefore, the only people who would be punished by Section 20 of H. 3143 are those who have committed one or two minor misdemeanors. Those crimes should not have involved firearms or else they should have been prosecuted under the high and aggravated domestic violence law, which is a felony. And, they should not have involved a reasonably perceived imminent threat to life and limb or else they should have been prosecuted under the high and aggravated domestic violence law, which is a felony. It is unreasonable to prohibit a person from possessing firearms for self defense, defense of family, and recreational pursuits such as hunting and target shooting for one or two misdemeanor domestic violence acts that did not involve firearms, serious threats to life, or threats of serious bodily harm. Before instituting such a draconian approach, it would be reasonable to first see how increasing the penalties for domestic violence effect the problem. The increased penalties in this bill should work to break the cycle of violence at an early stage. This proposed gun ban is not needed and should be deleted from this bill.

Research has shown that iatrogenic problems (that means problems created by the medical profession while attempting to treat a different medical problem) kill many times more people every year than guns do. But, we don't ban medical treatment. Instead, we do a cost benefit analysis and rightly determine that the benefits of medical care outweigh the costs.

Research has also shown that guns save lives. Guns are used over 2 million times per year for defensive purposes in the US. But, we seldom hear about these uses. There are numerous examples of armed citizens stopping mass public shootings before the police could ever hope to arrive on the scene. Yet, the liberal mass media refuses to cover these happenings. Thus, the public is not properly informed of the positive values associated with gun ownership and can not make an intelligent cost benefit analysis.

Gun owners feel that legislation that singles out gun owners for extra punishment is wrong. These bills single out gun owners for extra punishment. People who bowl, golf, fish, play tennis, or engage in woodworking as their preferred recreational pursuits are not additionally punished by these bills. Only hunters and target shooters are being told that they must give up their preferred recreational pursuits for committing a first or second misdemeanor domestic violence crime even when firearms were never used or threatened to be used, and even when no physical violence was a part of their crime. This is wrong.

Another issue of concern with H. 3143 is that it would deny pre trial intervention for those people charged for a first offense misdemeanor CDV. This is wrong for the reasons stated by GrassRoots, prosecutors, and magistrates at the prior subcommittee hearing. GrassRoots GunRights wants Section 9 of H. 3143 deleted from the bill.

GrassRoots GunRights wants to see Sections 9, 10, 12, and 20 deleted from H. 3143, and any similar language contained in any other bill that comes before the subcommittee should also be deleted. Thank you.

Sincerely,

R D Butler

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

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from them. They only hit the man one time in the arm. Their superior officer told the press that the officers had tried to hit the man's torso with each shot. So, just how good is the training that police officers receive?

The fact of the matter is that when the excrement hits the rotating inclined planes, all training is forgotten unless all you do every day is train for such an encounter. Police officers do not train every day for such encounters, and their results show it.

The Rule of Threes states that self defense shootings occur at distances of 3 yards or less, last 3 seconds or less, and involve firing 3 rounds or less.

Just how proficient with a handgun does a CWP holder need to be? The reality of self defense shootings is best described by the Rule of Threes, which has been found to cover the vast majority of self defense shootings. The Rule of Threes states that self defense shootings occur at distances of 3 yards or less, last 3 seconds or less, and involve firing 3 rounds or less. Since this is what a CWP holder will likely have to deal with in real life, then the minimum standard of "training" should be set to prepare the CWP holder for these situations.

CWP holders almost always only need to shoot at very close distances - distances so close that you could easily just reach out and touch the other person. A CWP holder is not required to shoot at fleeing suspects because the CWP holder can only fire when in imminent danger - which means up close and personal. If the bad guy is running away, it gets hard to claim you were in imminent danger. Training won't help you here.

How much training do you really need to hit a target less than 3 yards away? At distances of 3 yards or less, you could hit your target with your eyes closed. Training won't help you here.

As just shown, handgun proficiency training is not truly required to allow a CWP holder to safely and efficiently defend himself in the vast majority of self defense situations. This fact is well known to people who have studied the subject. That is why some states do not require any handgun proficiency training - it is a waste of time and is useless for the real life situations that CWP holders will most likely encounter.

Knowledge of the laws is the other type of CWP training that is required in South Carolina. There are basically two areas of law you need to know - statutory law which details CWP requirements and prohibited carry locations, and case law which deals with the use of lethal force and self defense. Lets now examine how much training should be required in these areas before issuing a CWP.

SLED posts a list of prohibited carry locations on their web site. It fits on one side of one sheet of paper. How long would it take you to read that sheet of paper? Do you really need to sit in a class and pay someone to read it to you? Or, could you just as easily read it at home and save yourself the travel time to a class and the cost and time of taking a CWP class? Training won't really help you here.

Yes, there are details about our CWP requirements that you need to know to stay out of trouble, i.e., presenting your CWP to police officers when asked for ID, change of address required after moving, replacement of lost CWP, etc., etc.. But, do you really need to pay for and sit through a class to learn this? Couldn't you just as easily learn this too from the SLED web site? How many of you still remember exactly what you need to do to process a change of address for your CWP? I'm willing to bet the vast majority of you would need to look it up or make a phone call to find this information. So, how did sitting through the CWP training class help you here more than just reading on a web site or a handout with your CWP that you have to report your change of address?

Required CWP "training" has NO statistically significant safety benefits. But, required CWP "training" does impose statistically significant INCREASED COSTS to human life.

I have taught over 2,000 people the case law with regards to self defense and the lethal use of force while helping Sen. Jake Knotts with his CWP classes. What is obvious is that even many trial judges do not know the laws on the use of lethal force and self defense. That is why there are so many appeals - even trial judges don't know all the hair splitting issues of the law. So, what makes politicians think you can do better than the trial judges after only a two hour course on the laws of self defense and the use of lethal force? You can't. But, the good news is that you don't have to.

Remember, training is supposed to set minimum standards - not ideal standards. The ideal standard for knowing the laws of lethal force and self defense would require you to be a Supreme Court justice.

Everything you were taught about the laws of self defense and the use of lethal force could be summarized as follows: "Only use lethal force as a last resort to protect human life from death or serious bodily harm. If you do anything to provoke an incident where lethal force is used, then you can not claim self defense. If you come to the aid of another, then you legally stand in their shoes and accept the risks that they may have done something to provoke the incident." Everything else you were taught is just filler material. Yes, the additional information is interesting. Yes, it is entertaining. But, it is NOT necessary to pay for and sit through an eight hour class to learn this simple lesson. This lesson could just as easily be learned from reading the SLED web site or a sheet of paper provided with your CWP.

How much training do you really need to hit a target less than 3 yards away?

South Carolina requires you to pay for and learn all of this in a class, but some states are more reasonable and allow you to learn it at home on your own. Dr. John Lott has shown that states which allow you to learn it on your own are just as safe as those states which require you to learn it in a class. And, those states which require you to learn it in a few hour class are just as safe as those states which require you to learn it in a multi day class. There is no proven benefit to forcing people to pay for and learn the CWP laws in a class rather than on their own. So, why do we require such training?

One interesting fact that was discovered is that those states that were the first states to pass "shall issue" CWP laws had the fewest restrictions and training requirements. The most recent states to pass "shall issue" CWP laws have placed the most obstacles in the way of obtaining a CWP. Interestingly, the more restrictions a state has placed on getting a CWP, the less benefit a state receives from lower violent crime rates. Do you wonder why?

The so called "benefits" of CWP training have just been discussed. But what every politician refuses to consider are the costs of required CWP training. So, lets look at these costs.

Dr. Lott discovered that violent crime rates went down wherever "shall issue" CWP laws were passed. The reason is that criminals don't want to be shot. When more good guys have guns, the chances of bad guys being shot go up. So, bad guys make a very rational decision to turn to property crimes instead. Which crime would you rather be the victim of - a violent personal attack or a non violent property crime? Most sane people would rather have their car stolen than their head bashed in.

Dr. Lott also found that violent crime rates continued to drop as more CWP's were issued. The more CWP's a state issued, the further the violent crime rate dropped. Most importantly for public policy concerns, the violent crime rates drop for ALL people in the state - not just for the CWP holders. Thus, it is in the best interests of all the people in a state to increase the number of CWP holders so as to keep violent crime rates as low as possible.

Dr. Lott then studied the effects of required CWP training on the numbers of CWP's issued. Dr. Lott found that as the amount of required CWP training increased, the number of CWP's issued decreased. Dr. Lott also found that as the cost of obtaining a CWP increased, the number of CWP's issued decreased.

Here are the important facts and logical conclusions regarding required CWP training:

1. The more CWP's that are issued, the lower the violent crime rate goes.

2. Increased CWP training requirements discourage people from getting a CWP.

3. When fewer CWP's are issued, violent crime rates remain higher than they would be if more CWP's were issued.

4. Higher violent crime rates cause more women to be raped, more people to be beaten, more people to be killed, and more people to be robbed.

5. Therefore, increased CWP training requirements cause more women to be raped, more people to be beaten, more people to be killed, and more people to be robbed.

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lence is truly done to stop domestic violence. H. 3143 contains some needed changes, such as increased penalties and better training for legal system personnel. But, H. 3143 also contains provisions that are - plain and simple - gun control hiding behind the skirts of domestic violence.

Section 20 of this bill is not needed to stop dangerous people from possessing firearms. This section is simply part of a political agenda to promote gun control, and it does so by hiding behind the skirts of stopping domestic violence because those people who are a serious threat to others are already prohibited from possessing a firearm under existing law. Let me explain.

Those people who use or threaten to use a firearm or other weapon while committing a crime of domestic violence should be charged with and convicted of felony criminal domestic violence of a high and aggravated nature. Those people who inflict serious bodily harm or threaten to inflict serious bodily harm while committing a crime of domestic violence should also be charged with felony criminal domestic violence of a high and aggravated nature.

The United States government's Centers for Disease Control recently concluded there was NO evidence to support claims that gun control laws have prevented any deaths.

People who are convicted felons are already prohibited from possessing a firearm under federal law. So, Section 20 would add nothing to the penalties for these crimes because a federal lifetime firearms disability already exists for them.

Those people who commit a third misdemeanor domestic violence crime are already prohibited from possessing a firearm under federal law because of the three year possible jail term - even if they only received 30 days. So, Section 20 would add nothing to the penalties for these crimes because a federal lifetime firearms disability already exists for them, too.

The only people who would be additionally punished by this section are those who have committed one or two minor misdemeanors. Those crimes should not have involved firearms or else they should have been prosecuted under the high and aggravated domestic violence law, which is a felony. And, they should not have involved a reasonably perceived imminent threat to life and limb or else they should have been prosecuted under the high and aggravated domestic violence law, which is a felony. The only people who would suffer from the additional gun ban penalties would be the people who yelled, screamed, slammed doors, or possibly pushed someone in the heat of the moment. These are not your hardened criminals or habitual abusers. It is unreasonable and wrong to prohibit a person from possessing firearms for self defense, defense of family, and recreational pursuits such as hunting and target shooting simply for one or two misdemeanor domestic violence acts that did not involve firearms or other weapons, serious bodily harm, serious threats to life, or threats of serious bodily harm.

The United States government's Centers for Disease Control recently concluded there was NO evidence to support claims that gun control laws have prevented any deaths. Gun control laws do not stop criminals bent upon violating God's laws against murder. Gun control laws only stop those people willing to obey man made laws, and they aren't the problem.

...if a constitutionally guaranteed right can be taken away for committing a minor misdemeanor, then what protections are there for any of our other rights?

Before instituting the draconian gun ban provisions of Section 20 in this bill, it would be more reasonable and more prudent to first see how increasing the penalties for domestic violence effect the problem. The increased penalties in this bill should work to break the cycle of violence at an early stage. Additionally, if a constitutionally guaranteed right can be taken away for committing a minor misdemeanor, then what protections are there for any of our other rights? The proposed gun ban in Section 20 is not needed and should be deleted from this bill.

But, the gun ban is not the only problem with this bill. I would like to point out a few of the other problems with this bill. These problems are listed in the order they are found in the H. 3143, not in the order of importance.

Section 3. Physical cruelty is defined as endangerment of psychological well being. Psychological well being is an overly broad net to use to punish people for physical cruelty. In fact, it is so overly broad that there is no requirement that physical cruelty actually entail any physical touching or threats of physical touching. This change resembles George Orwell's Newspeak - just a couple of decades later than projected. Physical cruelty should be just that - actual physical cruelty - not a fuzzy catch all phrase such as "psychological well being." This section needs to be deleted.

Section 4. The proposed amendment requires that "an individualized hearing must be held in cases where the accused MAY pose a threat to the public or an individual victim." The word "may" is so overly broad and ambiguous that this section would require an individualized hearing in every case because how can it be said with any degree of certainty that a person could not pose a threat to the public or any individual? This section needs to be amended.

Section 8. While it is perfectly understandable for the state to decide that a criminally violent law enforcement officer should be dismissed from the force, it is not understandable as to why only criminal domestic violence should be the basis for dismissal for a single act of violence or threat-

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again possessing a firearm, UNLESS "the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored" (US Code of Laws, Title 18, Chapter 44, Section 921(921)(a)(33)(B)(ii)). Thus, federal law allows a criminal domestic violence conviction to be expunged - and the right to keep and bear arms restored - when the facts and circumstances of the case merit expungement.

Misdemeanor criminal domestic violence convictions can be made for simply yelling at an ex girl friend and do NOT require that any physical violence have occurred.

Sections 10, 11, and 12 will prohibit expungement for a SINGLE ONE TIME misdemeanor conviction even if a court would have found that justice demanded that the facts and circumstances in that particular case merited a restoration of rights.

Denying expungement for FIRST TIME MISDEMEANOR CDV will forever after deny the person the right to effective self defense of his family, his loved ones and himself. This is wrong. Justice demands that Sections 10, 11, and 12 be deleted from this bill.

South Carolina has both felony and misdemeanor criminal domestic violence statutes. Felony criminal domestic violence occurs when "(1) the person intentionally commits an assault and battery which involves the use of a deadly weapon or results in serious bodily injury to the victim; or (2) the person intentionally commits an assault, with or without an accompanying battery, which would reasonably cause a person to fear imminent serious bodily injury or death." These are serious crimes deserving of serious punishment. Misdemeanor criminal domestic violence convictions can be made for simply yelling at an ex girlfriend and do NOT require that any physical violence have occurred. These crimes - while still crimes - are not of the same quality or magnitude as felony criminal domestic violence.

There are significant differences between the elements of misdemeanor and felony criminal domestic violence. That is why there are both felony and misdemeanor criminal domestic violence statutes. The misdemeanor crimes do not deserve to be punished as severely as felonies. It is wrong to punish a one time offender of a misdemeanor criminal domestic violence crime as severely as a multiple offender of misdemeanor criminal domestic violence crimes or a person convicted of a felony criminal domestic violence crime. We must not allow the distinction between relatively minor misdemeanor crimes and serious felonies to be obliterated in the name of political correctness.

GrassRoots GunRights will report to our members and the readers of our newspaper those who support more gun control and those who oppose more gun control. Please oppose more gun control and vote to delete Sections 10, 11, and 12 from H. 3143. Thank you."

GrassRoots Opposes Gun Confiscation - AGAIN!

Do you remember how the police in New Orleans were confiscating firearms from law abiding people in the aftermath of Hurricane Katrina? Well, gun owners in SC have been protected from this happening to them. While you may have read how the NRA pushed for this law, what you haven't been told is the truth.

GrassRoots GunRights wrote the amendment that changed the NRA bill from a do nothing bill into a gun owner protection bill, and it was GrassRoots GunRights that lobbied to get the amendment added to the bill. Please read the letter to the House Judiciary subcommittee regarding the GrassRoots proposed amendment on page 13. Thankfully, Rep. Mike Pitts strongly supported the GrassRoots amendment and asked that his bill be amended to include the GrassRoots amendment.

The GrassRoots amendment: "This article denies any county, municipality, or political subdivision the power to confiscate a firearm or ammunition unless incident to an arrest or a courtesy summons to appear."

As Paul Harvey would say, "And now, for the rest of the story."

Please read the following words very carefully because this is what the NRA wanted the law to say: "Section 23-31-520. This article does not affect the authority of any county, municipality, or political subdivision to regulate the careless or negligent discharge or public brandishment of firearms."

Do you see any prohibition against government confiscation of firearms in those words? We don't. Well, that is how the law would have read if the NRA had gotten the bill they bragged about passed into law. Unfortunately, there was absolutely nothing about prohibiting gun confiscation in the NRA bill.

GrassRoots wrote an amendment to H. 4681 that would protect gun owners from gun confiscation. Here is how the law would read with the GrassRoots amendment: "Section 23-31-520. This article does not affect the authority of any county, municipality, or political subdivision to regulate the careless or negligent discharge or public brandishment of firearms. This article denies any county, municipality, or political subdivision the power to confiscate a firearm or ammunition unless incident to an arrest or a courtesy summons to appear."

Only with the GrassRoots amendment added would the law prohibit gun confiscation. There would be no prohibition on gun confiscation with the NRA language. Once again, it was GrassRoots – not the NRA – that came to the rescue and protected the rights of gun owners in SC.

H. 4681 passed the House on April 26, 2006, and the Senate sent it to a subcommittee comprised of Senators Hutto, Jackson, Knotts, and Bryant. It died in subcommittee without getting a hearing.

...Rep. Mike Pitts... asked that his bill be amended to include the GrassRoots amendment.

Rep. Mike Pitts saw the Senate was going to kill his bill banning gun confiscation in SC. So, Rep. Mike Pitts decided to play hardball with the Senate. Rep. Mike Pitts added his bill - with the GrassRoots proposed amendment - banning gun confiscation to one of Sen. Knotts' bills - S. 1261 - that was sitting in the House waiting to be considered. The House amended the Senate bill and sent it back to the Senate.

The Senate refused to accept Rep. Mike Pitts' amendment with the GrassRoots proposed amendment banning gun confiscation. The Senate amended the bill to remove the gun confiscation ban and sent it back to the House.

Rep. Mike Pitts led the fight to insist that the Senate accept the gun confiscation ban, and convinced the House to refuse to accept the Senate bill unless the gun confiscation ban was included.

A conference committee was created to let the Senate and House work out a compromise version of the bill.

Special thanks goes out to Rep. Mike Pitts for standing his ground and insisting that the gun confiscation ban remain in the bill. Rep. Mike Pitts said either the gun confiscation ban stayed in the bill, or there would be no bill passed at all.

The Senate insisted the GrassRoots proposed amendment be slightly changed to read as follows: "This article denies any county, municipality, or political subdivision the power to confiscate a firearm or ammunition unless incident to an arrest." What the Senate did was delete the last words of the amendment that read "or a

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ened violence. You are telling law enforcement officers they can keep their jobs after assaulting members of the general public, but not for assaulting a family member or significant other. That does not make sense. What makes the girlfriend of a police officer more important than my wife or daughter?

Section 9. This section prohibits a person from being allowed into a pre trial intervention program. Section 17-22-60, which sets the criteria for being allowed into a pre trial intervention program, states "Intervention is appropriate only where:
(1) there is ***substantial likelihood that justice will be served*** if the offender is placed in an intervention program;
(2) it is determined that ***the needs of the offender and the State can better be met*** outside the traditional criminal justice process;
(3) it is apparent that ***the offender poses no threat*** to the community;
(4) it appears that ***the offender is unlikely to be involved in further criminal activity***;
(5) the offender, in those cases where it is required, ***is likely to respond quickly*** to rehabilitative treatment;
(6) the offender has ***no significant history of prior delinquency or criminal activity***;
(7) the offender has not previously been accepted in a pretrial intervention program."

Considering the reasonableness of the above criteria for entering a pre trial intervention program, what reasonable justification is there to prohibit a person who meets the above criteria from being allowed into a pre trial intervention program simply because the crime is labeled as domestic violence as opposed to any other type of violence? This provision is wrong headed. We should embrace those solutions that are reasonable, not reject them. If there is an existing problem, it is with the administration of the program, not the criteria. Therefore, address the administration, not the criteria. This section needs to be deleted.

There are numerous examples of armed citizens stopping mass public shootings before the police could ever hope to arrive on the scene, ...

Section 10. This section prohibits a person convicted of misdemeanor domestic violence from being able to get their record expunged even if no physical violence was involved. Yet, a person who commits assault and battery upon a stranger can have their record expunged. This is not reasonable, and it is wrong. This section needs to be deleted.

Section 12. This section appears to equate violent crimes with misdemeanor domestic violence that does not require any physical violence to have taken place because both would be prohibited from having the convictions expunged. Again, just as discussed in reference to Section 10, this is unreasonable. This section needs to be deleted.

Section 14. This section recognizes the negative impact of restraining orders upon the life of a person when it refers to "suffering the consequences of a traditional order of protection." Then, it goes on to prohibit the issuance of mutual orders of protection where current law allows such. Why? If a court finds from the facts and circumstances of the case that both parties are wrong and a threat to each other, then mutual orders of protection would be appropriate. What benefit comes from legislatively prohibiting mutual orders of protection when such are appropriate? This section, as with many of the sections in this bill, is driven by political correctness - and some would justifiably say man hating - not good judgement. This section needs to be deleted.

Section 17. This section finally starts to address the real problem of domestic violence by doing what should have been done long ago - it increases the penalties to levels commensurate with the crime. If we are to stop domestic violence, then we need to punish those who commit this crime with penalties that show we mean it - not the minimal penalties that exist now.

I would like to propose that the proposed wording in Sections 16-25-20(C) and (E) allowing a judge to "provide for the sentence

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Letter to Representative Delleney With GrassRoots Proposed Amendement to H. 4681

GrassRoots GunRights

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

April 5, 2006

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

RE: H. 4681

Dear Representative Delleney:

It is being claimed that H. 4681 will prevent local government officials from confiscating firearms and ammunition from law abiding people as was done recently in New Orleans, LA in the aftermath of Hurricane Katrina. Unfortunately, it does not appear that H. 4681 will accomplish this stated goal without being amended.

GrassRoots GunRights SC respectfully submits the following amendment to H. 4681, which would make H. 4681 accomplish that which it is now claimed it will do:

"Section 23-31-520. This article does not affect the authority of any county, municipality, or political subdivision to regulate the careless or negligent discharge or public brandishment of firearms~~, nor does it prevent the regulation of the use, sale, transportation, or public brandishment of firearms during the times of or a demonstrated potential for insurrection, invasions, riots, or natural disasters~~ ;and this article denies any county, municipality, or political subdivision the power to confiscate a firearm or ammunition unless incident to an arrest or a courtesy summons to appear."

The current wording of H. 4681 simply deletes the last half of Section 23-31-520 and would leave the law to read as follows:

"Section 23-31-520. This article does not affect the authority of any county, municipality, or political subdivision to regulate the careless or negligent discharge or public brandishment of firearms."

As can be seen from a reading of what the law would then say, there is no prohibition against the confiscation of firearms or ammunition. The law would be mute, or at best vague, on the subject of firearm and ammunition confiscation. Law abiding gun owners deserve better.

If allowed to remain mute on the subject of firearm and ammunition confiscation, local officials could claim there was no law preventing them from doing so - even from law abiding citizens. If allowed to remain vague on the subject of firearm and ammunition confiscation, law abiding gun owners would be forced to seek redress through the courts to clarify what the intent of the legislature was when it passed H. 4681.

Law abiding gun owners deserve better than being forced to play an expensive game of Russian Roulette in the courts to protect their rights and their families or to suffer from firearm or ammunition confiscation during times of civil law breakdowns simply because the law was purposely left vague or mute. Both of these problems could be avoided by explicitly addressing the issue of firearm and ammunition confiscation by local government officials. Please do not leave the issue explicitly unaddressed.

Please adopt the GrassRoots GunRights SC proposed amendment to protect law abiding citizens by making explicit that which is claimed is being done with the current wording of H. 4681.

Sincerely,

R D Butler

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

Are your membership dues current?

Did you renew your GrassRoots membership? If you don't know when your membership expires, the date is beside your address on all correspondence we send out. If you need to renew your membership, please use the form provided on page 15, or you can download one from our website at www.scfirearms.org.

Not an Instructor member? Would you like to be? GrassRoots Instructors members enjoy the following benefits:
- Full Membership Privileges in GrassRoots South Carolina
- Subscription to The Defender - the GrassRoots GunRights Newsletter
- Free Posting of Special Class Offerings in The Defender (space permitting)
- Free Web Space Advertising
- On Request, Additional GrassRoots Newsletters for Distribution to Students

For more information contact: Frank Headley at 803-920-2673 InstProg@SCFirearms.org

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to nerve damage in his right leg which causes foot drop - an inability to stop the foot and toes from pointing down even while trying to walk. Jason has a difficult time walking, and can not run. The healthy young lady near the front door couldn't run to safety inside the building before Jason was forced to shoot. So, how could any person reasonably expect the disabled Jason to have run faster to escape than a healthy person could run to escape? Just as Jason could not outrun the healthy young lady, Jason was not physically able to outrun the two mean attacking drunks, either. So, the try to escape by running away option was not an option that reasonably could have worked for Jason.

If Jason failed to win his freedom on a claim of self-defense...then the rest of us are also at extreme risk of going to prison...

Fighting: In one corner, we have Jason who is morbidly obese and wears glasses, in addition to suffering from foot drop as described above. Jason is not well suited to be a fighter. In the other corner, we have TWO healthy young men who are itching for an unfair fight of two against one, and one of them (6'1" tall and 210#) is carrying a deadly weapon - a vodka bottle that he tried to use as a weapon in his attack upon Jason. So, how could any person reasonably expect the disabled Jason to win a fight against these two healthy young predators? So, the overpower them by fighting option was not an option that reasonably could have worked for Jason, either.

Talking: Have you ever tried to reason with a drunk? The only thing harder than trying to reason with a drunk is trying to reason with two drunks. These two drunks were not willing to be reasonable. They felt they were "justified" in beating up a disabled veteran who had done nothing to provoke them. How can you possibly reason with that mentality? Well, you might be able to if you had the time to do so. But, these two drunks did not give Jason time to reason with them. Their attack lasted only a few seconds, which is not enough time to reason with two drunks. Jason exposed his gun in an effort to stop the attack and let reason prevail. Yet, even after seeing the gun, the most aggressive drunk - the "out of control" drunk - still continued his attack upon Jason, and reached for his vodka bottle to use as a weapon. So, how could any person reasonably expect Jason to continue trying to talk with these two drunks. These two drunks were intent upon beating Jason up - there was no stopping them short of using lethal force. So, the talking and reasoning option was not an option that Jason was allowed to use because the two drunks would not allow it.

Element 3: If you believe you are in such danger, you must use deadly force only if a reasonable or prudent man of ordinary firmness and courage would have believed himself to be in such danger, or, if you actually were in such danger, the circumstances were such as would warrant a man of ordinary prudence, firmness and courage to strike the fatal blow in order to save yourself from serious bodily harm or losing your own life.

This is the only element that Jason could have failed to satisfy in the jury's opinion. And, this is why the law of self-defense must be changed to protect the victims of violent crime instead of the predators.

Our society has been raised on television, and what people see on TV is their reality for way too many people. Television teaches people a single shot from a 9mm handgun will lift a person off his feet, throw him 5 feet backwards through the air, and through a plate glass window. People know this to be true because they see it everyday on TV. But, the truth is that this can not happen.

TV also shows a person getting into a fight against four attackers and somehow coming out of that fight with no bruises, no cuts, no black eyes, no missing teeth, no broken ribs, no damages at all. In fact, the lone fighter frequently even wins the fight against four attackers. People know that fighting is harmless because TV teaches them that no one really gets hurt from a fistfight. The truth is that people get seriously hurt or killed when attacked by multiple attackers.

...even after seeing the gun, the most aggressive drunk...still continued his attack upon Jason...there was no stopping them short of using lethal force.

The problem is too many people think TV is an accurate representation of real life. Well, it is not.

Unfortunately, these same disillusioned people are the people who serve on juries. Are these the people you want sitting on your jury - the ones who think you can successfully fight multiple attackers without getting hurt, or that a 9mm handgun is so powerful that it throws people through the air and plate glass windows? Are these the people you want deciding whether what you did was reasonable? Unfortunately, it was exactly these same disillusioned people who served on Jason's jury, and felt Jason should not have used lethal force against two aggressive mean drunks who were attacking Jason with a vodka bottle.

If Jason failed to win his freedom on a claim of self-defense under these facts and circumstances, then the rest of us are also at extreme risk of going to prison if we are ever forced to use lethal force to defend our lives. That is why the law of self-defense must be changed.

Life is full of risks. We drive cars even though people die in auto accidents every day. We have surgeries even though people die on the operating table. Life is all about managing risks, and who should bear the risks.

The General Assembly passed a law in 2006 repealing the duty to retreat.

Our current common law of self-defense puts all the risk on the victims and protects the predators. This needs to be changed.

Lets look at Jason's case again. We have shown that Jason had no alternative to using lethal force other than to fight with the two mean aggressive drunks and hope for the best. Jason was not the one who demanded that this dangerous situation exist - the predators are the ones who insisted that there be a fight.

Jason was forced to choose between fighting two mean aggressive drunks and risking serious bodily injury or death, or using lethal force and risking going to prison for murder if the jury was as stupid as the one he was judged by. As can be seen from Jason's choices - choices he was forced to make by the predators, not choices he voluntarily chose to make, Jason was the one who had to bear all of the risks in this life and death situation created by the predators. Why should Jason be the one to be forced to bear all the risks of serious bodily injury or death - or going to prison - when it was the predators who started the trouble and forced Jason to use lethal force to defend himself? Jason was the innocent party. Yet, Jason was forced to bear all of the risks. That is wrong.

There is a better way!

The law of self-defense should be written to put the risk where it belongs. The law of self-defense should state that when predators start preying upon innocent people, then the predators assume the risks that come from their violent ways. The risks of starting and forcing a violent encounter should be placed upon the violent predators, not the victims of violent crime!

Putting the risks where they belong can be accomplished by passing a law that states that lethal force is presumed to be reasonable and necessary whenever one is preventing an imminent violent encounter or stopping an ongoing violent encounter.

If such a law was in force when Jason was attacked, the jury would not have been able to decide that Jason should have taken his chances with the beating that was sure to come from the two mean drunks. The jury would not have been able to convict Jason for doing what each and every one of us would have done in the same situation - defend ourselves against an imminent threat of serious bodily injury or death.

The South Carolina General Assembly passed a law to override part of the common law of self-defense in 2006 when they passed a law repealing the duty to retreat. It is now time for the General Assembly to go the rest of the way and pass a self-defense law that puts the risk of harm on the violent predators, not the victims of violent crime.

GrassRoots GunRights will draft a proposed law of self-defense for South Carolina modeled on the Model Penal Code and print it in the next issue of The Defender. Then, GrassRoots GunRights will find legislators to sponsor a bill with these proposed changes.

If you agree the law of self-defense should be rewritten by the General Assembly to protect the victims of violent crime instead of the violent predators, then join GrassRoots GunRights and help us get the law changed. Together we can get it done. But, if you decide to sit on the sidelines and only watch others, then you better pray that you are not the next victim of violent crime to go to prison for

See **WHY** on page 15

STATEMENT continued from page 12

to be served upon terms and conditions the court considers proper" also be inserted into Section 16-25-20(D). Otherwise, in those cases where the family unit is trying to stay together and the judge thinks it reasonable to allow alternative terms, the bread winner of the family could be in jail full time and not able to provide for his or her family. The unintended consequences are that the family could lose their home and their health insurance. Then, the whole family suffers, not just the abuser. This is not wise or reasonable.

Gun owners feel we are being made the scape goats, and we are being treated unfairly.

Research has shown that iatrogenic problems (that means problems created by the medical profession while attempting to treat a different medical problem) kill many times more people every year than guns do. But, we don't ban medical treatment. Instead, we do a cost benefit analysis and determine that the benefits of medical care outweigh the costs.

The best available research has also shown that guns save lives. Guns are used over 2 million times every year for defensive purposes in the US. But, we seldom hear about these uses. Recently, a CWP holder saw a massacre starting when a deranged man started shooting people with a rifle on the courthouse steps. This brave CWP holder grabbed his gun and engaged the deranged shooter so as to prevent a massacre. The police credited this man with saving lives. Unfortunately, the CWP holder was killed. There are numerous examples of armed citizens stopping mass public shootings before the police could ever hope to arrive on the scene, many of them at schools. Yet, the liberal mass media refuses to cover these happenings, and the public is not properly informed of the positive values associated with gun ownership. It is your job to look at the facts and do what is right, not follow the left leaning liberal anti gun political agenda.

The two [CDV] priorities... - to protect spouses and to provide better training to legal system personnel - can be achieved without these gun control provisions.

As stated earlier, even the United States government's Centers for Disease Control recently concluded there was NO evidence to support the claims that gun control laws have prevented any deaths. Gun control laws do not stop criminals bent upon violating God's laws against murder. Gun control laws only stop those people willing to obey man made laws, and they aren't the problem.

Gun owners feel legislation that singles out gun owners for extra punishment is discriminatory, and wrong. This bill singles out gun owners for extra punishment. People who bowl, golf, fish, play tennis, or engage in woodworking as their preferred recreational pursuits are not additionally punished by this bill. Only hunters and target shooters are being told that they must give up their preferred recreational pursuits for committing a first or second misdemeanor domestic violence crime even when firearms were never used or threatened to be used, and even when no physical violence was a part of their crime. This is wrong.

GrassRoots respectfully asks you to not discriminate against gun owners and to delete all references to gun bans in this bill. The two priorities mentioned last week by Mr. Leach - to protect spouses and to provide better training to legal system personnel - can be achieved without these gun control provisions.

Please drop the gun control provisions from this bill so that GrassRoots Gunrights can drop our opposition to this bill. This would make it more likely that the good provisions in this bill can be enacted into law.

If you have any questions, I would be happy to answer them. Thank you."

Make a donation today!
Help fund the GunRights PAC
220 Isobel Ct.
Lexington, SC 29072

GRASSROOTS GUNRIGHTS

Help us do more!

Complete and mail with check to:
GrassRoots, PO Box 2446, Lexington, SC 29071

☐ **One-year Membership (New)**
$25
Includes newspapers and mailings, email alerts and updates
Additional contributions are welcomed (see below) and are used to further the goals of GrassRoots right here in South Carolina.

☐ **One-year GrassRoots Firearms Instructor Membership (New)**
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Instructor Member benefits include free copies of GrassRoots newspapers to hand out to your students, Advertising on our web page, publication of your special class offerings, and articles in the GrassRoots newspaper (on a space-available basis), referral of inquiries to GrassRoots for CWP classes. GrassRoots wants instructors to succeed and we'll help!

☐ **Renewal**
$25 for Membership - $25 for Firearms Instructor
Please check here if you are renewing Regular or Instructor membership so we can avoid duplicates.

☐ **Please send me ___ GrassRoots bumper stickers**
$1.00 when included with dues.

☐ **Thanks for making my CWP more useful.** Here is an extra contribution to help in the work. Please continue to do all you can to protect and promote my rights as a South Carolina gun owner and CWP holder.
Amount enclosed _____

Name:_____
Address:_____
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Phone:_____
Fax:_____
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Make checks payable to GRASSROOTS
News 0701

Visit us on the web:
www.SCFirearms.org

STUDY continued from page 8

committed a crime. Federal law prohibits a person who has been convicted of CDV from possessing a firearm. But, federal law does allow a person who has been convicted of CDV to have their rights restored.

Some of the SC bills allegedly dealing with CDV are simply gun control bills hiding behind the skirts of CDV. These bills do little or nothing to stop CDV, they simply attack gun ownership. These SC bills will deny a person convicted of CDV even the opportunity to have their rights restored. This is wrong. This would create a form of second class citizenship for gun owners, and both GrassRoots and the ACLU oppose second class citizenship.

Both GrassRoots and the ACLU of SC oppose the taking of private property without compensation. Therefore, we both oppose any laws that allow the government to take private property that is unconnected to any crime.

As I stated earlier, some of the SC bills allegedly dealing with CDV are simply gun control bills hiding behind the skirts of CDV. At least one of these bills will require that a person convicted of misdemeanor CDV that DID NOT involve any use or threatened use of any weapon have all of their firearms confiscated by the government. The bill will deny compensation for the taking of the firearms and will deny the person the right to give the firearms away to friends or family. Thus, even family heirlooms handed down for generations will be confiscated by the government without compensation. The bill will also deny the person the right to sell their firearms. Such taking of private property is wrong, and both GrassRoots and the ACLU of SC oppose any laws which provide for the taking of private property without compensation.

Both GrassRoots and the ACLU of SC oppose prior restraint of our rights. Just as we oppose prior restraint of our 1st Amendment rights and oppose being forced to get government clearance before speaking, we also oppose prior restraint with respect to our 2nd Amendment rights.

GrassRoots GunRights and the ACLU of SC both urge you to kill any bills that would create second class citizenship, allow the taking of private property without compensation, or allow prior restraint of our rights. Thank you."

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defending yourself simply because a jury watches too much TV and can not distinguish reality from fantasy.

THE LAW OF SELF-DEFENSE MUST GET CHANGED TO PROTECT THE INNOCENT VICTIMS OF VIOLENT CRIME, NOT THE PREDATORS!

Results of Senate Subcommittee Regarding Gun Bills

GrassRoots sent letters to each member of the Senate subcommittee holding a hearing on S. 654 - the bill to get SLED out of the gun registration business, S. 659 - the bill deleting the fingerprint and picture requirements for CWP renewals, and H. 3110 - the bill to honor CWPs from any state that honors a SC CWP. These letters urged the subcommittee to take certain actions. Please read the letter sent to Sen. Hawkins on page 17.

Rep. Pitts stated a training requirement would only serve to limit the number of states in which SC CWP holders could carry, and such limitations would serve no useful purpose.

GrassRoots then attended the subcommittee hearing. GrassRoots spoke of the need to amend S. 659 to allow CWP renewals for people with out a driver's license, and the need to amend H. 3110 to: 1) require SLED to enter into reciprocity agreements with those states that require reciprocity agreements before allowing SC CWP holders to carry in their state, and 2) require SLED to keep and maintain a list of those states with which SC has reciprocity. SLED supported the amendment to S. 659.

SLED opposed passage of H. 3110 unless it was amended to require training in other states prior to honoring their CWPs. Rep. Mike Pitts brought a small grocery bag of orange postcards to the subcommittee hearing, and stated he had received these cards thanking him for introducing H. 3110. Rep. Mike Pitts then spoke against a training requirement.

Rep. Pitts is a retired LEO. Rep. Pitts told of how - even with training - he has seen and heard of LEOs shooting each other, themselves, and their vehicles. Rep. Pitts stated a training requirement would only serve to limit the number of states in which SC CWP holders could carry, and such limitations would serve no useful purpose. Rep. Pitts then told the subcommittee of how SLED was being deceitful by telling legislators that Florida allowed mentally incompetent people to get CWPs, and that H. 3110 would allow mentally incompetent people to carry guns in SC. Rep. Pitts then produced a letter explaining that Florida would allow a person who had once had a mental breakdown to get a CWP, but only after a number of years had passed (if I recall correctly, it was 5 years) and only after being found to no longer be mentally incompetent after undergoing a medical examination.

GrassRoots stated such actions by SLED demonstrated a bias by SLED against the CWP program and should serve as the basis for taking discretionary powers away from SLED.

GrassRoots pointed out that SLED had also told legislators Florida would grant a CWP to a former felon who had not had his rights restored and thus former felons from Florida would be allowed to carry guns in SC. GrassRoots pointed out federal law was the supreme law of the land and Florida could not grant the right to carry guns to people who were prohibited from possessing guns under federal law.

GrassRoots stated such actions by SLED demonstrated a bias by SLED against the CWP program and should serve as the basis for taking discretionary powers away from SLED. GrassRoots stated SLED should only be allowed an administrative role in the CWP process due to such bias.

Senators Ronnie Cromer and John Hawkins spoke strongly in favor of not requiring training in other states.

The Senate subcommittee passed (by a vote of 4-0) all three bills exactly as GrassRoots asked them to do, i.e., S. 654 passed without amendment, and S. 659 and H. 3110 passed with only the amendments requested by GrassRoots, but not the one requested by SLED. The General Assembly passed S. 659 into law with the GrassRoots proposed amendment added. S. 654 passed. The story on H. 3110 starts on the front page.

FEARS continued from page 10

Required CWP "training" has NO statistically significant safety benefits. But, required CWP "training" does impose statistically significant INCREASED COSTS to human life. These are the facts. Unfortunately, Senate Republican leadership has decided that "common sense" illusions are more important than real life facts.

When these politicians try to justify keeping your family vulnerable while traveling and they tell you about their fears and "common sense", you need to let them know that your votes will be based upon facts and logic - and they aren't going to get your vote as long as they deny you the right to protect your family while traveling.

Do you suddenly become a raving lunatic when you cross a state line? Well, neither do people from other states.

The CWP reciprocity bill the Senate Republicans killed does not ask SC to drop CWP training requirements for the people in SC. The CWP reciprocity bill would simply allow CWP holders from states that make their CWP laws based upon facts and logic - instead of fear and "common sense" as done in SC - to carry in SC if those other states will allow SC CWP holders to carry in their states.

This CWP reciprocity bill would have dramatically increased the number of states that you could carry in. But, Senate Republican leadership would rather that you and your family be violent crime victims in another state than admit that another state's laws are better reasoned than ours, which is what they would do by allowing reciprocity with states that do not require as much CWP training as SC requires. Once again, SC politicians are happy keeping us at the bottom. What a shame. Unfortunately, it could be a fatal shame for you and your family.

Final note: We need to get over the idea that people from other states are dangerous. Remember, you are that guy from another state whenever you travel outside of SC. People are people. Do you suddenly become a raving lunatic when you cross a state line? Well, neither do people from other states. If a CWP holder is a responsible person in the state in which he lives, he will continue to be a responsible person when he visits another state. That is true whether you live in SC or GA or anywhere else.

OPPOSES continued from page 12

courtesy summons to appear."

The practical effect of the Senate change is that a police officer can not confiscate a firearm or ammunition unless he arrests the person. A police officer will not be allowed to give a ticket for the person to appear in court and still confiscate the firearm or ammunition, an arrest must be made to confiscate a firearm or ammunition.

The Senate change is a two edged sword. Imagine a relatively minor situation where the officer would have just issued a ticket, confiscated the firearm, and sent the person on his way to show up in court at a later date. Now, the officer will be forced to decide upon whether to arrest the person so as to be able to confiscate the firearm, or to simply let the person go free with only a warning so as to avoid making an arrest. Only time will tell how this one plays out for gun owners.

Please let Rep. Mike Pitts know how you feel about his standing firm in support of banning gun confiscation. If you don't, then next time he may think you don't care.

Do you need an instructor? Please use a GrassRoots Instructor member! Instructor members of GrassRoots have demonstrated dedication to seeing the quality of firearms instruction in South Carolina meets that required by current state law. All GrassRoots Instructors are S.L.E.D. certified to teach firearms instruction. Furthermore, members of GrassRoots are dedicated to staying up-to-date on firearms issues, self-defense, and firearms training in South Carolina.

A listing of GrassRoots Instructors can be found on our CWP Instructor's page on our website at: http://scfirearms.org/Training/CWP/GrassRootsCWPTrainerList.htm

Please use the many Firearms Instructors, FFL Dealers and General Merchants who are members of GrassRoots GunRights of SC when you have purchases to make during the coming year. It is very important that we in the Pro-Gun community stick together and conduct business with Pro-Gun establishments whenever and wherever possible.

Letter to Senator Hawkins Subcommittee

GrassRoots GunRights

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

April 13, 2005

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

RE: S. 654, S. 659, and H. 3110

Dear Senator Hawkins:

GrassRoots GunRights strongly supports S. 654, S. 659, and H. 3110. There are a couple of amendments that would make these bills better. Please do all you can to amend the bills as proposed below. Then, please pass these bills on to the full Judiciary Committee as soon as possible.

S. 654 is a fine bill as written. Considering the budget problems that seem to continually face South Carolina, any bill that saves South Carolina tax payers money without sacrificing public safety is a good bill. This bill gets SLED out of the gun registration business and allows the resources saved to be better spent on public safety matters. This is done with no harm to public safety since the federal government already engages in gun registration and makes this information available to South Carolina if needed. GrassRoots GunRights has no proposed amendments at this time for S. 654.

S. 659 is a well intentioned bill, but it does need to be amended. As S. 659 is currently written, a concealed weapons permit (CWP) holder would be required to possess a South Carolina driver's license to renew their CWP. South Carolina law does not require a person to possess a South Carolina driver's license to initially obtain a CWP. The unintended consequence is that some current law abiding CWP holders could be prevented from renewing their CWPs under the proposed language of S. 659, although they would have been allowed to renew their CWPs under today's existing law.

S. 659 needs to be amended so that Section 23-31-215(P)(3) allows not just a photocopy of a valid South Carolina driver's license, but also a photocopy of a Department of Motor Vehicles identification card (just as provided for in S. 654) because not all CWP holders have driver's licenses.

Section 23-31-215(F)(3) allows "military personnel on permanent change of station orders" to obtain a South Carolina CWP. If S. 659 would deny these people the opportunity to renew their South Carolina CWP because of not being able to provide a photocopy of a South Carolina driver's license or Department of Motor Vehicles identification card, then S. 659 needs to be amended to allow for some form of identification these people can provide to serve in lieu of a South Carolina driver's license or Department of Motor Vehicles identification card.

H. 3110 is the most important bill to be considered by this subcommittee. South Carolina residents are denied the right to effectively defend themselves and their families when traveling out of state because of the current law's overly restrictive language demanding that other states must have training requirements equal to or greater than South Carolina's training requirements before allowing reciprocity. This language only serves to limit the number of states with which South Carolina has reciprocity, and thus needlessly endangers South Carolina residents who travel out of state.

The best available research proves that the amount of training a state requires prior to obtaining a CWP has no bearing upon the misuse of firearms by CWP holders. Whether there are no training requirements or extensive training requirements, it has been proven that CWP holders are not a problem or a threat to public safety. But, it has also been proven that extensive training requirements do serve to stop people from obtaining a CWP - just as onerous voter registration requirements served to stop people from registering to vote. It has also been proven that the higher the rate of CWPs issued in a state, the lower the violent crime rate goes. Thus, increased CWP training requirements only serve to keep violent crime rates artificially high, and thereby allow the deaths, rapes, beatings, and robberies of more innocent people than would have occurred had the training requirements been lower.

While South Carolina may feel comfortable with laws that keep violent crime rates artificially high, we should not try to force other states to enact such ill considered laws just so that they can have reciprocity with South Carolina. We should not further endanger South Carolina residents when traveling out of state just because other states are more enlightened than we are and refuse to enact laws that only serve to harm the public safety.

There is one amendment to H. 3110 that GrassRoots GunRights would like to see. Current law requires SLED to "maintain and publish a list of those states ... with which South Carolina has reciprocity." H. 3110 deletes this requirement. GrassRoots GunRights would like to see that requirement reinstated.

I would like to provide another reason that H. 3110 is needed. SLED has interpreted current law in ways that serve to harm South Carolina CWP holders. Reciprocity with Florida has been denied by SLED because SLED claims that Florida law does not prohibit a convicted felon from obtaining a Florida CWP. GrassRoots GunRights pointed out to SLED that federal law already prohibits a convicted felon from possessing any firearms, and that a state can not allow that which the federal government prohibits. Thus, Florida can not allow a convicted felon to obtain a Florida concealed weapons permit and lawfully carry a concealed firearm (or any firearm for that matter). Yet, SLED still continues to deny reciprocity with Florida. The best way to fix this problem is to get SLED out of the decision making process with regards to CWP reciprocity, and to only allow SLED an administrative role with regards to CWP reciprocity. H. 3110 accomplishes this.

GrassRoots GunRights urges you to please amend the bills as outlined above, and to please pass these bills as soon as possible. The safety of South Carolina residents is in your hands.

If I can be of any assistance in answering questions, please feel free to contact me at (803) XXX-XXXX or legislativedir@scfirearms.org. Thank you. I will see you at the subcommittee hearing.

Sincerely,

R D Butler

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

GrassRoots Joins Fight to Repeal National Park Gun Ban - AGAIN

Various gun rights organizations - including GrassRoots GunRights SC - have been trying for years to get the Bush Administration to change the National Park rules to allow honest, law-abiding citizens to carry self-defense sidearms in National Parks just like we are allowed to do in National Forests. But, the Bush Administration has refused to help gun owners, and we are still prohibited from being able to protect our families in National Parks.

In the waning moments of the 2006 Virginia Senate race between Sen. George Allen and challenger Jim Webb, both candidates realized the votes of gun owners just might make the difference between winning and losing the election. Thus, a rare opportunity presented itself - gun owners were in a position to demand something for their votes.

Virginia Gun Owners Coalition was able to extract promises from both Sen. Allen and challenger Webb to introduce legislation to repeal the National Park gun ban. This legislation would bypass Bush Administration bureaucrats who have refused to help gun owners. This bill would allow concealed weapon permit (CWP) holders to carry in National Parks just as we are allowed to do in National Forests.

Allen and Webb made the promises to try to get the votes of gun owners. Allen lost the election, but still introduced a National Park gun ban repeal in the lame duck session of Congress. Webb has stated he will introduce similar legislation as soon as the new Congress is seated.

Gun rights organizations saw an opportunity to get the National Park gun ban repeal passed in the lame duck session. Everyone knew Sen. Bill Frist - just like Sen. George Allen - wanted to become your president in 2008. To do that, Sen. Frist needed to win the SC Republican Presidential Primary in 2008. To win the SC Presidential Primary, Sen. Frist needed to keep SC gun owners happy.

GrassRoots and its members were very important players in this fight because of our early Presidential primary. GrassRoots was not going to fail to act. But, there was a limited window of opportunity because the lame duck session was only going to last one week. We had to use e-mail because there was no time to use regular mail or a newsletter.

The only way to get the National Park Gun Ban Repeal legislation passed into law was to get Senate Majority leader Bill Frist to want to get it passed. GrassRoots sent faxes to both Senators Frist and Allen (see page 19). Then, GrassRoots sent out an "Action Alert" by e-mail to get our members to contact Frist .

We had to let Sen. Frist

See **FRIST** on page 19

Federal Laws Concerning CDV:

United States Code of Laws
Title 18
Chapter 44

§ 922. Unlawful acts
...
(g) It shall be unlawful for any person—
(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; [emphasis added]
(2) who is a fugitive from justice;
(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));
(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;
(5) who, being an alien—
(A) is illegally or unlawfully in the United States; or
(B) except as provided in subsection (y)(2), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(26)));
(6) who has been discharged from the Armed Forces under dishonorable conditions;
(7) who, having been a citizen of the United States, has renounced his citizenship;
(8) who is subject to a court order that—
(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;
(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and
(C)
(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; [emphasis added] or
(9) who has been convicted in any court of a misdemeanor crime of domestic violence, [emphasis added]
to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

United States Code of Laws
Title 18
Chapter 44

§ 921. Definitions
(a) As used in this chapter—
...
(20) The term "crime punishable by imprisonment for a term exceeding one year" does not include—
(A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or
(B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.
What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.
...
(32) The term "intimate partner" means, with respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, and an individual who cohabitates or has cohabited with the person.
...
(33)
(A) Except as provided in subparagraph (C), the term "misdemeanor crime of domestic violence" means an offense that— [emphasis added]
(i) is a misdemeanor under Federal or State law; and
(ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.
(B)
(i) A person shall not be considered to have been convicted of such an offense for purposes of this chapter, unless—
(I) the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and
(II) in the case of a prosecution for an offense described in this paragraph for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either
(aa) the case was tried by a jury, or
(bb) the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.
(ii) A person shall not be considered to have been convicted of such an offense for purposes of this chapter if the conviction has been expunged or set aside, or is an offense for which the person has been pardoned or has had civil rights restored (if the law of the applicable jurisdiction provides for the loss of civil rights under such an offense) unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

FRIST continued from page 18

know our support for him in 2008 depended upon how successful he was in getting the National Park Gun Ban Repeal passed now, during the very short lame duck session of Congress. The message Sen. Frist needed to hear was that if he failed us now, we would be looking for someone other than him for President in 2008. No excuses accepted.

For years, anti-gun legislation has been passed during the closing moments of Congress. Anti-gun legislation gets attached to "must pass" legislation - and shoved down our throats - all the time. Well, now it was our turn to use "must pass" legislation for our benefit.

We had to let Sen. Frist know we expected him - and the lame duck Republican majority in Congress - to do *for* us what the anti gunners have been doing *to* us for years. We wanted this National Park Gun Ban Repeal legislation attached to some "must pass" legislation during the lame duck session.

It was a good plan. A nationwide coalition of state level pro gun organizations started turning up the heat on Sen. Frist. But unfortunately, Sen. Frist suddenly decided he was not going to run for president in 2008, and what gun owners in SC or elsewhere wanted no longer mattered. Sen. Frist then failed to help gun owners and refused to attach the National Park gun ban repeal to "must pass" legislation. We need to remember how Frist failed us in 2006 if he decides to change his mind and run in 2008.

GrassRoots GunRights

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

November 15, 2006

The Honorable Bill Frist
Office of Senator Bill Frist
509 Hart Senate Office Building
Washington, DC 20510

Re: National Park Gun Ban Repeal

Dear Senator Frist:

I am the Vice President and Legislative Director of GrassRoots GunRights SC, the largest pro gun rights organization in South Carolina. Senator Allen is introducing legislation during this lame duck session to repeal the misguided National Park gun ban, which would then allow gun owners to carry sidearms for personal defense in National Parks just as they are allowed to do in National Forests. South Carolina gun owners have a keen interest in this legislation. Whether this legislation passes or not is entirely within your control. Thus, you will either get the credit for its passage, or the blame for its defeat.

South Carolina gun owners are getting ready to watch the Republican Presidential candidates debate the issues in 2007, and to vote in the critical South Carolina Presidential Primary in 2008. We will be looking for a pro gun rights candidate with a proven RECORD of helping gun owners, not just a survey form containing mere promises and empty rhetoric. You could be that candidate, if you get the National Park gun ban repealed.

On the behalf of gun owners in South Carolina, I am asking you to please take the time to meet with Mike McHugh and Dennis Fusaro. These men are there to represent a nationwide coalition of state level pro gun rights organizations that share a common goal of getting this legislation passed. They will be in your office Wednesday, November 15, to discuss exactly what help gun owners want from you.

Our members believe you should clearly understand exactly what gun owners in South Carolina are expecting of you during this lame duck session with regards to Senator Allen's National Park Gun Ban Repeal Legislation. Of course, if you would prefer that we repeatedly report to South Carolina gun owners that you refused to help get this legislation passed, then feel free to ignore this letter.

We understand from Dennis Fusaro, who acts as one set of eyes and ears for our organization, that some people on your Senate staff are refusing to let anyone meet with you except people from Tennessee. I hope this is not true for your Senate Majority Leader staff, which ought to represent all Americans. Given your presidential ambitions, we find it hard to believe you would refuse to meet with groups from states like New Hampshire, Iowa, and South Carolina.

It is our intention to report the facts to gun owners in South Carolina. You are in total control of what we report. If you care about what gun owners in South Carolina think about your position on guns, then please meet with Mike McHugh and Dennis Fusaro. If you refuse to meet, then we will report that to our members.

It is our hope that you will decide to give us the action on Senator George Allen's National Park Gun Ban Repeal that is necessary for it to go to the House and then the President's desk. We look forward to being able to give a good report to our members about what you have done.

You can call Mike McHugh and leave a message at his office at 540-635-9587, or his cell phone at 540-454-1347.

Sincerely,

R D Butler

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

Why GrassRoots Hired a New Executive Officer

It is one thing for volunteers to run an organization of a couple hundred people. It is a whole different story to try to run a 5,000 member organization with just volunteers. Rob Butler and Ed Kelleher have done an outstanding job of leading GrassRoots into becoming the largest and most effective pro gun organization in SC. But, Ed Kelleher and Rob Butler can not continue to run the day to day operations of GrassRoots with only volunteers. Properly running GrassRoots is just too much for volunteers who have real jobs to do and families to support.

It is now time for GrassRoots to take the next step. It is now time for GrassRoots to become more than the hobby of a few dedicated pro gun people. It is now time for GrassRoots to become a self sustaining organization that maintains a permanent and forceful presence at the Statehouse.

GrassRoots must step up to the plate and change from an all volunteer organization to one with a paid full time Executive Officer (EO). Without a full time EO, GrassRoots will cease to exist as an effective advocate for pro gun rights people. Why? Because volunteers come and go. There can be no continuity with only volunteers.

GrassRoots refuses to become a paper tiger and exist in name only. GrassRoots will either be effective or GrassRoots will be gone. The choice is now yours to make.

It takes money to hire an Executive Officer. The $15 per year dues we now pay is not enough to also pay the salary and benefits of a good Executive Officer. If we are going to afford a good Executive Officer, then we will be forced to raise dues to $25 per year.

With your financial support, GrassRoots can continue to pay a full time EO to do all of the things that need to be done to remain effective as a pro gun rights force in SC. Without your financial support, the politicians will know they can ignore the pro gun rights people – or just throw a scrap or two our way every now and then. What do you want?

GrassRoots leadership assumed you want to keep GrassRoots alive and running. We have hired Bill Rentiers as our new Executive Officer. You can read more about Bill on page 4.

There are many changes (i.e., doing our own desk top publishing, changing software for both membership and financial record keeping, changing to once a year membership renewals, etc.) we need to make to be able to efficiently run an organization the size of GrassRoots. We have already started making many of these changes. More changes will be coming as we catch up.

GrassRoots needed time to implement the changes necessary to become a self sustaining organization. Many of the changes are invisible to you, but some are very impressive.

Take a good long look at our updated web site. You will see the issues we are all working on right now. Plus, you will notice there was a very small window of opportunity available to try to get the National Park Gun Ban repealed during the lame duck session of Congress. Unfortunately, there was not time to get a direct mail notice sent out to everyone, so we were forced to use our web site and e-mail to get the "GrassRoots Action Alert" to people. Please be sure to sign up for the GrassRoots Action Alerts e-mail so that you, too, can help when time is limited. Just go to www.SCFirearms.org to sign up.

GrassRoots is getting organized for the legislative session starting in January 2007. Pro gun bills are being written and provided to pro gun politicians to introduce. Our number one legislative priority MUST be to get a good self-defense law passed. Please read why on page 2.

Membership must be increased and better serviced. Face to face talks with politicians must be made. Local meetings to keep GrassRoots members informed must be started and supported. Committees must be organized to fight and kill anti gun legislation, and to support pro gun legislation. These are all time consuming activities, and they take up more time than volunteers alone can give. That is why we need a full time Executive Officer, and these are the things that Bill Rentiers will be getting done.

GrassRoots has been a volunteer organization since it started. We have accomplished much. But, we can not rest on our past accomplishments when there is so much more that needs to be done.

Please show your support for our new Executive Officer by renewing your membership today. The applications for new memberships and renewal memberships are on page 15. Thank you.

Make a contribution to
GunRights PAC today!
Send your donations to:
GunRights PAC
220 Isobel Ct.
Lexington, SC 29072

HELP JASON DICKEY!

Jason Dickey needs money to pay for legal representation, and he desperately needs your help. Please send whatever you can afford to help get Jason out of prison and protect your right to self defense to:

GrassRoots Legal Defense Fund
PO Box 2446
Lexington, SC 29071

GrassRoots GunRights started a Legal Defense Fund to protect our gun rights. This war against self defense and the CWP program is exactly why the Legal Defense Fund exists. We must protect Jason and the entire CWP program against this war on CWP holders and self defense. Please do all that you can to help. Please contribute something today.

Please send whatever you can afford to help get Jason out of prison and protect your right to self defense!

2007 Gun Shows Schedule

Gun Shows and GrassRoots
With the support of our members, GrassRoots will again have a table at each of the Gun Shows listed below for 2007. From time to time, we also have some special GrassRoots tables at some other venues. As usual it's our volunteers who make it possible for these good things to happen.

Keep checking our Website http://www.scfirearms.org and future issues of *The Defender*, for announcements and updates.

South Carolina Gun Shows Scheduled for 2007

Greenville Palmetto Expo Center
2007- Feb. 3 - 4, Apr. 28 - 29, Sept. 22 - 23, Dec. 15 -16

Columbia Jamil Shrine Temple
2007- Jan. 13 - 14, Apr. 14 - 15, July 28 - 29, Nov. 17 - 18

Columbia SC State Fairgrounds
2007- Mar.17 - 18, June 16 - 17, Dec. 8 - 9

Florence Florence Civic Center
2007- Jan. 6 – 7, April 21 - 22, July 21 – 22, Oct. 20 - 21

Charleston Exchange Park Fairgrounds, Ladson
2007- Feb. 17 - 18, June 2 - 3, Sept. 8 – 9, Nov. 24 - 25

More and more of our members are giving their time and talents by volunteering to work a shift at our GrassRoots tables at GunShows. Many of these folks find they enjoy the experience and sign up again and again, but there's always room for new members to help. If you would like to volunteer for a shift just contact your area GrassRoots GunShow Organizer (list below), a week or so prior to the show date and ask to help. You will probably be paired with an experienced show worker for one of the half – day shifts, and you can see how you like it. ***When you're at one of these shows please tell the promoters "Thank You for giving GrassRoots a Table", so we can promote SC GunRights, and stop by our table to tell the volunteers thanks too.***

Gun Show Table Organizers:

Greenville: OPEN (New Table Organizer needed.)

Charleston: Tom Glaab (843) 769-0659 gunshow@clutter.com
Howard Jones, III (843) 538-5668

Myrtle Beach: Tom Glaab (843) 769-0659 gunshow@clutter.com
Howard Jones, III (843) 538-5668

Florence: Dr. John Clarke (843) 332-4213 redvert@aol.com

Columbia: Mike Walguarnery (803) 781-1360
walgum123@netzero.net

GrassRoots GunRights Gun Show Director:
Mike Walguarnery (803) 781-1360 gunshows@scfirearms.org