Georgetown School Board Adopts Anti-Gun Policies
page 4

The Defender

Firearms in National Parks
page 10

OFFICIAL JOURNAL OF GRASSROOTS SOUTH CAROLINA VOLUME #13 NUMBER #1 May 2010

Attorney General Works Against Gun Rights

Henry McMaster says he is pro-gun, but his legal opinions disagree

Attorney General Henry McMaster wants to be South Carolina's next Governor. To earn that position he must first win the Republican primary on June 8th, in which three other Republicans are also running. Approximately 280,000 people voted in each of the Republican primaries in the last two elections, and there are currently over 100,000 concealed weapon permit (CWP) holders in our state. For any candidate to win the Republican nomination they will need the votes of gun owners in general, and of CWP holders in particular. McMaster wants us to think he is our friend. But, will he in fact be our friend if we elect him Governor?

> *"... to win the Republican nomination they will need the votes of ... CWP holders ..."*

The best way to judge what a politician will do in the future is to look at what he has done in the past. As Attorney General (AG), Henry McMaster has been absolutely awful for CWP holders. Perhaps the most striking example is his official AG opinion dated March 5, 2009, in which he claimed that South Carolina's firearms pre-emption law does not apply to CWP carry! McMaster claims that any town, city, or county in South Carolina is free to ban CWP carry on public property within its borders! With "friends" like this, who needs enemies? And now, "AG McMaster" wants you to make him "Governor McMaster."

But, do not take our word for it. In the following detailed analysis GrassRoots GunRights will expose AG McMaster's anti-gun position so that gun owners can see for themselves just how anti-gun McMaster really is. GrassRoots GunRights has posted the entire McMaster opinion on our website at: www.SCFirearms.org/AG_McMaster_Antigun_Opinion.pdf

The facts leading up to the AG McMaster opinion are simple. Under South Carolina law, CWP holders may carry in county parks. Oconee County passed an ordinance banning firearms in county parks. Rep. William Whitmire asked AG McMaster whether Oconee County had the power to pass such an ordinance, since our state pre-emption law (§ 23-31-510) prohibits local governments from trying to regulate the carrying of firearms. In spite of the pre-emption law, AG McMaster issued an opinion stating any local government could ban CWP carry on public property within its borders if it posted signs giving notice that CWP was banned.

> *"... he claimed that South Carolina's firearms pre-emption law does not apply to CWP carry!"*

McMaster's anti-gun reasoning can be summed up quite easily. McMaster claims the firearms pre-emption law is subordinate to another law (§ 23-31-220) dealing with the rights of public or private employers and private property owners to restrict CWP carry. The two sections, read separately, are quite clear.

Section 23-31-510, the state firearms pre-emption law, states:

"No governing body of any county, municipality, or other political subdivision in the State may enact or promulgate any regulation or ordinance that regulates or attempts to regulate: (1) the transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combination of these things;"

Section 23-31-220, a part of the CWP law, states:

"Nothing contained in this article shall in any way be construed to limit, diminish, or otherwise infringe upon:

See **McMaster** on page 7

Explanation Of GrassRoots Letters To Politicians

This issue of The Defender is a little different than past issues. Writing articles is very time consuming, and we have a deadline to meet in order to provide you with important information prior to the June elections. We will get another issue of The Defender out soon after the primary elections providing a comprehensive 2009-2010 legislative review and proposals for next legislative session.

Instead of taking letters GrassRoots GunRights leaders have already written and delivered to politicians during the 2010 legislative season and turning the letters into articles for The Defender, we are going to introduce the letters to you and then let you read the letters. This way you will know exactly what GrassRoots GunRights leaders are telling politicians. You can see exactly what "GrassRoots GunRights speaks for me!" means to the politicians.

> *"Every GrassRoots victory is really YOUR victory."*

When you read the following letters, please remember that it is ONLY due to YOUR voice saying "GrassRoots GunRights speaks for me!" that GrassRoots is able to get politicians to do what you want them to do. Every GrassRoots victory is really YOUR victory.

You need to remember that most politicians never read your individual letters. Rather, politicians weigh and count the letters and emails. When hundreds of your letters, emails, phone calls, and postcards simply say "GrassRoots GunRights speaks for me!", then the politicians know the letters GrassRoots GunRights delivers to them need to be seriously considered or else there may be a price to pay come election season.

It is the volume of contacts that determines whether a politician will decide to do something. If there is enough demand for something to be done, then the politicians will look at the letter from GrassRoots GunRights since you told them "GrassRoots GunRights speaks for me!"

GrassRoots GunRights is your voice to the politicians, but only if you say so. Please tell us if we are saying what you want said to the politicians. But remember, we have to remain polite. Thank you for your support.

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Inside this Issue...

Attorney General Works Against Gun Rights 1
Explanation Of GrassRoots Letters To Politicians 1
President's Message 2
Shoot/Don't Shoot: Who Should Pull the Trigger? 3
Down Range 4
Georgetown County School Board Adopts Anti-Gun Policy 4
GrassRoots VP Teaches Gun Law to Attorneys 5
Legislative Tactics Seminar Held ... 5
Home Grown Guns = Federal Prison 6
Well Regulated Militia Bill 8
Special Privileges for Politicians ... 8
More Gun Control 9
Gun Owners Are NOT Acceptable Collateral Damage in the War On Drugs 10
Firearms in National Parks 10

President's Message

By Ed Kelleher

VERACITY AND POLITICAL POWER

GrassRoots' goal is that good people be able to carry whatever firearms they choose, wherever and whenever they choose. To achieve that goal, GrassRoots must influence people - a wide variety of people.

Politicians are influenced by votes and money. If something gets them votes and money – it's a good thing and they go for it. If something costs them votes and money – it's bad a bad thing and they avoid it. Pretty simple, really.

In turn, GrassRoots members influence politicians by letting them know where their votes and money will - or won't - go. This is political power. Votes and money (which buys more votes through advertising) are political power's strongest influence. It's one we need to have to achieve our goal.

Power also needs ***guidance*** to make it more effective. Without guidance, power can be wasted or even counter-productive. For example, a shoe horn helps get your foot into a pair of shoes with less effort and less wear and tear on good shoes; a bore guide helps prevent a cleaning rod from damaging the muzzle of your firearm.

In like fashion, ***political guidance*** comes from communications – communicating to people which actions are or are not in their best interests. Good information helps people make good decisions.

GrassRoots can't influence its members by votes or money, so we strive to influence our members by communicating to them what actions are in their best interests. This is not by telling them what to do. That won't work with gun people. Trying to organize gun owners has been likened to herding cats, an impossible job if you try to do it directly. But getting cats to go where you want them isn't so hard if first you throw an open can of tuna fish where you want them to go. GrassRoots members aren't cats, but the principle is the same; we believe if we show good gun people a goal and explain why and what action is necessary to achieve that goal, they'll pick up the ball and run with it – if they trust us that is.

> *"Without trust in the source, communication can have no influence."*

Influence is always achieved at some level by communication. And ***the*** essential element of communications is ***veracity*** - truthfulness. ***Without trust in the source, communication can have no influence***. GrassRoots ***knows*** this. That is why - ***above all else*** - we strive to be truthful and honest in what we communicate.

Some folks like to dress up the truth with fluff or incendiary matter. GrassRoots doesn't think the truth ***needs*** dressing up when communicating with our members. We want to keep it short and simple - like the sentences in this article. It wasn't for nothing that our Lord said, "The truth shall set you free". We want to present the facts and let our members decide for themselves. People motivated by conviction of truth are a lot more likely to stay the course then those responding to a pretty package or in the heat of passion. That is why GrassRoots presents the truth. We need you to stay the course – even when politicians and others bring pressure on you to relent, which they'll do when we're being effective.

Another word to use would be credibility. Without credibility, GrassRoots influence on its members might be discounted. GrassRoots members would not respond and take action when asked if they could not trust GrassRoots leaders. And without GrassRoots ***members*** communicating with their legislators, GrassRoots leaders would be wasting their time. GrassRoots doesn't vote or give money to politicians, its members do. That is where our political power lies – in our members. And to be a ***credible*** power, we must get our members to act.

We strive for the truth, and stand on principle - even when it's against our own interests. Several years ago we supported a bill to make the list of names and addresses of CWP holders private. GrassRoots used that list for recruiting new members. It was a very effective tool for us. Changing the law to keep the list private hurt our recruiting efforts. But nonetheless, GrassRoots supported changing the law because it was the right thing to do. The CWP list is now legally kept private.

I sometimes make mistakes. In my personal life, I've acted on misinformation - much to my regret. But I've apologized for it, and have offered substantive action to back up my words. As a result, I've also learned to be very careful in what I say and write - especially when GrassRoots is involved.

But not so for Senator Knotts, the chairman of a Senate Judiciary sub-committee. Recently, GrassRoots sent an email Action Alert to our members about a bill - H. 3585 - explaining how it could hurt gun owners. We asked members to contact senators on the subcommittee and ask them to kill the bill.

Senator Knotts responded to those who contacted him saying the bill had been killed 3 weeks earlier, and that GrassRoots was spreading misinformation. The truth is that H. 3585 was ***still*** on the agenda and #1 on the runway when we sent our Action Alert. And it wasn't a typo as H. 3585 was being shuffled around to different meetings, but was always there and at the ***top*** of each meeting's agenda. The truth shall indeed set you free, and it's an absolute defense. We'll present more on this later, so you can decide for yourselves who speaks truthfully and who doesn't. We will be publishing copies of the official Senate meeting schedule and the official Senate subcommittee agenda, which were copied from the General Assembly's official web site just before being deleted. You will need to go to the GrassRoots web site to see the documentation.

I'm proud to be associated with you all and very much appreciate your support of GrassRoots and your work in helping secure our liberty. As I said, GrassRoots can only be a credible force with the active, informed support of ***all*** our members, unified in a common goal for the public good. Thank you for making it so.

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The GrassRoots South Carolina newspaper, The Defender, is distributed free to the membership of GrassRoots. Submissions can be sent by email to Editor c/o GrassRoots South Carolina, PO Box 2446, 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 it 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.

Shoot/Don't Shoot: Who Should Pull the Trigger?

By Lyn Bates

(The following article is reprinted with permission from the May-June 2009 issue of Women&Guns magazine.)

The Force Science Research Center at Minnesota State University recently brought my attention to some research done at the University of Fresno by psychology professor Dr. Matthew Sharps and his colleague, Adam Hess. They wanted to explore how people with no firearms or law enforcement experience would judge the use of force in various situations. Why should you care? Because people just like this might be in your jury some day if you ever have to defend yourself!

> *"... the vast majority of the civilian respondents indicated a readiness to shoot a perceived dangerous person themselves ..."*

Sharps and Hess performed two experiments which were reported in the December 2008 issue of The Forensic Examiner, in an article titled "To Shoot or Not to Shoot: Response and Interpretation of Response to Armed Assailants." (Academia just has a way with catchy titles, don't you agree?)

They performed two experiments. I'll bet that you can predict the outcome of the first experiment while I'm describing it.

> *"... only about 1 person in 10 felt it would be appropriate for the police to do so under the same circumstances!"*

In the first experiment, they wanted to explore what a typical member of the public (untrained, but with a pretend gun) would do when faced with a situation in which an "assailant" might be holding a gun, or might be holding something that is not a gun. The experimenters developed high-quality digital photographs of plausible crime scenes. They had expert police and field training officers to ensure that the pictures were realistic. The basic photograph showed a white man armed with a Beretta 9mm handgun. Four different scenarios were developed, the simplest was very sparse in terms of potentially distracting objects, the second was more complex (including street clutter, garbage cans, and so on), the third built on the complex scenario by including several bystanders and young female "victim" being threatened by the armed man. The fourth scene was identical to the third except that instead of a gun, the man was holding a power screwdriver. All the scenes had good lighting.

A hundred and twenty-five people were recruited to serve as subjects, 87 women and 38 men. Remember that none of them had any firearms experience. Each person was given either a button to push to indicate "shoot" or a toy dart gun to shoot at the screen. Each person was shown briefly one of the 4 scenes, and was instructed to press the button (or fire the dart gun) if they thought that there was a source of danger.

So, how do you think people performed? Did it matter whether a button was pressed to indicate shooting, or the dart gun was used? Did women and men react differently? How closely did their performance match what you think you, a highly trained person by comparison, would have done?

Here are the basic results. Men and women performed the same. They were somewhat more likely to "shoot" if they could do so by pressing a button rather than firing a dart gun. In Scene 1 (simple environment, man holding a gun, no victim), 64% of the people made the decision to shoot. Did that surprise you? It did me, because the man holding the gun on screen wasn't necessarily pointing it at anyone. Nonetheless, a great majority of people decided to shoot him anyway. In Scene 2 (same man, same gun, but with typical street clutter), more people, 67%, decided to shoot. In Scene 3 (man with gun, street clutter, bystanders, female "victim"), the proportion of "shooters" rose again, to 88%. In Scene 4 (same as Scene 3 except that the man held a power screwdriver instead of a gun), 85% of the subjects decided to shoot him anyway.

In other words, this experiment concluded that untrained people were extremely likely to decide to intervene with lethal force if there was a gun and a victim involved, but equally likely to mistake a screwdriver for a gun, and consequently shoot someone who should not have been shot.

As I said, you probably would have predicted that result. The really interesting part of this study is the second experiment conducted by the same scientists. Let's see how good your powers of prediction are here.

The second experiment investigated what untrained people's attitudes were about police using lethal force in various situations.

Again, the experiment involved high-quality digital photographs of crime scenes that were developed with the involvement of knowledgeable police personnel. Two scenes were created. In one, a white male perpetrator held a Beretta 9mm handgun in a one-handed grip, pointing it toward a young female "victim" amid a typical street scent. The second scene was essentially identical to the first, but the perpetrator holding the gun was female. Both scenes met the most stringent police guidelines for a "shoot" situation.

> *"If this generalizes to [CWP holders], we may be in equal trouble when it comes to the court of public opinion, or the criminal court."*

The subjects (33 women and 11 men) were each allowed to study one of these scenes for a full 5 seconds (much longer than most police officers have to make life-and-death judgments). They were asked afterward what a police officer should do on encountering the situation they had just seen. They were also asked the rationale for their responses.

Now's your chance to see whether your predictions were right. Did people think a police officer should have shot the person with the gun? Did it matter whether the "perpetrator" holding the gun was male or female?

Only 11% of the people thought that police should shoot in this situation. (Does that surprise you? It amazed me.)

Did gender matter? The numbers were too small for definitive results, but no male subject thought the police would be justified shooting a female perpetrator. Female subjects were about twice as likely to justify the shooting of a male perpetrator compared to a female one, but at least they did occasionally say that shooting a woman with a gun was justified.

> *"[P]eople just like this might be in your jury some day if you ever have to defend yourself!"*

What reasons did people give for their overwhelming reluctance to say that a police officer would be justified in shooting a person holding a gun to a young woman? How could virtually 9 out of 10 people say that police bullets were not justified, in situations where police believed 100% that shooting was necessary to save the young woman's life? The reasons are quite revealing…

Some people felt that the daylight, public conditions of the situations would prevent the perpetrator from firing at the victim. Others invented rules of engagement, such as saying that police should wait until the suspect fired first. Others said that a police officer should first attempt to convince the perp to drop the gun. One said that the police use of lethal force would be justified if the suspect had already committed murder. Some said that an officer should not fire because the suspect "did not look like she wanted to kill."

Some qualified their response, saying that if the police had to shoot, they should shoot the perp's arm or leg. Another said that if the perp tried to run away, it would mean that he was guilty.

These experiments were developed to study people's attitudes toward police who shoot in the line of duty. It isn't clear whether these kinds of attitudes would carry over to a private citizen who used a gun for self-defense, but they might. This would make a good topic for future research. In the meantime, what lessons can you take away?

When making their own shoot/don't shoot decisions, average untrained folk tend to be trigger happy and are often wrong, especially when distinguishing a gun from a tool. Police are routinely pilloried for making this kind of mistake. Remember the Dialou shooting in New York City when police shot an unarmed man who was behaving very suspiciously, but just drawing his wallet in a dark foyer? More recently, in Tacoma, WA, police shot and killed a man who pointed a small black cordless drill directly at them after threatening to shoot them. That's why a similar tool was used in the first experiment here.

Even though the vast majority of the civilian respondents indicated a readiness to shoot a perceived dangerous person themselves, only about 1 person in 10 felt it would be appropriate for the police to do so under the same circumstances! If this generalizes

See **Shoot** on page 6

Down Range

by Bill Rentiers

In my last Down Range article, I wrote something that was inaccurate and it is important that I correct my error. I wrote, "Senator Glenn McConnell has sponsored legislation (S. 190) that would lower the bar even further. If S. 190 passes, some South Carolinians who have minor criminal records, but who can currently possess firearms, will no longer be able to own or possess firearms or ammunition." This was inaccurate, and I will do better in the future.

As was detailed in the GrassRoots GunRights analysis of S. 190 elsewhere in the last issue of The Defender, S. 190 would change some SC gun laws to mirror current federal law. Although, S. 190 would only mirror the federal laws making SC gun laws more restrictive than they are now, S. 190 would not mirror any of the federal laws making SC gun laws less restrictive than they are now. Thus, while Sen. McConnell's bill would not deny anyone of rights not already being denied by existing federal law, it also failed to improve SC gun laws when federal law is better. If S. 190 does pass and the federal gun control laws are repealed or declared unconstitutional, then South Carolinians would be faced with having to overturn the state gun control law. Or, if SC enacts a law (see S. 794 and H. 4022) similar to laws being enacted across the country declaring federal gun control laws unconstitutional with regard to firearms made and kept within the state borders, then S. 190 will create additional gun control that would not otherwise exist. So, regardless of whether S. 190 will have an immediate impact on the people of SC, it has the potential to be the gun control we have to fight in the future. So, we should still oppose S. 190 now.

All of the above brings me to my next point. GrassRoots GunRights is in need of good writers for The Defender. Currently, only a few folks write all the articles for The Defender. I believe good writers exist among the many GrassRoots members. Relying heavily on just a few people to produce The Defender can lead to burn out of those individuals. If you possess good writing skills, please consider helping GrassRoots by writing for The Defender. Contact me (ExecOfficer@SCFirearms.org) if you would like to write an article for The Defender. If you possess good writing skills, but not the confidence to write an article, then please volunteer to be part of the proof reading team. The proof reading team takes articles written by others and cleans them up for publication.

You do not have to be a great writer to help GrassRoots. In fact, there are a number of other ways in which you might be able to use your skills to help GrassRoots.

For example, one new member contacted me saying he had recently joined GrassRoots through his concealed weapon permit class. This new member is a retired attorney and was interested in ways he might be able to help with the Jason Dickey case.

GrassRoots needs volunteers to work at gun shows. GrassRoots gun show volunteers recruit members to join GrassRoots GunRights. Gun show volunteers are scheduled for a half-day (three to four hours) and enjoy speaking with the many like-minded gun owners who attend the gun shows. Admission into the gun show is free for GrassRoots gun show volunteers. If you would like to volunteer to help at a GrassRoots gun show table, contact either me or the gun show coordinator nearest you. GrassRoots gun show coordinators are listed on the back page of The Defender.

Firearms instructors who are members of GrassRoots GunRights are permitted to give their students (who have never been a member of GrassRoots) a free six-month membership in GrassRoots GunRights. Several GrassRoots instructor members have been doing so, and the membership renewal rate of those students in GrassRoots has been encouraging. If you are a member of GrassRoots and a firearms instructor, contact Bill Rentiers to be listed as a GrassRoots Instructor member.

Georgetown County School Board Adopts Anti-Gun Policy

Apparently, the Georgetown County School Board (GCSD) hates guns so much they are willing to jail moms and gamble with the lives of Georgetown County school children - even if it means violating state law to do so! History shows crazed murderers prefer to strike in "gun-free zones" where good citizens cannot defend themselves, so the GCSD policy would have made school children less safe.

In October 2009, the GCSD adopted anti-gun policies that threaten to arrest any person for trespassing if they otherwise legally possess a firearm in their vehicle on school property, and to fire any employee who otherwise legally has a firearm in their private vehicle on school property. GCSD took this anti-gun action in defiance of the newly enacted law (read about S. 593 in the last issue of The Defender or online at SCFirearms.org) specifically allowing a person with a concealed weapon permit (CWP) to possess a firearm in the glove box, console, trunk, or luggage area of a locked or attended vehicle on school property. GrassRoots GunRights immediately contacted GCSD and told GCSD they were in violation of the law.

"... anti-gun politicians can use our tax dollars to ... defend their illegal actions."

SC law prevents school districts from enacting such policies. Section 23-31-510 states "No governing body of any county, municipality, or other political subdivision in the State may enact or promulgate any regulation or ordinance that regulates or attempts to regulate: (1) the transfer, ownership, possession, carrying, or transportation of firearms, ammunition, components of firearms, or any combination of these things." The GCSD's new policy blatantly disregards this law.

What could have possibly made GCSD think they could pass a policy so blatantly illegal? GCSD wrongly believed the AG McMaster opinion of March 5, 2009 (see front page article), gave them the power to enact such anti-gun policy just as McMaster had said that Oconee County could enact an anti-gun ordinance. But, even an anti-gun prejudice can not support the GCSD actions.

In November 2009, Dr. Robert D. Butler (GrassRoots GunRights VP and Legislative Director) was a guest lecturer on South Carolina gun law at a continuing legal education seminar for attorneys. Dr. Butler made a point of attacking both the Oconee County and GCSD anti-gun actions. Dr. Butler told the class that the limited privilege of possessing a firearm on school property derived from § 16-23-420 and § 16-23-430, not the CWP law. Dr. Butler pointed out that § 23-31-220 could not be used to overrule § 16-23-430 because the CWP law states "Nothing contained herein may be construed to alter or affect the provisions of Sections ... 16-23-420 [or] 16-23-430." Thus, even an anti-gun prejudice could not justify using § 23-31-220 as an excuse to prohibit otherwise legally possessed firearms in private vehicles on school grounds. Dr. Butler then reminded the class of the AG Condon opinion dated March 8, 2000, wherein the Department of Corrections (DOC) was told it could not ban legally possessed firearms in private vehicles on DOC property since a government agency could not prohibit that which state law allowed, which was applicable to the GCSD case.

"But, pro-gun people are forced to spend our own dollars to defend our rights. This is wrong."

In December 2009, AG McMaster issued an opinion at the request of Rep. Thad Viers as to the legality of the GCSD anti-gun actions. But, even McMaster could not justify the GCSD anti-gun actions. McMaster was forced to acknowledge that the GCSD anti-gun action was "inconsistent with and preempted by Section 16-23-430."

The December 2009 AG opinion caused the GCSD to reassess their anti-gun policies. GCSD has since issued new policies regarding firearms on school property. GCSD has decided it will abide by state law.

It is doubtful GCSD would have dared adopt such anti-gun policies in the first place, if not for the March 2009 AG McMaster anti-gun opinion. Blatant anti-gun actions like those taken by the GCSD cannot be allowed to go unchallenged.

While the more recent AG opinion is a positive development, AG McMaster can hardly be considered pro-gun in light of his March 2009 opinion. As pointed out above, McMaster was prohibited from using the CWP law

See **Georgetown** on page 5

GrassRoots VP Teaches Gun Law to Attorneys

A Continuing Legal Education (CLE) course on South Carolina gun laws was held on Saturday, November 13, 2009, at the Holiday Inn/Airport in West Columbia. The course provided attorneys with 6 hours of CLE credit. According to the website of the SC Supreme Court Commission on CLE and Specialization, active attorneys must complete 14 hours of approved CLE courses per reporting period.

> *"... requiring churches to give "express permission" ... to carry ... was unconstitutional."*

Of particular interest to participants was Dr. Butler's presentation on how requiring churches to give "express permission" to a CWP holder to carry in a church was unconstitutional. Requiring a church to give express permission forces the church to assume a liability that a non church is not forced to assume in order to gain the benefit of having armed defenders on the premises. Thus, such a requirement is an unconstitutional burden on religion since it discriminates against churches.

Another issue of interest presented by Dr. Butler was how to hold a posted business liable for any harms suffered as a result of criminal activity. Attorney's always need to find someone with "deep pockets" who can be held liable. Since most street criminals do not have "deep pockets," being able to hold the posted businesses liable would give the attorneys someone to go after in order to compensate their clients for the injuries suffered. Of particular interest was the legal theory that the injured person need not even be a CWP holder in order to hold the posted business liable.

The course thoroughly explained the nuances of the gun laws in South Carolina. Some of the topics covered during the course were the legal requirements for buying a gun; concealed weapon permit law; possessing and transporting guns without a permit; weapons crimes; lawsuits involving firearms, liability, and self-defense issues; self-defense law; and current firearms related issues (i.e., Georgetown County School District and Oconee County park ordinance).

> *"... who better to draft ... gun laws than a person who teaches ... gun law to attorneys."*

The primary text for the course was South Carolina Gun Law by Stephen F. Shaw, Esq., James P. Kelley, Esq., and Sergeant G. Curtis Moore Jr., with foreword by Robert D. Butler, D.C., J.D. The textbook is available online for $19.95 at www.scgunlaw.com.

This CLE course was the only SC Supreme Court approved course focused specifically on South Carolina gun and self-defense law. The course was taught by attorneys Stephen Shaw and James Kelley, and by GrassRooots Vice President Dr. Robert D. Butler.

When testifying before lawmakers in the future, it can now be stated that GrassRoots Vice President Dr. Robert D. Butler has co-taught a continuing legal education course approved by the SC Supreme Court on firearms law. Also, who better to draft proposed South Carolina gun laws than a person who teaches South Carolina gun law to attorneys.

Legislative Tactics Seminar Held

On Saturday October 3rd, 2009, GrassRoots GunRights of SC held a Legislative Tactics Seminar (LTS) in Columbia. The seminar was taught by GrassRooots Vice President Dr. Robert D. Butler.

> *"real political power comes from special interest groups, not political parties"*

The LTS was held to teach gun owners how GrassRoots GunRights operates. In the spirit of "Give a man a fish and you feed him for a day. But, teach a man to fish and you feed him for a lifetime.", GrassRoots GunRights is teaching gun owners how to be politically effective in the long term.

Some of the topics covered in the LTS were: Confrontation as a Political Tactic (i.e., most people are uncomfortable with the stress created by confrontation and thus are willing to "compromise" in order to make the stress go away); Political Parties vs Special Interest Groups (i.e., real political power comes from special interest groups, not political parties); Power vs Influence (i.e., are you only listened to or do you get what you want?); Framing Issues (i.e., who defines the issue usually wins the argument); Dealing with Politicians (i.e., doing nothing and smiling a lot is how one keeps his job); and Keys to Victory (i.e., what a political activist must do to make a politician actually do something).

> *"people are willing to 'compromise' in order to make the stress go away"*

Interestingly, the Campaign for Liberty organization brought in Kirk Shelley (who bills himself as "your political guru") to teach an almost identical class on March 20, 2010. This goes to show that the political tactics used and taught by GrassRoots GunRights in defense of our gun rights are the very same political tactics taught by nationally recognized political consultants.

If sufficient demand exists and reasonably priced facilities are available, GrassRoots can teach a Legislative Tactics Seminar in your area. Contact Bill Rentiers, Executive Officer at ExecOfficer@SCFirearms.org for more information.

Georgetown continued from page 4

against gun owners since it specifically stated § 23-31-220 could not be used to overrule § 16-23-430. But, when McMaster was given the opportunity to use his discretion, McMaster used it against the interests of gun owners even when a better interpretation was plainly called for.

More must be done to prevent SC cities, counties and school districts from violating our gun rights. Gun owners must also be on alert for politicians who are only "pro-gun" during election season, and not once the election is over.

If such anti-gun policies can be adopted by any level of government, in violation of SC law and without consequences, then cities, counties and school districts across South Carolina will be emboldened to try to enact similar anti-gun policies. As McMaster stated in the Oconee County opinion, "[W]hile this office may comment upon potential constitutional problems, it is solely within the province of the courts of this State to declare an act unconstitutional. Therefore, the ordinance about which you inquired would be enforceable until declared otherwise by a court." Thus, anti-gun politicians can use our tax dollars to enact unconstitutional laws, and then use our tax dollars to defend their illegal actions. But, pro-gun people are forced to spend our own dollars to defend our rights. This is wrong.

> *"Blatant anti-gun actions like those taken by the Georgetown County School Board cannot be allowed to go unchallenged."*

To combat such actions in the future, GrassRoots must be prepared to file legal action against entities that attempt such anti-gun actions. But lawsuits cost money. GrassRoots needs to build up the Legal Defense Fund to be ready to file such lawsuits, should doing so become necessary. You can help GrassRoots fight anti-gun actions in South Carolina. Please consider making a generous donation to the GrassRoots Legal Defense Fund at the following address:

GrassRoots Legal Defense Fund
P.O. Box 2446
Lexington, SC 29071

And, it is even more important to make sure that only truly pro-gun politicians get elected in South Carolina. We would not need to fight anti-gun laws if only pro-gun politicians were elected. GunRights PAC exists to protect our gun rights by helping elect pro-gun candidates and defeat anti-gun candidates. Please make the most generous contribution you can afford to make to:

GunRights PAC
220 Isobel Ct.
Lexington, SC 29072

Home Grown Guns = Federal Prison

A bill was introduced in the House declaring that guns made and kept in SC were not rightfully subject to federal regulation. While the stated issue was firearms, the real issue is a fight over allocation of power between the federal and state governments. Gun owners are being used as pawns in this power struggle. GrassRoots wanted the bill amended to protect gun owners. GrassRoots sent the following letter to members of the subcommittee. The bill died in subcommittee.

January 27, 2010

The Honorable John M. "Jake" Knotts, Jr.
SC Senate
Post Office Box 142
Columbia, SC 29202

RE: H. 4022

Dear Senator Knotts,

H. 4022 claims to be the "South Carolina Firearms Freedom Act." But, GrassRoots GunRights sees H. 4022 as a power struggle between the federal and state governments, not as a pro gun rights bill. As H. 4022 is currently drafted, the best South Carolina gun owners can hope for is to suffer only minimal collateral damage. But, if properly amended, H. 4022 can be turned into a pro gun rights bill. GrassRoots GunRights will first explain why amendments are needed, and then propose the needed amendments below.

The biggest flaw in H. 4022 is that it will legislatively entrap otherwise innocent South Carolina gun owners. As H. 4022 is currently drafted, South Carolina gun owners who abide by South Carolina law will still be considered to be in violation of federal law. Thus, the federal government will still prosecute South Carolina gun owners who abide by the so called "South Carolina Firearms Freedom Act."

H. 4022 fails to protect South Carolina gun owners who lawfully abide by the so called "South Carolina Firearms Freedom Act." It is South Carolina gun owners who will bear the entire financial burden of defending themselves in this power struggle between the federal and state governments. It is South Carolina gun owners who will risk going to prison for violating federal gun laws in this power struggle between the federal and state governments. It is South Carolina gun owners who will risk losing their rights to keep and bear arms for the rest of their lives in this power struggle between the federal and state governments.

> *"... a total lack of concern for gun owners in South Carolina."*

While South Carolina gun owners bear all of the financial burdens, all of the risks of going to prison, and the risk of forever losing the right to keep and bear arms in this power struggle between the federal and state governments, the state of South Carolina will sit on the sidelines and watch. This is not right and can never be legitimately portrayed as a pro gun rights bill.

To better protect gun owners in South Carolina, H. 4022 needs to be amended to include the language found in a similar bill - H.B. 1863 - introduced in Texas in 2009. H. 4022 needs to be amended by adding the following to Section 1 of the bill:
"Section 23-31-725. ATTORNEY GENERAL.
(A) The attorney general shall defend a citizen of this state whom the federal government attempts to prosecute, claiming the power to regulate interstate commerce, for violation of a federal law concerning the manufacture, sale, transfer, or possession of a firearm, a firearm accessory, or ammunition manufactured and retained in this state.
(B) On written notification to the attorney general by a citizen of the citizen's intent to manufacture a firearm, a firearm accessory, or ammunition to which this chapter applies, the attorney general shall seek a declaratory judgment from a federal district court in this state that this chapter is consistent with the United States Constitution."

> *"... gun owners who abide by South Carolina law will still be ... in violation of federal law."*

The above language would provide some protection for gun owners in South Carolina from the collateral damage that would otherwise occur in the power struggle between the federal and state governments. Failure to include the above language will demonstrate a total lack of concern for gun owners in South Carolina.

There are two additional problems in H. 4022, both contained in proposed Section 23-31-715. Section 23-31-715 states "[t]his article does not apply to the following: ... (4) a firearm that discharges two or more projectiles with one activation of the trigger or other firing device." Thus, the so called "South Carolina Firearms Freedom Act" will exclude both single shot shotguns and fully automatic firearms from the protections of H. 4022. The exclusion of shotguns and fully automatic firearms will be discussed separately below.

There is no legitimate reason to exclude shotguns from the protections in H. 4022. This problem is most likely due to the bill's drafter being unfamiliar with firearms and not understanding the significance of the words used. A single shotgun "round" is usually composed of multiple "projectiles" (the only exception being "slugs") which can be discharged "with one activation of the trigger or other firing device." Thus, a single shot shotgun is excluded from the protections of H. 4022. This problem can be remedied by replacing the word "projectiles" with the word "rounds." Amending H. 4022 in this way will give protection to shotguns, but will continue to exclude fully automatic firearms.

There is no principle that allows the federal government to regulate fully automatic firearms under the commerce clause of the Constitution of the United States, but not semi automatic firearms. South Carolina should not give support to the liberal "politically correct" crowd by enacting into law a liberal "politically correct" difference in H. 4022 when no principled difference exists.

Most importantly, since H. 4022 makes reference to the Second Amendment to the United States Constitution, H. 4022 should honor the words and intent of the United States Constitution by recognizing that fully automatic firearms are the very arms - i.e., those carried by individual soldiers - that our founding fathers envisioned when enacting the Second Amendment. South Carolina should not join the ranks of the liberal "politically correct" ilk and create a difference where none legitimately exists.

GrassRoots GunRights takes positions on proposed legislation based upon principle - not liberal "politically correct" politics. Therefore, GrassRoots GunRights requests that proposed Section 23-31-715(4) simply be deleted and thereby include both shotguns and fully automatic firearms under the protections of H. 4022. Deleting Section 23-31-715(4) is the principled thing to do even if it is not the liberal "politically correct" thing to do.

Bottom line:
1. Add a Section 23-31-725 as described above to better protect South Carolina gun owners from collateral damage.
2. Delete proposed Section 23-31-715(4); or as a lesser favored alternative, substitute the word "rounds" for the word "projectiles."

If you have any questions concerning this issue, please contact me.

Sincerely,

Robert D. Butler, J.D.
VP GrassRoots GunRights

Shoot continued from page 3

to trained civilians legally carrying, we may be in equal trouble when it comes to the court of public opinion, or the criminal court.

If you are charged with a crime and tried by a jury of such "peers", you might need an expert witness to explain why what you did was reasonable, and to dispel the myths and magical thinking that ordinary people might use to believe that you could have done something other than shoot.

You are far more likely to be chosen for jury duty than to shoot someone. Thus, if you are ever on a jury that is considering a case that involves shooting (as I was a few years ago on an attempted murder case), remember that several of your fellow jurors probably have some of these misconceptions about the use of lethal force. Think about how you could educate them so that the accused receives justice.

Lyn Bates is the Vice President of AWARE (Arming Women Against Rape and Endangerment, 877-672-9273, www.aware.org), a nonprofit organization that provides information and training to enable women to avoid, deter, repel or resist crimes ranging from minor harassment to violent assault. She has been a competitive shooter,

See **Shoot** on page 12

McMaster continued from page 1

(1) the right of a ***public or private employer*** to prohibit a person who is licensed under this article from carrying a concealable weapon upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business;
(2) the right of a ***private property owner*** or person in legal possession or control to allow or prohibit the carrying of a concealable weapon upon his premises.

> *"The legislature denied public property owners the power to ban CWP carry."*

The posting by the employer, owner, or person in legal possession or control of a sign stating "No Concealable Weapons Allowed" shall constitute notice to a person holding a permit issued pursuant to this article that the employer, owner, or person in legal possession or control requests that concealable weapons not be brought upon the premises or into the work place. A person who brings a concealable weapon onto the premises or work place in violation of the provisions of this paragraph may be charged with a violation of Section 16-11-620. In addition to the penalties provided in Section 16-11-620, a person convicted of a second or subsequent violation of the provisions of this paragraph must have his permit revoked for a period of one year.
The prohibition contained in this section does not apply to persons specified in Section 16-23-20, item (1)." [emphasis added]

> *"legislative intent ... was to protect gun owners"*

The first entities (#1 in § 23-31-220 above) specifically allowed to ban CWP carry are both ***public and private employers***. Most people think the word "employer" is linked with "employee." And, when interpreting the word "employer," it should be interpreted with respect to employees, not members of the general public.

The second entity (#2 in § 23-31-220 above) specifically allowed to ban CWP carry is limited to only ***private property owners***, not public property owners. Thus, Oconee County can not ban CWP carry as a public property owner.

It is crucially important to note that the power of employers to ban CWP carry is extended to both ***public and private employers***. But, the power of property owners to ban CWP carry is extended only to ***private property owners***, not public property owners such as local governments.

This distinction between employers and property owners is very important. According to McMaster's opinion, Oconee County - or any other local government entity - gets the power to ban CWP carry within the boundaries of the political subdivision due to it being the ***public employer***, not the property owner.

McMaster claims § 23-31-220 of the CWP law allows local governments to ban CWP within their borders because the local government is the "employer" inside of those boundaries. Calling Oconee County the "employer" over all of Oconee County stretches the meaning of "employer" beyond any plain and ordinary meaning.

GrassRoots GunRights strongly disagrees with McMaster's tortured definition of "employer." Whether McMaster's interpretation or the GrassRoots GunRights interpretation is correct depends on how you interpret the word "employer." So, lets look at how the word "employer" should be interpreted here.

The South Carolina Supreme Court has provided rules to use when interpreting laws. The Supreme Court has stated that "the primary goal of statutory interpretation is to ascertain the intent of the General Assembly" (State v. Martin, 293 S.C. 46,358 S.E.2d 697 (1987)), a "statutory provision should be given a reasonable and practical construction consistent with the purpose and policy expressed in the legislation" (Hay v. S.C. Tax Comm., 273 S.C. 269, 255 S.E.2d 837 (1979)), and that a "statute's words must be given their plain and ordinary meaning without resort to a forced or subtle construction which would work to limit or expand the statute's operation" (State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991)).

Simply put, the Supreme Court says the best interpretation is one that promotes the intent of the legislature, is a reasonable and practical interpretation that promotes the purpose and policy of the legislation, and uses the words in a plain and ordinary way so as not to force an interpretation that limits or expands the law beyond the plain and simple meaning of the words.

Most public employees have already been denied the privilege of CWP carry on the job by § 16-23-420, which prohibits CWP carry in publicly owned buildings. The legislature gave public employers the power to ban CWP carry in § 23-31-220 to allow public employers to ban CWP carry ***by public employees*** while on the job and working outside of a publicly owned building, such as those public employees who drive vehicles on the job, or who work in locations that are not publicly owned buildings. The legislature extended a limited power to ban CWP carry to public as well as private employers "upon the premises of the business or work place or while using any machinery, vehicle, or equipment owned or operated by the business" while the employee is on the job. If the employee is not on the job, then the power to ban CWP carry comes from the power of a private property owner to ban CWP, not the power of being the "employer." And, there is no legislative grant of power as a property owner for local governments to ban CWP carry.

> *"McMaster's opinion will give public property owners the very power that the legislature denied them."*

Although the legislature extended to both public and private employers the power to choose whether to allow their employees to carry on the job, the legislature intentionally limited the power to ban CWP carry to ***private property owners*** only. The legislature did not give the same power to ***public property owners***. This distinction ensured the state firearms pre-emption law was honored. CWP carry on public property is controlled by the state pre-emption law, which allows CWP carry on public property pursuant to the terms of the CWP permit and is not subject to local regulation. McMaster's opinion, if followed by the courts, would both negate the intent of the legislature and destroy the entire CWP program by giving local governments the power to deny CWP carry within their borders.

> *"According to McMaster's interpretation of the law, the legislature intended to allow Oconee County to ban CWP in county parks, but deny Oconee County the power to ban open and concealed carry by fishermen in Oconee County parks."*

The legislative intent for enacting a state firearms pre-emption law was to protect gun owners as they traveled around the state. Gun owners should not be forced to learn about hundreds of different laws written by hundreds of different political subdivisions all across SC. Gun owners should be able to learn one set of state laws, and then know they are abiding by the law wherever they travel in SC. The state pre-emption law does this.

The legislature denied public property owners the power to ban CWP carry. But, McMaster's opinion will give public property owners the very power that the legislature denied them. Claiming local government can say it is the "employer" over all of the public property within the boundaries of its geographical domain and thus ban CWP carry is nothing more than a trick to give public property owners the very same power the legislature denied them. McMaster's opinion ignores the intent of the legislature, the plain meaning of the words of the statute, and the state firearms pre-emption law.

Neither a self employed person living in Oconee County nor a non Oconee County resident visiting an Oconee County park would think Oconee County had the power to limit her CWP rights under the county's claim of being the "employer." McMaster thinks Oconee County can rightfully claim the power to ban CWP as their "employer," while GrassRoots GunRights thinks such a claim is absurd and ignores the intent of the legislature, the plain meaning of the words of the statute, and only serves to expand the law beyond the original intent of the law.

To show just how absurd the McMaster opinion is, one need only look at the end result. McMaster admits that a local government must use the "public employer" power to ban CWP within its borders because the state firearms pre-emption law prohibits local governments from doing so as a public property owner. State law (§ 16-23-20) allows a licensed fisherman to carry a handgun either openly or concealed while fishing

See **McMaster** on page 11

Well Regulated Militia Bill

A bill was introduced into the House to rename the CWP law. While simply renaming a bill might seem innocent enough, doing so would have been a disaster for SC gun owners. GrassRoots delivered the following letter to each member of the Judiciary Committee. Thanks to GrassRoots' eternal vigilance, the rights of gun owners in SC were saved when the bill was sent back to die in subcommittee.

"... would restrict militia weapons to only concealable weapons less than twelve inches ..."

February 2, 2010

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

Re: H. 3652

Dear Rep. Harrison:

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

The primary evils contained in H. 3652 are:

1. A "well-regulated militia" should include long guns, not just handguns. But, H. 3652 would restrict militia weapons to only concealable weapons less than twelve inches (12") in overall length since the "Law Abiding Citizens Self-Defense Act of 1996" restricts and limits possession to only concealable weapons as defined by the law. See Sections 23-31-210(6) and 23-31-215(A). H. 3652 could be used to show the intent of the legislature was to deny long guns to the militia and to require that all militia weapons be concealable. This change alone is sufficient reason to kill H. 3652.

2. Being a member of the "unorganized militia" is a right possessed by all citizens and those who are committed to becoming citizens (except those who are already in the "organized militia"). See 10 U.S.C. § 311. But, H. 3652 would destroy the very concept of an "unorganized militia" by changing that right into a mere privilege regulated by the government. H. 3652 would require a person to obtain a government issued permit to become a member of the militia. This change alone is sufficient reason to kill H. 3652.

"H. 3652 is too broken to fix ... ."

3. H. 3652 is an insult to the Second Amendment in that H. 3652 reduces the freedom possessed by the people, which is something not supported by the intent of the Second Amendment. The Second Amendment spoke of a "well regulated Militia, being necessary to the security of a free State," which meant all the people should possess the ability to handle firearms accurately if freedom was to be protected. But, H. 3652 speaks to a "well controlled" people by giving a government bureaucracy (SLED) the power to deny a person the right to bear arms even though such person can otherwise legally possess arms. This change alone is sufficient reason to kill H. 3652.

"... would destroy the very concept of an 'unorganized militia' ... "

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

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

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

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

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

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

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

Sincerely,

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

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

Special Privileges for Politicians

A bill was introduced into the House that would have given members of the General Assembly who possessed a CWP the privilege of carrying anywhere in the state, including all those places the rest of us can not legally carry such as restaurants that serve alcoholic beverages, schools, publicly owned buildings, etc., etc.. Politicians do not deserve to carry where we are not allowed to carry. If it is too dangerous for them to go unarmed, then it is too dangerous for us to go unarmed. GrassRoots wrote the following letter and delivered it to the subcommittee. After the subcommittee meeting, two representatives pulled their names as co-sponsors and the bill died in subcommittee.

March 2, 2010

Rep. Bruce Bannister
South Carolina House of Representatives
P.O. Box 11867
Columbia, SC 29211

Re: H. 4112

Dear Rep. Bannister:

"GrassRoots opposes ... special first class citizenship for politicians while relegating the rest of us to second class citizenship."

GrassRoots GunRights is pleased to see some elected representatives are finally seeing the prohibited carry restrictions placed upon concealed weapon permit (CWP) holders are unreasonable and need to be abolished. But sadly, too many of these politicians also think they are a special ruling class overseeing us mere peasants. While such a statement sounds extreme, there is no other explanation for H. 4112 - which abolishes all CWP prohibited carry restrictions for politicians, but not a single one for the rest of us.

We once had statesmen who lived by the philosophy of "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." These words from the Declaration of Independence reveal a strength of character of which we can all be proud.

Unfortunately, we now have politicians who live by the philosophy espoused by the pigs in George Orwell's *Animal Farm* of "All animals are equal, but some are more equal than others." George Orwell's *Animal Farm* exposes how politicians use the power of their office to grant themselves special privileges unavailable to others.

See **H. 4112** on page 9

More Gun Control

A bill was introduced into the House that would have increased the penalties for violating possession of a handgun from a misdemeanor to a felony, and would have legally created "assault weapons" in SC. This bill would have made it a felony to carry with an expired CWP. Have you renewed your CWP? GrassRoots led the successful fight to kill this bill after it delivered the following letter to members of the subcommittee.

> *"Gun control is not about guns, it is about control."*

April 14, 2010

The Honorable R. Keith Kelly
SC House of Representatives
Post Office Box 11867
Columbia, SC 29211

RE: H. 3659

Dear Representative Kelly,

There is just no way to sugarcoat this. H. 3659 is a horrible gun control bill, plain and simple.

As currently drafted, H. 3659 could be used to convict a concealed weapon permit (CWP) holder of a felony for innocently violating the CWP law. If a CWP holder carries a handgun pursuant to - but not in complete compliance with - the CWP law, then the CWP holder is in violation of Section 16-23-20.

For example, imagine a CWP holder forgot to renew her CWP in a timely fashion, which is easy to do since SLED no longer sends out renewal forms. Next, she gets stopped at a license check, where she provides her CWP to the police officer as required by the CWP law. H. 3659 would turn this poor woman into a felon because she would be in violation of Section 16-23-20, which requires that the woman be in complete compliance with the conditions of the CWP law in order to be in compliance with Section 16-23-20. Thus, a CWP holder could be convicted of a felony for innocently failing to renew her CWP on time.

There are a multitude of other conditions described in the CWP law that CWP holders must abide by when carrying a handgun. The CWP law recognizes most of these conditions as only rising to the level of a misdemeanor. For example, if a CWP holder fails to see a sign posted to prohibit a CWP holder from carrying in a business and then innocently enters the business, the violation is considered a trespass misdemeanor. But, H. 3659 would change such an innocent act into a felony.

Turning otherwise law abiding people into felons for such minor transgressions is just plain wrong. Mere possession of a handgun without having used - or intending to use - the handgun in a crime should not be a crime.

H. 3659 would also change misdemeanor possession of a handgun into a felony. This is wrong. Instead of increasing such penalties, we should be repealing the laws making mere possession of a handgun a crime.

The 2nd Amendment guarantees a person the right to "keep and bear arms." A "right" is something that can be exercised without a permit. Only a privilege requires a permit. Both Vermont and Alaska recognize the "right to keep and bear arms" and allow people to possess a handgun without a permit. Arizona is currently awaiting the governor's signature to join Vermont and Alaska in restoring the right to keep and bear arms.

> *"... a CWP holder could be convicted of a felony for innocently failing to renew her CWP on time."*

South Carolina law should be changed to <u>remove</u> restrictions on the right to keep and bear arms - not to increase the penalties for possessing a firearm by people with no intention to commit a crime.

Labeling some rifles and shotguns as "assault weapons" just because they look like fully automatic military weapons is a favorite tactic of the gun grabbers. Calling semiautomatic rifles and shotguns "assault weapons" is just an attempt to demonize such firearms. Demonizing these firearms is simply a first step to banning them. H. 3659 follows the gun grabber play book.

Gun control is not about guns, it is about <u>control</u>. H. 3659 is just more gun control. Enacting more gun control is wrong. Instead, lawmakers should start aggressively pushing for more gun rights freedoms - not less.

GrassRoots GunRights strongly opposes H. 3659. H. 3659 is too broken to fix, and there is nothing in it worth fixing anyway. H. 3659 should simply be scrapped entirely, and replaced with an Alaska/Vermont/Arizona style handgun carry bill that restores the right of the people to keep and bear arms.

GrassRoots GunRights is here today to be able to report back to the gun owners of South Carolina exactly who was responsible for promoting H. 3659 and who was responsible for killing H. 3659.

Sincerely

William W. Rentiers III
Executive Officer
GrassRoots GunRights

H. 4112 continued from page 8

H. 4112 sinks to the level of the pigs in *Animal Farm*. H. 4112 is not a bill inspired by the ideals found in the Declaration of Independence. H. 4112 seeks to make politicians "more equal" than the rest of us by allowing these politicians to grant themselves special privileges unavailable to the rest of us. This is wrong.

This is not the first time this bill has been introduced. GrassRoots led the fight to kill the similarly worded H. 4243 last session. But, unfortunately, H. 4243 has risen again as H. 4112 and needs to be killed again this year just as it was last session.

How Orwellian that at least one of the co-sponsors of last session's H. 4243 (which would have allowed politicians to actually carry ***in*** schools), failed to support H. 3964 (which would have allowed a CWP holder to possess a handgun on school property ***only if*** contained inside a closed glove box, console, or trunk so as to allow parents with CWPs to drop off and pick up their children from school). Thankfully, a limited school firearm possession law was enacted last year.

H. 4112 will allow legislators to carry a gun anywhere in South Carolina. GrassRoots doubts the law will be interpreted such that legislators are considered to be carrying out the duties of their office only Tuesdays through Thursdays six months of the year while on the capitol grounds. GrassRoots sees this law being bent such that any activity will be interpreted as "constituent service" or "research" so as to justify politicians being allowed to carry anywhere 24/7/365, which will include restaurants that serve alcoholic beverages, schools, and all publicly owned buildings. GrassRoots opposes the idea of special first class citizenship for politicians while relegating the rest of us to second class citizenship.

> *"... politicians also think they are a special ruling class overseeing us mere peasants."*

GrassRoots does not subscribe to the pigs' belief from Orwell's *Animal Farm* that some "are more equal than others." Rather, GrassRoots believes - as did our founding fathers - that "all men are created equal." In keeping with the lofty principle that "all men are created equal," GrassRoots opposes any bill that does not allow every South Carolina CWP holder to carry wherever a member of the General Assembly who has a CWP is allowed to carry.

Politicians with CWPs are no different - or better - than the rest of us who have CWPs in South Carolina. We all had to provide proof of training. We all had to pass the same SLED and FBI background checks. CWP holders have been certified as - and have proven to be - "the good guys." It is a sad state of affairs when the idea that politicians are "more equal" than the rest of us is alive and well in South Carolina, and the idea that "all men are created equal" is a distant memory.

GrassRoots urges the members of the General Laws subcommittee to demonstrate statesmanship and vote to support the ideal that "all men are created equal" by either killing H. 4112, or amending H. 4112 to repeal CWP prohibited carry locations for all CWP holders and not just politicians. Let us not fall to the level espoused by the pigs in Orwell's *Animal Farm*.

Sincerely,

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

Gun Owners Are NOT Acceptable Collateral Damage in the War On Drugs

A bill was passed by the House on a vote of 107 to 0, and was not discovered by GrassRoots until it was before a Senate subcommittee. The bill could have harmed a gun owner who installed a gun safe in her vehicle or RV and then later sold the vehicle. GrassRoots sent the following letter to the subcommittee, which eventually allowed the bill to die. But, it took the efforts of our members emailing and calling to finally force the subcommittee to protect gun owners and let the bill die in subcommittee.

> *"... innocent gun owners could be prosecuted, fined, and sent to prison."*

April 21, 2010

The Honorable John M. "Jake" Knotts, , Jr.
SC Senate
Post Office Box 142
Columbia, SC 29202

RE: H. 3585

Dear Senator Knotts,

H. 3585 is a poorly written bill, which could legislatively entrap innocent gun owners. This bill is drafted with language so all encompassing that many innocent gun owners could be prosecuted, fined, and sent to prison. Unfortunately, GrassRoots GunRights was not aware of this bill until after it had already passed the House. Thus, we were not able to voice the concerns of gun owners until now.

H. 3585 states "Examples of 'false or secret compartments' include, but are not limited to, false, altered, or modified fuel tanks, original factory equipment on a vehicle that has been modified, and any compartment, space, or box that is added or attached to existing compartments, spaces, or boxes of the vehicle." This could be interpreted so that a compartment that is "original factory equipment on a vehicle" could be used to send someone to prison. The absurdity of labeling original factory equipment as a "secret compartment" to prosecute innocent citizens is simply astounding.

An honest citizen might install a hidden compartment in her vehicle in order to keep valuables safe from thieves. For gun owners, a gun safe installed in a vehicle could be considered a "false or secret compartment." Some might argue there is a requirement that the gun safe contain contraband to make the gun safe illegal. But, that argument falls apart when considering other sections of the bill.

Imagine an honest citizen who installs a gun safe in her vehicle in order to store her firearm. She later decides to sell her vehicle. Suppose the new owner uses the gun safe to store contraband. Subsection C states, "It is unlawful for a person to knowingly install, create, build, or fabricate in a vehicle a false or secret compartment." The honest gun owner who previously owned the vehicle is the person who installed the gun safe. The previous owner could now be in trouble as the bill is currently drafted for installing the secret compartment.

> *"... 'original factory equipment on a vehicle' could be used to send someone to prison."*

Subsection D states, "It is unlawful for a person to knowingly sell, trade, or otherwise dispose of a vehicle which is in violation of this section." If the next owner of the vehicle uses the compartment to hide contraband, then the previous owner could suddenly be guilty of violating Subsection D. Even though it is the new owner using the secret compartment for contraband, the previous owner could now be in trouble as the bill is currently drafted for selling a vehicle containing a secret compartment.

H. 3585 might also hurt businesses that make and install car safes, companies that make recreational vehicles, or companies that customize cars, vans, boats or aircraft. Such vehicles can have multiple hidden compartments. If the compartment is later used for contraband, the company or employee that installed the compartment could be prosecuted using this legislation.

H. 3585 is written so broadly that many innocent citizens could be caught in its web. New laws that could legislatively entrap good citizens are not needed and should be rejected by this subcommittee. Laws should not be enacted that could easily snare innocent people.

GrassRoots GunRights strongly opposes H. 3585. H. 3585 should be killed, not enacted.

Sincerely,

William W. Rentiers III
Executive Officer
GrassRoots GunRights

Firearms in National Parks

On December 5, 2008, the US Department of the Interior (DOI) announced a change in regulations regarding possession of firearms in national parks and wildlife refuges. The DOI press release stated "The final rule, which updates existing regulations, would allow an individual to carry a concealed weapon in national parks and wildlife refuges if, and only if, the individual is authorized to carry a concealed weapon under state law in the state in which the national park or refuge is located."

> *"This change in the law ... is much better than the change in regulations ... ."*

Prior to this change, National Park Service (NPS) rules only allowed firearms in the parks if they were unloaded, stored or dismantled. The change was prompted in part by letters to Interior Secretary Kempthorne from 51 Senators, urging him to update existing regulations prohibiting the carrying of firearms in national parks. The gun rights organization Virginia Citizens Defense League (VCDL) led the initiative with a petition to change the NPS rules. GrassRoots GunRights of SC was an early signer of the VCDL petition. New regulations were developed and public comment was received regarding the proposed rules.

The new NPS regulations, which were to take effect on January 9, 2009, would have allowed visitors to carry a self-defense handgun in national parks provided the laws of the state in which the park was located allowed firearms in public places. But on December 20, 2008, the anti-gun Brady Campaign filed a lawsuit seeking to overturn the new regulations. On May 19, 2009, U.S. District Judge Colleen Kollar-Kotelly issued a preliminary injunction in the lawsuit preventing the regulation changes from going into effect.

On May 20, 2009, the U.S. House of Representatives passed H.R. 627 (a credit card industry reform bill), which included an amendment to repeal the gun ban on NPS land, and wildlife refuges. Senator Tom Coburn (R-OK) sponsored the amendment. The House then passed H.R. 627 by a vote of 279-147. President Obama signed the bill into law even though it contained the pro-gun rights amendment because Obama was not willing to risk losing the credit card reform laws if he vetoed the bill. The new law took effect in February 2010.

> *"Regulations can be changed at the whim of the current administration."*

This change in the law under Obama is much better than the change in regulations under Bush that was stopped by the courts. Regulations can be changed at the whim of the current administration. But, laws can only be changed by Congress.

The new law states in pertinent part:
"The Secretary of the Interior shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm including an assembled or functional firearm in any unit of the National Park System or the National Wildlife Refuge System if -
(1) the individual is not otherwise prohibited by law from possessing the firearm; and
(2) the possession of the firearm is in compliance with the law of the State in which the unit of the National Park System or the National Wildlife Refuge System is located."

South Carolina laws prohibiting weapons in publicly owned buildings remain in effect. Buildings such as restrooms, ranger stations or gift shops located within federal parks are publicly owned buildings. A person could be charged with violating SC law if the person takes a firearm into restrooms, ranger stations, gift shops or other buildings located in a national park or wildlife refuge in

See **Parks** on page 12

Check out the
GrassRoots website:
www.SCFirearms.org

HELP WANTED:
Volunteer Proofreaders

GrassRoots GunRights has an immediate need for multiple volunteers to help proofread and edit articles for future issues of The Defender newspaper. These are unpaid volunteer positions.

The GrassRoots proofreading team will have the following duties:

* Carefully read pre-publication copies of articles written for The Defender, checking for typographical errors, style changes, and any other changes that may be needed.
* Submit recommendations for changes to The Defender staff in a timely manner.

The goal of the GrassRoots volunteer proofreading team is to help GrassRoots GunRights produce the best quality Defender newspaper possible.

For more information about this position, contact:

Executive Officer
PO Box 2446
Lexington, SC 29071
(803) 233-9295
ExecOfficer@SCFirearms.org

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)**
$25
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:_____
City/State/Zip_____
Phone:_____
Fax:_____
Email:_____

Make checks payable to GRASSROOTS
News 0510

Visit us on the web:
www.SCFirearms.org

McMaster continued from page 7

or going to or from the place of fishing. According to McMaster's interpretation of the law, the legislature intended to allow Oconee County to ban CWP in county parks, but deny Oconee County the power to ban open and concealed carry by fishermen in Oconee County parks. Such a result would be absurd, yet it is consistent with McMaster's anti-gun reasoning. GrassRoots GunRights believes the law denies Oconee County the power to enact gun control of any kind not otherwise authorized by the state firearms pre-emption law to prevent just this sort of absurdity. Thus, CWP holders are allowed to carry (although not openly) in Oconee County parks just as fishermen are allowed to carry.

"McMaster chose to interpret the law in a way that works against gun owners."

There are two major problems that come from McMaster's anti-gun opinion. First, it exposes an innocent gun owner to arrest and criminal prosecution. The financial and emotional costs of such an arrest and prosecution will unfortunately be paid by the innocent gun owner, not McMaster. Second, because of McMaster's anti-gun opinion, most law abiding gun owners will voluntarily disarm because they fear the risk of arrest and prosecution more than the risk of being attacked by a criminal. Once again, it is the innocent gun owner who will bear the harms and costs of a criminal attack should one occur, not McMaster. This is a shameful situation, and one that exists because of McMaster's anti-gun opinion.

Supporters of McMaster try to claim that McMaster only interpreted the law as it was written, and that McMaster had no choice but to issue the opinion he did. Their claim is only supported by their partisanship, not by the facts or logic. GrassRoots GunRights has demonstrated a much better interpretation of the law, and that just coincidently supports the rights of gun owners. McMaster could have issued an opinion containing the same interpretations as the GrassRoots GunRights interpretation. But, unfortunately, McMaster chose to interpret the law in a way that works against gun owners.

The good news is that McMaster's opinion is not the final say. The courts will have the final say on the question of pre-emption. But we, the voters, will have the final say as to whether McMaster gets to be our next Governor.

The opinion issued by McMaster is definitely an anti-gun opinion. The legal arguments for a different result are far superior. The McMaster opinion only serves to increase the power of government at the expense of the individual, and it lays the foundation for the destruction of the entire CWP program.

If Obama or Clinton had issued such an opinion, gun owners would be hysterical over such an anti-gun position. When it comes to protecting our rights, gun owners must learn to stand on principle and oppose all gun control regardless of who is behind it. Gun owners need to let McMaster know how they feel about his anti-gun opinion.

What do ***you*** think? Do you believe the intent of the legislature was to allow a local government to ban CWP carry within its borders as McMaster claims, to ignore the state firearms pre-emption law, to create the absurd result that fishermen can carry openly or concealed while CWP holders are banned from carrying at all, and to lay the foundation for the destruction of the entire CWP program? Or do you agree with GrassRoots GunRights that the legislature intended our CWP law to apply statewide, and that local governments may only ban CWP by employees while on the job?

"Other politicians will be watching to see what gun owners do when a politician betrays them and then asks for their votes."

Politicians do not like us to hold them accountable on election day for what they do to us the rest of the time. But the best way to make politicians understand we are serious about protecting our gun rights is to hold them accountable at the ballot box. Make no mistake about how important this is. Other politicians will be watching to see what gun owners do when a politician betrays them and then asks for their votes. What message will you send with ***your*** vote?

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

Shoot continued from page 6

recipient of the National Tactical Invitational's Tactical Advocate Award, and certified to teach a wide range of self-defense techniques. She has authored the book Safety for Stalking Victims, and can be reached at bates@aware.org.

Parks continued from page 10

South Carolina.

Would you support changing SC law to allow CWP carry into publicly owned buildings? If the law was changed, then CWP holders could legally use the restrooms in public parks.

HELP WANTED:
GrassRoots Gun Show Coordinator

GrassRoots GunRights has an immediate opening for a gun show coordinator for the Florence and Myrtle Beach areas. This is an unpaid volunteer position, but the work is enjoyable and rewarding. GrassRoots gun show table volunteers help increase membership in GrassRoots by conversing with gun show patrons and handing out GrassRoots materials and information. GrassRoots gun show volunteers get into the gun shows for free.

A GrassRoots gun show coordinator performs the following duties:

* Contact local GrassRoots members prior to each gun show to get volunteers to work at each gun show (Eight volunteers are needed per gun show).
* Train volunteers how to recruit effectively at the GrassRoots table. (May require working one or more gun show shifts).
* Recruit and train an assistant coordinator to take your place whenever needed.
* Maintain a running inventory of GrassRoots merchandise (hats, tee shirts, mugs, bumper stickers, etc.).
* Set up the GrassRoots gun show table and display prior to each show.
* Break down the GrassRoots gun show table and display after each show.
* Forward all membership information and funds obtained at each gun show to the Executive Officer in a timely manner.

In 2010, three gun shows have been scheduled for the Florence area in January, April and September. Two gun shows have been scheduled for the Myrtle Beach area in January and November. Only two shows remain (Florence in September, and Myrtle Beach in November) in this area for the rest of 2010.

For more information about this position, contact:

Executive Officer
PO Box 2446
Lexington, SC 29071
(803) 233-9295
ExecOfficer@SCFirearms.org

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!

2010 Gun Shows Schedule

With the support of our members, GrassRoots will again have a table at each of the Gun Shows listed below for 2010. 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 2010

Greenville Palmetto Expo Center
2010- Feb. 6 - 7, Apr. 24 - 25, Sept. 18 - 19, Dec. 18 - 19

Columbia Jamil Shrine Temple
2010- Jan. 16 - 17, Mar. 6 - 7, July 24 - 25, Nov. 13 - 14

Columbia SC State Fairgrounds
2010- March 20 - 21, June 12 - 13, Dec. 11 - 12

Florence Florence Civic Center
2010- Jan. 2 - 3, Apr. 17 - 18, Sept. 25 - 26

Charleston Exchange Park Fairgrounds, Ladson
2010- Feb. 20 - 21, June 5 - 6, Sept. 11 - 12, Nov. 27 - 28

Myrtle Beach Convention Center
2010- Jan. 30 - 31, Nov. 6 - 7

More and more of our members are giving their time and talents by volunteering to work a shift at our GrassRoots tables at gun shows. 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 gun show 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: Mike & Sherry Harris (864)-313-0744
mhborn2fly@outdrs.net

Charleston: Jason Rucker (843) 696-9808
jasonrucker@rocketmail.com

Myrtle Beach/ Florence: OPEN (Contact Mike Walguarnery below if interested in this position)

Columbia: Mike Walguarnery (803) 315-8112
CWPTrainer@sc.rr.com

GrassRoots GunRights Gun Show Director:
Mike Walguarnery (803) 315-8112 gunshows@SCFirearms.org

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.

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

Make a contribution to GunRights PAC today!

GunRights PAC
220 Isobel Ct.
Lexington, SC 29072