Maryland Citizens
for the Right to Keep
and Bear Arms
P.O Box 10448
Silver Spring, MD 20914-1044

http://www.mcrkba.org/

March 12, 2001

SB384

Philip F. Lee, PhD, - Mark Wilson, LTC, AUS, Ret., - Edward Patrick

We strongly oppose the adoption of this measure.

1. This Bill makes it illegal for a person to have a firearm readily available for use to defend their family even in high crime rate areas so long as a minor (person age 16 and younger) would be able to gain access to the firearm, even if the young person were highly proficient in firearm use and trained by parents in how to use a firearm for self defense.

An example of the result of such laws is a case recently in California where a young girl and her brother were stabbed to death with a pitchfork by a man even though there was a gun in the house and the oldest daughter (who escaped) had been trained to use it. The oldest daughter was unable to use the gun because there was a lock on it to conform to California's safe storage law (see the attached news report below). Balancing of risks is, and should be, the responsibility of a parent not a "one size fits all" prescription of law, particularly since locks can be defeated by people having a malevolent intent.

Such rules especially should be avoided in a state where the risks of violence differ so much from some communities to others. Especially, they should be avoided in Maryland, where the citizens in some urban minority communities suffer such extremely high rates of murder, violence, and robbery that the State of Maryland ranks at the very top for robbery (five years running), and almost at the top (#4) for murder and violence, and where many people feel they need firearms for self defense. Do we now want to make parents criminals if they choose to have a firearm ready for use in their home for self defense? If your objective is to make criminals out of Maryland citizens who are already highly vulnerable to crime and otherwise are law-abiding, then SB 384 is another bill to do so.

It is simply wrong to assume a state wide measure (one size fits all) should apply to all households, or that the legislature should take the place of parents in the attitude, "We know best what is good for the safety of your household.".

The bill makes it a crime to have an unloaded firearm in the house even if the ammunition is locked up, or there is no ammunition available in the house. In effect, a crime is committed even if the firearm is antique and no ammunition exists anywhere, unless the firearm is locked. In that regard, this bill prescribes penalties which would be inappropriately excessive in many individual cases.

Rather than legislate a single one-size-fits-all penalty with wide discretion given to prosecuting attorneys as to whether they will charge someone, the problem before the legislature is to craft something to apply to negligent adults while not creating legal problems for people who are responsible. That difficult job is what this legislature needs to do and should be expected to do: craft the legislation in a way that differentiates between very different situations and provides for different outcomes.

For example, in a case where a five year old blows his brains out because a parent left a loaded semi-automatic hand gun on a bed cocked and with the safety off, a harsh penalty should apply in spite of the fact that the parent will grieve the child's death. In such case there should be no room for the police and prosecutor to fail to bring charges and prosecute. We recognize that the police and prosecutors have some

legitimate latitude in how they portray or "spin" the facts to the indicting authority, the judge, and/or the jury, and that is just our system.

In another hypothetical case, let's say that a highly-trained and firearms qualified 15-year-old hunter has an unfortunate accident on the 5,987th time he cleans his .22 rifle. In that situation his accidental death ought to be enough grief imposed on the parents without any further imposition of a government sanction. It may be hard for the legislature to craft the legislation in a way to make this distinction, but no one said your role would be easy.

We also recognize that there will be many gray area cases in which it is difficult to conclude whether an adult was negligent. In our system of "beyond a reasonable doubt" the adults must not be charged.

3. When a tragedy happens, prosecutions frequently do not occur. If you can't even bring prosecutions, currently, when the law only provides a penalty of a fine, what chance do you have to bring prosecutions with the bill’s proposed greater penalties (which are not mandatory by the way).

4. The real path to accident prevention is through training of the young. This bill should be amended to include the firearm and hunter safety training for children with annual refresher courses each year until children graduate from high school.

5. There is really no reason to distinguish antique firearms from modern ones when it comes to safety as this bill does. On Oct. 15, 1904 in Elkton, Md. Mr. Charles Moody's 8 year old son and 6 year old daughter were playing with a .32 revolver. The little girl was shot in the chin. Although she survived, the firearm they were playing with was an antique by today's standards. This shooting from more than 96 years ago shows the potential risks from even antique firearms because that antique revolver in a modern collection could cause the same injury today.

http://www.modbee.com/metro/story/0,1113,190742,00.html

Memories and tears flow as family buries two children killed by intruder

By MIKE CONWAY, BEE STAFF WRITER, *(Published: Thursday, August 31, 2000)*

MERCED -- The video tribute during Wednesday's funeral marked milestones in the all-too-short lives of Ashley Danielle and John William Carpenter.

John grinning with two missing teeth. Ashley holding up a prized fish. John getting a piggyback ride on his father's shoulders. The two of them swinging Fourth of July sparklers.

Their burial Wednesday afternoon in the Mariposa Cemetery marked the final chapter in their short lives.

Ashley, 9, and John, 7, were killed Aug. 23 while inside their rural Merced home. They were buried side-by-side in a quilt-lined casket picked out by their mother, Tephanie Carpenter.

About 1,000 family members, friends and well-wishers gathered at Apostolic Tabernacle Church on Wednesday morning for the funeral. More than 300 people traveled to the foothills, where the two children were laid to rest next to their great-grandparents.

A wall of flowers ringed the front of the church, stuffed animals interspersed among the arrangements. Off to one side was a giant teddy bear bigger than both youngsters. The polished casket was open, with the two youngsters covered with a white veil.

During the ceremony Ashley was hailed for saving her three older sisters, Vanessa Trinity, Jessica Lynn and Anna Marie.

"Ashley sacrificed her life to save the lives of her sisters," said the Rev. Tom Driscoll of Gospel Defenders Church. He described how the tiny girl tackled the intruder, Jonathon David Bruce, and wrapped herself around him, yelling to her siblings, "Go. Go. Get away."

Bruce killed Ashley with the same wide-blade pitchfork he used to kill her little brother. When sheriff's deputies responded to a 911 call at the Vassar Avenue home, Bruce attacked them with the same farm tool, authorities said. He was shot 13 times and died at the scene. Investigators have said that they suspect Bruce was under the influence of drugs.

"This case is far from over," said their father, John Carpenter, from the church pulpit. "The real murderer is still loose. The real murderer is the drug dealer who supplied the drugs. ... It's a big business."

And he implied that the two children might be alive if gun laws were different. "From the White House to the outhouse, why are you taking away handguns?"

He said there was a gun in the house that the older sisters knew how to use, "but I had to put it away in a supposedly safe place. The only thing I forgot to put a lock on was my pitchfork."

Touching tribute

"Daddy don't cry for the times we will not have," sang Peggy Hilton, a family member who wrote the song "Daddy Don't Cry" after the tragedy. "Mama don't cry, I know you're feeling sad."

Tissues and hugs were freely exchanged throughout the two-hour funeral.

The Rev. Johnny Hilton of Gospel Defenders Church presided over the service. His voice cracking with emotion, he said, "These two little kids pulled more at the heartstrings of this town than I have ever done in my 67 years."

Hilton, who is John Carpenter's uncle, has often acted as a family spokesman during the ordeal. He recently fielded a call from a German television station. "Those two little ol' kids touched the heart of the entire world."

The graveside service was held at a Hilton family burial plot nestled under an oak tree at the bottom of a hill.

In a hushed voice, Tephanie Carpenter read from baby books she and her husband wrote in shortly after each child was born. She said they had planned to give them to the children when they were older.

Ashley was a quick birth, born at the family's house when the Carpenters were living in Mariposa.

"You didn't cry at all," her mother read. "You were looking around with bright eyes and as calm as could be.

"You are the best baby I ever could dream of, and I hope you stay that way."

In Ashley's baby book her father wrote: "We needed to have one more girl so we could have an all-girl basketball team." Mom wasn't too thrilled with that idea, he added.

Tephanie Carpenter said her son was never scared or upset "except during diaper changes and baths. ... You don't even cry when Ashley thumps you in the head."

In the baby book she wrote that she was glad about her son's birth. "I'm afraid I would have missed out. ... I can't believe it's not a dream."

At the end of the service, the parents released two white doves into the mountain sky to the words, "He will raise you upon dove's wings."

A flock of doves was then released and it circled over the cemetery.

As the friends and family members sang "Amazing Grace," John Carpenter gazed toward the sky at the birds.

"God has two more little angels now," Hilton said.

http://www.modbee.com/opinion/letters/story/1,1270,193467,00.html

Victim shows wisdom at 13

(Published: Saturday, September 09, 2000)

Oh, out of the mouth of babes. What was it that 13-year-old Anna Marie Carpenter asked for when she sought to protect her younger brother and sisters? She asked for a rifle or gun.

Even with all the media attention given to the need for more gun control laws to restrict free, law-abiding citizens, she knew what she needed to protect the lives of her family members. She knew that the police would never arrive in time to save them. What she probably doesn't know is that the courts have determined that the police are not obligated to come to her protection even if they are called. That is why a free people have the right to keep and bear arms. It is unfortunate that our elected officials and the mainstream media are not as enlightened as a 13-year-old girl.

It has been reported on the radio that when Anna Marie asked her neighbor for a gun, he refused to leave his house with the weapon because he was concerned with violating the law. Is this true and if so, why hasn't The Bee reported it? Everyone concerned for the rights of free people should vote against politicians who support the infringement of the Second Amendment of the Constitution.

I am concerned for the feelings of the family and Anna Marie and I applaud her bravery. She is a true heroine.

JAMES SANDNER

Ripon, Aug. 28