

Successful Political Activism – A Michigan Case Study
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Abstract.

The ten-year struggle for concealed firearms reform in Michigan represents a classic example of grass-roots political activism. The practices of unsuccessful groups are analyzed and contrasted with the evolution of the Michigan Coalition for Responsible Gun Owners (MCRGO) and its winning strategy.

Early history

In 1925 a white mob in Detroit attacked the home of Dr. Ossian Sweet, a black physician who had just moved into an all-white neighborhood.¹ The situation got out of hand, even though a dozen police officers were present who cordoned off the area. Shots were fired, both from the mob and from the house, and one member of the mob was killed. The police stormed the house and arrested everyone in the house, including Dr. Sweet's brother Henry. Judge Frank Murphy released Mrs. Sweet on bail but everyone else was put on trial for murder. Clarence Darrow came to town to assume responsibility for the defense. After a seven-week trial, Judge Murphy ruled that a verdict could not be reached and declared a mistrial.

The prosecutor decided to re-try Henry Sweet, who had freely admitted that he had fired a gun. Darrow took the view that this was justifiable self defense, and the second all-white jury, after only three hours of deliberation, declared Henry Sweet not guilty.

The Ku Klux Klan subsequently lobbied the Legislature and in 1927 won the passage of PA 372, which gave local county gun boards discretionary authority to grant concealed carry licenses only to those who in their opinion had a need to defend themselves. The gun boards were comprised of the county prosecutor, the sheriff, and a representative from the Michigan State Police. This "may issue" law gave wide latitude to the gun boards, and resulted in practices varying from issuance only to police officers and friends and political supporters of the board to a few counties where every honest person could obtain a concealed carry license. Thus the origin of the 1927 "carry concealed weapons (CCW)" law was pure racism.

Preliminary efforts at reform

In 1993 State Representative (and former Senator) Alan Cropsey submitted a bill designed to reform the inconsistent and unfair practices of the local county gun boards. The essential feature of this bill required that each gun board "shall issue" a concealed carry license to every qualified applicant, thus removing the onerous discretionary feature

from the law. Although hearings were held, these bills languished under the control of the Democratic leadership in the House.

In September 1995 the National Rifle Association (NRA) organized a grassroots training session in Lansing which drew perhaps a hundred concerned citizens. This high level of interest indicated a surprisingly widespread concern for firearms rights in Michigan. This meeting also provided a chance for people to meet with other like-minded souls, and was the basis for much that followed.

Again, in 1995 Representative Cropsey submitted a package of "shall issue" bills, of which HB 4720 was the centerpiece. Hearings were held before the House Judiciary Committee in December of that year, and many people testified in its favor. The NRA at that time was represented in Michigan by Loren Rowley, who worked diligently to promote this legislation. Susanna Gratia-Hupp, who saw her parents murdered in the Luby's Café massacre in Killeen, Texas, gave moving testimony to the value of self-defense. She had left her legal pistol in her vehicle because Texas law at the time prohibited pistols in restaurants; the crazed killer reloaded at least twice, during which, as she says, she could have easily shot him. Ms. Gratia-Hupp subsequently ran successfully for the Texas House of Representatives in the 54th District, was re-elected at least once, and was instrumental in the passage of CCW-reform in Texas, which was signed by Governor George W. Bush.

At that time Michigan had several disparate state-level pro-firearm groups, of which the loudest was Brass Roots, which grew out of the Michigan Libertarian Party. This organization took the view that all firearms laws violate Michigan's Constitution of 1963, Article 1 Section 6: "Every person has a right to keep and bear arms for the defense of himself and the state." Their view was that any law that in any way regulates the ownership or possession of firearms should be opposed. Thus they actively opposed HB 4720, including having camo-clad people with sandwich boards parading in the halls and hearing rooms of the House. Their political action consisted of collecting money to be used in support of opposition to specially targeted legislators who most vehemently opposed any pro-firearms rights legislation. In at least one instance, they were successful in defeating a candidate. The difficulty with this approach was in the loss of credibility with influential legislators who believed that these people did not represent mainstream voters. Further, some of these activists were associated with the Michigan Militia, a group in much disfavor at the time.

After the December 1995 hearing, the Judiciary Committee voted against discharge of the bill to the House. In an unusual move, on Dec. 7, 1995 the House considered a motion to force the discharge of the bill, but this failed by a narrow margin, 45 yes, 53 no, 12 no vote. Those in favor of the Cropsey bill were told that there would be no action until after the November 1996 election. But this vote provided a basis for determining who were in favor of CCW reform, who were against it, and who were afraid or unable to vote.

Several factors began to influence this situation in 1996. One was the astounding success of a Spokane, Washington group called "Noban" in unseating the then-Speaker of the

U.S. House of Representatives because of his anti-firearms views. This group was one of the first in the country to make use of the Internet in communicating with members and in generating grass-roots activism. A group called "Michigan rkba" (right to keep and bear arms) was created by Arlynn Afton and began to be active in Michigan at about this time, but it was never formally organized and existed solely as an Internet discussion group. Several other groups also existed for a time, including Michigan Firearms Coalition, Michigun, and Gun Owners of America, but none of these became important forces in the movement in Michigan. Most of these groups suffered the same credibility problem that afflicted Brass Roots. Instead of working with the Legislature, they opposed virtually everything that was proposed, taking an "all or nothing" stance. The result was almost always nothing.

A corollary legal event took place during this period. PA 372 of 1927 stated that "A person" who was licensed in another state to carry a concealed firearm could legally carry in Michigan. Florida had since 1987 granted CCWs to honest and trained residents of other states as well as Florida, and many in Michigan applied for Florida licenses in hopes that they could thus circumvent the restrictive Michigan laws against concealed carry. A man named Urbanik was arrested in Detroit while carrying a pistol and charged with violating Michigan law, even though he had a legitimate Florida CCW. The first judge who heard the case dismissed it because of the wording of the law, thus ruling that "a person" includes residents of Michigan. The case was appealed by the Attorney General² and the appeals court found against Urbanik. Urbanik did not have the money to take the case to the Supreme Court.

In March of 1996, an amendment to HB 5593 was passed by the Michigan House, 57-45. This required the Michigan State Police (MSP) representative on the gun board to always vote to approve an application by a person with no criminal record who had completed a 12-hour handgun safety course. No action was taken by the Senate, so this bill went nowhere. At that time, the governor could have instructed the director of the MSP to require this action of his representatives on the gun boards, but the governor elected not to do this.

Founding of MCRGO

It was against this background that eight concerned firearms activists gathered together at 8:00 p.m. on Nov. 25, 1996 at Finley's restaurant in Lansing. For the record, their names are listed in Appendix 1.

The Agenda for this formative meeting, prepared in advance by Ross Dykman, included the formula which the organization has followed rather closely ever since:

1. "Support pro-gun legislation.
2. Support pro-gun legislators.
3. Force change in local gun boards.
4. Network with other pro-gun organizations, clubs, etc.

5. Events
6. Media
7. Expansion"

The group agreed to meet again on Jan. 31, 1997 at Chief Okemos Sportsman's Club in Dimondale. Those present included those listed in Appendix 2, and probably more.

At this meeting the organization's name, Michigan Coalition for Responsible Gun Owners, was decided upon, along with the mission statement: "To promote the responsible, legal ownership and usage of firearms through education and legislative action." Emphasis on "responsible" has been a key to the Coalition's success, with particular focus on working with the Legislature to craft laws that represent improvement over current law, even if short of perfection. The membership fee was set at \$15 per year. The President and First Vice President resigned within the first month, and Rod Collins became the first truly active President. Later in 1997, Carol Bambery, an attorney, helped in writing Bylaws and in getting the organization incorporated. Carol Vichinsky was the first newsletter publisher. Everyone agreed that membership growth was critical, so they began to man tables at gun shows and any event where they believed they could persuade people to join. It was this small group and their dedication of time and energy that carried the organization in its early stages, and most of them are still active and effective participants.

Growth of political activism

The founders saw clearly, after the difficulties with the Cropsey bills under antagonistic House leadership, that the only reliable way to assure meaningful firearms reform, including subjects beyond CCW reform, was to elect legislators sympathetic to the rights of firearms owners. MCRGO therefore created three entities: MCRGO, a Michigan non-profit; MCRGO Political Action Committee (PAC), a registered lobbying group; and the MCRGO Foundation, a 501(c)(3) organization for educational purposes.

MCRGO from its earliest days created local chapters of single or multiple-county size whenever membership warranted. The key in every case was to find a person willing to assume the responsibility and to vigorously pursue the aims of the Coalition. The Bylaws created an elected nine-member Board of Directors which set state-wide policy, but the key to success was the activism of the local chapters.

Communication was key to spreading the word that an organization existed that would work with the Legislature for the good of Michigan's firearms owners. In about 1998, MCRGO created an Internet talk list, to which anyone (member or not) could contribute anything regarding Michigan firearms rights. The growth of the organization could not have taken place so fast without this virtually instant communication. Further, in 1999 MCRGO created its first website, www.mcrgo.org, which to date has experienced almost a half million hits. The contribution of people with very special and very valuable skills

has been especially significant in the success of this website: Stephen Wire and James Vass have been the key to the fine quality and craftsmanship of the website.

The existence of some 500 gun and shooting clubs in Michigan represented a potent source of support. MCRGO, still in its infancy, has already brought over 50 of these clubs into its fold as MCRGO affiliated clubs, providing them with access to the MCRGO website for posting events and maintaining rapid communication regarding sometimes fast-moving events in Lansing.

Community "town-hall" meetings have been important to the Coalition's support of friendly legislators from both parties. Under the aegis of a local MCRGO chapter, one or more legislators, candidates, or local elected officials are invited to participate in a session devoted to firearms rights. These meetings give friendly candidates a forum to reach voters and listen to their concerns, and they also emphasize the views of those candidates who are not friendly and do not participate. Equally important, these events demonstrate to candidates and legislators that MCRGO represents a substantial segment of voters and thus warrants their attention. These meetings are also valuable because they always result in a substantial number of new members for MCRGO.

While the MCRGO PAC has never had available large sums of money, regular support of key legislators' fund-raisers and participation in such events as trap shoots and golf outings has provided a climate sympathetic to the Coalition's goals. Further, individual members of MCRGO also independently support candidates of their choice, and this furthers the goals of MCRGO.

The election of 1998

In early 1998, the membership of MCRGO had reached about 3500, still with no paid staff. Two of the founders, Ross Dykman and Rod Collins, each of whom lived in the Lansing area and served as President for portions of this period, became active lobbyists in all their spare time. Identifying and publicizing those legislators who supported firearms rights and those who did not became a significant function of the MCRGO leadership. Before the election the House was split 58 Democrats to 52 Republicans, and the Democratic leadership, while promising to bring the CCW-reform bill to a vote, never did. Thus a change in the House leadership (the Senate was Republican, though not universally in favor of CCW reform) was imperative to achieving change. Three districts held by Democrats looked like close races: 85th District in Shiawassee County, 94th District in Saginaw County, and 107th District in Eastern Upper Peninsula. In each case, MCRGO contributed funds to the candidates, sent in full-time volunteers when possible, organized town-hall meetings for the candidates, and worked to get out the vote. In the 85th, Larry Julian won by 361 votes; in the 94th, Jim Howell won by 73 votes; and in the 107th, Scott Shackleton won by a similarly small margin. These three victories turned the House around to 58 Republicans and 52 Democrats, and Representative Chuck Perricone was elected Speaker. He never forgot what MCRGO had achieved.

Success of CCW reform

Alan Cropsey was term-limited out of the House in 1998, so Representative Mike Green submitted a CCW-reform bill, HB 4530, in early 1999. Extensive testimony was given before the Senate Committee on Conservation and Forestry on April 14, 1999 on the equivalent bill in the Senate, SB 460, and then before the House Conservation and Outdoor Recreation Committee on May 13, 1999, and before the House Constitutional Law and Ethics Committee on May 18, 1999. These were very well attended, particularly by representatives of MCRGO, and the vocal opposition of earlier years was much subdued. The publication of John Lott's book, *More Guns Less Crime*, and his scholarly testimony before the House in 1998 surely were instrumental in educating the Legislature on the relevant facts regarding the benefits of concealed carry to every honest citizen.

With the invaluable assistance of Chris Oswald of the NRA working with MCRGO, both the Senate and House bills were passed by substantial majorities in their respective houses. In the House, more than one hundred amendments were put forth in an effort to stall and defeat the purpose of the bill. MCRGO volunteers worked diligently in the lobby to call out representatives to discuss the significance of changes intended by these amendments. The bill was finally passed at 1:00 a.m. in the House after a marathon session. These bills were passed the same week as the multiple shootings in Columbine, Colorado. While concealed carry reform was completely unrelated to these shootings, the public and media hysteria scared the Legislature away from taking further action. So there the matter rested, largely because of pressure from Governor Engler.

MCRGO continued its successful efforts at growth, and by the spring of 2000 had grown to some 4000 members and maintained almost constant pressure on Speaker Perricone to appoint a House-Senate conference committee to complete passage of this legislation. During that period the issue of lawsuits by cities against firearms manufacturers and distributors became important, so NRA, Michigan United Conservation Clubs (MUCC), and MCRGO worked closely with Speaker Perricone to craft a bill which would require that mandatory gun locks accompany the sale of any firearm by a federal firearms licensee, in exchange for legislation prohibiting lawsuits against firearms manufacturers and distributors by any entity except the Attorney General. This legislation passed both houses relatively easily and was signed by the Governor.

Finally, following the 2000 election, Speaker Perricone and House Majority Leader Dan DeGrow appointed a joint conference committee to put together a single CCW-reform bill acceptable to both houses. Speaker Perricone asked representatives of NRA, MUCC, and MCRGO to sit on a preliminary drafting committee to work out acceptable compromises to this legislation. This committee worked informally with the Conference Committee during the final drafting of the bill. On December 12 and 13, 2000, working with Todd Adkins of the NRA, and Dennis Knapp and Jim Goodheart of MUCC, some twenty volunteers from MCRGO worked the lobbies of both houses in support of the final version of the legislation, which passed both houses by substantial margins on

December 13, 2000. Many legislators reported that they had never before experienced such a large number of volunteers working actively for a bill. The Governor signed the bill into law on Jan. 2, 2001 as 2000 PA 381, hours before it would have expired if he had not signed it. The bill was to take effect July 1, 2001.

The referendum against PA 381

Attorney General Jennifer Granholm and Wayne County Prosecutor Michael Duggan were subsequently instrumental in promoting a referendum intended to negate the CCW-reform bill through a vote in the general election of 2002. Using substantial funds from out of state, this anti-CCW group obtained the required number of signatures and submitted the referendum to the Secretary of State. Because PA 381 contained two different appropriations for state agencies and was thus not susceptible to a referendum according to the Michigan Constitution, MUCC and MCRGO filed a lawsuit to stop the Secretary of State from proceeding with the referendum. A three-judge panel found in favor of defendant Secretary of State, as did a subsequent appeals court. The issue was appealed to the Michigan Supreme Court, which at about 4:00 p.m. on Friday, June 29 found for the plaintiffs in a 4-3 decision. Thus PA 381 took effect the following Monday, July 2.

The anti-self-protection (ASP) forces then threatened to file an initiative to negate PA 381, because an initiative is the constitutionally proper instrument for this purpose. The reason that the referendum was initially attempted was because acceptance of the referendum by the Secretary of State would have put the legislation on hold until the November 2002 election. Had this group attempted an initiative instead, which would not have halted the legislation, they would have faced the possible difficulty of explaining to the voters why their dire predictions of general disaster from this legislation had not occurred during the sixteen months between the onset of CCW reform and the November 2002 election. After observing the first three months of shall-issue CCW experience without any firearms disasters, in the fall of 2001 the ASPs stated publicly that they will not attempt this initiative to negate PA 381, citing loss of their out-of-state funding sources as the reason.

Summary

The existence of a widespread and well organized grass-roots movement such as MCRGO exerts a strong influence on elected officials to an extent that is disproportionate to the organization's numbers. It is clear that CCW reform occurred because NRA, MUCC, and MCRGO worked very closely together throughout this period. But without MCRGO it probably would not have happened. This experience demonstrates the high level of effectiveness wrought by a relatively small group of volunteers dedicated to a cause. Their success is all the more remarkable when examined in light of the almost universal opposition to CCW reform by the media of Michigan, in newspapers as well as in television coverage. The top leadership of most police organizations, including the

Michigan State Police, the Michigan Sheriffs' Association, and the Michigan Prosecutors' Association also vigorously opposed this legislation.

Following passage of PA 381, MCRGO experienced phenomenal growth, and by the fall of 2001 had over 23,000 members. The future presents large demands on any group that is so successful. Michigan has many archaic and unnecessary firearms-control laws which demand change. The continued efforts of many committed and hard-working volunteers hold the promise that the organization can continue to serve Michigan's firearms owners as well as all of its citizens.

References

1. Tim O'Brien, *Detroit News*, Mar. 4, 1999
2. Urbanik et al v. Frank J. Kelly, Case No. 96-522773-CZ

Appendix 1.

Present at the MCRGO formation meeting on Nov. 25, 1996, called by Ross Dykman, were the following: Ross Dykman, Rosemary Diponio, James McBride, Donna McBride, Robert M. O'Donnell, Janice O'Donnell, Carol Vichinsky, and Michael Vichinsky.

Appendix 2.

Present at the meeting on Jan. 31, 1997 were the following, and probably more: Rod Collins, Rosemary Diponio, Ted Ladkin, Douglas Lamb, James McBride, Janice O'Donnell, and Carol Vichinsky. Officers elected were: James McBride, President; Douglas Lamb, First VP; Rod Collins, Second VP, Rosemary Diponio, Treasurer; Janice O'Donnell, Secretary.