

# **MCRGO Wins Ferndale Lawsuit!** April 29, 2003

**Michigan's Court of Appeals in a unanimous, lengthy opinion reminds local government of its proper role.**

The Michigan Coalition for Responsible Gun Owners (MCRGO) is pleased to announce that Michigan's Court of Appeals has found in favor of properly licensed residents who choose to carry in accordance with strict state laws. In 2001, the city of Ferndale adopted an ordinance prohibiting law-abiding citizens from carrying their licensed, inspected firearms in City buildings. MCRGO immediately filed suit on behalf of Michigan sportsmen and women everywhere. While the Circuit Court found in favor of the ordinance, today Michigan's Court of Appeals announced, "Ferndale's ordinance is pre-empted by State law and, consequently, we reverse."

MCRGO Director Chuck Perricone was appreciative of the unanimous decision. "Local governments are of course entitled to a reasonable level of sovereignty, but not where State law already exists or when their action conflicts with constitutional rights." Perricone shepherded the passage of Michigan's Concealed Carry Law during his tenure as Speaker of the House. "Ferndale burned through significant tax dollars on this. It's the criminals carrying illegally they should be focusing on, not the law-abiding citizens that their own local gun boards approved."

MCRGO President Dr. David Felbeck was more blunt: "It's a shame that a private, non-profit group of Michigan citizens such as MCRGO is compelled to file an expensive lawsuit to stop locally elected officials from ignoring state law." With respect to the lawsuit itself, Dr. Felbeck went on to state, "Michigan's firearms owners need to know that MCRGO is the only group that cared enough to defend their rights in court."

Michigan's legislature passed the Firearm Preemption Law in 1990 (MCL 123.1102) to prevent local governments like Ferndale from passing ordinances that restrict firearm ownership. Carol Bambery, MCRGO's Corporate Counsel, was responsible for the lawsuit and argued her case just this past January. "Today, the Court of Appeals has unanimously held that the Legislature's enactment of 123.1102 prohibited the enactment of such local ordinances," she said. She went on to point out that, "since this is a published decision, all such local ordinances are now illegal."

Since the enactment of Ferndale's ordinance, MCRGO has filed suit in a number of jurisdictions to preserve the state's ability to prohibit the enactment of local ordinances in patchwork fashion. State Senator Alan Cropsy, a long-time advocate of CCW and MCRGO Board Member, stated, "This is a tremendous victory for the right to bear arms in self defense. I am proud to serve on the Board of the only organization that had guts enough to stand up and take these oppressive local governments to court."

State Representative Sue Tabor, Chair of the Conservation and Outdoor Recreation Committee, expressed the same sentiment. "Thank goodness MCRGO was willing to fight for our rights. That dedication is why I'm proud to sit on their Board."

MCRGO counts over 32,000 members statewide. Founded in 1996, the group was the leading state-based advocate of CCW and is now regarded as a potent political force. MCRGO continues to work closely with citizens and legislators to develop new safety and training initiatives while defending rights set forth in the state and federal constitutions.

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