

TAKING THE INITIATIVE

A Reformer's Guide to Direct Democracy

by Tim Beck

Approximately half the states in the USA allow their citizens to change local and state laws by going directly to the voters via the ballot initiative process. Using this method, citizens can bypass elected officials, who are normally responsible for this task, creating new law or changing existing law on their own.

In essence, if enough registered voters living within the state or municipality in question sign a petition to change the law, the proposal to do so is placed on the ballot at the next election. If the proposal wins a majority of the vote, the law is changed.

While simple in concept, changing the law by this method can be very difficult to achieve in the real world.

Elected officials, and the political class in general, despise this "direct democracy" method of legislation because it bypasses and negates what they consider the authority to which they are entitled by virtue of having been elected or appointed to office. In their elitist world, they are the only ones qualified to make the rules.

In addition, ballot initiatives force these officials to take a public position on things they would much prefer to evade or be silent on – like, for instance, drug policy reform.

Because of their distaste for this method of political change, the powers-that-be have made the initiative process increasingly complex and onerous.

Specifically, many legal barriers and arcane complexities now exist in the laws to trap the unwary reformer into failure. As a result, only the most sophisticated reformers – and their legal experts – have a fighting chance to be successful by this method. In fact, even the "experts" fail from time to time, as you will learn from our experiences here in Michigan.

In any event, a ballot initiative is a political effort consisting of two major battles. The first is to actually QUALIFY your proposal to be placed on the ballot in the first place. If and

when you win that one, the second is to get a majority of the voters on election day to actually enact your proposal into law. With respect to the first battle, the laws regarding how to attain ballot status vary widely from state to state, and even from municipality to municipality within an individual state.

What follows is a recounting of our particular experiences in Michigan. My purpose is to offer generalized, practical advice for reformers who wish to consider using the initiative process to make political change. It is drawn from our successes and failures here over the last four years.

NOTE: Do not treat these words as "gospel." It is absolutely imperative that one consult with the best legal counsel, expert in your state or municipality's election laws. Failure to do so can – and almost certainly will – result in little more than a cruel lesson in the harsh, unforgiving, realpolitik world we face in the USA today.

OVERVIEW

Between 2001 and 2005, a total of seven (credible) drug policy reform ballot initiatives were attempted in the State of Michigan.

Six of these were municipal initiatives involving medical marijuana, all of which were run by local reformers with assistance from some national sources, primarily the *Marijuana Policy Project* (MPP) in Washington DC, whose primary funder is billionaire Peter Lewis.

The other one was a statewide ballot initiative organized by the California-based *Campaign for New Drug Policies* (CNDP), funded by billionaires George Soros, Mr. Lewis and multi-millionaire, John Sperling. The goal of this ambitious initiative was to make "treatment rather than incarceration" for drug crimes part of the Michigan Constitution. The language was modeled after the famous

"Proposition 36," which is now the law in California.

Of these seven initiatives, four ultimately made it to the ballot, and each passed by more than 60% of the vote on election day.

Two of the local medical marijuana initiatives, as well as the statewide CNDP proposal failed to attain ballot status.

It is noteworthy that none of these failures was caused by lack of valid petition signatures, or failure to gather the signatures in the required time frame. The efforts failed because "defects" were subsequently found by the courts and/or public officials in the way the petition language was drafted before a single signature was ever gathered! In one instance, a local court ruled that in addition to defective language, the entire petition itself was "facially flawed."

In any event, while it is always more gratifying to succeed on the effort and win at the polls, the best teaching experiences any serious reformer can have is to bear the brunt of failure and feel the sting of defeat.

Besides keeping the reformer humble and alert, defeat is an opportunity to get to know oneself and the political system in a myriad of ways. Ways that would never manifest themselves otherwise.

Viewed from this perspective, I believe it is at least as valuable to do a post-mortem on the three ballot initiative failures here in Michigan – and the lessons gleaned from these defeats.

Our first failure, in 2002, is what we will call "Detroit #1" (because there will be a "Detroit #2.") The second, in 2003, is CNDP's "treatment rather than incarceration" plan. The third was in 2005 in the City of Flint.

But take heart, there will also be a couple of inspiring success stories along the way.

DETROIT #1

In February 2001, as the result of a turn for the worse in the local Republican Party hierarchy (in which I was involved for some years) it was time to get another political life.

There are many ways one can be a catalyst for political and social change, besides being an elected official or political party honcho.

Single-issue politics is one alternative where the individual can become a serious

player and accomplish something – without having to be elected to office, receive an appointment or, indeed, even ask anyone's permission.

In Michigan the usual, popular, single-issue causes such as abortion, gun rights, and environmentalism that I might have considered, already had been well-organized – with established leadership structures in my community.

The one area there seemed to be a vacuum was in drug policy reform.

As a clean cut, discrete marijuana user since I took my first toke in 1970, I was well aware of the consistent pattern of dishonesty and hypocrisy from the leadership of both major political parties and their corporate enablers and sycophants on this issue.

Being self-employed and reasonably affluent, I was in a position to publicly take on drug policy reform with little fear of economic or social retaliation.

While I did not have the money or political connections to finance a statewide ballot initiative or get the legislature to do my bidding, I did have the wherewithal to make something happen in my hometown of Detroit, Michigan.

Cutting to the chase, I decided to lead – and personally finance – a ballot initiative to make medical use of marijuana the "lowest law enforcement priority" of the City of Detroit.

On a surface level, this appeared to be relatively easy. The signature requirement was surprisingly low – 3% of the vote for mayor in the last general election. This translated into just over 6,000 signatures to make the ballot.

While I had mainly identified with the Republican Party for pragmatic, political reasons, my true political ideology was libertarian. Consequently, I was known and respected by a good number of quality Democrats and liberals. Having donated thousands of dollars, and almost as many hours of volunteer time, over the years to politicians and causes of all persuasions, I knew I could count on at least some establishment backing for a drug policy reform effort in a Democratic Party controlled town like Detroit. Especially if the issue was limited to "medical" marijuana.

Once the decision was made to proceed, I filed the proper paperwork with the Wayne County Elections Commission, to form a legally registered ballot initiative committee which I

named *The Detroit Coalition for Compassionate Care* (DCCC).

I then proceeded to tap into the network of political personalities with whom I was acquainted. The idea was to persuade these persons to become members of the DCCC "Steering Committee."

I promised every potential steering committee member that they would not have to do any work, or attend meetings. All I wanted was permission to list their names on our website and letterhead as supporters of the initiative. If the media were to call, they would just simply say they supported the idea of making a medical exception to anti-marijuana ordinances.

Using this approach, I was able to persuade, among others, the then US House of Representatives Minority Leader, Michigan Congressman David Bonior, former Detroit Police Chief Isaiah McKinnon, State Senators Hansen Clarke and Burton LeLand, State Representative LaMar Lemmons III, County Commissioner George Cushinberry, ACLU Board Member Eugene Perrin, MD, African Nationalist leader and Chairman of the *Detroit Coalition Against Police Brutality* Ron Scott, and Jeff Montgomery, head of the Detroit based *Triangle Foundation* (Michigan's top gay/lesbian advocacy group.) This virtual Who's-Who of Detroit politics became the DCCC Steering Committee.

Elated by the support I was able to conjure up, I was now under the illusion that success was all but certain.

In retrospect, all this time and energy would have been more wisely invested in finding a top notch election lawyer because, unfortunately, the DCCC search for legal counsel did not go well from the beginning.

Our ignorance was such that we had no idea election law was such a specialty field in Michigan, and how politicized some so-called legal issues can be.

In fact, I called every attorney I knew in search of one both knowledgeable in election law and willing to provide professional advice on our Detroit medical marijuana ballot initiative.

Barristers from big, politically-connected law firms in Detroit, flatly turned down the business. It was explained that the issue was politically "too hot to handle," or that mari-

juana reform was "not the image we are trying to project."

Many attorneys simply said they did not have the requisite expertise, nor did they know of anyone who did. In one moment of dark humor, a friendly lawyer chuckled and said "come back to me if you have any tax problems down the road, Tim."

Finally, in desperation, I began calling my DCCC Steering Committee members for advice. Eventually one member told me to "call Joe Jones [the fictitious name of a real person] and use my name. If he doesn't want to help you, I want to know."

Well, with that kind of "recommendation," Mr. Jones immediately agreed to help. In fact, it turned out this man did, indeed, have some limited experience with a ballot initiative, albeit on another issue and in a different part of Michigan.

So, with the legal counsel problem now (apparently) resolved, a petition model was quickly put together.

The language was based on a successful ballot initiative passed in Mendocino County, California, making the growing of up to 25 marijuana plants the "lowest law enforcement priority" of the County Sheriff. The only difference was that our proposal was limited to medical use of marijuana, i.e., growing of up to three plants, or possession of the equivalent in dried marijuana, for medical use the lowest law enforcement priority of the City of Detroit.

Mr. Jones and I were very careful to do the best we could to follow the exact letter of city law in putting our petition document together.

That done, the next step was to gather 6,144 valid signatures within the 180-day time limit set by law, and submit them no less than the legal minimum 140 days prior to the next regularly scheduled election.

In our situation, I decided, almost immediately, to use paid signature gatherers for this task.

WHAT ABOUT VOLUNTEERS?

The lack of willing, reliable, volunteer signature-gatherers is a problem facing most single-issue political causes in the USA today. Although their will be great enthusiasm expressed at reformer gatherings, when push

comes to clipboard, an organizer will usually find himself standing alone in front of post offices and supermarkets.

The only exception to this truism I know are the efforts of religiously-oriented groups such as *Right to Life* (RTL) and its culture war allies. For instance, RTL & Co. actually gathered over 400,000 signatures in less than 180 days – on an all volunteer basis – to amend the Michigan constitution to ban gay/lesbian marriage in 2004.

RTL type volunteers perceive their cause to be a matter of life or death – saving babies from abortion or human souls from eternal damnation.

This kind of fervor has been the ultimate political motivator in the USA from the time the first "witches" were hanged in Salem, Mass. in the 1700's, to the efforts of the Women's Christian Temperance movement in amending the US Constitution to ban alcohol in 1919.

HIRING MERCENARIES

In contrast to the attorney search it was relatively easy to find a number of professional signature gathering companies, both national and local, such as *National Petition Management* and *Progressive Campaigns* to name just two.

These companies are only in it for the money. They couldn't care less about the issue for which they have been retained. They are effective, but can be expensive, depending on the competition for their services (which definitely heats up as filing deadlines approach).

Their special skill is tapping into a subculture of persons, many of whom live on the margins of the economic milieu in America, in states where the ballot initiative process exists. Many of the people they hire are literally "migrant workers," earning their entire livelihood traveling from place to place and gathering petition signatures. In fact, a really good signature gatherer can earn over \$6,000 in one month in a big, last-minute, statewide campaign – tax free in most instances. Some signature-gathering companies will even pay transportation and housing costs to top notch people to work on initiatives in distant states.

In our search process we were (wisely) advised to go for at least 9,000 gross signatures

to be sure we get enough valid signatures to make up for all the unregistered or otherwise unqualified persons who would inevitably sign our petition.

The best bid DCCC received from a professional sig-gathering company to acquire the number signatures we needed was \$21,000. This was a good deal more than I was prepared to personally finance. We needed another alternative.

Acting upon the suggestion of a DCCC Steering Committee member, I asked a couple local Detroit politicians to spread the word among their followers who might "need extra Christmas money," that the DCCC campaign was prepared to pay \$1.00 per signature (the usual, non-prime-time, retail, per-sig rate).

Within two days, the phone was ringing off the hook with people looking for work. Some folks showed up without appointments at the DCCC office (my business office).

Some of these applicants appeared to have serious substance abuse problems or were overly temperamental and possibly violent. These were politely sent away.

Any sincere, "normal" looking person, who had identification and a valid voter registration card (a legal requirement), was hired on the spot.

There were only two "work rules." In order to get paid, the gatherer had to bring in at least 100 signatures. And these signatures were subject to a cursory "validity check" to weed out signatures of any who obviously did not live in Detroit, or appeared "suspicious" in some way.

In addition, I considered it my responsibility to make certain these folks were treated fairly. Specifically, due to both accounting and campaign finance reporting purposes, DCCC refused to make any cash payments. As a result, some gatherers got hassled trying to cash their checks, especially African-American males. This prompted me to go to the local bank branch manager where I had some accounts and explain: "This is my name on these checks, and if you want to keep my corporate and personal business, just cash the damned checks for whoever presents them – whether they have any identification or not!"

To make a long story short, DCCC gathered more than 9,000 gross signatures in less than

three weeks – at a total cost of \$1.00 per signature.

The result of our success in gathering so many signatures in such a short period of time, for what the mainstream media considered such a controversial issue, was electric.

Once the Detroit Free Press got wind of what we were up to, we decided to go public. All of us on the DCCC Steering Committee contacted by the media for comment got it right. Our performances for the newspapers, as well as the radio and TV cameras, were flawless.

In fact, as it turned out, this was the high-water mark for Detroit #1. It was all downhill from there.

SPLITTING THE FINEST OF LEGAL HAIRS

The Detroit City Clerk's office, after canvassing the signatures within the ten day time-frame set by law, sent a cryptic letter to the City Council and DCCC saying that DCCC had submitted more than sufficient number of valid signatures as required by the Charter, but noting that "some legal issues existed," which would be addressed in a separate report.

This kind of message should have gotten our serious attention. However, in our naiveté and denial, we simply assumed the Council would either adopt our ordinance within thirty days or else send the issue to the ballot as required by the charter. We simply awaited notice that one or the other had been done.

No further communication was forthcoming. After the thirty days had elapsed with no action, we pressed the Council and City Clerk for an answer.

Finally, on February 26th, DCCC was advised in writing by the Clerk, that the issue would not be on the ballot for three reasons:

1. The petition form did not conform to state law in the manner it was constructed.
2. The petition was moot in any case because the initiative power did not extend any measure which will have an impact upon the city budget.
3. The petition violated the City Charter prohibition on interference with the administrative responsibilities of the ex-

ecutive branch since, under Detroit's "strong mayor" form of government, the City Council (nor by extension citizens acting in their place) does not have the proper authority to "prioritize" anything. Only the Mayor has that power.

So, we had no alternative but to take our fight to the courts in order to obtain justice and secure the ballot status our proposal had earned.

Unfortunately, what our attorney did not realize is that another part of the city charter contained a provision which said in essence that in any dispute over the interpretation of the charter, state law prevails.

In order to keep the measure off the ballot, the city administration decided to "dispute" the way we constructed our petition – knowing full well that petition form requirements for a statewide ballot initiative were different from those specified in the City Charter. Specifically, statewide petitions must print the full text of the law to be amended on the form itself. The City Charter, which we scrupulously followed, did not include such a requirement.

When the wheels of justice finally ground to a halt in Wayne County Circuit Court, DCCC lost on two of the three counts.

In addition to the fact that our petition form was not constructed to also meet state ballot initiative petition standards, the inclusion of the word "budgetary" in our proposed ordinance (i.e., that enforcement of anti-marijuana ordinances against medical users would also be the lowest budgetary priority of the city), was fatal.

We ultimately prevailed only on count #3, the court ruling that voters DO have the right to set city priorities with respect to medical use of marijuana.

At that point MPP provided a small grant and we appealed the decision to the Michigan Court of Appeals – which upheld the Circuit Court ruling.

The consensus was that a further appeal to the Michigan Supreme Court would be futile. It was time to cut our losses.

The moral of this sad tale is that in the State of Michigan, and undoubtedly in every state that provides for a ballot initiative process, local "home rule" municipalities like Detroit are

also governed at a higher, statewide regulatory sphere.

REFORMERS BEWARE

No matter what your local municipal charter says (or implies), unless your petition form strictly conforms to both local AND state formatting standards, you are treading on thin ice. If your local political authorities such as the mayor or council approve of your issue, they will give you a pass and permit you to follow local rules only. If they don't like your issue, watch out.

Also note that even in states and municipalities that do allow initiatives, generally any that would affect the budget process are specifically barred.

(Actually, this restriction is there for mostly good reasons. Say, for instance, a powerful municipal union decides it did not get a big enough pay raise from the mayor or council. Theoretically, that union could simply have its members circulate a ballot proposal to raise its pay – bypassing the elected authorities and hopelessly screwing up the city budget in the process.)

In the DCCC case, although our initiative was revenue neutral, it was in retrospect, a rookie mistake to have even mentioned the words "budgetary process" in our proposal. That was an engraved invitation for a legal challenge.

Finally, if you are dealing with a municipality with a "strong mayor" system – where the mayor is directly elected by the people and is, by charter, responsible for the administration of the city – be very careful. In that instance, it is likely the Council has some authority over the total budget and can pass ordinances, but that will be the legal extent of the Council's power. And since the initiative process is essentially merely an extension of the legislative process, expect a legal challenge if you make "lowest law enforcement priority" the purpose of your initiative.

That being said, in most, smaller communities (i.e., under 100,000 population) the mayor is either the highest vote-getter among council candidates or is elected by a majority of the council members.

In this situation, it is usually the Council that runs the show. The administration of the

city is done by an unelected City Manager who serves at the pleasure of the Council. If that is your situation, then the possibility of a legal challenge with respect to "lowest law enforcement priority" is greatly reduced.

One final point on legalities.

It is also a very good idea to include a "severability clause" in the language of your initiative. That is, in the event that one provision of your proposal is found to be illegal by a court of law, the rest of your language still stands.

We did, in fact, have such a clause. And it would have saved us, too, had we lost on the budget issue only. In our case, however, our petition form itself was "facially defective" under state law – which meant all was lost from Jump Street, as that kind of error is always fatal.

A STATEWIDE INITIATIVE

In late 2001, purely coincidental to the announcement of DCCC's Detroit Medical Marijuana Initiative, a story appeared in the *Detroit Free Press* which struck the Michigan political über-culture like a thunderbolt.

A major drug policy reform, via statewide ballot initiative, was now in play. The California-based *Campaign for New Drug Policies* (CNDP) had come to Michigan.

Prior to the *Detroit Free Press* story, I and DCCC steering committee member, Ron Scott, along with the cream of the Michigan Democratic Party/liberal establishment, among others, were invited to a luncheon meeting at a hotel near Detroit Metro Airport.

California drug policy reform political strategists Bill Zimmerman, and Dave Fratello, representatives of the Michigan blue-chip law firm of Honigman, Miller, Shwartz & Cohn, and other experts from across Michigan and the USA, had invited local reformers and leaders to discuss some ideas.

The thrust of the message was that money and political expertise would be made available to replicate in Michigan California's "Proposition 36" approach, the provisions of which included: treatment instead of incarceration for drug crimes and abolition for non-violent drug offenders of the much reviled "mandatory minimum" jail sentences (and which, by impli-

cation, would amount to decriminalization of personal drug use.)

Most of the locals invited to the luncheon had little to say, except for practical questions regarding the nuances of the polling data, the political philosophy of the funders, and who the likely opponents of the initiative would be. The meeting lasted about two hours. It was agreed by all local reformers present, to get back with CNDP within thirty days with any ideas as to how to improve upon and implement the concept.

CNDP was good on their word, and some positive modifications to the original proposal were made within that time frame.

The news coverage, by accident or design, appears in some way to have been the result of this meeting.

For hard core anti-drug groups in Michigan such as *Community Anti-Drug Coalitions of America* (CADCA) and the *Partnership for a Drug Free Detroit* (PDFD), as well as various law enforcement institutions and prosecution oriented attorney groups, news of this pending initiative was a heavy blow. Used to the soft, government-funded work of preaching to the choir and scaring the ignorant about "the drug menace," they were now faced with a challenge of nightmare proportions.

Meanwhile – as too often happens – some grassroots policy reformers did not believe the proposal went far enough. Uninvited, they attempted to make contact with CNDP to express their concerns and various political theories, but to no avail. Others, without permission, took matters into their own hands.

When the news story hit, it included announcement of a meeting hosted by the Michigan Drug Czar, Craig Yaldoo, in Macomb County to fight the CNDP menace.

Some Michigan NORML leaders and reformers spontaneously decided to show up.

The circus included uniformed police and speeches by local anti-drug superstars, who denounced the CNDP plan as "a threat to our kids" which would "destroy everything we represent" and send Michigan "back to the dark ages."

Law enforcement officials spun lurid yarns about the specter of violent addicts "loose on our streets and in our neighborhoods" because of the greed of "drug-dealing billionaires" like

George Soros, who "want to get control of our country."

What the Drug Warriors had not anticipated was that their rally had been invaded by a goodly number of brazen Michigan NORML reformers.

The strong and beautiful Donna Paridee stood up and proudly proclaimed "I am a mom, and I smoke marijuana."

Bruce Cain (aka "Professor Hemp") attempted to wrest control of the microphone from Czar Yaldoo. "Are there drugs in prison?" challenged the professor in a loud voice. When Mr. Yaldoo reluctantly agreed, Mr. Cain responded, "then what are you going to do about it? I want a debate!" To regain control of the situation Mr. Yaldoo agreed to a debate – but not at that time. As police officers began to edge toward the podium, Professor Hemp took a seat.

College instructor "Marvin Marvin" founder, leader (and, probably, only member) of the "Party Party," a notorious marijuana user for over forty years, attempted to remain an anonymous observer, but had to leave the room. He said later that he became nauseated listening to the various anti-drug diatribes and "felt like a Jew in Nazi Germany."

This writer also attempted to remain anonymous, but to no avail. Mr. Yaldoo, who knew him from previous life in the Republican Party, politely and humorously outted his presence to his anti-drug acolytes. In this situation, there was nothing to be said to anyone's advantage or disadvantage, anyway. The picture seemed pretty clear.

The Drug Czar/CADCA anti-CNDP rally in Macomb County was not repeated elsewhere – after their first publicly proclaimed party was crashed by undesirables from NORML.

In reality, the CADCA crowd and its fellow travelers, while shrill and hysterical, were not a genuine political threat to CNDP anyway. The serious warfare was now emanating from corporate and agency board rooms, and law offices in Detroit and Lansing.

It came as no surprise that the Michigan political and media elite hated and deeply resented the CNDP plan from the very beginning.

For one thing, the cultural and political landscape in the Midwest is far more conservative and parochial than either of the coasts. The

idea that "outsiders" could simply come into the state with a lot of money and change the rules was treated with suspicion, even among some liberals who actually supported the "treatment vs. incarceration" concept. In their minds, while something like this could be good for us today, what precedent would be established by a CNDP victory? Might some right-wing group then come into the state somewhere down the road – with a very different agenda?

The other thing that unnerved the power players was the way the CNDP goal would be accomplished.

In essence, if CNDP won, "treatment vs. incarceration" would be part of the Michigan Constitution, the money required for treatment becoming a constitutional mandate. Under this plan, the Governor would be stripped of veto power over the measure, and it would be virtually impossible for the Legislature to change the program in any substantial way. From a historical perspective, the CNDP plan was not only bold, it was totally unprecedented in scope.

Unlike many city charters, the Michigan Constitution does not prohibit ballot initiatives which affect the state budget. Thus, the power of the elected and appointed administrative class could be seriously destabilized by "outsiders." So the political elite in Michigan became ferocious opponents of CNDP, led from behind the scenes by Michigan Governor, John Engler, a Republican, working closely with fellow Republican Governor, Robert Taft, in Ohio where a similar "treatment v incarceration" was headed for the ballot. They pulled out all the stops to destroy CNDP in both states.

In Michigan, the legal assault was led by the Governor's close friend, Richard McClellan, who was associated with the elite Detroit law firm of *Dykema, Gossett et al.*, and possessed unlimited time and money to work to keep CNDP off the ballot.

The first line of attack, common to most attempts in Michigan to keep a statewide initiative off the ballot, was the charge that not all relevant sections of the Michigan Constitution affected by the proposal were printed on the petition form itself. Therefore, the petition was "flawed as to form" and the proposal should be kept off the ballot. The underlying argument is

that the people who signed the petition were either tricked or misinformed, because the petition document did not disclose the full implications of the proposal.

But this line of attack on the CNDP petition proved to be bogus. Another ballot initiative, sponsored by a consortium of powerful Michigan health care corporations, using the same law firm hired by CNDP, proposed to earmark money from a state's general fund, recently enriched by a multi-million dollar settlement from the tobacco industry, for the medical treatment of tobacco addiction victims.

Governor Engler and most of the political and media establishment hated this ballot initiative almost as much as they hated CNDP's proposal. The same line of attack – that all relevant sections of the constitution had not been printed on the petition form – was used to try to keep this one off the ballot, too. But the attempt ultimately failed. The courts ruled that the "Tobacco" initiative, qualified for the ballot (though it was defeated at the polls in November).

As it turned out, what ultimately kept CNDP off the ballot was not clever legal jousting, but something which could be the stuff of a B movie. I'm just not sure if it would be a comedy or tragedy.

The saga of the demise of the CNDP proposal is best told by Michigan political guru and media personality Bill Ballenger, editor of the bi-weekly *Inside Michigan Politics* (IMP) newsletter. Ballenger is a well-qualified observer of the Michigan political scene, having once been a Michigan State Senator, a Director of the Michigan Department of Licensing and Regulation, and a State Racing Commissioner. IMP is virtually required reading for members of the Michigan Legislature and Executive Branch, top state administrative and executive personnel, as well as lobbyists and political junkies of all persuasions. While it is not possible to independently verify all facts and assertions proclaimed in the following story, the account does meet the criterion of "protected political speech" and nicely illustrates the brutality and capriciousness of the political life all reformers face. The following final analysis of the CNDP proposal, originally in the June 30, 2003 edition of IMP, is reprinted with express permission.

LAYMAN LEGISLATOR SHOWS UP LEGAL
COMMUNITY, SAVES DONORS
& TAXPAYERS MILLIONS

By Bill Ballenger
Editor, Inside Michigan Politics

William (Bill) Van Regenmorter (R-Hudsonville) is not an attorney. Nevertheless, the veteran state lawmaker has been picked to head the Legislature's two most important committees on criminal justice for the past 13 years.

The courtly, unassuming Van Regenmorter once attended Calvin College but in fact holds no "earned" higher education degree. Still, he shares several characteristics with the late Harry S. Truman, who also was only a high school graduate but perhaps knew more history than any president before or since.

Van Regenmorter knows enough law that the Detroit College of Law at MSU has awarded him an honorary doctorate. He was picked by two successive Senate majority leaders to chair the standing committee on the Judiciary for a dozen years. Now that he's returned to the state House of Representatives for a non- consecutive fifth (and possibly sixth and seventh) term, Speaker Rick Johnson (R-LeRoy) has put him in charge of the House Committee on Criminal Justice.

That's because Van Regenmorter follows Michigan's compiled laws, the Constitution, and even ballot proposals more closely than most if not all of his colleagues in the Capitol. He even outshines members of the bar in fly specking the statute books and proposed initiatives and referenda.

It all paid off last summer when Van Regenmorter, then a state senator, discovered an incredible blunder in draft ballot language that, if approved by voters, would have 1) Altered Michigan's drug laws to require treatment instead of incarceration for non violent offenders; 2) Repealed most mandatory minimum jail sentences; and 3) Required the Legislature to appropriate funds for a Drug Sentencing Commission (\$4.5 million for six years), treatment programs for drug offenders (at least \$18 million annually, and \$9 million for start up), and prohibited any gubernatorial veto of such spending.

Says Van Regenmorter: "I was sitting there

in my office one evening reading the ballot proposal, and I thought "Hey, that's MY section they're talking about!"

"My section" was Article I, Section 24, of the Michigan Constitution, the so called "Crime Victims Rights" clause that had been approved by Michigan voters in 1988 after being placed on the ballot when the Legislature approved Joint House Resolution P, sponsored by--- guess who?---then state Rep. Van Regenmorter.

If a Section 24 already existed in Article I of the Constitution, did the 2002 ballot question propose to amend it? Not exactly. Fact is, some 15 months earlier, a reputed election law expert in one of Michigan's most prestigious law firms had botched his drafting of an initiative for a California-based organization called the Campaign for New Drug Policies (CNDP). i.e., the barrister proposed adding "new" sections 24 and 25 to Article I without realizing THERE WAS ALREADY A SECTION 24 that spoke to a completely different subject (Crime Victims Rights).

Alarmed by what he saw in the proposed ballot language, which had not yet been certified by the Board of Canvassers, Van Regenmorter wrote the Board last August 30 expressing concern that the drug reform proposal, if approved, might be construed as a replacement for the existing Section 24, Van Regenmorter's Victims' Rights Amendment.

When the Board next met, on Sept. 3, Van Regenmorter himself showed up to voice his concern that the drug policy initiative might be deemed to replace the existing Section 24, and that the proposal did not notify petition signers that it might have that effect. Despite arguments by attorneys for the CNDP that this was a simple clerical error that could easily be rectified [**Author's Note – the Michigan Secretary of State had the authority as Michigan election chief to make such a correction, but she, Ms. Candace Miller, chose not to do so**] the Board by a unanimous 4-0 tally (two Republicans two Democrats) voted not to certify the CNDP proposal for the ballot.

Three days later, on Sept. 6, the Court of Appeals rejected the CNDP argument that the Board of Canvassers should be overruled and that the drug initiative should be allowed to go on the ballot. A three judge panel ruled specifi-

specifically that the Board had been correct in its conclusion that the failure to correctly number the proposed new constitutional provisions meant that the proposal could not be certified for the ballot. The Michigan Supreme Court denied further appeal.

To that point, the CNDP had spent an estimated \$2.5 million for petition preparation and printing, signature collection, legal fees, and polling, yet had nothing to show for it. The Campaign – funded by three not-from-Michigan billionaires (GEORGE SOROS, PETER LEWIS and JOHN SPERLING) – was denied the opportunity to have its drug law reform initiative placed on the Nov. 5 general election ballot because Van Regenmorter, who was not even a party to the issue, had noticed a drafting mistake that had been overlooked for a year and a quarter by:

- The lead Michigan attorneys for the Campaign, TIM KNOWLTON and JOHN PIRICH, at the firm of Honigman, Miller, Schwartz & Cohn, which had erroneously numbered the pertinent sections.
- Outside counsel in East Lansing hired especially to review the initiative for constitutionality and form
- Staff of the state Bureau of Elections, which recommended to the Board of State Canvassers last August 26 that it certify the Campaign's proposal for the fall ballot
- Assistant Attorney General GARY GORDON, the attorney for the Bureau of State, and the Board
- Two attorneys supposedly expert in election law from the law firm of Dykema Gossett, who appeared before the Board arguing against the proposal being allowed on the ballot not because of the flawed numbering language but because, they claimed, it failed to disclose on its petition that it abrogated or amended other portions of the Constitution, particularly provisions regarding the governor's veto power
- The State Board of Canvassers itself, which included three attorney members – Democrat STEPHEN BORRELLO and

Republicans ELIZABETH HARDY and TIMOTHY WARD (amazingly, Borrello became Gov. JENNIFER GRANHOLM's first appointee to the state Court of Appeals just last month).

"Whether anyone realized just how crucial non-lawyer Van Regenmorter's intervention had been to keeping the drug initiative off the ballot, almost the entire political community applauded the courts' and Canvassing Board's decision not to certify. The rare bipartisan accord reflected in the Canvassers' vote was also evident in a hour-long News/Talk 870-AM radio debate on the issue last Aug. 30 (ironically, the very day Van Regenmorter first contacted the Board), in which Democrat STUART DUNNINGS III, the Ingham Co. prosecuting attorney, invoked prominent names on both sides of the political divide who were hostile to the initiative.

But if the two major political parties and their politicians were relieved that this hot potato wouldn't be up for grabs Nov. 5, the CNDP very understandably wasn't. A law suit against Honigman Miller for alleged malpractice to recover the wasted \$2.5 million seemed inevitable; eventually, however, the two combatants agreed to private arbitration.

So, which side won? What did the three-lawyer arbitration panel decide? Could there be a "winner" in this scenario?

Nobody knows for sure except the adversaries, and by mutual agreement they aren't talking. But we do know that, in the midst of their scheduled three -day arbitration hearing June 17-19, high atop a downtown Detroit office building, the two parties called off any further "expert witness" testimony and "settled" rather than trust what the legal troika might decide, which would have been binding on both parties.

Remember, one side wanted \$2.5 million; the other felt it was liable for a lot less than that. IMP's guess: they split the baby, with Honigman Miller (or its insurer) agreeing to pay the CNDP in the neighborhood of \$1.2 million.

What's the moral of this story?

Van Regenmorter for Supreme Court! (Oops! We forgot---he's not an attorney)"

“THE LAW IS AN ASS”

The practice of election law in Michigan, and any other state that has a ballot initiative process, is very much a specialty art. Because the stakes can be so high – thousands of dollars in the Detroit example, and millions in the case of CNDP – it requires extensive knowledge of the minutiae of arcane, esoteric, seemingly contradictory, statutes and regulation, along with a fierce attention to detail.

On a macrocosmic level, specifically in the area of municipal as opposed to statewide initiatives, "home rule" cities are allowed a limited degree of autonomy to regulate their own affairs, independent of state law. For instance, cities like Detroit, Denver and Seattle can set their own rules, making different activities a crime and enacting penalties for such. Lesser crimes such as public urination, out of control pets, traffic violations, noise ordinances and possession of drug paraphernalia are typical examples.

That being said, there are limits to this autonomy. For instance, neither the elected officials nor the voters of the city of Detroit could institute the death penalty. Such an act would be a violation of state law, per the home rule statutes and state constitution.

What the reformer must realize is that, in order to minimize the chances of a legal challenge, your petition form should comply with both local and state regulation. And it is virtually certain state law will ultimately control in the event of a court test.

Beyond that, in an era of ever shrinking official tolerance for voter and individual rights, failure in even the most minuscule legal technicality will likely prove fatal to an effort.

DETROIT #2

The Detroit Coalition for Compassionate Care's failure to attain ballot status in 2002 was a harsh and expensive lesson. However, it is one that DCCC took to heart in a positive way. The decision was made to take our medicine, and fight another day.

After a period of reflection, and with assistance from the Detroit Branch of the Michigan ACLU, we found a true election law professional, one who had written the language for a

number of successful Michigan ballot initiatives – two of them in Detroit.

This gentleman, Mr. Neal Bush, was also a die-hard political reformer who loved a good fight, and had been active in virtually every "liberal" cause imaginable for at least 40 years. Now in an underemployed, semi-retired lifestyle, he was eager to take on the challenge presented by the "Detroit Medical Marijuana Initiative."

Immediately upon being hired by DCCC, Mr. Bush methodically went about fly-specking every document related to our first Detroit ballot initiative failure. Ultimately, Mr. Bush came up with a solution which was both brilliant and breathtaking in its simplicity. He suggested doing an initiative to amend Detroit ordinances by simply providing an "exemption" under city code for "medical use of marijuana."

The genius in this approach is it allowed DCCC to accomplish its goal without in any way tampering with the budget process. In addition, it would not interfere with the Mayor's ability to set management priorities. (This point of law was never directly addressed by the Michigan Court of Appeals decision in the first DCCC case. Thus, it remained a distinct possibility that the City of Detroit could again deny ballot status and force us to again go to Court to settle this question.)

With respect to the requirement that the entire text of the proposal be included on the petition form, DCCC would only need to print the section to be amended, thereby complying with state law, as well as the city charter.

Finally, legal precedent for this approach was on our side. In 1996 the Detroit City Council, despite state and federal law, amended a city ordinance to allow for a "needle exchange" program in Detroit (in an effort to help stem the spread of AIDS/HIV). The Council granted an "exemption" for needle users and care givers, from City ordinances against possession of "drug paraphernalia" for persons in an authorized "needle exchange" program.

When all was said and done, Mr. Bush's legal model seemed as bullet proof as it could get. With the blessing of the DCCC steering committee and management, the signature gatherers were again unleashed. As before, they secured in excess of 9,000 signatures in less than three weeks.

This time, upon canvassing the signatures in the ten days required by law and finding them sufficient in number and validity, the City Clerk issued an unqualified opinion, certifying our proposal for the ballot.

Our proposed ordinance amendments read as follows:

Sec. 38-11-9, Exceptions for medical marihuana.

THE SECTIONS OF THIS DIVISION SHALL NOT APPLY TO ANY INDIVIDUAL POSSESSING OR USING MARIHUANA UNDER THE DIRECTION, PRESCRIPTION, SUPERVISION OR GUIDANCE OF A PHYSICIAN OR OTHER LICENSED MEDICAL PROFESSIONAL. AS USED IN THIS SUBSECTION, "PHYSICIAN OR OTHER LICENSED MEDICAL PROFESSIONAL" MEANS A PERSON LICENSED UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE, MCL. 333.16101 TO 333.18838; MSA 14.15 (18838).

Sec. 38-11-32. Exceptions for medical marihuana

THE PROVISIONS FOR THIS DIVISION SHALL NOT APPLY TO ANY INDIVIDUAL POSSESSING OR USING A DEVICE FOR USE IN INGESTING, INHALING, OR OTHERWISE INTRODUCING INTO THE BODY MARIHUANA UNDER THE DIRECTION, PRESCRIPTION, SUPERVISION OR GUIDANCE OF A PHYSICIAN OR OTHER LICENSED MEDICAL PROFESSIONAL. AS USED IN THIS SUBSECTION, PHYSICIAN OR OTHER LICENSED MEDICAL PROFESSIONAL" MEANS A PERSON LICENSED UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE, MCL 333.16101 TO 333.18838; MSA 14.15 (16101) TO 14.15 (18838).

As far as we have been able to determine, the above language and legal technique do appear to be very sound. It was used successfully in the City of Denver, which legalized small amounts of marijuana for any purpose.

However, this strategy cannot be used in every municipality – only those cities which have existing anti-drug and/or paraphernalia ordinances on their books.

From a historical perspective, until the "War on Drugs" really got going with a vengeance in the 1980's, it was virtually unheard of for any municipality to have ordinances making possession of marijuana (or any other drug) illegal. These matters were always regulated under state or federal law.

But as arrests mounted and the "crack cocaine epidemic" got the nation's attention, many municipalities saw an opportunity to cash in on the hysteria. In essence, these cities passed their own anti-drug laws so they could harvest fine money which would otherwise go to state coffers – especially for low level drug users, guilty of only misdemeanor violations. These violations could now be punished with fines, probation, or "treatment" by City authorized/contracted "rehabilitation" agencies. All proceeds would, of course, stay within the specific municipality.

Detroit was one of a number of Michigan cities to go this route, along with many localities in other parts of the country.

Therefore, the essence of DCCC's legal position was that if a city government can make a substance like marijuana illegal, then that city has the power to amend its own laws to grant an exemption.

Any reformer considering a local drug policy ballot initiative should look to see whether or not there are anti-drug ordinances specific to your municipality. This is extremely important in terms of overall ballot access strategy.

(If this kind of law does not exist in your community, then a different approach will be needed. In brief, the safest and easiest route in that circumstance is to simply make marijuana use, or whatever drug reform you are interested in, the "lowest law enforcement priority.")

DCCC's second initiative was certified in November 2003, to be designated "Proposal M" on the ballot – unless the City Council decided to pass the measure into law themselves within thirty days of certification. (This charter provision option is very common in Michigan cities and municipalities across the USA, once a citizen initiative is certified.)

For a brief moment, DCCC had the impression the Council might actually pass the measure into law themselves. Council President Mary Ann Mahaffey, for whom Neal Bush had worked years ago, personally endorsed the proposal and recommended the Council simply pass it into law. Alas, this was not to be. At best Ms. Mahaffey could muster only three of nine Council votes. One of the six opponents, Councilwoman Alberta Tinsley Talabi, was co-chair of the *Partnership for a Drug Free Detroit*, and a frenzied, relentless antagonist, working closely with *Office of National Drug Control Policy* (ONDCP) and its surrogates. The others simply did want to touch what they perceived to be a political tar baby. Now it would be up to the voters in the next scheduled city election, the Democratic and Republican Party primaries to be held in August 2004.

DCCC was roundly criticized by a number of political experts for deciding to run the issue in the primary, rather than the general election that would follow only three months later. Conventional wisdom suggested that typical primary election voters are older, more conservative and, in Detroit, primarily females who were likely to be adverse to drug policy reform.

However, we felt there was not much choice in any case. Fully expecting some new legal challenge from the City to again keep us off the ballot, we figured if the matter got tied up in court and not adjudicated in time for the August primary, we could still make the ballot in November (assuming we prevailed in court.)

In any event, DCCC felt comfortable going against the conventional wisdom as a result of an unpublicized poll, conducted and shared by MPP, which provided in-depth analysis of voter attitudes toward medical marijuana in Michigan.

Among other things, the poll conclusively revealed that the more the individual voter identified with the Democratic Party and/or liberal and/or African-American issues, the more likely it was the community would favor medical use of marijuana – regardless of the age, gender or the racial make up of survey sample. Given that Detroit met all three criteria, the poll basically indicated a winning margin of 60% or better.

Also, in discussion with DCCC steering committee members, as well as street level, ur-

ban, political reformers, there was a definitive sense our proposal was a winner – no matter when the election was held.

Further, primary voters are the most sophisticated, knowledgeable voters. They understand that the real election in a community dominated by one political party or the other is in the primary, not the general election in November. The candidate of the controlling party who wins his/her primary election is de facto the general election winner, as well. In Detroit, which is 85% African-American and 90% Democratic, the Republicans often do not even field candidates for offices such as state representative. In essence, a primary voter is, presumably, less susceptible to the kind of hysterical propaganda campaign we anticipated from our opponents.

But the final, deciding factor was a very basic fact – the voter universe in a primary campaign in early August in Detroit (as well as most other cities) would be less than half the number who would be going to the polls in November. Based on past voter turnout, we expected that, perhaps, 80,000 people would vote in August, as opposed to over 200,000 in November.

So, DCCC figured if our chances of winning were very good anyway, it would be substantially less expensive to promote passage in the primary, where we only had to reach 80,000 voters, compared with November when we would have to reach 200,000.

Using the best voter list brokerage firm in Michigan, *Practical Political Consultants* in East Lansing, we were able to identify to a good degree of certainty who those persons were, where they lived, and whether they voted by absentee ballot or at a polling place.

THE “YES ON PROP M” CAMPAIGN

At this point, another of the vital members of DCCC comes, front and center, into the story.

Tim O’Brien, a long-time libertarian writer and commentator, Libertarian Party activist and friend of mine, had actually been actively involved with DCCC from its inception. Mr. O’Brien’s, creativity and expertise as an advertising and marketing professional, as well as a successful, political campaign consultant,

would prove invaluable. In fact, next to legal counsel, hiring an expert in political advertising and marketing is the wisest investment a reformer can make. While most everyone appreciates that they do not have the knowledge or expertise to draft a legal document, far too many make the mistake that because they know how to read a newspaper and watch TV, they have the skills to create an effective ad campaign.

Given the fact that primary voters in Detroit and most other places are fewer and much more well-versed on the issues, we chose direct mail as our main campaign vehicle, knowing our message will likely get read by the prospect to whom it was directly addressed and sent.

The piece Mr. O'Brien designed featured an elderly, yet alert appearing, African-American female in a wheel chair. The caption read: "You would never take away her wheelchair... How about her medicine?"

DCCC paid a substantial sum (\$1500) to a photo house for exclusive rights to this high quality, professional shot of the exact image we were looking to project to our target voter audience. We also purchased the photo rights to two other images of African American persons in a hospital setting, an elderly male and a younger female, who seemed on the road to full recovery from their illnesses.

In addition, with assistance from MPP, DCCC was able to obtain the endorsement of Proposal M from Dr. Jocelyn Elders, the first African-American United States Surgeon General, and popular TV talk show host Montel Williams, whose pictures and personal endorsements also appeared in the brochure.

Finally DCCC got a photo of Rev. Al Sharpton and reprinted a quote from his presidential election campaign: "I think that medical mari-

juana patients should not be arrested for using medical marijuana. I think that's something I wouldn't do." (We did not need to secure Rev. Sharpton's permission, as our attorney assured us that this man was a public figure and, as long as we did not make up the quote, our action was considered "protected political speech.")

Our local research in the community suggested that in addition to appealing to simple human compassion for the sick and dying, the argument that medical marijuana was not legal

"because of greedy drug companies and their friends in Washington," played very well with our target audience.

Finally, the piece also contained endorsements from both local political leaders and prestigious institutions such as The American Nurses Association, the Institute for Medicine, and others.

Every Detroiters who had previously voted in a primary election got this four-color piece in the mail the very day one of our sources in the clerk's office told us the absentee ballots would arrive (around three weeks prior to election

day). The mailing to the rest of the list of those who had a history of voting in primaries (i.e., non-absentees who must, therefore, go to the polls) went out four days before election day.

REFORMERS TAKE CAREFUL NOTE.

In every community, there exists a core group of voters, perhaps as few as 25% of those who have the right to vote (but do not), who take this right so seriously that they never miss an election. They are up on the issues and are key opinion leaders in their families, churches, neighborhoods and local government itself. If you can win these voters, you are well on the way to winning your election in the final count.

You would never take away
her wheelchair...



How about her medicine?

THE EMPIRE STRIKES BACK

The opposition to Proposal M took three forms: CADCA/ONDCP, various politicians including Michigan Governor Jennifer Granholm, Detroit Mayor Kwame Kilpatrick, and (with a couple exceptions) the mainstream news media.

CADCA/ONDCP's main front groups were the *Partnership for a Drug Free Detroit* (PDFD) and the *Empowerment Zone Coalition* both of which got Federal anti-drug dollars to "educate" the public on the dangers of drug abuse and stop the problem as they see best – through a combination of education, treatment and punishment.

In this campaign, PDFD et al., was the tip of the spear in the effort to stop Proposal M from passing at the ballot box. PDFD's major tactic was to stir up fear and outrage in voter minds and spread misinformation about the proposal. In addition to their federal, state and locally funded salaries, which enabled some of them to work full time against the proposal, PDFD also received a \$5,000 grant from the City of Detroit Community Health Department to pay for anti-medical marijuana flyers and t-shirts.

In Michigan and many other states, it is legal for a municipality to spend taxpayer dollars to educate voters about local issues – millages, initiatives, and the like. In Detroit, it was decided to use taxpayer money to educate Detroit voters as to why "Medical Marijuana is BAD for Detroit." A formal complaint filed by DCCC with the Michigan Secretary of State, charging the City of Detroit with violation of campaign finance law by using tax money to campaign against a ballot proposal, was summarily rejected, based upon state law as interpreted by the Secretary of State. A strategic decision was made by DCCC to move on and not pursue the matter in court.

We were, nevertheless, very aggressive in filing "Freedom of Information Act" (FOIA) requests against the Governor's Office, the Michigan Attorney General, ONDCP, PDFD, CADCA, the Oakland County Prosecutor and Sheriff, and any other public entities we suspected might attempt to use taxpayer dollars illegally, i.e., to openly oppose Proposal M rather than merely "educate" about it (though the reality is that this ends up being the classic

"distinction without a difference.") As legally entitled, we demanded records of all meetings, e-mails and any other communications and financial records pertaining to Proposal M from these and other agencies.

It is our belief, that these legal requests, at least, had a chilling effect, and may have curbed overtly illegal advocacy on the part of the government with respect to campaign finance law violations.

In any event, and despite its resources, PDFD's effort to engender fear among voters – and especially within the ranks of Detroit's powerful African American Baptist Church leadership – ultimately failed. The church leaders could not form a consensus on the issue.

PDFD surrogate, State Representative Alma Stallworth, who's son Keith had recently been forced to resign from the Michigan Legislature in a federal felony plea bargain (in which, among other things, he was accused of accepting tax-evading loans from drug dealers to prop up the failing Tiger Lounge strip bar in which he allegedly had a secret ownership), carried the fight in the Michigan House of Representatives. The State House passed her resolution condemning the concept of medical marijuana by a vote of 93-17. The House resolution never specifically mentioned Detroit. But it was presented to PDFD reformers in a small anti-drug rally in Detroit, widely covered by most mainstream media outlets.

Finally, PDFD worked from the ground up. Addicts and drug war victims in the many rehabilitation and drug treatment facilities in Detroit were urged as part of their "recovery" to participate in the fight against Proposal M. PDFD meetings took on all the characteristics of 12-Step/religious revival meetings.

"My name be Tamika Wilson*, and I wanna thank Frank Johnson* at "New Horizon" for savin' my life. I be clean now, and I workin' ever' day to stop dat meducinal marijuana in Deetroit," proclaimed Ms. Wilson, among others, to the delight of recovery experts, politicians, law enforcement personnel and PDFD reformers in attendance. *[the names are fictitious but the quote is authentic].

Ultimately, PDFD played its final gambit in the waning days of the campaign – the always reliable "race card." I was personally attacked

by PDFD reformers on a local cable TV show as a closet drug addict and a white "outsider" who had no right to speak for "black folks" in Detroit. In addition, it was suggested that I was a shill for white billionaires who want to "re-enslave" African Americans on drugs. (Incidentally, I am 30-year Detroit resident.)

DCCC's response to all this was to simply stay relentlessly on message, i.e., "Were talking about medicine for sick people – nothing else," never stooping to personal attacks or responding in kind with any accusations or imputations.

In addition, the fact that Detroit Congressman, John Conyers, African Nationalist Detroit City Councilwoman, JoAnn Watson, former Detroit police chief, Isaiah McKinnon PhD, and a number of other prominent African-American leaders endorsed Proposal M was also helpful in dealing with these attacks.

For the most part, the reaction from elected officials toward Proposal M was based upon pure, political self-interest and had nothing to do with the merits of the issue itself.

The Governor of Michigan, Jennifer Granholm, was a weak and indecisive Democrat who had to deal with a legislature totally controlled by conservative Republicans. In an effort to appear "tough on drugs," and inoculate herself against attacks by social conservatives, she officially came out against Proposal M – but never actually gave a reason why and let her surrogates do the talking.

Detroit Mayor Kwame Kilpatrick, seeking to rehabilitate his self-created image as a local "party boy" and womanizer, actually broke a promise of neutrality he made to DCCC a year prior and came out against medical marijuana in Detroit.

In addition, he persuaded his mother, Congresswoman Carolyn Cheeks Kilpatrick (who, in fact, has a good record on drug policy reform issues) to withdraw her original endorsement of Proposal M, claiming she "misunderstood the proposal" and only favored a "statewide solution."

Of all those who opposed us for the record, only Councilwoman Alberta Tinsley Talabi, Co-Chairperson of the PDFD acted out of any true conviction, openly acknowledging that many of her family had substance abuse problems. Therefore, she would fight anything which had

the potential to "legalize drugs" in any way, shape or form.

Ironically, DCCC's most powerful and effective supporter, Talabi's fellow Detroit City Council member, JoAnn Watson, a tough, fiery, streetwise, African-nationalist, and community organizer, who had her own TV talk show, was the other politician who acted out of conviction. Her sister died of breast cancer at age 49, and the only drug proven to be effective during her last days was marijuana.

Beyond Councilwoman Watson, some of those who supported DCCC did so because they had received heavy campaign contributions over the years from me and other steering committee members, and/or believed the issue would win anyway and wanted to be on the bandwagon when the votes were counted.

Still others, such as Congressman John Conyers and Council President Maryann Mahaffey, were so deeply entrenched in office that there was no risk of serious political repercussions, and hence were free to do the right thing.

Perhaps DCCC's biggest coup was securing an unspoken agreement from both the Wayne County Prosecutor and the Sheriff, both principled African-American politicians, to just remain silent on the issue. In essence, these leaders personally believed in medical marijuana for truly sick people, and recognized that Proposal M was no threat to their power anyway because they could always charge marijuana users under state law, if circumstances dictated. In addition, their political mode of operation (both of them, due to quirks of fate, had come into office by appointment rather than election) was to focus on doing their jobs the best way possible, rather than demagoging the latest hot-button crime or tragedy for the TV cameras.

For the most part, however, the typical Detroit politician really preferred to hide, and would slant comments either for or against the issue depending upon what they thought the audience in front of them wanted to hear.

In reality, with the exception of Councilwoman Talabi and Mayor Kilpatrick, the elected officials who were publicly against Proposal M simply engaged in lip service, and made no serious attempt to fight us. The Governor, aside from allowing her "drug czar" and

a couple other staff persons to fight our proposal on their taxpayer-provided salaries, never spent any serious political capital.

As for the Mayor, after getting his mother to withdraw her endorsement, he appeared on some TV news shows shortly before the vote and denounced Proposal M as "bad for our kids" and "a threat to the progress Detroit has made" under his administration. He also brought his political muscle to bear on the 13th and 14th Congressional Democratic Party District organizations, strong-arming them into breaking their pledge of neutrality to DCCC and, instead, coming out against Proposal M just three days before the vote on August 4th. Significantly, this was already too late to impact absentee voters.

In the final analysis, it was all too little and too late. DCCC's powerful direct mail piece had already done its work with likely voters. In addition, Detroit voters couldn't care less about the Governor's problems, real or imaginary, with the religious right. And they knew the Mayor was simply posturing to shake off his "party boy" image in anticipation of the 2005 election.

As far as the news media is concerned, DCCC made a strategic decision not to court or seek out their attention. No press releases were ever issued during the entire campaign. The hysteria generated by PDFD did all the work for us, insuring the media would come to us for a response anyway. When they did, we were direct, honest and, most of all, constantly on message with our "medicine for sick people" mantra. Any attempt to twist the subject to anything else was met with the same basic answer.

Our primary media piece, was a "fact sheet" done in the style of the *Frequently Asked Questions* (FAQ) popular with websites (in fact, it was a printed version of the FAQ from our website), answering every imaginable attack line or question against medical marijuana. If the media person appeared hostile, confused or dishonest, we politely terminated the interview, and handed them our fact sheet or referred them to our web site, suggesting they "explore the issue in more detail, and get back with us when you have the time."

If the media person was honest and sincere, we gave them unlimited time and courtesy.

In the end, the editorial pages of both of Detroit's major daily newspapers came out against Proposal M. The *Detroit News* said it was a matter for the state Legislature; the *Detroit Free Press* attacked the proposal because our language did not limit prescribing authority to MD's, but essentially allowed any licensed medical practitioner (including nurses, psychologists etc.) to recommend marijuana. The African-American Press, consisting of three different newspapers, was totally silent on the question, not even covering the story in any form until after the election was over. The broadcast media were fairly honest and objective in their coverage.

The bottom line is that DCCC had done its homework, lining up support early in the game and targeting likely voters well in advance.

In addition, support for medical marijuana is now so deeply rooted among mainstream voters that the political and media elite have virtually no power to alter the equation, once the question is put to a vote of the people.

When the final tally was announced on August 4th, DCCC had won the election with 60% of the vote – the exact margin the MPP poll had projected.

Detroit Proposal M, was now the first serious drug policy reform initiative victory in the Midwestern United States.

The Michigan political and media establishment was stunned by our win. And even more shocked by the margin of victory. The story was front page news across the state and on all mainstream radio and TV outlets.

When the vote numbers hit late in the hour on August 3rd, opposition leaders and politicians refused to talk to the media regarding Proposal M. The next day, PDFD street organizer Andre Johnson, speaking on a major radio talk show, predicted a massive wave of marijuana related crime and a big spike in drug addiction, as a result of Proposal M.

SUCCESS DOESN'T COME CHEAP

All told, from the first failed attempt to make the ballot in 2002 to final victory in 2004, DCCC spent approximately \$114,000. Of that total, \$32,000 came from MPP, \$22,000 from locally raised contributions and \$60,000 from my personal funds. In retro-

spect, out of simple ignorance and naiveté, something approaching half of that spending was unnecessary.

Knowing what we know now, had DCCC done the job right the first time, the cost would have been about \$65,000 all inclusive.

Nonetheless, hindsight is always 20/20, and it was worth every penny for the lessons learned and mistakes that will never be made again. Among these:

1. A reformer can spend far too much time, money and effort in trying to win the support of local politicians, community leaders and elected officials. In fact, it may well have been because DCCC had a number of prominent politicians and community leaders on our steering committee, the opposition was even more rabid and fanatical in their efforts to delegitimize and defeat the initiative. In the next three winning municipal initiatives in Michigan, there were no political steering committees, and much less effort was made to win over community leaders. (And the next three initiatives won by even bigger margins than in Detroit.)
2. When you are running ahead in the polls, the key is to not make stupid mistakes, try to reinvent the wheel, or make special efforts to appeal to the unconverted. Spend your money on those who will be likely voters.
3. If you are running behind – or even – in the polls (as is the case with many initiatives decriminalizing marijuana altogether, and not just for medical purposes) then “Get Out The Vote” (GOTV) efforts among people at the margins, who do not usually vote, can be critical to winning.
4. Take your legal work very seriously. Of course, gratuitous legal challenges can come from deep pocketed municipalities, their officials or private parties – even if your legal work is perfect. That being said, money spent in court usually means you screwed up somewhere.
5. Run your campaign on a quasi military/team basis – not by a committee of equals. Every military style team ulti-

mately has one leader, fully responsible for making the final strategic campaign decision(s) in the event of disagreement within the team itself.

In Detroit, a core team of five did most of the heavy lifting:

1. State Representative LaMar Lemmons III was an expert in community organizing and Detroit voter psychology.
2. Neal Bush handled legal matters and served as campaign coordinator.
3. Tim O'Brien specialized in advertising, marketing, printing and direct mail.
4. The DCCC Chairman, myself, was the public and media face, as well as the final strategic decision maker as necessary.
5. The last member of the team was actually another team – MPP and its staff, all of whom possessed broad, general political savvy, and who also provided a substantial portion of the funding.

ANN ARBOR

The second winning medical marijuana ballot initiative in Michigan in 2004 occurred just three months later in the November general election in the City of Ann Arbor. It won by a blow-out margin of 74%.

The origins of this initiative had nothing to do with Detroit's Proposal M. The idea was the creation of some Ann Arbor Libertarian Party activists who, many months prior, produced the legal work and gathered the necessary signatures to put the issue on the ballot.

Unfortunately (and here comes yet another cautionary tale), acting upon erroneous advice from the Ann Arbor City Clerk's office, the initiative leaders missed the required signature filing deadline – by one day. Litigating the fact that the missed deadline was the direct result of information provided by the very person in charge of election in the city, the reformers were coldly informed in no uncertain terms by the Court that “a deadline is a deadline.” Misinformation emanating from City officials, is no defense.

So, like Detroit #1, for Ann Arbor reformers it was back to the drawing board. A whole new

petition drive was needed to obtain ballot status.

By coincidence, the new signature drive began in 2003, at just about the same time the DCCC launched its second attempt to put medical marijuana on the ballot in Detroit.

From a legal perspective, the City of Ann Arbor has a unique position in the annals of marijuana reform in the State of Michigan, and possibly the entire USA.

The City Council and voters of the home to the University of Michigan (and a good deal of 60's era, radical counter-culture), amended its Charter in the early 1970's, to make marijuana use – for any purpose – a \$5.00 fine, ordering its police to enforce city, rather than state, law.

Shortly thereafter, the City of East Lansing, home of Michigan State University, passed a similar law.

Alarmed by what seemed to be a growing threat to State sovereignty by local municipalities, the Michigan Legislature amended the "Home Rule Cities Act" to prohibit any Michigan city from setting a penalty for a crime below that mandated by State law, or in any way restricting the power of local police from enforcing State law should they choose to do so. Ann Arbor and East Lansing were, however, "grandfathered" under the new statute, leaving their local marijuana laws intact. But from this point on, no other Michigan city could ever emulate the Ann Arbor/East Lansing example.

As the War on Drugs escalated in the 1980's, a new, more conservative, East Lansing City Council re-declared war on marijuana and repealed its liberal law. Ann Arbor did not follow suit, though it did increase the fine to \$25.00.

Because of Ann Arbor's unique legal status in Michigan, the Ann Arbor medical marijuana reformers had to create their own, unique, legal model, using language and methodology from a bygone era. The goal of the initiative was to eliminate all penalties for use of marijuana for medicinal purposes, including the \$25.00 fine.

In Michigan, as well as virtually every state in the USA whose cities have a ballot initiative process for citizens to change the law, there are two ways of getting the job done. You can change the city ordinances or you can change the City Charter.

There are advantages and disadvantages to each method.

Amending an ordinance via initiative is simply a routine changing of the law. Amending the Charter is a change in the basic document from which all laws emanate and derive their legality. (A Charter is to a city what a Constitution is to a state or country.)

In Ann Arbor reformers had to amend the City Charter, not just the ordinance book, because the original 1970's law was a Charter amendment.

Changing the fundamental document from which all law emanates is, it should come as no surprise, a more onerous process. The bar to success is higher. The hoops to jump through are more numerous and complex. And the political elite is likely to fight you with even greater vigor should you go this route. The reasons this is so is because a constitution or charter can only be changed by a vote of the people. Therefore, the only way to undo such a change, is by another vote of the people. A law/ordinance, even if changed by the initiative process, can in most cases be undone by a simple vote of the legislature/council.

In Detroit, for instance, "Proposal M" merely changed city ordinance. The City Charter explicitly permits the City Council to reverse an initiative vote of the people any time after the new law has been in effect for one year (though, for obvious reasons, most politicians are disinclined to do so). In some municipalities, the initiative change can be reversed immediately. In other places there is NO formal language in the Charter as to how or when an initiative can be reversed by the Council. The whole thing varies widely from city to city, and these facts should be carefully analyzed by reformers for the optimal approach to reform.

In Michigan, the state's home rule legislation is very specific and uniform with respect to changing a city charter – a petition proposing to amend a city charter must be signed by 5% of the registered voters of any home rule municipality.

For this reason, some cities have been known to deliberately inflate their registered voter numbers in order to set the highest possible hurdle to citizen inspired ballot initiatives. In Detroit for instance, which has a population of about 900,000, the City Clerk's office

claims there are over 600,000 registered voters in Detroit. This meant DCCC would have had to secure over 30,000 valid signatures (which meant a gross of at least 40,000 signatures to make up for persons who sign despite being unregistered or otherwise unqualified).

On the other hand, for a Detroit ordinance change, the rule is that the number of signatures required to put a proposal on the ballot is equal to 3% of the vote cast for mayor in the last election, i.e., a little over 6,000 good signatures.

In Ann Arbor, with a population of about 125,000, over 5,000 good signatures were required to amend the Charter – not an easy task given the fact that the population of Ann Arbor is 1/8 the size of Detroit.

After the first attempt failed due to the missed deadline, the momentum no longer existed to get the measure to the ballot through volunteer efforts alone. At least 8,000 signatures were needed to be certain of an adequate count by the due date required by law.

Fortunately, a seasoned political reformer, possessing adequate, personal financial resources, stepped up to the plate.

Charles (Chuck) Ream, who cut his political teeth opposing the Viet Nam War, and now an elected trustee of Scio (Ann Arbor) Township, was a lifelong advocate of marijuana reform. However, until he retired with a fully-vested teacher's pension, this was not the kind of issue he felt comfortable taking on. Now freed from the danger of retaliation, Chuck offered to pay the customary \$1.00 per signature to get the job done.

Several Mi-NORML members were interested in working, as were a couple independent, professional signature gatherers from Detroit who had worked for "Proposal M" in that city. When the MPP was approached for help, they concluded the effort was credible, and stepped up with some additional funding to complete the drive.

Once the financing was in place, the project took on a life of its own. And certain members of the Ann Arbor political elite were not at all pleased. These officials included the City Attorney, the Prosecutor, and the Chief of Police – one of whom verbally abused and attempted to intimidate a Mi-NORML signature gatherer, saying in so many words that the issue would

“never be on the ballot no matter how many signatures were collected or what the law said.”

Nonetheless, Chuck and his team pressed on. And when the signature drive was complete, marijuana reformers from all across the state showed up to formally present the petitions to the Ann Arbor City Clerk.

Unfortunately for some angry, resentful politicians, the legal language of what was ultimately designated "Proposal C" was just too carefully crafted, the amount of signatures far more than adequate. And there would be no “day late” filing this time around.

Assertions from the office of Governor Jennifer Granholm and Attorney General Mike Cox that Proposal C was “illegal” were to no avail. The Ann Arbor City Council had only two choices – pass the measure into law themselves or send it to the voters on the November election ballot. When the “moment of truth” arrived, the City Council voted 7-4 to place the measure on the ballot. (The four “no” votes, incidentally, were not from councilpersons wishing to pass the measure into law immediately; they were legally-impotent, protest votes from members who hated the initiative itself.)

The Ann Arbor News attacked Proposal C on its editorial pages, insinuating that the measure was an illegal, useless, unnecessary and cynical gesture – besmirching the world class reputation of Ann Arbor and taking the community back to the bad old days of the 1960's and 70's.

Calvina Fay, from the *Drug Free America Foundation* denounced Proposal C on a local radio news-talk show as a “hoax” to legalize marijuana by exploiting the suffering of sick people and tricking voters into believing an “untested drug,” i.e., not approved by the FDA, was really “safe.”

Local CADCA reformers demanded and received a community debate on the issue. Their main attack line was the always-reliable argument that we need to “protect children” from the scourge of marijuana. And the almost as frequent, red-herring complaint that Proposal C was the creation of “outsiders” who had no real stake in the community. The debate was televised on the local public access TV channel.

Chuck and his team fought back hard.

A public forum was set up by Proposal C advocates at a popular Unitarian-Universalist

Church that drew medical marijuana patients from across the state who told their stories to sympathetic members of the press, public, and any elected official who cared to show up. No member of the opposition bothered to appear.

The weekend before the vote a blast of powerful "Yes on C" radio ads, targeted at senior citizens who listen to mainstream, conservative radio stations, hit the airwaves, reminding them that their medical rights were at stake.

During the wee hours of the morning on election day (around 4 a.m.), volunteer reformers from Mi-NORML planted hundreds of maize and blue (the school colors of the University of Michigan) "Proposal C" yard signs all over Ann Arbor boulevards, medians, polling places and assorted parcels of public property.

Money from MPP, Chuck's personal bank account, and some small donations, amounted to around \$10,000 – sufficient to get the job done, including signature gathering.

In the final analysis, Chuck and his team made no mistakes. They stayed on message. They did not take their enemies' bait. The quality of their campaign, crafted specifically to appeal to the caring, "liberal" nature of the Ann Arbor community, led to one of the biggest wins for medical marijuana in the USA: a resounding 74% margin of victory at the polls!

The City Attorney and the Chief of Police, in a fit of rage and venom, publicly vilified the election results and proclaimed their rightful authority to enforce State law anytime they wanted. However, the overwhelming victory margin, coupled with the assistance of the powerful Michigan ACLU (whose legal director, Mike Steinberg, was an Ann Arbor resident), and other, more rational community leaders working behind the scenes, injected some sanity into the post-election climate.

To make a long story short, the negative political rhetoric ended, and no one with a medical need for marijuana has since been arrested or charged for using their medicine in the City of Ann Arbor.

NOTHING SUCCEEDS LIKE SUCCESS

At the end of 2004 in Detroit and Ann Arbor, marijuana policy reformers racked up two, big ballot initiative wins in the conservative, American Heartland. As icing on the cake, De-

troit and Ann Arbor are located in Southeast Michigan, the population and media epicenter of the state.

One result of these victories was a surge of interest in Michigan NORML, some of whose key leaders and grassroots activists took a direct role on the front lines. People from other Michigan cities clamored to start initiatives of their own, asking Chuck Ream or me to lead initiatives in their communities.

Some of who were seeking advice and assistance were unsuited by temperament, and/or lack of social, political and organizational skills. With respect to Chuck or me leading reform efforts in communities other than our own, this was impossible for us directly.

The famous words of former US House Speaker, Thomas "Tip" O'Neil, that "all politics is local," could not be more true than in the ballot initiative arena.

First, in a purely legal sense, the charters of many municipalities (especially in smaller communities) require signature gatherers to be registered to vote in the city.

Second, as explained earlier, ballot initiatives sponsored by grassroots reformers are virtually always despised, resented and feared by elected officials and their associates in the administrative, corporate and media elite. These powerbrokers have their own subculture of followers in the community who are dependent upon them for jobs, government contracts, access, titles and ego perks of every kind. Fighting this elite and their sycophants is tough – even when you live in and know the community well. Unless you get their blessing (and this is always a good idea if possible) these folks consider you an "outsider," even when you actually live there!

In Detroit, for instance, CADCA's final desperate attack line got very personal, accusing me of being a white person living in an 85% black city (guilty). I was, therefore, still an "outsider" who had no right to speak for the majority/minority population. (In my case, this attack line was mostly blunted by various black and white community leaders in Detroit, who had known me for years and knew the truth.)

A genuine outsider will find it extremely difficult to go into a community, in which he/she does not live, and lead a ballot initiative to successful completion. Unless a qualified leader

can be found in a target community, the pragmatic political reformer will not even begin such an effort.

NEW FRONTIERS IN THE GREAT LAKES STATE

In the 2005 election cycle three Michigan cities – Flint, Ferndale and Traverse City seemed to have all the necessary ingredients for a successful ballot initiative, in particular, the personal qualities of the local reformers and the political demographics of the communities themselves.

In light of MPP's polling in Michigan indicating that the more a community and its voters identified with the Democratic Party and "progressive" politics, the bigger the margin of support for marijuana reform, each of these three cities showed good potential.

Flint, (pop.125,000) was a virtual mini-clone of Detroit, with a majority African-American population and heavy identification with the Democratic Party.

Ferndale (pop. 22,000), located just across Detroit's northern border in affluent Oakland County, was once a conservative white, blue collar enclave that had dramatically changed in less than 18 years. There had been a huge influx of gay/lesbian settlers, along with liberal, quasi-counterculture younger people, attracted to Ferndale's reasonably priced housing stock, lack of crime and proximity to Detroit itself. Trendy restaurants and bars sprung up to serve this population on formerly deserted business strips along the intersection of two main thoroughfares, Nine Mile Road and Woodward Avenue. The Ferndale of today actually resembles Ann Arbor – minus the University.

Traverse City (pop. 23,000), in far northwest lower Michigan on Grand Traverse Bay, has become an increasingly sophisticated, affluent tourist/settlement spot over the past twenty years or so. Many of its permanent residents moved there from urban centers such as Detroit and Chicago. While Grand Traverse County and surrounding counties and townships are very conservative Republican, Traverse City itself voted Democrat in the past couple elections (John Kerry, for instance, pulling 51 % of the vote in 2004.) There are no fundamentalist/evangelical Christian churches of

note within the city boundaries. And there is a strong gay/lesbian "progressive" subculture, as well as a small college within the city limits.

The local reformers in these cities all had an intense drive to win by any legal means necessary. Their physical and emotional demeanors were in sync with their communities. And their sources of income were safe from employer or government retaliation. In a couple cases, certain leaders had no assets or sources of employment which could be seized or terminated. Others put their own money on the line, right up front. Although few had any direct media experience, they could explain medical marijuana in clear and persuasive terms, and were comfortable and personally secure in front of reporters and TV cameras. Finally, every local leader was a self-starter, preferring action rather than procrastination. They did not need repeated prodding by campaign consultants in order to move ahead.

By the spring of 2005, all the stars were in alignment, and formal grant applications were ultimately sent to MPP. There was a high level of confidence for a triple header win on election day.

FLINT – DRAFTING DISASTER REDUX

Unfortunately for Mi-NORML, a variation of the CNDP petition drafting error happened to one of our own ballot efforts in 2005.

With victories in Detroit #2 and Ann Arbor under our belt a bit of complacency had, perhaps, set in. And it was, of course, at that moment that ill fortune struck.

After our first effort to make the ballot in Detroit failed in 2002, a decision was made to start again in 2004 retaining new legal counsel. Neal Bush was someone who not only knew election law from top to bottom, but had provided some limited legal assistance to another successful medical marijuana initiative in Ann Arbor later that year. Our intent was to use Mr. Bush's expertise for three new ballot initiatives planned for 2005 in the cities of Flint, Ferndale and Traverse City.

Sadly, in early 2005, Mr. Bush suffered a devastating stroke, and was completely incapacitated as a result.

All of us who were behind the three initiatives planned for that year, were very con-

cerned for our colleague's misfortune, though not so much for the impact on the initiatives.

For one thing, the charter and local ordinance books for Flint and Ferndale were almost exact legal replicas of what we faced in Detroit (and won the second time around). Hence, all concerned believed the "Detroit" model could be easily adapted to these two new targets.

Also, another attorney, though lacking Mr. Bush's depth of experience, did have a working knowledge of election law, and volunteered his time pro bono to handle the drafting of the Flint petition.

Unfortunately, during the drafting process, a paragraph to be inserted was misnumbered.

The consequences of this mistake were swift and brutal.

After gathering over 1,600 hundred signatures in a timely fashion to place our local medical marijuana initiative on the ballot (about 1200 were required), the Flint City Clerk, upon advice of the city's law department, refused to certify the measure on the ballot – citing the misnumbered paragraph as the reason. The Clerk's rejection letter was accompanied by a copy of the Michigan Court of Appeals decision in the CNDP case of 2002. Needless to say, the Flint Coalition for Compassionate Care declined to contest the matter in court.

With respect to this disaster, a couple lessons can be gleaned.

First, never get complacent. Check and re-check every detail of your petition form over and over. Then get someone else who hasn't been involved to check it again. And monitor your attorney's work very carefully.

Second, remember that you get what you pay for. As someone once said: "There ain't no such thing as a free lunch." The attorney and all principals involved in the Flint effort were well-intentioned. That being said, unless the reformer is absolutely desperate for money (in

which case you probably ought to reevaluate your prospects for success in the first place), always pay for the legal work and maintain an arm's length, business relationship with the attorney.

When money is at stake, the attorney has a stronger motivation to pay attention to detail. And you as a client have an even more serious interest in making sure your efforts will be fruitful.

While money is, of course, no guarantee that everything will be perfect – as the million dollar SNAFU in the case of CNDP clearly proves – things may well have turned out differently in Flint in 2005 had legal counsel been retained.

In assembling the personnel to do a ballot initiative, there are two team members who really should be professionals – not volunteers. They are your legal counsel and your advertising/media consultant.

FERDALE AND TRAVERSE CITY

We were able to replicate our success in both of the other target cities in 2005.

Although each is an interesting tale in its own right, the details do not bear repeating here as they add little to the most important lessons learned in previous efforts and already described above.

And the most fundamental lesson is simply this: Any reformer who is willing to take the lead in his own community, and heed the lessons for which we paid a big price – in blood, sweat, tears and treasure – can succeed in changing the law. Not only do you not need the cooperation of politicians and the rest of the establishment. You can actually impose the change over their active opposition!

You can win by the oldest of all American traditions: "Direct Democracy" – if you are willing to take the initiative.



ABOUT THE AUTHOR. Tim Beck is a 1974 graduate of the University of Detroit, where he served as student body president, and received a BA in Political Science. Upon graduation, he was employed as a staff assistant to a member of the Michigan Legislature. In 1975, he entered the insurance business, and after a variety of sales and management positions, he founded his own company, Michigan Benefit Providers, Inc. in 1988, specializing in the sales and service of corporate employee benefit programs. He was a candidate for the Michigan House of Representatives and received the Republican Party nomination for Wayne County Sheriff in 2000. He was elected Executive Director of Michigan NORML in 2005. Today, his full time political focus is marijuana reform.