Preventing Violence or Promulgating Fear?
ALEC, the NRA, and Guns on Campus

by Jennifer M. Proffitt and John Wesley White

INTRO BY NEIL GREENBERG

I’m a gun owner. In my rural state, gun ownership is not only the norm, but the expectation. Still, in the wake of Parkland, as debate rages over whether to arm teachers or not, I have to believe that allowing guns on campuses is a prescription for disaster. This article, first published in 2017, describes the special-interest lobbyists working behind the scenes to put guns on campuses. They’ve got money and they’ve got connections. But the authors, who won NEA’s Democracy in Action Prize for their work, describe what staff and faculty unions bring to the table: The collective voice of educators, students, parents, and community members. Read this for a lesson in community organizing and a reminder that solidarity matters.
The euphemism that Florida, the nation’s third most populous and politically powerful state, is a battleground is an apt description—and more than just every four years. Every year, every day in the state’s capital, Florida has become high ground for pro-corporate, special-interest lobbyists who seek to instill a far-right legislative and social agenda, specifically the American Legislative Exchange Council (ALEC) and the National Rifle Association (NRA). Armed with seemingly endless cash from their billionaire supporters and a slick but distorted focus on individual rights, and facing a mostly uninformed and unorganized citizenry, the far right has found in Florida the perfect Petri dish for passing self-serving laws. Nowhere is this lopsided ideological battle more evident than in the recent NRA- and ALEC-supported attempts to pass legislation that would allow concealed weapons on the state’s public college and university campuses.

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As faculty and union leaders in Florida’s state universities, we have seen from the front lines how our recent fight against a guns-on-campus movement demonstrates the extent to which many state legislators ignore the will of the experts, the will of almost all affected stakeholders, and, worse yet, the will of the vast majority of their constituents so that they can kowtow to the interests of deep-pocketed lobbyists and campaign contributors. This fight also reveals the retribution that wealthy and powerful interests levy against those who resist even one component of the far right’s wide-reaching agenda. From our vantage point, we also have seen how state legislators’ effort to court favor with the gun industry highlights the broader, right-wing attack on public higher education.

Our part of this cautionary tale began in the fall of 2014 when Florida House Representative Greg Steube and State Senator Greg Evers, both NRA-endorsed Republicans and staunch gun advocates, introduced companion bills (HB 4001 and SB 68) to repeal the state’s ban on firearms on public college and university campuses and prohibit institutions from creating or maintaining policies that in any way discourage the carrying of concealed weapons anywhere on campus (except in places where alcohol is sold and sports stadiums). Steube and Evers, backed by NRA ratings of A and A+ respectively, used almost verbatim the model legislation produced and disseminated by ALEC.²

The bills were touted as imperative and inevitable after a November 2014 shooting on the steps of Strozier Library on the Florida State University campus that left three wounded and the shooter killed by police.³ Ignoring compelling research-based evidence to the contrary (see for example two comprehensive studies on the issue: one by Stanford Law Professor John Donahue and the other by a consortium of faculty at Johns Hopkins), these lawmakers posited that having more armed students would miraculously counter what they portrayed as un-policed and

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² We have seen from the front lines how our recent fight against a guns-on-campus movement demonstrates the extent to which many legislators kowtow to lobbyists.
crime-infested college campuses. Thus, their bills contained no exemptions for such places as university hospitals, counseling centers, dormitories, student unions, etc. Averse to even the appearance of forcing government regulations on private industry, their proposed law would not affect private institutions of higher education. Nor, ironically, would it alter long-extant bans on concealed weapons in Steube and Evers’ own workplace—the Florida Capitol.  

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While Republican lawmakers had been unsuccessful in seeing their pro-guns agenda passed in the 2015 legislative session, their 2016 legislative effort, which began in the summer of 2015, launched with new momentum provided by a thinly veiled NRA “grassroots” movement. Two years earlier, the NRA and Florida Carry, a gun rights group that focuses on gun legislation and litigation in Florida, had, in Florida Carry, Inc. and Alexandria Lainez vs. the University of North Florida (2013), won the right to have guns on state university campuses—but only in locked cars. In that case, Florida’s First District Court of Appeals had agreed with Florida Carry’s claim that “UNF had no authority to adopt the regulation in question because the Florida legislature had expressly preempted the entire field of firearms regulation” in the Florida Statutes (790.33(1)). The university declined to appeal for financial and pragmatic reasons, leaving open the door for further legal and legislative action by gun advocates. Not surprisingly, in 2014, Florida Carry, Inc. filed a new lawsuit (Florida Carry, Inc. vs. University of Florida) that sought to allow students and others to carry concealed guns in campus dorms and other university housing. The plaintiff’s argument in these “campus carry” cases revolved around the notion that public campuses were rife with rapists and would-be mass shooters, and only an armed student body could deter such crimes. Further, students have a right to protect themselves from the “murderers, rapists, terrorists, crazies” running rampant on college cam-
puses, argued Marion Hammer, former NRA president and current NRA lobbyist in Florida.\(^8\)

These arguments would soon be the primary talking points of the most vocal pro-guns on campus advocates: “Florida Students for Concealed Carry.” This group ran a hyperbolic and factually-selective but nonetheless well publicized public relations campaign in favor of the bill. At the time (2015-2016), the group’s website showed it to have eleven student members, all students at Florida State University. Its faculty sponsor was Samuel Staley, director of the DeVoe L. Moore Center—a think tank funded by a Tea Party millionaire “committed to free enterprise.”\(^9\) Florida Students for Concealed Carry now claims that “As of spring 2012, we have chapters at five major universities in the state with close to 1,000 members.”\(^10\) And though the group claims no affiliation with the NRA, it nonetheless boasts of receiving help and support “from long time advocates like former NRA President Marion Hammer.”\(^11\)

**HYPING FEAR AND IGNORING FACTS**

To drum up public support for the guns on campus bills, their sponsors and Florida Students for Concealed Carry embarked on a campaign of false fears and empty promises. First, they claimed mass school shootings were reaching epidemic proportions, and that criminals were already (and illegally) carrying weapons on our campuses. Then, they pivoted to their proposed solution to their invented crisis: armed students in our classrooms would dissuade would-be campus shooters and more quickly end shooting rampages via intervention by armed students. Note that Steube, the House sponsor, was at least consistent in that he also introduced legislation—euphemistically called the “School Safety Bill” (HB 19)—to allow public school teachers, principals, and other school personnel to
carry concealed weapons in Florida’s K-12 schools. At the same time, Steube and Evers also claimed that the bill would cost nothing from the state and its cash-strapped colleges and universities. Their argument was timely in that it coincided with Oregon’s Umpqua Community College shooting and followed by a year the Florida State University library shooting. In a guest editorial to The Gun Writer (2015), Steube first cited John Lott, a champion of the pro-gun movement and former academic whose most notable research (that more guns equal less crime) has been critiqued and discredited, writing: “Umpqua Community College, scene of a recent mass shooting, was yet another gun-free zone. Oregon law allows permitted concealed handguns on university property, but public educators have undermined the law by putting bans in faculty and student handbooks.”

Steube then asked his readers, “why would we want to make our colleges and universities in Florida targets for terrorism, murderers and rapists [by disallowing concealed weapons]?” This is a rhetorical tactic common to those pushing a far-right agenda: If you’re against them, you must be on the side of terrorists and rapists.

Representing Florida’s public college and state university faculty, the United Faculty of Florida—in concert with the nonprofit Keep Guns Off Campus and the nonpartisan Florida League of Women Voters—took a lead in fighting the gun lobby and helped bring together a heterogeneous association of groups in opposition to guns on campuses: a conglomeration of student union members, faculty union members, faculty senate leaders, state college and university presidents, a vast majority of parents, and campus police chiefs from each of Florida’s state colleges and universities. In letters to state legislators, editorials in local papers, online discussions, and in numerous public forums, the bill’s opponents used facts to discredit the argument that concealed weapons discourage crime or that armed students would lessen the damage wrought by a would-be campus shooter,
or even that students were at great to personal harm on our campuses. We rebutted their argument that mass school shootings have become epidemic. While any school shooting is one too many (and is unimaginably tragic), national crime statistics clearly show that schools (K-12 and college campuses) are far safer places than their surrounding communities. In addition, national longitudinal data demonstrate that schools today are safer than in the past. We also rebutted the gun lobby’s claims that more guns would equal more safety by using expert testimony of campus police officers concerned that more guns would lead to more chaos. As Florida State University Police Chief David Perry stated regarding the shooting on his campus, having multiple people with guns “would have exacerbated and made our situation even worse…To have two or three or more people with weapons yelling commands, people firing rounds that can’t be accounted for, that’s just not a good mix.” With the gun lobby’s false argument outweighed by these facts and by the revelation that some students on the Umpqua campus had been armed but chose not to respond to the shooter there, the bill’s advocates changed their approach. Replacing the notion that campuses were Wild West-like environments was the claim that our campuses are magnets for rapists who would magically disappear were their victims armed. The gun lobby framed the argument as one in which anyone who fought against guns on campus was anti-woman and pro-rape.

Once Steube and Evers started using this argument, it gained significant traction via the efforts of Florida Students for Concealed Carry. This small but very vocal group gave the bill’s advocates a significant and powerful voice: that of student victims and potential student victims. The ostensible leader of Students for Concealed Carry, FSU’s Rebekah Hargrove, engaged in a media campaign using the Internet and, more importantly, a serial letter to the editor that was published by newspapers throughout the state. Stating that “Florida’s proposed ‘campus carry’ legislation…and not only about restoring a constitutional right, it is funda-
mental to the safety of college students, especially women," Hargrove argued that college campuses are rife with rapists because they ban guns. Ignoring the data showing that Florida’s college and university campuses are exponentially safer places than their surrounding communities while simultaneously citing the true and serious problem of campus rape, Hargrove used hyperbole rather than a meaningful, contextual presentation of the statistical data. She claimed, for instance, that “A college campus is not holy ground that is free from alcohol, drugs, guns, rapists and violent criminals. Rather, as a gun-free-zone, it is a safe-haven for rapists and violent criminals, leaving law-abiding students defenseless.” Absent from Hargrove’s argument was any mention of the fact that most sexual assaults against college students happen off campus, that most on-campus rapes are committed by perpetrators known by the victim and involve alcohol consumption (thereby making weapons all the more dangerous), and that personal weapons are more often used against rather than in defense of their owners.

Hargrove also engaged in a sophomoric but nonetheless popular tactic of the political right: a focus on individual rights as sacrosanct rather than as limited. Citing her Second Amendment rights, Hargrove claimed that “We want the right to defend ourselves…The instant we decided to go and get an education, we lost that right.” Hargrove’s argument rests on her fallacious belief that an individual’s right to carry guns is limitless when, in fact, there are well established limits on our constitutional rights. Similarly, in citing her Second Amendment rights, Hargrove readily ignored the rights of others by suggesting that her personal right to carry a firearm trumps the rights—and stated desires—of the vast majority of her college peers to feel safe in a gun-free environment. Fortunately, despite Hargrove’s successes in getting her views onto the airwaves and into editorial pages, most of the public who heard or read

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them were not swayed. Throughout the guns-on-campus debate and its slow but steady passage through various Florida House and Senate committees and subcommittees, public sentiment consistently ran in opposition to pro-gun efforts. In fact, one poll found 73 percent of Floridians opposed the measures.31 Helping in this regard were public opposition to the bill by student and faculty governments at Florida’s colleges and universities, university presidents and chiefs of police, and the Florida Board of Governors (a group of political appointees—and thus overwhelmingly conservative—that governs the entire state university system): “The State University System and all 12 state universities are united in the belief that Florida should maintain the long-standing Florida law that prohibits concealed weapons on university campuses.”32 Opposition to the bill was also fueled by the efforts of The Campaign to Keep Guns Off Campus, the Florida League of Women Voters, and public appearances by the authors of this article in local television and radio media.33 Unfortunately, the views of the public and the stakeholders most affected by the proposed legislation—students, faculty, staff, administrators, and police officers from the state’s public colleges and universities—were largely irrelevant to the NRA- and ALEC-backed and bought legislators who pushed the legislation forward.

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The Legislative Fight, the Power of the NRA, and a Party-Line Vote

Once HB 4001 and SB 62 were introduced, House and Senate leadership assigned them to various subcommittees as part of the bill-vetting process. The fact the bills were put on the legislative agenda was troubling enough, given their rationale was rejected by Florida’s citizens and ran counter to any valid research data. What was worse for faculty and students to witness, however, was the legislation’s steady progress despite
overwhelming public and private opposition at each and every committee hearing and in private meetings between citizens and committee members.

The House bill’s first stop was the Criminal Justice Subcommittee, where it passed by a vote of 8 to 5. Interestingly, one of the no votes was voiced by a lifetime NRA member and Republican who was concerned not only about the effects of guns on campuses but also that the bill did not advocate for higher standards for concealed carry holders. (Indeed, in Florida, one can use a Groupon to get a concealed carry permit).

The House bill’s second stop was the Higher Education and Workforce Subcommittee, where the authors of this article and others saw its swift promotion through an egregious assault on the democratic process. More than 70 people attended this meeting, eager to speak against guns on campus. However, the first hour and 20 minutes of the two-hour meeting consisted of a panel of five people who discussed, at length, textbook affordability. During this time, the subcommittee chair encouraged questions for the workshop panelists, waited patiently for people to ask questions, and asked many questions of her own. At the conclusion of the panel, the chair added 15 minutes to the meeting, leaving less than an hour for the subcommittee members to debate the critical public-policy issue of guns on campuses, and for dozens of citizens to testify. It was impossible. The people directly affected by the proposed legislation—faculty, staff, students, parents, campus police officers, including many who had traveled across the vast stretch of the state—were told they each had just a minute to speak, and then, as the clock ticked down, only 10 seconds. Meanwhile, legislators also were discouraged from asking questions of the bill sponsor or the speakers, though a few did. Because the chair—a Republican with an A-rating and an endorsement from the NRA—had imposed such constraints on open debate, dozens of people who wanted to speak were silenced altogether. It became clear to us that their testimony wouldn’t have mattered anyway—

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the members of the House subcommittee had made up their minds on this life-or-death matter before anyone ever stepped in the room. The bill passed 10 to 3, largely along party lines. (An exception: Rep. Michelle Rehwinkel-Vasilinda, then an NRA A-rated Democrat from a Tallahassee district that includes Florida State University, not only supported the bill but was a co-sponsor. She has since quit the Democratic Party.) The bill then passed the House’s Judiciary Committee by a vote of 13 to 5.

Despite so many varied voices speaking out against the bill, ranging from college students and their parents to Democratic state legislators, the House version nonetheless made it to a floor vote on February 3, 2016, barely a month after its original filing date. It was passed—by the entire House—in yet another largely party-line vote of 80 to 37.

To become law, the legislation depended upon passage of the Senate bill, which got a quick start in the Criminal Justice Committee, chaired by the bill’s Senate sponsor. It passed there by a 3 to 2 vote, along party lines, and then passed the Higher Education Committee by a vote of 5 to 3. Then it hit the Judiciary Committee, a mandatory committee for the bill, where the committee chair, Republican lawmaker Miguel Díaz de la Portilla, a concealed-carry permit holder who had been rated A-plus by the NRA, stopped its progress. After listening to his constituents and examining the data, Díaz de la Portilla refused to hear the bill, saying, “I don’t think this is a Second Amendment issue…I think what we’re talking about here is campus safety and the best way to address that issue.” He went on to note that the proposed legislation “is worse than the disease.”

Were it not for this lone legislator, who also thwarted the guns-on-campus legislation in 2015, the bill would have become law, quickly signed by Republican Gov. Rick Scott, also a NRA A-rated lawmaker. Since then, however, Díaz de la Portilla has paid a steep price. Once a

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friend, now an enemy, the NRA lowered his approval rating to a mere seven percent—the same level as the most progressive Democrat in the Florida Senate—and targeted his 2016 Senate reelection bid. In fliers and emails to de la Portilla’s campaign contributors, the NRA labeled the lawmaker “a traitor,” and a newly-formed anti-Díaz de la Portilla group began a movement to impeach what it labeled a “traitorous, Communist, Anti-American bastard.” In November, he lost his seat to a Democrat. And the new chair of the Senate Judiciary Committee? Florida’s newest state senator, Greg Steube, the author of the House’s guns-on-campus bill.

The relative success of these gun bills—the speed in which they traveled unadulterated through committees, despite citizen sentiment, and their unchallenged momentum until they hit a single stubborn legislator—speak to the power of the NRA and ALEC in conservative states, swing states, and increasingly in traditionally blue states, like Wisconsin and Michigan, where ALEC has increasingly sought influence over state legislatures. In the journey of this guns legislation, we saw that Florida’s NRA and ALEC-backed state legislators were more than willing to ignore their voting constituents to remain in favor with their major financial patrons.

DISCUSSION AND CONCLUSION

In 2016, lawmakers in 19 states filed bills to allow more guns on our campuses. It’s not just Florida. But our experience is illustrative—and potentially useful to faculty, staff, and their allies—in other states. First, it shows how well-connected, deep-pocketed special interests can hijack the legislative process in ways that subsume facts, reasoning, and even the will of the majority of the populace. The NRA, which has been one of the most powerful lobbying groups at Florida’s capitol for decades, created the political urgency for this legislation. They harnessed their network of
NRA-supported legislators to advocate for the bill. Simultaneously, they created and disseminated overly simplistic narratives that ran contrary to the facts; these narratives, in turn, compelled otherwise wary legislators to action.

Second, this experience shows that in such contexts as those described above, citizen involvement is critical to focusing the argument on factually substantiated claims. Citizen involvement in states like Florida—and in the “post truth” and “alternative facts” era—is increasingly less likely without union involvement. The fight against guns on campus was led not by faculty governments, students, or even those entities lobbying for gun control; it was led by our faculty union. The union provided the essential network of people with a shared mission, with established communication avenues, with allies across the state, and with the resources needed to counter the tremendous power of the gun lobby. While some gun lobbyists claimed that the guns on campus issue was not a union issue, they ignored the fact that working conditions are the main focus of faculty unions. Nothing could be more critical to working conditions than safe campuses wherein faculty and students can openly engage in difficult and contentious topics.

Individually and collectively, citizens must shape a well-researched and well-communicated narrative that speaks to both fellow citizens and to legislators. Now, more than ever, this means the union. At the same time, legislators need cover from special interests like the NRA. They can get some by heeding the demands of their constituents and by having a comprehensive rationale for their decisions. Third, this case shows that groups outside the legislative bubble, those not entrenched in the inner workings of power, must marshal their own political power to protect lawmakers from retaliation when they choose their constituents’ interests over special interests. Groups sharing a similar goal must come together, organize, and communicate effectively with each other to counter the
power, money, and influence of ALEC, the NRA, and others of their kind.

The issue today is guns. The issue tomorrow may be the very existence of our public institutions. As wealthy interests expert in lobbying and rich in political power begin to look at higher education as a source for corporate revenue, through the privatization of educational content and the outsourcing of academic research and the products of that research, faculty and their unions must become more organized and more sophisticated in political maneuvering. To be effective against a well-financed onslaught of special interests, we cannot rely on others to make our case for us. University administrators serve at the pleasure of governors and/or politically appointed boards of trustees and are thus constrained in their public battles, and in what they can and cannot say and do (assuming that administrators concur with faculty on these issues). And while union lobbyists fight on our behalf, they are disadvantaged in the vast majority of states with Republican-controlled legislatures where faculty concerns often fall on deaf ears. Faculty must seek allies within and across campuses, across regions, and even across the nation. They must share in each others’ resources. Faculty must also be willing to speak out publicly, even in seemingly hostile environments. This means visiting state legislators, visiting the state house, and speaking out to the media. Our experience shows that even in the so-called battleground of Florida, sensible people are likely to support voices of reason when those voices are informed, impassioned, and backed by evidence.

Endnotes

1. The American Legislative Exchange Council (ALEC) is a far right ‘think tank’ that originated in the 1970s, primarily in opposition to the U.S. Environmental Protection Agency and laws governing corporate income taxes. Now largely controlled by billionaire brothers Charles and David Koch, ALEC provides “model” conservative and pro-corporate legislation to state houses. For more information, see Mayer’s Dark Money: The Hidden History of the Billionaires Behind the Rise of the Radical Right.

5. Responding to this hypocrisy, Steube filed a bill that would allow guns in meetings of the Legislature. It died in its first committee stop. See Irby, “Sarasota State Rep. Greg Steube Answers Hypocrite Calls by Filing Bill to Allow Guns in Government Meetings.”
7. Per the public statements of John Delaney, president of the University of North Florida (where the second author works).
8. Evans, “Senate Committee Passes Campus Guns Bill on Party Lines.”
10. Zalneraitis, “Welcome to Florida Students for Concealed Carry.”
11. Ibid.
13. This is an inaccurate claim. University of Central Florida Police Chief Richard Beary said concealed carry on campus would cost $1.1 million in the first year. The Association of Florida Colleges estimated a cost of $74 million over three years for the 28 state colleges. See Russon, “Campus-carry Bill Comes with Hefty Price Tag, Schools Say.”
15. National Review article by John Lott, a nationally recognized researcher.
17. See for example, Lakoff, Moral Politics: How Liberals and Conservatives Think.
18. John Delaney, president of the University of North Florida and former mayor of Jacksonville, Florida, repeatedly used the hypothetical situation of police responding to an “active shooter” situation only to find multiple armed and ununiformed people and thus being unable to know who the perpetrator was.
21. For a list of the facts presented in opposition to the bill, see http://unf-uff.org/guns-on-campus
22. See also Schwarz, “A Bid for Guns on Campuses to Deter Rape.”
23. We say ostensible leader because a) Students for Concealed Carry, Inc. had at that time been newly created and listed only 11 members and b) Hargrove presented herself as its leader but was not even listed amongst those 11 members.
24. Hargrove, “Do You Support Campus Carry or Do You Support Rape?”
25. Ibid.
26. Ibid.
27. See, for example, Culp-Ressler, “Rape Survivors Tell the NRA to Stop Speaking for Them.”
28. Williams, “College Students Who Support Campus Carry Want Their Voices Heard.”
29. Even Supreme Court Justice Antonin Scalia noted that there should be limits on gun ownership. See Rosenthal, “Justice Scalia’s Gun-control Argument.”
30. Student unions at Florida’s state college and state university system overwhelmingly voted in opposition to allowing guns on campus. Similarly, polling on individual campuses revealed widespread opposition to the measure (2:1 against).


32. Hicks, “Florida has Proposed Allowing Concealed Weapons to be Carried on University Campuses.”

33. For more specific information about the fight against guns on campus, see United Faculty of Florida, University of North Florida, Guns on Campus.

34. Dunkelberger, “Local Reps Divided on Campus-Carry Bill.”

35. Clark, “Guns-on-campus Bill Continues to Move Ahead in the Florida House.”

36. Klas and Auslen, “Senate Panel Chairman Says Bill to Open Campuses to Gun Toting Students is Dead.”

37. 24 Spies “Meet the Florida Republican who Single-Handedly Killed Two of the NRA’s Top State Bills.”

38. See Impeach Miguel Diaz de la Portilla.


40. Campaign to Keep Guns Off Campus, State Legislation.

WORKS CITED


