

IMPACT

DETROIT PREP

When Detroit tried to stop a top-performing charter school, Mackinac was there

Page 8





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KAHRYN RILEY RECOMMENDS

“My Life in France,” by Julia Child



Child’s autobiography recounts milestones from the pivotal years she spent living in France – training at the Cordon Bleu, launching her own cooking school and co-authoring “Mastering the Art of French Cooking.” But the memoir reads like an adventure story: Every page is graced with mouthwatering cuisine descriptions, lushly-detailed impressions of Paris and delightful anecdotes about the outgoing Californian’s challenges of fitting into the French gourmet elite. Readers don’t have to enjoy cooking to savor the empowering story of a woman who discovered a passion and pursued it with a good-humored disregard for the obstacles.

Explore this issue

4

The Next Governor’s Vision

14

Impacting Michigan’s Environmental Policy

5

Why State Licensing Laws are a Big Deal and How to Reform Them

16

Supreme Court Hears Oral Arguments in National Right-to-Work Case

Janus v. AFSCME likely to change the landscape of public unions

6

Buying Amazon
Why business subsidies are about stories more than economics

19

Time to be a Kid Again

7

Mackinac Center Amigos

19

By The Numbers
Detroit Prep

8

Detroit Prep
When Detroit tried to stop a top-performing charter school, Mackinac was there

20

Mackinac Center Earns 4-Star Rating Four Years in a Row

12

The Laws of Forensic Evidence
Issues & Ideas forum examines how Michigan can limit the number of innocent people in prison



“The Mackinac Center’s ability to leverage their experience, their vast knowledge, and their connections for good has left so many of us in awe and in pure, infinite gratitude.”

13

New Mackinac Center Study Finds Charter Schools Cost Effective

— Kyle Smitley

Co-Founder & Executive Director at Detroit Prep

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LETTER FROM THE EXECUTIVE VICE PRESIDENT

The Next Governor's Vision

Michigan voters will select a new governor this year. The campaigns are well underway, though most people will not tune in until autumn.

Many factors can define a governor's race: the candidates' stories, the mood of voters, a repudiation of the outgoing administration.

So far, the candidates are easing into the political rhythm. Each will pursue routine political activities: Each will attend fundraising events, seek endorsements and test campaign slogans.

Each candidate will pledge support of predictable issues: jobs, a good education system, strong families and relief from the opioid crisis.

We can anticipate some themes. National politics will intrude in the race and every candidate will explain how he or she aligns (or not) with President Trump. Ghosts of governors past will be summoned. Republican candidates will attack Gov. Jennifer Granholm's record while the Democrats will recount their every grievance against Gov. Rick Snyder. These comparisons are inevitable, and incomplete. This race should be more than party affiliation or labels or slogans.

I think voters are ready for a different conversation. Voters do not want to be pandered to, but spoken to as intelligent individuals who built businesses, raised families and brought the economy back through hard work.

I hope Michigan's 2018 gubernatorial election will focus on ideas. Ideas will best distinguish each person running and will give voters a sense of what the state's political leaders think is possible. The candidate who articulates a big vision will capture the imagination of voters.

Our candidates could candidly assess the challenges facing the state in the coming years. We were in a survival mode for some years and when you're in that spot, all you can think about is ending the crisis. Michigan is now on a promising path of recovery and the decisions of the next governor will influence that trajectory. With the state's economy starting to hum, we have something to build on.

A visionary candidate could explain the crossroads we face. Where do we want to go? How will we do it? Who will we imitate? Here's one example. Digital technology is disrupting every sector of life, from transportation to entertainment to retail. How might technology disrupt education? Will we continue investing in an educational model designed for the Industrial Age or is it time to reimagine how we educate both children and adults? What will education look like a generation from now, and are we preparing for that future?

I hope candidates will explain what they will do as governor, and what they will not do. Such an argument would illuminate their beliefs about the roles and limitations of government.

All policy changes move through a political process, and politics is incremental, which is why political leaders usually offer incremental ideas. Here's an idea for the debates: Each candidate must explain his or her best idea for promoting opportunity and prosperity for all people, with this proviso: The idea must be admittedly outside the window of political possibility.

The ideas that will save the state, and the country, are anything but incremental. ■

MICHAEL J.
REITZ

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GENEVA RUPPERT WISE Editor

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Why State Licensing Laws are a Big Deal and How to Reform Them

Pop quiz: Which person must do the most to fulfill the occupational requirements imposed by the state of Michigan?

- **The chef** (who prepares your food)
- **The auto mechanic** (who installs your brakes)
- **The EMT** (who saves your life)
- **The painter** (who makes your house or barn look good)
- **The airline pilot** (who flies you to see family and friends)
- **The barber** (who cuts your hair)

You'll find the answers at the end of this piece, but don't feel bad if you're off. Most people know little about the licensing laws the state of Michigan imposes on people wishing to work in certain occupations. It says that someone holding any one of roughly 200 different jobs here must pay state fees, meet certain educational requirements and take one or more exams, simply to be allowed to provide a service. The worker's skill level or consumer's desire doesn't matter.

These mandates are arbitrary, typically exist at the behest of special interest groups, usually provide little or no protection for residents and raise costs on consumers by 15 to 30 percent. And because most government licensing schemes restrict people with a criminal background from working, research suggests they contribute to a higher crime rate by providing incentives for illegal activity.

So what can legislators do? How do they protect the public – by only regulating in ways that make sense – while allowing people to flourish without government getting in the way?

JARRETT SKORUP

First, the state should set up a “sunrise” and “sunset” review process for current and proposed occupational licenses. An independent board should be empowered to analyze regulations already on the books, plus any proposed in the future, looking at them strictly from the standpoint of health and safety. This review would prevent the vagaries of the political process from keeping people out of an industry. A committee in 2012 analyzed occupational licensing and called for eliminating state requirements covering two dozen jobs and changing many others. The Legislature has adopted some of these recommendations, and a review of this kind should be a regular event.

Second, Michigan should get rid of “good moral character” provisions in its licensing system, as well as outright bans on occupational licenses for people with criminal records. For occupations that do need to be licensed – like those in the medical field – people should still go through a background check, but they should only be denied a license if their crime is directly related to the area they want to work in. Right now, the state denies licenses to ex-convicts

and even those who have committed only civil infractions. States with the highest licensing requirements have recidivism rates growing five times faster than those with the lowest mandates.

Third, the state should prevent local governments from having their own licensing rules. This means no extra fees and requirements: A person qualified to be a builder or electrician in Kalamazoo should also be allowed to work in Grand Rapids. And there is no reason Detroit should be piling extra regulations on top of people who want to wash windows or cut grass. But it does.

OK, so how'd you do on the quiz? Chefs are unlicensed, needing zero hours of mandatory training. Auto mechanics take a six-hour course and one test. EMTs need 30 to 45 hours of training. Painters must have 60 hours of class time. Airline pilots flying commercial jets are regulated by the federal government, and need 1,500 hours of instruction. And barbers must complete 1,800 hours.

This does not mean that the only training workers get is that which the state requires. Far from it. Most people work in jobs that do not require a license, but they still get the training and education they need to do the job. That should be the case for far more people in Michigan. ■

Jarrett Skorup is director of marketing and strategy at the Mackinac Center.



BUYING AMAZON

Why business subsidies are about stories more than economics

To have an impact on policy, you need to persuade your audience.

To help convince people that our policies will help, we try to tell stories of

people that highlight our issues. The Mackinac Center Legal Foundation does a great job, and we work hard to find people that can put a face on our policies. Stories are best used when supported by the underlying evidence, however. Amazon's recent decision to exclude any Michigan location from its second headquarters project is an example of how the data can be ignored when there's a captivating story.

Amazon is a high-profile company and staple of the new economy. Its new headquarters project is a big story. To put the size of its second headquarters in context, the 50,000 jobs the company pledged is more than all those people currently employed in the state by Ford.

Amazon's place in the economy and the size of its proposed facility makes the company a magnet for politicians. The officials that eventually land the headquarters will say that their city or state is the place of the future. They will thump their chests and use Amazon's presence to plug whatever policy

they'd like, regardless of whether those policies made any difference in the decision.

JAMES HOHMAN

Yet for all of the hype, the Amazon headquarters would still be a story — a single example. What determines how well an economy performs is not having a story, however. It is instead seen in the data. If a state is adding jobs and becoming more prosperous, it shows up in the economic data.

There's something underappreciated in the numbers, which reflect a massive job turnover that happens without public furor. Michigan lost 199,000 jobs in the second quarter of 2017 and it added 215,000 jobs during the same period. These changes happen without hitting the news or asking politicians for either favors or permission.

Michigan lost the jobs equivalent of four Amazon headquarters and added more than four Amazon headquarters in just one quarter. Three months. In the current recovery, Michigan has added 596,000 more jobs than it has lost.

There is a lesson in this quiet turnover. Broad improvements to the state business climate can encourage more jobs and discourage job loss more effectively than landing a big

project, even if the big projects get significant media attention.

Still, the narrative of a single example is powerful. The 215,000 new jobs rising up across the economy without fanfare can't give credit to a state lawmaker. Amazon can. Politicians feel no heat for the loss of 199,000 jobs, but may feel uncomfortable for having lost the Amazon bid.

Even though stories like Amazon cannot improve an economy by themselves, politicians are willing to devote huge sums of taxpayer dollars to lure them. Buying a symbol of growth is more important to politicians than actual growth, at least if growth comes without credit. Politics favors a spectacle while improvements in people's lives lie quietly in the data.

There is no shortage of people in Michigan and around the country trying to use Amazon's story to leverage their policy agenda. Yet, this should be a case where the data is more important than the story. Taxpayer dollars can buy you an example. But they won't influence the broader job creation environment that people need for the state to become better off. ■

James Hohman is director of fiscal policy at the Mackinac Center.



Mackinac Center Amigos

Al and Beth Thieme and the team at Amigo Mobility International Inc. have championed business and community policies to positively impact the healthcare industry and the state of Michigan. Beth served on a board with former Mackinac Center President Larry Reed, and the Thiemes became supporters of the Center shortly after learning about it, seeking to advance their shared principles.

“Advancing liberty and opportunity for all people through research and education” is Mackinac Center’s mission, and this

resonated with the Thiemes. The Thiemes believe in market-based solutions that drive consumer choice and encourage a freer marketplace for healthcare. Their business acumen is derived from solid American work ethic and ingenuity. Few business stories are more all-American than that of Amigo Mobility’s.

Al Thieme founded Amigo Mobility in 1968 with the invention of the first three-wheel, powered mobility vehicle/scooter. The device was named the “Amigo” for being such a friend to people with disabilities, and the powered mobility vehicle/scooter industry was born. Today, Amigo Mobility is one of only a few American Made manufacturers in the power mobility vehicle market.

Large retailers make up the bulk of Amigo’s customer base, but the company continues to adapt to advances in technology and ergonomic design to meet the specialized needs of its customers. When government tries to pick winners

The Thiemes are seen here with their award for 2018 Bridgeport Citizens of the Year from the Bridgeport Chamber of Commerce.

and losers and limit Medicare benefits, it presents hurdles for companies like Amigo. What concerns the Amigo team is that under the current national Medicare coverage policy, choices are limited and the most appropriate mobility device may be left out.

Currently, it is easier for someone to receive a power wheelchair, which typically costs more, than to receive a mobility scooter. In an Office of the Inspector General Report, six out of 10 power wheelchairs were found to be medically unnecessary. The Amigo team’s goal is to help people receive the best product for their needs while reducing the waste of tax payer dollars.

Many customers in the Great Lakes Bay Region have established strong personal and professional connections with members of the Amigo team. Amigo Mobility has been Improving Lives Through Mobility® for 50 years, and wants to continue this mission well into the future.

The Thiemes’ efforts to question and eliminate government waste make them natural allies of free-market policies. They have built a business founded on helping people regain independence. By supporting the Mackinac Center, they are helping Michiganders find freedom in the space of policy and ideas. ■



DETROIT PREP

When Detroit tried to stop a top-performing charter school, Mackinac was there



Kyle Smitley is a successful woman. She graduated from law school, founded and later sold a multimillion-dollar company in California and then moved back to the Midwest to open a charter school in Detroit — all before the age of 30.

Moved by the power of school choice that she witnessed while in business, she wanted to offer the same sort of opportunity to families in Detroit. In 2012, after two unsuccessful applications, she secured a charter from Grand Valley State University to open Detroit Achievement Academy.

Since it serves students in one of the neediest parts of the city, 90 percent of the academy's students come from low-income families. The school's energetic leader and its high-impact mission attracted attention from the Public Broadcasting Service and support from celebrity Ellen DeGeneres. DAA was one of only two schools in Michigan's largest city to earn the state's highest accountability rating in 2016.

That same year, we were privileged to visit the school. Smitley's passionate can-do attitude clearly came through, helping to explain why early indicators showed the school's students were beating the odds. "We believe kids in poverty in Detroit can succeed at high levels if given the resources," she said. "It's not rocket science if you put kids at the front of the dialogue."

Later that year, Smitley opened Detroit Prep in the city's Indian Village neighborhood. Its current student body, kindergartners to second-grade students, is now packed into a church basement and is scheduled to grow

beyond its capacity when next fall's enrollment comes.

Smitley and her co-founders set out to build a racially and economically diverse school in a neighborhood which caters to a mix of poorer city residents and younger urban professionals. About half the students are African-American and around 40 percent are white. In total, two-thirds of the students qualify for lunch subsidies due to low family income.

While Detroit Prep students have yet to reach third grade and take the state's

danger of being left out. And the low-income neighborhood was set to miss out on a new asset.

Detroit Prep was growing and needed to move out from the church basement and into a new location. Luckily, a mile down the road sits the former Anna Joyce Elementary School. It was part of Detroit Public Schools until the downsizing district permanently closed its doors in 2009. Five years later, district leaders sold the building to a private developer. Today the building sits abandoned and in disrepair, but it's in a perfect location and is just the right size for an expanding Detroit Prep.

BEN
DEGROW

JARRETT
SKORUP



Kyle Smitley is the co-founder and executive director of Detroit Prep.

required tests, other assessments indicate the school is effective. All the kindergartners and first-graders achieved their "expected growth" target in math, which put the school in the top 1 percent nationally. Most of the students also met the target for reading, learning 35 to 40 percent more than the typical student nationwide.

But last fall, Smitley and the school had a problem. The young but successful charter school was in danger of being choked off before it could fully grow. Dozens of urban students near the start of their academic careers were in

Smitley's school entered a purchase agreement in summer 2017 to buy the facility, and wanted to move quickly to begin construction by 2018 so students could occupy a safe, sound and clean building for the next school year.

But the public school district refused. For years, district and local government officials in Detroit had worked to block public charter schools. They pushed legislation at the Michigan Capitol to hinder them, refused to sell to them, transferred surplus buildings from the district to the city government and imposed deed restrictions on property



Detroit Prep's new building could support them for years down the road.

sales to private developers. All of it was aimed to hinder or even prevent charter school choice outside the confines of the Detroit school district. The district has been the nation's worst-rated public school system for a decade, its schools perform far worse than charter schools and it required significant cash bailouts from Lansing. The Legislature rebuffed a call for a new bureaucracy to ration charter

schools in the city and even passed two laws to keep the district from discriminating against charter schools. But it didn't work. The new leadership at DPS used a perceived loophole in state law to deny Detroit Prep the opportunity to buy a suitable building. When asked why he blocked the sale, Detroit Superintendent Nikolai Vitti told members of a House committee, "We, as a school district, find the act

problematic, that it usurps the right of elected school boards to determine the future of their own assets." In other words, the district wants to take taxpayer dollars from the state but retain the authority to discriminate against other public schools and their students. That approach may serve the interest of the district, but not the people of Michigan or the schoolchildren of Detroit.



The old school building Detroit Prep hopes to move in to has been abandoned and empty since 2009.

The problem for Smitley was that if the charter couldn't own the building at the start of 2018, it wouldn't be able to get the remodeling work done to open during the 2018-19 school year.

Detroit Prep was willing to pay the developer 20 percent more than the \$750,000 asking price. It even offered to pay DPS \$75,000 if it removed the deed restriction it placed on the

and legislative leaders Tom Leonard and Arlan Meekhof all moved quickly to ensure Detroit was abiding by the plain intent of the law.

The story that the large, financially strapped district turned down money and spent cash to crush a small competitor made national news. The Wall Street Journal editorialized about the situation, The Heritage Foundation

— to the detriment of children. It's about public entities trying to stop new competitors. It's about citizens sharing a story and pushing their lawmakers to solve a problem — and leaders who were already in place to do the right thing.

The Mackinac Center fights “for liberty and opportunity for all people.” There is no guarantee of success — that's mostly up to individuals — but people



Detroit Prep currently offers kindergarten through second grade.

property. Still, the district would not budge.

In October, Detroit Prep took the district to court with the help of a school parent, an attorney who took the case pro bono. But the legal case dragged on, so Smitley went to the Mackinac Center and her state association — the Michigan Association of Public School Academies — for help. Within days of learning the situation, choice-friendly legislators introduced a bill to close the loophole, and key lawmakers were pushing the reform. House Rep. Tim Kelly, Sen. Phil Pavlov

weighed in and media outlets in state picked up the story. WDIV-TV in Detroit did a report, giving it even more attention.

The widely circulated story generated outrage from citizens, which helped propel the legislation forward. Early in 2018, Gov. Rick Snyder signed it. That closed the legal case; Detroit Prep and the district are in talks to come to a final agreement.

This story isn't just about one charter school, though. It's about a bloated district fighting to keep power and restrict the choices available to parents

deserve the opportunity to flourish. And now thanks to the hard work of pro-liberty advocates, many more Detroit schoolchildren will have a real hope of success. ■

Jarrett Skorup is the director of marketing and strategy at the Mackinac Center for Public Policy, where Ben DeGrow is director of education policy.



Being “Free to Choose” Led Mackinac Center Staffer to Liberty Movement, Legacy Society

Editor’s Note: Michael LaFaive is Senior Director of the Mackinac Center Morey Fiscal Policy Initiative and author of 12 major studies on a broad range of fiscal policy issues. A popular public speaker, he is frequently cited in state and national media on tax reform, job creation and state economic development policies. In this article, LaFaive discusses why he joined the Mackinac Center Legacy Society.

How did you become a free-market advocate?

In 1986, I stumbled across a book by Milton Friedman that changed my life and, I hope, the lives of others. It was called “Free to Choose,” and it inspired me to earn two economics degrees and dedicate my professional and personal life to solving public policy issues from a market perspective.

What led you to join the Mackinac Center?

I met Joe Overton, then the Mackinac Center’s vice president, at a Mackinac Center luncheon in 1992, and I volunteered to do some research. That turned into a full study on unfunded federal mandates, which was released in 1993. I loved the work. In 1995, the Mackinac Center offered me a full-time job and I accepted.

What do you like best about your work and the Center?

I have the opportunity to work every day on policy issues that change people’s lives. I know this wouldn’t be possible without our generous donors or if the Mackinac Center weren’t so frugal and effective with donor dollars. I’m known for my own frugality, so I’m grateful that every spare penny the Mackinac Center has ends up in missionary work: educating the public, politicians and the press about the blessings of human liberty and peaceful and voluntary association. That’s one reason I’m sure the Center will use my legacy gift effectively.

You already are supporting free-market principles through your daily work. What made you decide to also join the Legacy Society and include the Center in your will?

I’m not rich by any stretch of the imagination, but you don’t need to be to leave a legacy. My will carves out resources for the Mackinac Center because I want my two young children to grow up in a state that’s rich in opportunity. An investment in the Center is an investment in our kids.

Also, it’s never been lost on me how hard people work to support the valuable things that the Mackinac Center does. I know that an individual’s philanthropy comes after long hours of hard labor, sacrifice and risk-taking. By becoming a Legacy Society member, I get to join the many people I’ve long respected — our contributors.

How does your legacy plan meet your family needs?

My wife, Gessica, is a native of Peru. She and I were married in 2011 and we now have two young sons, James and Thomas. I’ve chosen to structure my legacy gift in the form of a direct bequest to the Mackinac Center as well as making the Center a beneficiary of my life insurance plan. The size of the insurance payout will depend on the needs of my family at the time of my death. Once my boys reach adulthood and are independent, I can increase the size of my direct bequest.



Michael LaFaive, his wife Gessica and their two sons.

What do you hope your Legacy gift will accomplish?

During my nearly 25-year association with the Mackinac Center, I’ve seen firsthand how quality scholarship and good ideas can improve society. Greater school choice, right-to-work legislation, and the death of two complex and onerous business taxes are just some of the changes I’ve witnessed in which the Mackinac Center has played a role. I know there is more to come. When I’m gone, I believe my gift will help the Mackinac Center defend and advance individual liberty in the Great Lake State just as it does now. ■

If you would like to discuss a legacy gift that matches your values, please contact the Advancement team at the Mackinac Center at 989-631-0900 or LegacySociety@mackinac.org.

TAKE CONTROL OF YOUR CHARITABLE LEGACY

BY LAWSON BADER, DONORSTRUST

Why do you give? Hopefully, you've actually posed that question to yourself, and, more importantly, mulled over your reasons. The groups you choose to fund paint a picture of your philanthropic passions. Yet is the vision for your giving — also known as your donor intent — evident enough to allow future generations to carry out your legacy?

Imagining a donor's wishes after his or her death is fraught with peril, particularly when the decision-makers were disengaged from the donor's original thought process.

The good news is you can take steps to protect your charitable legacy. Spend time in your estate planning not just defining what your donor intent is, but also the how and to whom. In other words, what means will you use for your legacy giving, and who will ultimately oversee how those funds are doled out?

Here are three key elements to securing your donor intent:

1. Bind it in writing

Work with your attorney or financial advisor to put your charitable intent in writing. Share appropriate documents with relevant parties, be they heirs, trusted friends or charitable beneficiaries. At a minimum, ensure the right people know that you have outlined your intent and expect it to be followed.

2. Drive the right vehicle

You have choices in the vehicle driving your charitable legacy. These include a private foundation, a donor-advised account, charitable lead trusts, charitable remainder trusts or a simple bequest. Each has its own advantages, drawbacks and tax implications. It is important to remember, too, that you may need multiple vehicles to fully protect your intent.

3. Shut it down

This may be the most important step to head off an eventual drift away from your donor intent: Limit the life of the charitable vehicle you establish. Leaving instructions that ensure that your charitable capital is spent within 25 years of your death diminishes the chance your money will support causes with which you disagree. It also means your money will make a more immediate impact with the causes you hold dear.

You don't want future generations guessing at how to fulfill your wishes as times change. Leave those decisions to people you trust or to institutions that have the necessary guardrails in place to keep from straying far from your plans.

Reprinted with permission from DonorsTrust, the community foundation committed to the principles of limited government, personal responsibility and free enterprise. For a full, step-by-step process for protecting your charitable legacy, download the 8 Steps to Securing Your Donor Intent, at www.donorstrust.org/mackinac.

Planning for Life WORKSHOPS

How can I make sure my will doesn't end up in court?

Which is better — a family foundation or a trust?

Will my heirs have to pay taxes on my bequests to them?

We know that drawing up a will or estate plan raises many questions. If you would like to learn more about the basics of this process and how to avoid common pitfalls, then please save the date for one of our 2018 Planning for Life workshops.

These popular events are free of charge to Mackinac Center supporters and their guests as our way of thanking you for your investment in liberty.



At our workshops, you will learn the basics of wills and estate planning from our guest expert, attorney Greg Demers of Warner Norcross & Judd LLP.

In his presentation, Demers describes how you can make a plan that protects your privacy, your hard-earned assets, and your values. All of our workshops take place in comfortable, small-group settings, and nothing is sold.

This year's workshop dates and locations are:

- Tuesday, June 12 – Midland
- Thursday, June 14 – Bay Harbor
- Thursday, Sept. 27 – Farmington Hills

Please save the date now and watch for your invitation in the mail later this spring, which will include all the workshop details. Refreshments are always provided!

If you have questions about our Planning for Life workshops or how you can make a tax-exempt gift to the Mackinac Center in your will or estate plan, then please call Lorie Shane at 989-698-1909 or send an email to legacysociety@mackinac.org.



Lauren Krisai, Julie Baumer and Amshula Jayaram present on forensic evidence and wrongful convictions.

The Laws of Forensic Evidence

Issues & Ideas forum examines how Michigan can limit the number of innocent people in prison

In January, the Mackinac Center for Public Policy welcomed three guests to speak about forensic evidence during our Issues & Ideas forum. The panelists included Lauren Krisai from the Reason Foundation, Amshula Jayaram from the Innocence Project and Julie Baumer, a Michigan woman who served four years in prison for a crime she didn't commit.

Jayaram talked about wrongful convictions that prosecutors obtained with the help of misapplied forensic science. Though only a tiny percentage of criminal cases depend on biological evidence for their outcome, an extraordinarily high percentage of them get it wrong. The Innocence Project has identified and exonerated 353 people who were convicted, in part, by misapplied biological evidence. Further, Jayaram said, a National Academy of Sciences study concluded that 1 of every 25 death row inmates is probably innocent.

KAHRYN RILEY

Krisai followed up this stark picture with an important point: When forensic science is misapplied and it results in a wrongful conviction, there's more at stake than the ruination of an innocent life. There's the reality that the true criminal is still at large. She underscored Jayaram's statistic that, in Innocence Project cases alone, the real perpetrator was only found about half the time. While blameless people were being wrongfully convicted and serving time on the basis of bad science, the true criminals had gone on to collectively commit at least 150 additional violent crimes, including 80 rapes and 35 homicides. This is a serious public safety matter that conservatives should care about, Krisai concluded.

The policy experts ended their remarks by calling for a commission to oversee the use of forensic science in Michigan's criminal courts.

Baumer provided a moving account of her attempts to rebuild her life

after being wrongfully convicted of shaking her baby nephew. Had a forensic science commission reviewed the evidence in her case, she said, it would have discovered her nephew had an obscure medical condition, and she would never have been convicted of harming him. While Baumer can file a claim for compensation for her wrongful conviction, no amount of money, she said, will be enough to recover the devastation wrought on her relationships, career and emotional health.

As the world becomes more data driven, problems like the misapplication of forensic evidence and its consequences become more pronounced. If we are going to allow the lives of criminal defendants and victims to turn on biological evidence, we must take at least the basic precautions to ensure that we're getting it right. ■

Kahryn Riley is a policy analyst at the Mackinac Center.

New Mackinac Center Study Finds Charter Schools Cost Effective

The Mackinac Center's latest evidence on Michigan charter schools has turned upside down the claims made by some of educational choice's highest-profile opponents. Driven by opposition to education secretary Betsy DeVos, some will go to great lengths to tarnish the legacy of school reform in her home state.

Last September, The New York Times welcomed the start of the academic year with a broadside, under the headline: "Michigan Gambled on Charter Schools. Its Children Lost." The Mackinac Center's Michigan Capitol Confidential led the phalanx of responses, debunking the "Gray Lady" point by point in its portrayal of school accountability, financing and academic results.

When you add up the pieces, Michigan's charter schools turn out to be far from a risky gamble, let alone a failure. In fact, they have proved to be a sound and superior investment strategy.

That's what Cato Institute Education Analyst Corey DeAngelis and I found in our new report, "Doing More with Less: The Charter School Advantage in Michigan." For every \$1,000 the average charter school spends, it gets 32 percent better results on state tests than nearby district schools. For students, that translates into a 36 percent advantage in lifetime earnings.

In short, Michigan charter schools deliver a superior return on investment. The main reason is that they get less overall funding. For each full-time student, they get roughly \$2,800 less, mostly because they don't have access to local property tax money. Yet they perform as well as conventional districts — and sometimes, even better — after adjusting for student poverty levels.

"Doing More with Less" was inspired by a 2014 University of Arkansas study that compared charter productivity in different states. Our new work was the first published analysis of charters' return on investment at the city level.

We compared the funding levels for charter and district schools in 92 cities. We also were able to use academic performance data from the Center's Context and Performance report cards to compare charters to district schools in 71 cities. In 64 cities, charter schools were more cost-effective.

The cities where charter schools stood out the most tended to be larger cities where families have the most options for schooling. Take the Motor City, for example. Tens of thousands

of students have fled district schools, but a prominent Democratic U.S. senator and the new superintendent of the Detroit Public Schools Community District have both declared the results of that city's charter schools "disastrous."

Yet any reasonable comparison shows that charters clearly perform better than their district counterparts. Earlier studies from Stanford University-based CREDO have revealed the extra months of learning students get in charters.

That doesn't even take into account the fact Detroit's charter schools get better results with \$5,500 less spent per student. As our new analysis shows, that disparity translates into huge long-term benefits. Every \$1,000 spent annually by a Detroit charter school ultimately nets its students two-and-a-half times more in

lifetime earnings than if that \$1,000 were spent by the city's school district. That difference represents a real and potentially significant lifelong impact for today's young people.

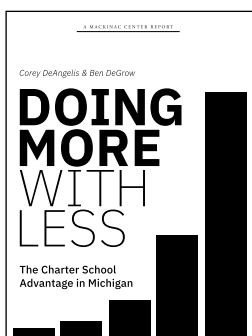
The relative success of charters at a lower cost shows how educational choice in Michigan has been a win not only for students and parents but for taxpayers in general. It also undercuts the escalating cries for more funding as the answer to the state's inadequate academic achievement.

The answer instead starts with trusting and enabling parents. Arm them with meaningful information on school performance and give them access to more options. Let more of the dollars follow their children on the educational path they have chosen.

That should help create a greater incentive to emulate and expand, rather than slander, charter success. ■

Ben DeGrow is the director of education policy at the Mackinac Center.

**BEN
DEGROW**



This study is available online at mackinac.org/s2018-01.



Impacting Michigan's Environmental Policy

Jason Hayes

Mackinac's Environmental Policy Initiative is making a concerted effort to reach out to a wider audience and expand the list of topics on which we are commenting. We figured IMPACT readers might like to get better acquainted with a few of the issues we are focusing on.

Energy Policy

Electricity policy is always high on our list of priorities and one energy issue garnering headlines around the state is the "30 by 30" ballot initiative. Clean Energy, Healthy Michigan is a citizens ballot campaign proposing to increase Michigan's recently revised renewable portfolio standard. The current law requires Michigan to obtain 15 percent of its electricity from renewable sources by 2021 – a requirement that lawmakers increased from 10 percent in 2017. The ballot campaign hopes to force Michigan to double the new requirement to 30 percent of our electricity from renewables by 2030.

Campaigners base much of their effort on the idea that renewable energy prices are competitive with,

or lower than, those of other energy resources. But when you look at the contract DTE, one of the state's two big electricity companies, signed for the Pine River wind park, near Alma, you'll learn otherwise. It calls for Michigan residents to pay almost \$60 per megawatt-hour for electricity generated by the project, compared to the \$20 per Mwh price tag associated with wind production in states like Iowa or Oklahoma.

We believe forcing Michigan to get 30 percent of its electricity from less reliable renewable sources and expecting us to pay three times the going rate for that electricity is simply bad policy. For that reason, we are arguing that Michigan residents should reject the "30 by 30" push.

Electric Vehicles

We have also jumped into the discussion on electric vehicles and automobile manufacturers' plans to switch away from internal combustion engines and hybrid-electrics to fully electric vehicles. In a Feb. 1 op-ed published in The Hill, we discussed a statement from Ford Motor Co. CEO Bill Ford, who said at the Detroit auto show that he intends "to electrify even our most iconic vehicles." He then added, "The only question is, will the customer be there with us?"

But, Mr. Ford's comment struck a discordant note compared to the words of his competitor, Sergio Marchionne, CEO of Fiat Chrysler. In his own statement at the auto show, Marchionne noted that Chrysler

builds fully electric vehicles only to comply with government mandates, not because American markets demand them.

Mr. Ford's plans also appeared to conflict with the words of his great-grandfather, Henry Ford, who said, "The point to be remembered about the establishment of industry is that, while [...] various new ideas were being developed, the people who paid for them were the people who bought. ... Business grows big by public demand. But it never gets bigger than the demand."

As Henry Ford rightly noted, business succeeds when it meets its customers' demands. Producing products to meet government mandates, or offering products you want to sell, rather than the products your customer is demanding, is not an effective business plan.

National Policy, Bears Ears and National Monuments

We have also stayed active in the federal policy arena, as we were invited to attend a year-end briefing with EPA Administrator Scott Pruitt as well as the Department of Interior's Christmas party.

Then, in a January Washington Times op-ed – co-authored with Matt Anderson of the Sutherland Institute – we discussed the need to refocus

the Antiquities Act, the legislation that governs the designation of national monuments.

Our article detailed the unrest surrounding the creation of the Bears Ears national monument at the tail end of the Obama administration, and the Trump administration's decision last December to greatly reduce the size of the initial designation. Many Utah residents, Native groups and state- and county-level elected officials believed their concerns had been ignored in the build-up to designating the area as a national monument. After the Trump administration acted, preservationist groups said the move was tantamount to stealing public lands. Taking the other side, local residents said their rights to access and use those public lands had actually been restored.

Our article also went a step beyond describing the situation to argue that seesawing national monument designations would have a profound negative impact on the management of important national treasures and natural areas. In short, it is time to restore the original, narrow focus of the Antiquities Act. So, if any "area targeted for designation as a national monument is expected to be larger than several hundred acres," we wrote, "the designation should require the approval of Congress, as well as the state legislature and governor of the

area to be set aside." Refocusing the act in this manner would ensure any threatened sensitive national areas could still be quickly protected by presidential action. It would also ensure local voices have a say in designations of larger areas.

Michigan's Forests

As we continue to consider new policy areas, we will be teaming up with the Property and Environment Research Center – PERC – to research and write on national forest management in Michigan's Upper Peninsula. We plan to look at how interactions between private property owners and federal land managers have led to a heightened perception of confrontation over property rights and the management of public lands. Using innovative collaborative management techniques, land managers, private property owners and the general public in Michigan can work together to protect private property rights as well as our public lands.

Mackinac's work is having an impact on these important policy issues. At the state and federal levels, Mackinac's research and work is influencing energy development, electricity generation, transportation markets, protected areas and Michigan's forest management. ■

Jason Hayes is the director of environmental policy at the Mackinac Center.

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To see more of what our Environmental Policy Initiative produces, visit mackinac.org/environment.



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2

Terry Bowman, a former UAW member and founder of Union Conservatives, demonstrates his support of Mark Janus in front of the U.S. Supreme Court.



Supreme Court Hears Oral Arguments in National Right-to-Work Case

Janus v. AFSCME likely to change the landscape of public unions

Mark Janus is, in his own words, an average guy. He is still surprised that some people call him a hero and others call him a villain – and that hundreds of people gathered on the steps of the U.S. Supreme Court because of him. His name will likely end up in textbooks on American government, alongside *Marbury v. Madison*, *Brown v. Board of Education* and *Loving v. Virginia*. That's something he never expected.

A child support worker from Illinois, Mark Janus is at the center of a legal challenge to the American Federation of State, County and Municipal Employees. He argues, through his representation from the National Right to Work Legal Defense Foundation and the Liberty Justice Center, that AFSCME violates his First Amendment rights.

Unionized government employees in states without right-to-work, like Illinois, face a choice. They may

join their union and pay dues, or they may leave their union and pay an agency or fair share fee. The fee costs slightly less than dues, and unions say it covers the cost of collective bargaining. Paying the fee is the only option for people like Janus, who disagree with their union's political spending and action and wish to avoid subsidizing it.

But when a union bargains with the government, as AFSCME does, its actions are inherently political. It uses agency fees to negotiate against taxpayers and pursue goals in the political arena.

The Supreme Court heard arguments in the case on Feb. 26. It was a long day, as expected, with proponents of both sides arriving to stake out places in line and in front of the court as early as 3 a.m.

As attorneys presented oral arguments inside the court building, over 100 people rallied on its steps to support



Mark Janus on the steps of the Court after oral arguments in his case. Photo via State Policy Network.

Janus. Countless current and former union employees spoke to the crowd.

Aaron Benner, a former public school teacher in Minnesota, shared how his union failed to support him when he ran against his school's administration. Even more, he said, it actively worked to undermine him so it would have an easier time during the next contract negotiations.

Joseph Ocol shared how he was expelled from his union after he crossed picket lines during the Chicago teachers strike. He wanted to hold practice for the at-risk kids in his after-school chess club.

Rebecca Friedrichs also addressed the crowd, telling how her union chose to lay off three young teachers in her school. It did so even after she and her fellow educators agreed to take a pay cut to keep the three teachers. That choice angered the wrong woman, and Friedrichs took her case all the way to the Supreme Court, which left the matter unresolved after the death of Justice Antonin Scalia.

Supporters of liberty were not the only audience for these stories. Union members rallied right next door, holding signs with such ironic slogans as "It's about Freedom!" and "Un-rig the system!", both of which the Janus crowd joyfully co-opted.

The outcome of the case is uncertain, but there is every reason for supporters of worker freedom to be optimistic. Thanks to the 4-4 decision the court issued in *Friedrichs v.*

California Teachers Association, we know where eight of the justices stand. The newest member of the Court, Justice Neil Gorsuch, is the only unknown. He chose to keep silent during oral arguments, prompting intense analysis of his facial expression as he watched his fellow justices grill lawyers on both sides.

Because *Janus v.*

AFSCME is so similar to the gridlocked *Friedrichs* case, a decision from the Court could come as soon as April – or as late as June 29. Whenever it is announced, a decision in favor of Mark Janus would only be the first step toward freedom for the millions of government workers across the country who are trapped in unions. ■



The Mackinac Center team was well represented at the Supreme Court. From left to right: Lindsay Killen, Jarrett Skorup, Joe Lehman, Patrick Wright, Michael Reitz, F. Vincent Vernuccio and Geneva Ruppert Wise.



Time to be a Kid Again

When I was growing up, my family had a trampoline — the kind no one will sell to families anymore due to the risk of a lawsuit. It was twice as springy as the average backyard trampoline, with no net and very few rules. Double bouncing, gymnastics, water balloon fights and sleepovers were all parent-approved. It was the best place to be.

Even at the young age of 10, I was risk averse. But I did have the confidence to poorly execute various flips and handsprings on that trampoline every summer. I stopped when the frame finally rusted out and the mat started to fray.

I recently had a chance to get back on a real trampoline (“real” meaning I had to sign my life away before jumping). A gym has opened near our house; it has several thousand square feet of trampolines and foam pits and trapezes. From my first bounce, I felt like a kid again.

I never thought I’d regain the childlike confidence to do another flip, but I did. I’m not 10 anymore, and bouncing was harder on my neck than I remember, but it was worth it. I couldn’t wipe the grin off my face.

That hour in the trampoline park was a valuable reminder for me of the difference between contentment and fun. Fun can sometimes fall by the wayside in everyday life.



I genuinely enjoy the feeling of finishing a project in our home or savoring a nice glass of cabernet, but those are distinct from what I felt on that trampoline.

It also reminded me of how grateful I am to live in an age where opportunities to have fun are just part of everyday life. The leisure time and opportunity to pursue hobbies purely for joy is a recent development, not unlike the trampoline, and it comes to us courtesy of liberty. Life in the 21st century affords more choices than ever before, including how we spend our time.

Until everyone has as many choices and opportunities as we do, we need to keep advocating for liberty and the perks that come with it. But in the meantime, I think we owe it to

ourselves, and to the people who brought us to this point in human development, to let out our inner child every once in a while. This is a luxury we only have because of freedom, and we ought to relish it. ■

BY THE NUMBERS DETROIT PREP

66

Percent of students at Detroit Prep from low-income families.

Top 1%

Detroit Prep’s national ranking when it comes to “expected growth” in math.

\$75,000

Amount of money Detroit Prep has offered the district for an abandoned school.

26-11 & 61-45

The votes in the House and Senate ending public school discrimination.

Mackinac Center Earns 4-Star Rating Four Years in a Row

The Mackinac Center's financial health as well as its practices in accountability and transparency recently earned a 4-star rating from Charity Navigator for the fourth consecutive year.

This is the highest rating given by the independent nonprofit organization that annually reviews and rates thousands of charities around the country.

The rating means that the Mackinac Center performed strongly on measures like assets compared to liabilities, percent of budget spent on administration, the independence of its board of directors and transparency.

While we're glad to have praise from an independent organization like Charity Navigator, the Mackinac Center is far more interested in your opinion.

Charity "experts" come and go, and their ratings systems may change over time. Charity Navigator,

for example, changed the way it rates fundraising costs after receiving criticism from nonprofits.

Charity evaluators sometimes withhold their highest award unless a nonprofit organization is willing to disclose more financial and donor information than the law requires – a practice that doesn't match our principle of respecting donor privacy. In that case, we would prefer a lower rating over violating our core principles.

So while we understand the value that Charity Navigator offers, the Mackinac Center considers itself accountable not to their ratings, but to the law, to our board of directors and to you, our supporters.

Thank you again for your support. If you ever have questions about our work (or would like a copy of the report we file annually with the federal government), please feel free to contact Jim Walker, vice president of advancement, at **248-875-6582**, or **JimWalker@Mackinac.org**.

