

CELEBRATING 10 YEARS OF FIGHTING FOR FREEDOM



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EST. 2009

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The **Mackinac Center Legal Foundation** is a public interest law firm that advances individual freedom and the rule of law in Michigan. The Foundation uses strategic litigation and public outreach to secure the liberties of Michigan's residents, workers, students and entrepreneurs.

All of the Mackinac Center Legal Foundation's work is done pro bono. It has never charged a dime to help someone and never will. As the legal arm of the Mackinac Center for Public Policy, the Foundation enjoys the support of individuals, businesses and foundations who share a concern for Michigan's future and recognize the important role of free markets and economic liberty.

*If you have a problem you think we might be able to resolve, are interested in our current cases, or want to support the foundation, visit: [www.mackinac.org/MCLF](http://www.mackinac.org/MCLF)*

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# Thoughts from the President: Celebrating 10 Years and Still Gaining Speed

Robust analysis of the law has been part of the Mackinac Center for Public Policy since our founding 32 years ago. But analysis alone is insufficient to change policy. In our first two decades we conducted research, analyzed legislation, wrote policy documents, filed legal briefs in cases brought by others and defended our free speech rights when the state's largest public sector union tried to silence us with a lawsuit.

We advanced free-market policies in many ways even as proponents of the very opposite ideas gained ground of their own. The lesson was that legal thought combined with our research was not always sufficient to reverse government overreach and end abuses. So 10 years ago we expanded our capacity by establishing a public interest law firm to advance individual liberty and the rule of law in Michigan. The Mackinac Center Legal Foundation was born.

Those favoring larger and more expansive and intrusive government had long used the courts to win key decisions that set precedents increasing the government's power over our lives. For too long, proponents of freedom stayed on the sidelines. While there were and are other great free-market legal groups, we needed one specific to Michigan, where strategic litigation guided by the Mackinac Center philosophy would secure the liberties of our state's residents, workers, students, taxpayers and entrepreneurs.

In a video announcing our launch, I said: "The Mackinac Center Legal Foundation is exactly what's needed by citizens in Michigan for whom government is not protecting their rights but actually keeping them from exercising their rights. It's designed to help property owners who are finding out-of-control environmental agencies or regulatory agencies. It's designed to help workers who find that they've been dragooned into a union. It's designed to help taxpayers, who, for reasons that may not make legal sense, find that they're paying higher taxes than they should have to pay."

That was true then and it is true now. And the Mackinac Center Legal Foundation has had amazing success under the direction of Vice President for Legal Affairs Patrick Wright. We've represented dozens of clients in lawsuits that helped them, and ultimately protected the rights of hundreds of thousands of others. In just one example, as a result of helping everyday citizens, 100,000 people are now free from unjust union dues and fees, saving them well over \$100 million.

Whether it's educators, home caregivers, day care workers, vacation home owners, college students or everyday citizens — in cases large and small, we've advanced freedom through the legal system. Along the way we've become the state's foremost defender of government transparency by suing officials who try to prevent public access to public documents.

We could say our work is possible only because of our supporters but that would reduce our supporters' role to writing checks. Our supporters don't just give generously, their shoulders are to the wheel, beside ours, in courage, commitment, vision, boldness and steadfast resolution to see justice done on behalf of our clients. Because of them we can accept tough cases for liberty and see them through, at no charge to our clients, often when they have nowhere else to turn. And we've only just begun.



*Joseph G. Lehman*  
Joseph. G. Lehman  
*President*



“I feel so blessed, and I could never have done it without the Mackinac Center. I’m so happy to know that I’m not responsible to a union outside the walls of my own home.”

## **Sherry Loar**

*Home day care provider*





# Stealth Unionization Discovered

A \$200 million multistate scheme to benefit organized labor started to unravel in 2009, thanks to a Petoskey woman who became the first client of the Mackinac Center Legal Foundation. Sherry Loar provided day care to parents in the state's welfare-to-work program through her business, Baby Steps Childcare Center. One day, she noticed that the state was withholding union dues from her checks. She brought the issue to the attention of the Mackinac Center Legal Foundation, and her persistent search for answers led to an investigation that revealed the breadth of the scheme and its flimsy legal justification. Eventually, Loar, along with the Foundation, Michelle Berry of Flint and Paulette Silverson of Brighton, filed a lawsuit that started a process which led to a date at the U.S. Supreme Court.

For decades, organized labor had been shedding membership — and dues money — in the private sector. To counteract this trend, public sector unions creatively, but illegally, worked in states across the country to forcibly unionize new segments of workers, often without their knowledge. In Michigan, day care and home health care providers who received checks through Medicaid became a target.

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In Michigan, day care and home health care providers who received checks through Medicaid became a target.



From left to right: Sherry Loar, Michelle Berry and Paulette Silverson

Together with then-Gov. Jennifer Granholm, unions set out to bring them into their fold by setting up a faux public employer and holding a stealth election. Then, they started taking dues out of the Medicaid checks from more than 100,000 people. This netted three of Michigan's largest unions new members and at least \$8 million in dues every year.

Over the next five years, the Mackinac Center Legal Foundation and its lawsuits drew attention to the issue in Michigan and across the nation. Lawmakers eventually ended the program through legislative action and voters agreed: The unions mounted a ballot campaign in 2012 to continue the forced effort, and it

was soundly defeated. The “dues skim” ended in Michigan, and the vast majority of new union “members” left the unions and have not returned.

A similar case was filed in Illinois, and it reached the U.S. Supreme Court, which found that these arrangements violate the First Amendment rights of home-based caregivers. The decision gave hundreds of thousands of people the right to leave their union.

Sherry Loar's efforts, alongside those of many others, helped lead to greater freedom for so many more people. Every now and again, when one person refuses to accept a wrong, it leads to amazing things. ¶



“You guys are the heroes. I didn’t know anything about a union taking money away from us until you revealed it. I reached out to you because I knew you were doing something about this.”

## **Steve Glossop**

*Home help worker, Isabella County*



“ The Mackinac Center has been very instrumental in our fight with the SEIU to remove ourselves from their home health care roster. They have brought this shameful collection of dues from thousands of parents like us who are caring for our adult, special needs children to the public’s attention ... We are very grateful for all the help from the people at the Mackinac Center.”

## **Bob & Pat Haynes**

*Parents and health care providers for their special-needs children*

# Fighting the SEIU Dues Skim

Bob Haynes and Stephen Glossop are union men. Or at least, they were. Haynes is a former Detroit police officer and Glossop an ex-Teamster. Today, they take care of family members who need help.

Haynes and his wife Patricia look after two of their children, who have cerebral palsy. Melissa and Kevin are in their 30s, and though they can't speak, eat or dress themselves, they are loved. Glossop, meanwhile, takes care of his mother, who has suffered a stroke and heart issues requiring constant care. For their efforts, Haynes and Glossop receive a small amount of money through a federal program meant to help provide care for the disabled or those with special needs in their own homes.

But to the SEIU, one of the largest unions in the country, all of this was just another way to make a buck. With the help of former Gov. Jennifer Granholm, it forced unionization on tens of thousands of caregivers, skimming \$6 million per year from them.

With the scheme in place, Haynes in Macomb Township and Glossop in Isabella County saw part of their checks being diverted to a union they were unaware of. Many people wouldn't

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Many people wouldn't have even noticed — or cared. But the Haynes and the Glossops did not sit quietly.

have even noticed — or cared. But the Haynes and the Glossops did not sit quietly.

On behalf of those forced to pay into a union they didn't support, the families contributed to a lawsuit, videos and op-eds, and served as spokespeople. Their efforts helped lead to legislation, an attorney general opinion, the defeat of a state ballot proposal and a U.S. Supreme Court decision. Today, tens of thousands of people have the freedom to choose whether to send money to a union — or not. ¶






Melissa Haynes (above) and her brother (below) suffer from severe cerebral palsy. Their parents are now free to provide them full-time care without the burden of illegal union dues.







“ This girl is a very happy  
GSRA today. Thank you,  
Mackinac Center! ”

## **Layla Houshmand**

*University of Michigan graduate  
student research assistant*

# Hail to the Victors!

Layla Houshmand has a passion for freedom that's often characteristic of first-generation Americans. Her father was born into abject poverty in Iran, but with a brilliant mathematical mind, he worked his way out of destitution to earn a doctorate at the University of Michigan and become the president of Rowan University in New Jersey.

Houshmand followed in her father's footsteps at U-M, becoming a graduate student research assistant and pursuing a Ph.D. in biomedical engineering. Given her ardor for individual liberty, academic achievement and the rule of law, it's not surprising that she bristled when a campus labor organization tried to label her a government employee and force her into a union. It sought to collect "dues" from her research stipend, in violation of Michigan law.

The deck seemed stacked against Houshmand, Melinda Day, Adam Duzik and the 2,200 other graduate student research assistants at the university. In a party-line vote, the university's Board of Regents chose to override the concerns of the U-M president, college deans and graduate student research assistants by giving a green light to the Graduate Employees Organization to unionize the students. This would have doubled the union's membership and would have

allowed it to collect additional dues of over \$1 million annually.


This was a flagrant violation of Michigan law, which has long held that research assistants are primarily students, not government or university employees. On behalf of more than 370 graduate student researchers, the Mackinac Center Legal Foundation filed suit. The state attorney general agreed and went to the state Supreme Court. While the court said the students lacked standing to sue, Justice Stephen Markman noted the "manifest unfairness" of the "convoluted procedure." At the urging of the graduate researchers and backed by the Legal Foundation, state lawmakers took action, explicitly defining the researchers as students rather than government employees.

A forced unionization would have been unfair to the student workers and even damaging to the university's reputation as a world-class research institution. Standing up to this rigged game won students the ability to be free — and focus on their work. [📄](#)

**Right:** Some of the 370 University of Michigan graduate student research assistants represented by the Mackinac Center Legal Foundation.







“The Mackinac Center  
is a true treasure,  
standing up for the  
Davids of the world  
against the Goliaths.”

## **Melinda Day**

*University of Michigan graduate  
student research assistant*

“With the Mackinac Center, we are individuals, fighting for our legal rights — the freedom to choose what is best for us and our families. Thank you.”

## **Angela Steffke**

*Taylor School District Teacher*







# Preventing an End Run

When Michigan became a right-to-work state in 2013, Angela Steffke, Rebecca Metz and Nancy Rhatigan thought they were free from their union. The three teachers in the Taylor School District had seen wage freezes, benefit cuts and increased class sizes in their financially strapped schools. Paying money to a union wasn't worth it, and the law now gave them the freedom to choose not to belong.

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By stepping up to the plate, despite immense pressure to stay on the sidelines, Angela, Rebecca and Nancy helped hundreds of other school employees keep more of their hard-earned money.

But there was a loophole. The right-to-work law didn't go into effect until three months after it was passed — and it didn't apply until current contracts expired. The teachers union in Taylor was one of the most strident in the state, even winning an award from the state union after shutting down the schools to protest the right-to-work law with an illegal strike. The local union subverted the will of the law and entered into something dubbed a “union security agreement,” which cut the wages of teachers and forced them to continue paying membership dues or fees for 10 years. As a result, they were forced to contribute money to a union, which gave its president a 20% raise and spent \$125,000 on a controversial ballot proposal.

But the Mackinac Center Legal Foundation was there, arguing that this decade-long agreement did not represent the best interest of teachers and denied them the ability to decide on their own whether or not to financially support the union.

The court agreed. And unions for school districts in Clarkston and Ann Arbor also lost lawsuits because of similar agreements. By stepping up to the plate in the face of immense pressure to stay quiet, the three Taylor teachers helped hundreds of other school employees keep more of their hard-earned money. ❧

From left to right: Nancy Rhatigan, Angela Steffke and Rebecca Metz



“ Thank you. Thank you. Thank you. In fact, I decided to pay part of my dues to support the Mackinac Center Legal Foundation to help others who are in need of help. It’s a wonderful feeling knowing you guys were there, and I was not fighting this battle alone.”

## **Maria Santiago-Powell**

*Former Teamster Local 214 Member*



HARLEY-DAVIDSON  
MOTORCYCLES  
JAMAICA

*Maria*

*City of Dearborn*

# Up to the Challenge

Unions are given a special privilege in state and federal law — a monopoly on bargaining in the workforces they operate in. While Michigan now lets workers decide for themselves whether to join or pay fees to unions, government rules force all workers to work under the contract.

But that wasn't enough for the Teamsters Local 214, which represents public workers in Dearborn. The union instituted a new policy in an attempt to penalize employees who resigned from it.

Maria Santiago-Powell, Shawn Koskyn and Greg Andrews risked retaliation to take a stand against this illegal action. The union was forcing them to pay hundreds of dollars in fees, saying they needed to cover the costs of responding to “workplace grievances” — a fee union members didn't have to pay.

This attempt violated decades of court precedent and state law. So, the Mackinac Center Legal Foundation filed a lawsuit. The president of the union defended the discriminatory policy, telling the press that the three ex-members were “committing suicide” and that his union would “go to court if we have to and take it to the last.”

The Teamsters took it all right. Within weeks, they were forced to back down and change the

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As a pro bono organization, the Mackinac Center Legal Foundation does not expect the people it represents to pay any fees.

illegal policy. Instead of discriminating against nonmembers, the local instituted a new policy: “Any charges the Union will require related to the processing of grievances will be assessed on a non-discriminatory basis.”

As a pro bono organization, the Mackinac Center Legal Foundation does not expect the people it represents to pay any fees. But one of the Dearborn employees, Santiago-Powell, was so grateful that she decided to pass on the Mackinac Center part of the money she saved, so it can continue to help others in need. ¶

From left to right: Shawn Koskyn, Maria Santiago-Powell and Greg Andrews



“ I am very happy with the outcome and the work that the Mackinac Center Legal Foundation did in bringing the proper attention to my case. I’m looking forward to getting the word out to other members who need help.”

## **William “Ray” Arthur**

*Hall of Fame Wrestling Coach, Petoskey Gym Teacher*





# The Union's Miseducation of Michigan Teachers

On paper, Ray Arthur and Miriam Chanski could not be more different from each other. He was a 35-year teaching veteran and hard-nosed Hall of Fame wrestling coach. She was a second-year kindergarten teacher, just starting her career.

But they had one thing in common — they wanted out of the Michigan Education Association, which was charging them \$1,000 annually just to work. Michigan's right-to-work law gave them freedom to leave.

But it wasn't so simple to exercise. The union had bylaws enforcing what it called an "August Window." That one-month period was the only time in the year during which union members could resign from the union, the MEA said. It happened to be during the summer break, when many teachers are busy elsewhere, and the requirement was so obscure that even long-time educators had never heard of it.

In Petoskey, Arthur was nearing retirement. He weighed the pros and cons of remaining a member during his last year of teaching. But he decided he couldn't stick with the union. It had grown in such size and scope that it had lost its original intent and purpose, and

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While Arthur was seeing salary freezes all around him, MEA employees were seeing double-digit wage increases.

its top 10 executives all made more than the governor. More than 100 of its employees made six-figure incomes, far more than the typical teacher. While Arthur was seeing salary freezes all around him, MEA employees were seeing double-digit wage increases.

To Miriam, leaving the union was nothing personal. She hadn't given much thought to either joining or leaving until a union official came into her elementary classroom to get her credit card number and collect dues. She didn't feel comfortable with it and, after talking

to friends and family, decided to opt out. But when she was back at work the next school year, she was informed that she had missed the August Window and would have to pay back dues — or the union could send a collection agency after her.

Similar stories were taking place across the state. In fact, around 8,000 educators had decided to stop paying dues. This, the union said, violated their internal rules. Many school employees were sent to collection agencies — but thousands more decided to formally opt out of the union.

In Saginaw, the public school district was in dire straits. It had been shedding students for years, and teachers working in the struggling district often thought the union wasn't doing anything to help.

Matt Knapp was an 11-year art teacher. When he first started teaching, Knapp attempted to not join the union. To his surprise, he was told it was a condition of employment. When Michigan finally became a right-to-work state, he tried to leave. The union refused, citing the arbitrary August Window, and said that the deadline had come and gone while school was out.

Jason LaPorte, a social studies teacher, also tried to leave the union. He felt that union officials should have informed members of their new rights and took advantage of them

when they didn't. LaPorte isn't anti-union in general, but doesn't believe teachers should have to provide a reason or feel guilty for making a personal decision.

Geometry teacher Susan Romska disagrees with the politics of the union. It's not what she believes in. The right-to-work law should have given her the ability to leave, and the union was denying that. As was the case of many others, her path to leave the union was more difficult than it should have been. She had to take her case to the state's labor agency simply to exercise her right to leave.

Kathy Eady-Miskiewicz, an English teacher, got plenty of information along the way on how to pay dues, but never a word about her new right to leave. She had paid thousands of dollars over the years, but was denied the ability to stop paying those funds.

Five teachers sued the Saginaw Education Association and Michigan Education Association for unfair labor practices, joining the many others across Michigan represented by the Mackinac Center Legal Foundation. In the end, they all won their freedom — and the ability to join or leave their union more easily and when they want.

Thanks to the efforts of these educators, freedom is no longer a one-month-a-year concept in Michigan. ¶





### MERC rules against MEA's August opt-window

On September 29, 2015, the Michigan Employment Relations Commission (MERC) ruled that MEA's August opt-window violated the state's Michigan Right to Work (RTW) law which went into effect on March 26, 2015. As part of the September 29 Decision and Order of MERC, the law members of Article I of the MEA's Bylaws is no longer being submitted as currently written. Article I states:

1. Membership year and payment of dues: The officer representing your staff selected from November 1 through August 31 of each year. The term shall be for one year. The officer representing your staff selected from September 1 of each year for each year for each year according to Administrative Policies as established by the Board of Directors. Continuing membership in the Association shall be determined on the request of a member when such a request is submitted to the Association in writing, signed by the member and postmarked between August 1 and August 31 of the year preceding the expiration date of the membership. The request shall be in writing and submitted to MEA Headquarters by mail or email. Registrations will be handled upon receipt by MEA after they are processed.

To resign for mail, send your resignation letter to MEA, P.O. Box 31, East Lansing, MI 48824. The resignation letter must state your membership year and the request and dated by you as the member. MEA suggests that you also include your membership number, the name of the local association to which you are a beginning unit member, and the name of your employer to assure accurate identification. MEA recommends sending the letter by certified mail, return receipt requested.

The resignation is valid by sending your resignation mail to Michigan Employment Relations Commission and state your intention to resign and include your name. Again, MEA suggests you include your membership number, the name of the local association to which you are a beginning unit member, and the name of your employer to assure accurate identification.

In the September 29 decision, MERC did rule in our favor, stating that MEA did not violate the date of its representative rights of its members because all administrative policy amendments of the August opt-out window. The ruling also required MEA to post the notice to union members by its prior and other public notices by 9/25.

MEA's recent success in getting a stay to file our law case appeal at MERC's decision will continue. #

**The MEA Advantage**

- For Your Career
- For Your Rights
- For Your Welfare
- For Public Education

**MEA**  
Help Center  
**866-MEA-HELP**  
866-632-4357  
[www.mea.org](http://www.mea.org)

Use the phone or text your questions to your MEA membership.

For the many benefits of MEA membership, file to page 18.  
Download the MEA Advantage booklet at [www.mea.org/benefits](http://www.mea.org/benefits)

#### NOTICE TO UNION MEMBERS

AFTER A PUBLIC HEARING, THE MICHIGAN EMPLOYMENT RELATIONS COMMISSION HAS FINED THE SAGINAW EDUCATION ASSOCIATION AND THE MICHIGAN EDUCATION ASSOCIATION FOR HAVING COMMITTED UNFAIR LABOR PRACTICES IN VIOLATION OF THE MICHIGAN PUBLIC EMPLOYMENT RELATIONS ACT (PERA) PURSUANT TO THE TERMS OF THE COMMISSION'S ORDER.

**WE HEREBY NOTIFY OUR MEMBERS THAT:**

**WE WILL NOT** initiate and/or accept employment in the manner of their rights under § 2 of PERA to refuse to join or pay to labor organizations.

**WE WILL NOT** initiate or enforce a rule that prohibits members from resigning their union membership except during the month of August.

**WE WILL NOT** refuse to accept Kelly Eady-Miskiewicz's September 18, 2013 resignation from her union membership, Jason LaPorte's September 18, 2013 resignation from his union membership, Matt Knapp's September 28, 2013 resignation from his union membership, and Matt Knapp's October 7, 2013 resignation from his union membership.

**WE WILL** remove the last sentence of Article I from the bylaws or amend it to reflect the fact that it can no longer be enforced as written.

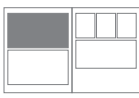
**WE WILL** affirmatively notify Kelly Eady-Miskiewicz, Jason LaPorte, Matt Knapp, and Matt Knapp in writing that their resignations to September and October 2013 have been accepted.

**SAGINAW EDUCATION ASSOCIATION**  
  
 Title: Unit Secretary

**MICHIGAN EDUCATION ASSOCIATION**  
  
 Title: Executive Director

Date: 11/12/2015

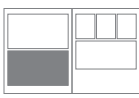
Any questions concerning this notice may be directed to the office of the Michigan Employment Relations Commission, 2000 State Street, 17th Floor, Lansing, Michigan 48906. Telephone: (517) 487-1311; Fax: (517) 487-1311; TDD: (517) 487-1311; Email: [merc@merc.state.mi.us](mailto:merc@merc.state.mi.us)



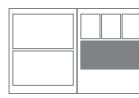
**Top left:** Miriam Chanski and Patrick Wright were guests on "The Sean Hannity Show."



**Top right:** As part of the remedies in the case, the MEA was required to post a notice in its December 2015 Voice magazine admitting it violated the law.




**Bottom left:** Miriam Chanski and Patrick Wright testified for the Michigan Senate Committee on Compliance and Accountability.



**Bottom right:** In 2015, the MERC ruled unanimously in favor of Saginaw teachers (from left to right): Kathy Eady-Miskiewicz, Jason LaPorte, Matthew Knapp and Susan Romska.





“I don’t think I could have taken on the MEA alone. I am grateful for the Mackinac Center and everything they’ve done to support me to get the issues out there. They stuck to the truth and the facts and I could not ask for anything more.”

**Miriam Chanski**

*Coopersville kindergarten teacher*

# Making Government Transparent and Accountable

In simple terms, government is a group of people using resources that belonged to the public before they were taken away through taxes. Since these funds were earned by taxpayers, they have a right to know exactly how their government is using their money.

Sometimes governmental entities do things that conflict with what's in the best interest of the public, and many times, that happens in secret. In the wake of the Watergate scandal, there was an increased interest in making governments more transparent. In response, politicians created the Freedom of Information Act, or FOIA, as it's commonly called. FOIA is perhaps the most important tool that journalists and members of the public have to keep governments accountable. The FOIA laws in each state are different from each other in various ways, but they all give citizens the right to request and receive information from public entities.

In Michigan, the Mackinac Center Legal Foundation has filed several lawsuits to ensure that governments follow FOIA law.

The city of Westland was illegally charging people money up front plus a dollar per page for

documents. Westland, a city in Wayne County, was illegally charging people a fee just to start the process of responding to an information request. It also charged a flat hourly fee, regardless of the actual costs of gathering the information. The Legal Foundation sued, and in response, the city restructured its fees and change how it handled public requests.

The Flint water crisis rocked the state in 2015 and 2016. It was hard for anyone to know who was responsible and how much blame-shifting was going on. In an attempt to find out what happened to the employees alleged to have committed wrongdoing, the Mackinac Center sent a simple FOIA request to the state of Michigan. The state delayed its response for four months, but ultimately gave in after the MCLF filed suit against it — and established new policies for disclosure as well.

Shortly after the 2016 general election, the president of the University of Michigan made disparaging remarks about supporters of President Donald Trump. Michigan Capitol Confidential, a news site of the Mackinac Center, requested documents from U-M, seeking to understand why a university president would make withering comments





about some of his students. The university took more than 100 days to provide the documents, but it denied others related to the request. Eventually, after the MCLF filed suit against U-M, it released all of the documents, added new staff to its transparency department and paid legal fees to the MCLF.

Professor Marc Edwards, as part of his work related to the Flint water crisis, submitted several FOIA requests to Wayne State University in 2017. At first, the university chose to ignore the FOIA law. But public universities, like other units of government, are subject to open records laws. After the Legal Foundation filed suit, the university turned over the documents Edwards asked for.

In another situation, the Mackinac Center requested files related to an individual licensed by the state. The licensing department said it would respond appropriately, and then ignored the request for months. Within hours of the department being hit with a MCLF lawsuit, it released the information.

In short, government transparency laws are vital. Without them, it would be very difficult for reporters to do their jobs. And thanks to tools like FOIA, citizens can help hold public officials accountable. The Mackinac Center Legal Foundation ensures public entities — big and small — stay under scrutiny. ¶

# Amicus Briefs: Encouraging Freedom Through Another Legal Avenue

School choice, freedom of speech, overreaching environmental laws, private property rights, campaign finance, government efficiency and much, much more. These are the subjects of the more than 40 amicus briefs the Mackinac Center for Public Policy has signed on to or authored. An amicus brief is a document that a person or organization files with the court to support a position of someone involved in a lawsuit.

In many of those cases, the actions of individuals and businesses in Michigan influence laws across the nation. Some were even influential in U.S. Supreme Court decisions, protecting the rights of individuals everywhere.

Everyone agrees with protecting the environment, but state and federal rules often set up an arbitrary and unfair process. These bureaucratic regulations can violate the private property rights of individuals, which are the foundation of a free society. In the 2005 cases of Rapanos and Carabell, landowners in Michigan's Midland and Macomb counties fought all the way to the U.S. Supreme Court,

objecting to strict federal rules allowing property runoff to be considered a "wetland."

An even more high-profile case that involved a Mackinac Center brief was *Kelo v. City of New London*, which exposed the misuse of eminent domain. When Susette Kelo's local government tried to forcibly take her house to give it to a multinational company, all in the name of economic development, she fought all the way to the highest court in the land. Unfortunately, she lost in a 5-4 decision, but the blowback from that infamous decision was an impetus for Michigan to pass a constitutional amendment with strong private property protections.



Susette Kelo stands near her home in New London.

*Photo credit: The Cato Institute*

Though it is no stranger to the U.S. Supreme Court, the Mackinac Center does not neglect its home state. Several cases it has intervened in here have involved state agencies overruling individuals in favor of the government. Businessman Alan Taylor of Sparta, Michigan, tried to expand a parking lot, unknowingly violating a state regulation and facing thousands of dollars in fines. The cases of *Taylor v. DEQ* in 2011 and *Heaphy v. MDEQ* in 2006 were attempts to protect private property rights against the state's use of regulations to essentially take land from citizens.

It's important that the state provide an even playing field for everyone. That's why the Legal Foundation supported briefs in the 2006 *DPG v. York* case, which challenged the state for giving priority to Toyota over other buyers when it came to land purchases. It's also important that all public charter schools are not denied the funds due them under state law. So, an amicus brief in *MEA v. Superintendent of Public Instruction* supported a public charter school that was under attack from opponents of school choice.

While everyone should have the right to decide whether they want to join a union or not, too often the government tilts the playing field. At the U.S. Supreme Court, the *Janus v. AFSCME* case in 2018 prominently cited work



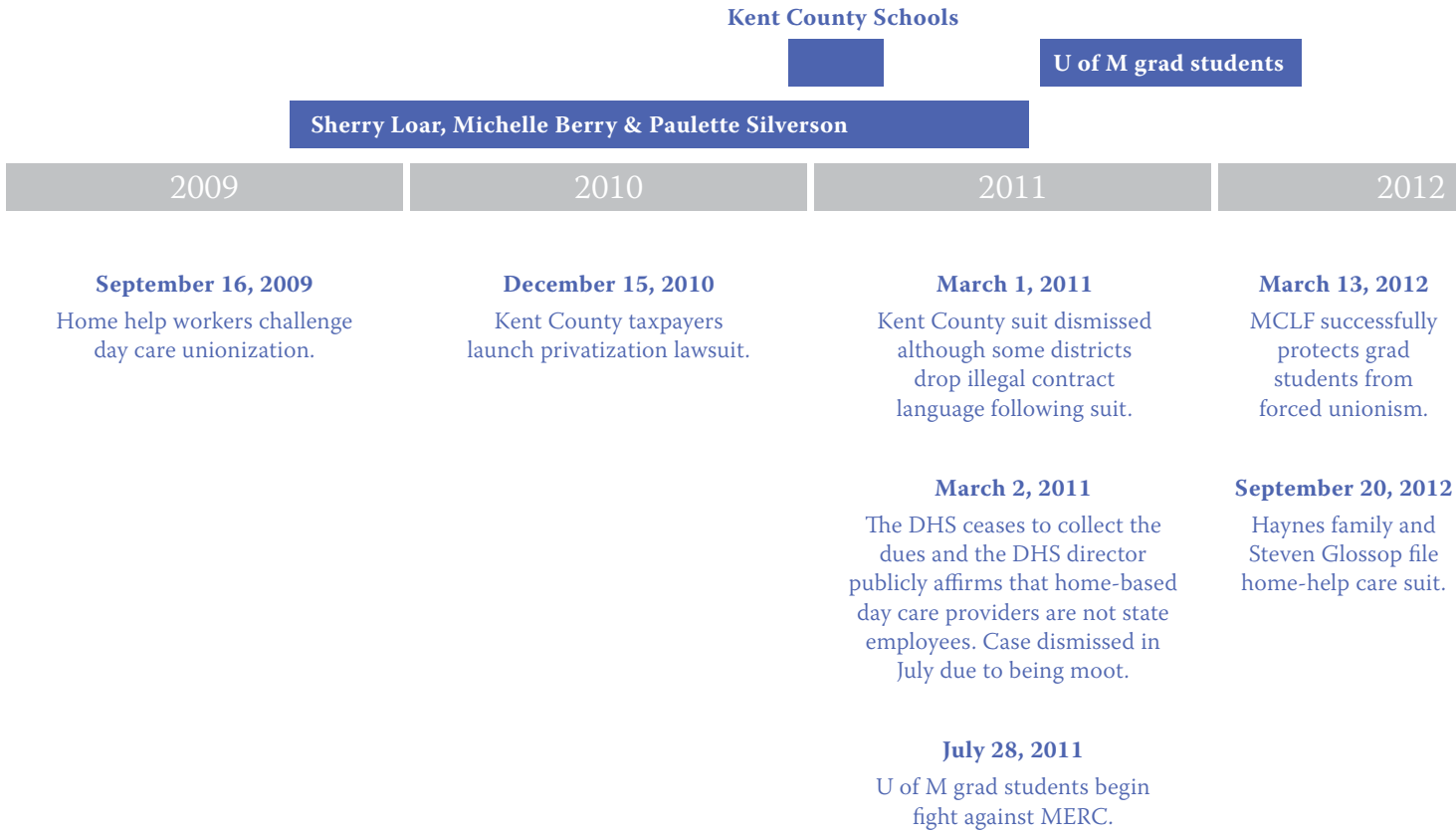
Mark Janus speaking at a Mackinac Center event.

from the Mackinac Center Legal Foundation when ensuring the First Amendment rights of every public employee in the nation to fully leave their union. Other labor cases supported by briefs helped lead to freedom for hundreds of thousands of day care and home health caregivers forced into labor unions as "public" employees. Michigan state employees and workers in states without right-to-work laws were supported by the Legal Foundation advocating for their rights.

Over the years, Mackinac Center work influenced major legal victories that gave Michigan state employees right-to-work, limited bureaucrats in the Great Lakes State by rejecting the Chevron doctrine, protected the First Amendment rights of public sector workers nationwide. The range of cases influenced by the Mackinac Center Legal Foundation is vast, and their effects will continue well into the future. ¶

Client Cases

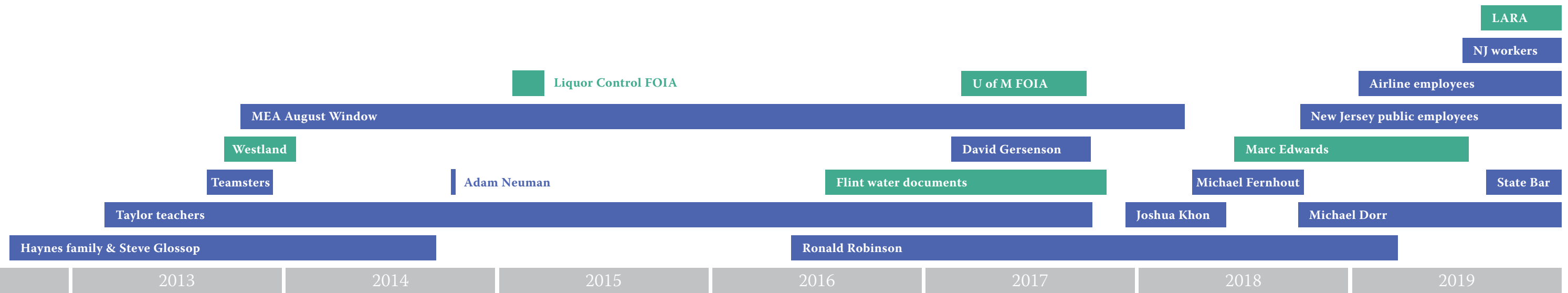
FOIA Cases



# 10 Years of Impact Timeline

In the Mackinac Center Legal Foundation’s first 10 years, we’ve had the opportunity to help public employees — from teachers to health care aides to maintenance workers — as well as regular citizens overcome obstacles. Whether it’s big unions, big government or unfair regulations, our work protects citizens and helps shine a light on unfair practices.

Here are highlights of some of our most critical work.



**February 28, 2013**  
Taylor teachers begin fight for their right to opt out of paying union dues.

**January 13, 2014**  
Westland case closed. City drops its illegal fees.

**January 22, 2015**  
Mackinac Center sues Michigan Liquor Control Commission over FOIA fees.

**May 18, 2016**  
Ronald Robinson, a science teacher, files an unfair labor charge against the MEA.

**February 15, 2017**  
David Gersenson files suit against Sleeping Bear Dunes Visitors Bureau over unfair tax.

**March 21, 2018**  
Supreme Court denies appeal. Court of Appeals unanimous ruling that the MEA "August Window" is illegal is upheld.

**January 8, 2019**  
Airline employees sue union for same constitutional protection as public employees.

**August 22, 2013**  
Represent four employees vs Teamsters Local 214.

**September 18, 2014**  
Haynes and Glossop suit related to skim end. The skim itself ended March 1, 2013.

**March 16, 2015**  
Michigan Liquor Control Commission waives fees for virtual copies and reduces cost for all future requests.

**July 13, 2016**  
Lawsuit against state government over Flint water documents.

**March 2, 2017**  
FOIA case filed against U of M for refusing to share emails sent by university President Mark Schlissel that referenced Donald Trump.

**April 2, 2018**  
MCLF represents Michael Fernhout over MEA debt claim.

**March 19, 2019**  
Robinson wins fight against the MEA.

**September 20, 2013**  
Westland FOIA case filed.

**October 15, 2014**  
Represent Adam Neuman, a Brighton High School teacher, in his case against the opt-out window.

**July 29, 2015**  
Mackinac Center amicus brief leads to Michigan Supreme Court upholding right-to-work for state employees.

**October 4, 2017**  
U of M releases documents and agrees to reform its FOIA policy.

**October 5, 2017**  
Supreme Court rejects appeal and upholds Taylor teachers' rights.

**May 31, 2018**  
The MEA agreed that it would not charge Khon agency fees.

**June 7, 2019**  
Lawsuits against New Jersey unions for failing to respect workers' opt-out rights.

**October 21, 2013**  
MCLF files MERC windows cases on behalf of eight public schools teachers to fight the MEA August Window.

**October 24, 2014**  
Adam Neuman suit won. Brighton school District agrees to change policy.

**July 29, 2015**  
Mackinac Center amicus brief leads to Michigan Supreme Court upholding right-to-work for state employees.

**October 5, 2017**  
Supreme Court rejects appeal and upholds Taylor teachers' rights.

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Supreme Court rejects appeal and upholds Taylor teachers' rights.

**June 13, 2018**  
Marc Edwards sues Wayne State University for failure to respond to FOIA requests.

**July 23, 2019**  
Wayne State ordered to pay Marc Edwards and the Mackinac Center nearly \$6,000 in attorney fees.

**December 11, 2013**  
Teamsters Local 214 abandons its discriminatory policy.

**October 24, 2014**  
Adam Neuman suit won. Brighton school District agrees to change policy.

**July 29, 2015**  
Mackinac Center amicus brief leads to Michigan Supreme Court upholding right-to-work for state employees.

**October 12, 2017**  
Tourism Bureau promises not to charge Gersenson.

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**June 27, 2018**  
United States Supreme Court cites Mackinac Center brief to support its Janus v. AFSCME decision.

**August 9, 2019**  
Mackinac Center sues LARA in transparency lawsuit.

**October 21, 2013**  
MCLF files MERC windows cases on behalf of eight public schools teachers to fight the MEA August Window.

**October 24, 2014**  
Adam Neuman suit won. Brighton school District agrees to change policy.

**July 29, 2015**  
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**November 8, 2017**  
Flint water documents released.

**November 8, 2017**  
Flint water documents released.

**October 3, 2018**  
Filed lawsuit to protect the constitutional rights of three New Jersey public employees.

**August 22, 2019**  
State Bar of Michigan sued for violating the First Amendment.

**December 11, 2013**  
Teamsters Local 214 abandons its discriminatory policy.

**October 24, 2014**  
Adam Neuman suit won. Brighton school District agrees to change policy.

**July 29, 2015**  
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**December 12, 2017**  
Joshua Khon, a fine arts teacher, sues union over right-to-work.

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**October 4, 2018**  
MCLF appears in Michael Dorr suit over AirBnB restrictions.

**September 16, 2019**  
MCLF celebrates 10 years of fighting for Michiganders.

**December 11, 2013**  
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**October 11, 2018**  
MEA abandon their claim against Fernhout.

**September 16, 2019**  
MCLF celebrates 10 years of fighting for Michiganders.







[www.mackinac.org/MCLF](http://www.mackinac.org/MCLF)

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