

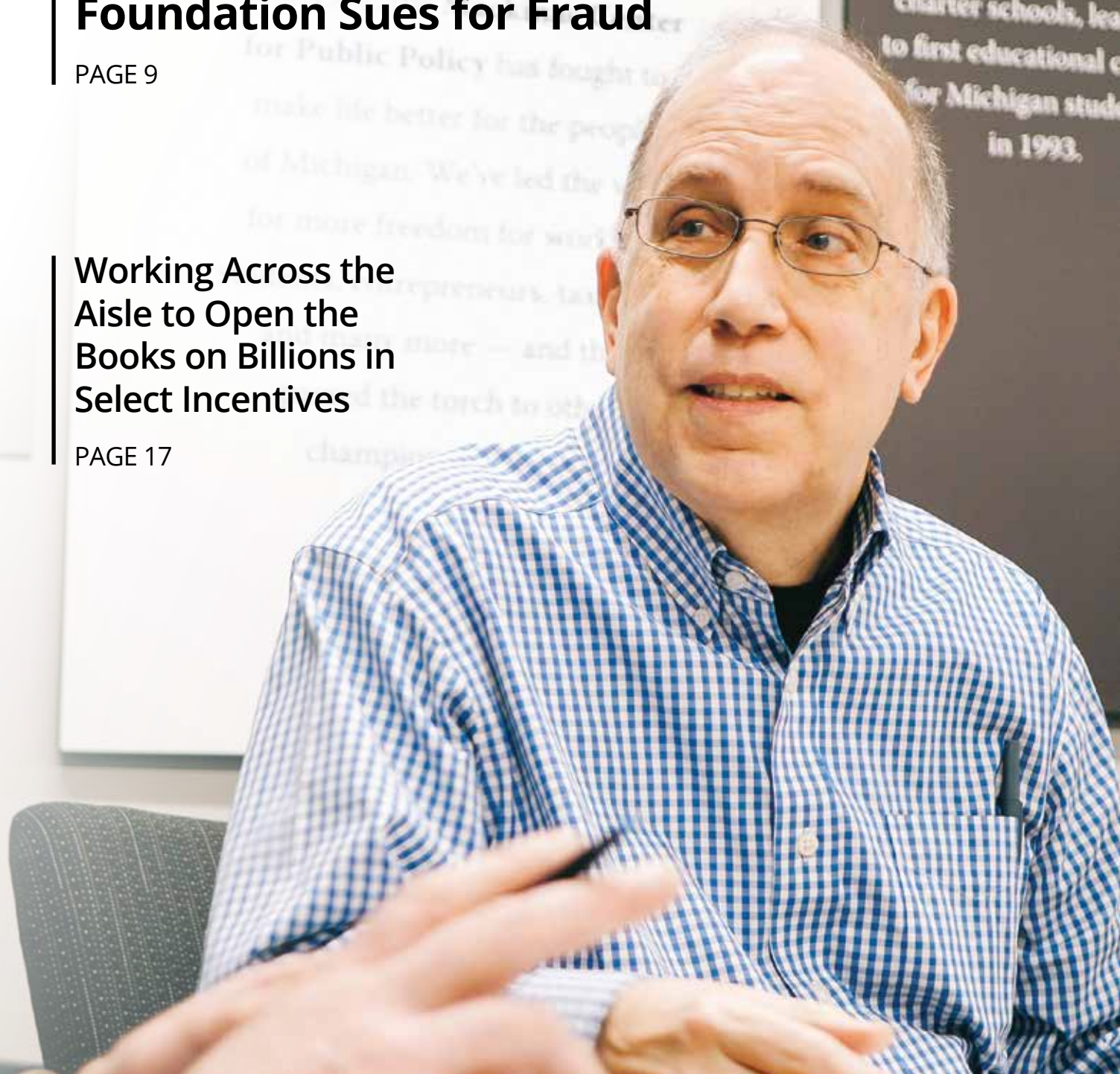
# IMPACT

## UAW Scandals Continue; Mackinac Center Legal Foundation Sues for Fraud

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## Working Across the Aisle to Open the Books on Billions in Select Incentives

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A stylized rainbow logo consisting of three concentric, semi-circular arcs. The top arc is yellow, the middle is orange, and the bottom is white. Each arc is composed of several segments, with small dots at the ends of the segments.

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**LETTER FROM THE EXECUTIVE VICE PRESIDENT**

**How to Improve Trust in Government**

Allow me to give you a look inside the Mackinac Center. I gave our editor a draft of this column on March 2, just as the COVID-19 coronavirus began upending everything. My editor now tells me I should revise the piece to reflect the extraordinary current circumstances. My original topic was how elected officials can improve trust in government, which is still relevant. The only difference: In a crisis, you don't have much time to make decisions or explain yourself. You hope you've built a reservoir of goodwill, because you'll need it.

It is commonplace for people to lament declining trust in government. I recently saw a nationwide survey by Morning Consult that said people are roughly five times more likely to trust Amazon and Google than the federal government.

In one sense, this is not new, or surprising. We the people have always had a healthy distrust of government and unfettered power. The Bill of Rights wasn't written out of an abundance of trust.

But in another sense, the erosion of trust could have consequences for people, property and markets. We don't want to discover what level of distrust would trigger widespread reactions in which people refuse to participate in elections, abandon civil behavior or engage in vigilantism.

Today's viral outbreak, and the enormous government interventions seeking to contain it, will stress test the American people's trust in government. Apart from the public health implications of the coronavirus, the market jitters over it and the economically devastating policies meant to contain it create additional, equally sobering implications.

Perception is never perfect, but it often tracks closely with reality. If public servants fear that trust in government is waning in this critical time, they should ask what they can do.

Here's my suggestion: Govern in a way that recognizes that political power comes from the people. Embrace government transparency and accountability.

Most laws address how people in the private sector act, so we have criminal laws and, as recent events have reminded us, laws concerning public health and public emergencies. In contrast, another category of law limits what government officials can do. For example, the Freedom of Information Act says that Michigan residents deserve to review public records: "[A]ll persons ... are entitled to full and complete information regarding the affairs of government..."

Unfortunately, government agencies routinely delay and obstruct requests for records, complaining about the burden on overworked agencies. (Violating the FOIA law is a bipartisan reality. In the last few years, the Mackinac Center has had to sue both the Snyder and Whitmer administrations to obtain public records.)

FOIA is one example; there are numerous laws that place restrictions of government power: term limits, tax limitations, school accountability measures, to name a few. Each plays a role in buoying public confidence in government, but more often than not, government officials resist these ideas.

These policies all deserve a robust debate over their short- and long-term effects. But elected officials and public employees should frequently ask: "If we complain about these laws, lobby against them, weaken them through litigation or neglect ... does that improve or harm trust in government?"



**By Michael J. Reitz**

Michael J. Reitz is the executive vice president at the Mackinac Center.



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SCHOOL RANKS!  
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## THE MICHIGAN CONTEXT AND PERFORMANCE REPORT CARD

— PUBLIC ELEMENTARY & MIDDLE SCHOOLS, 2019 —

By Ben DeGrow & Ronald Klingler

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MACKINAC CENTER  
FOR PUBLIC POLICY

PUBLIC POLICY  
RECOMMENDATIONS

# 2020

MACKINAC CENTER  
FOR PUBLIC POLICY

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**Mackinac.org/blog**

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### CAPCON

Michigan Capitol Confidential is the news site of the Mackinac Center that provides unique news coverage.

**MichCapCon.com**

# State Government's Obstacles To Virus Recovery

## Removing them could help us get through this better

Michigan is under a state of emergency, with all schools closed, large gatherings banned and restaurants and bars down to take-out only. State lawmakers have pushed through initial funding of \$25 million with more likely to come, to support efforts to combat the COVID-19 coronavirus. And at the federal level, Congress is quickly moving a package that funds free coronavirus testing and paid leave for many employees.

But there are many government-imposed obstacles in the way of fighting the virus. Here are some steps Michigan lawmakers can take to mitigate the effects of its spread.

### Certificate of Need repeal

Michigan is one of the states that imposes a “certificate of need” law, which requires hospitals and other medical facilities to get special permission before building or expanding. The law requires health care providers to go through a lengthy and expensive process for new or replacement equipment and services. One study estimates that laws like this have reduced the number of hospital beds by about 10%, with minimal savings. A dozen states operate — more efficiently — without such laws, and Michigan should waive these requirements during the current emergency and reconsider them altogether when the threat subsides.

### Licensing red tape

Michigan also imposes onerous restrictions, in the form of occupational licensing laws, on individuals trying to enter the medical profession. Many are justified, yet this state's regulations nevertheless are more onerous and

restrictive than those elsewhere. For example, Michigan imposes severe restrictions on the nursing and nurse practitioner professions; one expert called Michigan one of the “regulatory dirty dozen” in this area. Past legislatures have also enacted laws that deny those with past criminal offenses from working in the medical profession — even the crime in question is a low-level one. Michigan doesn't readily recognize medical licenses from other states, even in cases of emergency. In Massachusetts and elsewhere, states are recognizing licensing laws from other states and reducing their mandates. Michigan should as well.

### Expand scope-of-practice and direct primary care

On a related note, Michigan rules can make it difficult for qualified medical professionals to make use of all of their talents. While other states allow nurse practitioners and physician assistants more autonomy, Michigan limits their work through narrow scope-of-practice laws. Such restrictions have not been demonstrated to improve patient care and can, in fact, leave patients worse off. Michigan should at least relax these restrictions during this state of emergency.

### Telemedicine

Michigan has made it easier to receive medical advice over the phone and through video chatting with a medical professional. But some important services are still restricted. We should take full advantage of the networks and infrastructure we have in place to combat this coronavirus, and telemedicine should be encouraged and

promoted, not restricted and limited.

### Licensing and permitting

In Maryland, Gov. Larry Hogan issued an executive order “providing that all renewals of expiring licenses, permits, registrations and the like — including driver's, business, and other licenses, not only occupational — would be extended to until 30 days after the state of emergency ends.” Many of Michigan's occupational licensing laws require continuing education training and annual fees. These should be postponed or eliminated to prevent unnecessary individual contact while allowing important work to continue.

These are just a few of the major regulations that could be adjusted to help during this emergency. Other states are pursuing similar moves when it comes to many other rules, especially related to trucking, shipping and distribution. States should help citizens fight the virus without keeping unnecessary restrictions in the way.

*Editor's Note: After publication, Gov. Gretchen Whitmer adopted most of the above recommendations via executive orders. The Mackinac Center will continue helping Michigan get through this crisis by suggesting sound public policy reforms.*

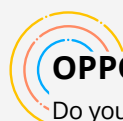
### By Jarrett Skorup

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

This article was originally published online at [MichCapCon.com/27308](http://MichCapCon.com/27308).

### MICHIGAN VOTES

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## A Tribute to Alan Ott

The Mackinac Center for Public Policy is deeply saddened by the passing of Alan Ott, a longtime supporter of the Mackinac Center and well-known civic leader in our hometown of Midland.

Mr. Ott was instrumental in the early years of the Mackinac Center, serving as co-chair, along with Margaret "Ranny" Riecker, of the Center's headquarters building campaign in 1997-98.

He helped the Center raise \$2.4 million to convert an abandoned Woolworth's department store into our current Main Street location. The lead donors were The Herbert H. and Grace A. Dow Foundation, the Rollin M. Gerstacker Foundation and The Charles J. Strosacker Foundation.

Mr. Ott was also a member of the Mackinac Center's original Mid-Michigan Board of Advisors, which was an invaluable sounding board on public policy.

Every meeting with him was a lesson in virtue, civility, getting one's facts right, and community building. We will always be grateful for his friendship, leadership and advice over the years. ■

The Michigan Education Association has lost one-third of its membership

Each state government employee union is down at least 15% in membership

Michigan's AFSCME branch is down 37%

SEIU Michigan has lost more than 50% of its membership

JANUS V. AFSCME

# National Right-to-Work

## The Union Opt-Out Effort in Michigan and Across the Country

Ever since Michigan became a right-to-work state seven years ago, the Mackinac Center has spent an immense amount of time and effort promoting and defending the right of people to work without being forced to pay union dues. This meant a years-long marketing campaign, roughly a dozen legal battles, and continuous research to evaluate the effects of the law.

In that time, union members have left their organizations in droves. The Michigan Education Association has lost one-third of its membership. The state AFSCME branch is down 37%. The SEIU has lost more than 50%. Each state government employee union is down at least 15% in membership. And this is at a time of sustained job growth. Many workers apparently believe their union dues aren't worth the cost.

In 2018, the U.S. Supreme Court reaffirmed the rights of all public sector workers nationwide by ruling in *Janus v. AFSCME* that they also have the "right to work." No government worker — teacher, bus driver, janitor, police officer, firefighter, state employee, etc. — can be forced to pay dues or fees to a union.

Once again, the Mackinac Center took up the challenge, collaborating with groups all across the country to take what worked in Michigan and spread it nationwide. The efforts have paid off.

We've reached millions of public sector union members through digital marketing, direct mail, phone calls and door knocking. Thousands of union members have left their organizations because of these efforts. And each of the four largest national unions in the country that represent government workers has seen a drop in membership.

Workers across the U.S. write to thank us for helping them navigate the obstacles unions put in their way as they try to exercise their constitutional right. Several have joined the effort, even making phone calls and sending out letters on behalf of the "My Pay, My Say" campaign to educate workers everywhere.

Unions try to keep workers paying dues so that they will have a larger war chest to play politics with. In the 2018 midterm elections — primarily in congressional, gubernatorial and state legislative races — unions are estimated to have spent \$2 billion. That's up from \$1.6 billion during the 2016 presidential election cycle.

All citizens and private groups should have the right to participate in elections, and unions are no different. But the difference between unions and other groups is they can coerce dues and fees from workers. The *Janus* case ensures they can no longer do this to public sector employees, and it's now up to these workers to decide how they want to spend their money.

The Mackinac Center will lead the effort in educating them about their new rights. ■

**By Jarrett Skorup**

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





Since 1967, the Mackinac Center  
for Public Policy has fought to  
make life better for the people  
of Michigan. We've led the way  
for more freedom for all  
students, entrepreneurs, tax  
and many more -- and  
passed the torch to our  
champions.

Began debate over public  
charter schools, leading  
to first educational choice  
for Michigan students  
in 1993.

Governor  
16 of 20  
Center's  
the first

for Public Policy has fought to  
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for Michigan students  
in 1993.



# UAW Scandals Continue; Mackinac Center Legal Foundation Sues for Fraud

After the 2018 U.S. Supreme Court ruling in *Janus v. AFSMCE*, public workers were finally able to choose whether they wanted to pay money to a union. This freed hundreds of thousands of workers across the country. But in many states — though not Michigan — private sector workers are still forced by law to pay. In others, they face pressure from other sources.

In 2008 Jim Shake began a job as an actuary at the United Automobile Workers headquarters in Detroit, Michigan. After a few years on the job, Shake was approached and told he needed to pay dues to a local union called “Local X.” Shake noticed, however, that Local X’s method of deducting dues didn’t quite line up with the usual method used by the rest of the UAW.

Soon after Shake pointed this out, he was called into his superior’s office and reminded that he was an at-will employee, which he took as threat to fire him. Feeling trapped, he signed the dues-authorization form, and began paying dues.

From the time he signed the form in 2014 to his retirement in 2018, Shake never heard from Local X. His only connection with it was that dues were consistently deducted from his paycheck. He was never approached by a representative of Local X, or any other union claiming to represent him.

After his retirement, Shake contacted the Mackinac Center Legal Foundation, which began to look for proof of Local X’s existence. It could not find any.

The Foundation filed suit in December, seeking to reclaim over \$7,000 in dues and a court judgement stating that Local X does not, and never did, exist.

“I paid the dues, but then found out there was no actual union — nobody was representing me. I believe this was a fake union set up to withhold dues as part of a kickback scam,” said Shake in the press release issued after the suit was filed.

In January, the UAW filed a motion to have the case dismissed, claiming that the complaint by the Mackinac Center “badly, and knowingly, mischaracterizes the facts.” The motion then said that Shake knew that there was no local union, and he has no basis to claim that his experience with Local X was fraudulent.

“Michigan cannot prosper if powerful institutions like the UAW drag the economy down with corruption,” said Derk Wilcox, senior attorney with the Foundation. “The UAW has admitted that there was no such local union, called Local X or any other name. The UAW was taking its employees money and using it to live the high life.”

A hearing was scheduled for February, but due to unforeseen circumstances, it was rescheduled for April. It’s possible that the case could be decided at this hearing without going to trial. After all, the UAW admitted, in its motion to dismiss the case, that Local X never existed. All that can be done for now is wait.

Workers have the right to choose if they want to pay money to a union, but when a union takes employees’ money under false pretenses, that’s a different story. When unions no longer protect the workers that they were created to protect, and choose to steal from them instead, they outlive their usefulness. The Mackinac Center is proud to represent workers who have been wronged by their unions and to fight for a freer state and country.

**By Taylor Piotrowski and Derk Wilcox**

Taylor Piotrowski is the outreach coordinator and Derk Wilcox is a senior attorney at the Mackinac Center.

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# THE MICHIGAN CONTEXT AND PERFORMANCE REPORT CARD

— PUBLIC ELEMENTARY & MIDDLE SCHOOLS, 2019 —

By Ben DeGrow & Ronald Klingler

MACKINAC CENTER  
FOR PUBLIC POLICY



This report is available online at [mackinac.org/s2020-01](https://mackinac.org/s2020-01)

# Equipping Families to Choose Among Schools

The distance of a short drive can make a world of difference in how much a child learns.

Two conventional public schools, Maples Elementary in Dearborn and Henderson Academy in Detroit, are just over two miles apart. Both schools are about the same size, with more than 90% of their students coming from low-income families.

But Maples and Henderson landed at polar opposite ends of the Mackinac Center's new Context and Performance (CAP) Report Card. Among the 2,203 Michigan public elementary and middle schools graded, Maples notched the fourth-best score while Henderson finished fourth from the bottom.

The Mackinac Center's report card helps to bring a sharp contrast such as this one into focus. Factoring in the strong relationship between higher student poverty rates and a school's lower achievement, the report card compares multiple years of state test scores to the results demographics would predict. This allows a school like Maples, along with several others from its district, to shine. Five of the top 10 scores this year went to schools in the Dearborn district.

The fourth edition of our elementary and middle school report card ranks schools not just on the most recent four years; it also has a long-term measurement that covers performance over the past decade, and another of how a school's performance has changed over time. Only one school finished in the top 1% of all three categories: Rankin Elementary in Swartz Creek.

For the second straight time, though, the number one school in Michigan is Hamtramck Academy, a National Heritage Academies charter that made the cover of IMPACT in

2018. Three other Hamtramck charters stood tall, as well — Hanley International Academy (#12), Bridge Academy Elementary (#16), and the most improved school in the state, Caniff Liberty Academy.

Even more than in previous report cards, charter public schools were overrepresented among the best performers. They made up 12% of all the schools rated, but 22% of those that received an A. Most of these 49 top-notch charters are located in Metro Detroit, but they can also be found in places like Flint, Holland and Sault Ste. Marie. Charters, on average, give students more opportunity to learn and achieve. Not all are great, but public demand can be great for those that are.

By providing an apples-to-apples comparison, the CAP Report Card helps families understand their options among public schools. Their range of choices could expand sometime after the U.S. Supreme Court rules, likely in June, on a case it heard earlier this year. The decision in *Montana v. Espinoza* could lead to an end to Michigan's exceptionally restrictive constitutional provision that will have kept universal choice out of reach for a full 50 years, as of November.

Advocates of educational choice still would need to do the hard work of prodding lawmakers into establishing a program to help all families educate their children wherever they wish, regardless of economic barriers. If they succeed, they will need even more tools like the CAP Report Card to sort through the available options. ■

**By Ben DeGrow**

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





## Paul and Carol Lay Establish New Endowment at MCPP

By Lorie Shane

Paul Lay has a special fondness for center-right field at Comerica Park, home of the Detroit Tigers.

It occupies the spot where he spent three nights a week for more than four years, earning a degree from the Detroit College of Law. When he and his wife, Carol, go to baseball games with friends, he points to the outfield, where the law school used to be located.

Paul has a deep appreciation for the law school, now fully integrated into Michigan State University. His wife, Carol, thinks the same of her alma mater, Purdue University.

The Bloomfield Hills couple shows their appreciation for these institutions, as well as for family, church, and the Mackinac Center, through their philanthropy.

In 2019 the Lays chose to set up an endowment fund at the Mackinac Center. After their deaths, the investment earnings from the Carol Lockwood Lay and Paul J. Lay Endowment will support the Mackinac Center Legal Foundation.

“Because of Carol’s father being an attorney and because I’ve been in law basically my entire career, we liked what the Legal Foundation was doing,” Paul said.

Carol’s father, Rodney Lockwood Sr., graduated from the same law school and was a well-known attorney and builder in Southeast Michigan.

“My father was a dentist and I wasn’t interested in going to dental school, so Rod Senior became my mentor. It was because of him that I went to Detroit College of Law, following his footsteps.”

Even as Paul worked days at Comerica Bank and took classes at night, the couple also started their family.

Today they have two daughters and six grandchildren, including two sets of twins. All are college graduates, assisted by college funds the Lays established over the years.

The couple have established scholarship endowments at the Purdue University College of Health and Human Sciences and at the MSU College of Law. They have also established an endowment at their church, Kirk of the Hills, to support its mission and outreach activities.

In addition to their philanthropy, the Lays actively volunteer for their church, which includes serving meals at a soup kitchen in Pontiac. Until recently, Carol served as a church trustee and Paul was a deacon. Carol also bowls, plays tennis and plays bridge regularly, while Paul, who retired in 2005 from nearly 30 years with a private law firm, serves on the Bloomfield Hills Planning Commission.



*Paul and Carol Lay*

“We’re still out there participating and enjoy volunteering,” Paul said.

Carol, who holds a degree in applied design from Purdue, said that giving back to one’s community “is just how we were brought up. ... We like to help people who can’t afford out-of-state tuition. Going to college is not inexpensive.”

They chose to join the Mackinac Center Legacy Society and establish an endowment after attending one of the Center’s Planning for Life estate planning workshops.

“The whole thrust was, ‘Do we want to make a significant contribution to the Mackinac Center?’ And Carol and I talked about it for a while and eventually we said yes, we did,” Paul said.

While there are many ways to make an estate gift to the Mackinac Center, from naming the Center in one’s will or trust to setting up a charitable gift annuity, the Lays strongly prefer to use an endowment as their giving vehicle.

One reason is that when an endowment is set up with funds designated for a specific purpose, it has certain legal protections from being used in other ways or handed over to creditors through a lawsuit or in a bankruptcy proceeding, Paul said.

When MSU reached a \$500 million settlement with hundreds of women who had sued over abuses committed by university physician Dr. Lawrence Nassar, the Lays were concerned that their scholarship funds could be affected. But university officials assured them that the gift agreement they signed with MSU, as well as state law, protects those restricted funds.

At the Mackinac Center, the couple have the confidence of knowing that the Carol Lockwood Lay and Paul J. Lay Endowment will be used to support the Mackinac Center Legal Foundation and its work.

“We saw things that were being done by the Center involving mandatory membership in a union, and

helping private day care providers, home help workers and graduate students,” Paul said. “And then the landmark case of Janus v. AFSCME. We really enjoyed the opportunity this past summer to meet Mark Janus in person and discuss with him what it was like going through his lawsuit. This is something that the Mackinac Center made available to us as a member.”

Finally, the Lays like knowing that their endowments are a long-term investment in the organizations that they support. Because only the investment earnings are spent each year, their gifts will keep on giving.

“We make some one-time contributions,” Paul said, “but the main thrust, the main money, is going out after we pass away.” ■

*For more information on making a legacy gift to the Mackinac Center, please contact Lorie Shane at 989-698-1909 or send an email to LegacySociety@mackinac.org. We look forward to hearing from you.*

## *Planning for Life* WORKSHOPS

### OUR SCHEDULE FOR 2020 IS:

Save the date for one of our Planning for Life Workshops in 2020, coming to four locations throughout the state.

These popular events offer you the latest information on estate planning, provided by our guest experts in a small-group setting where nothing is sold. You will leave equipped to work with your financial adviser and family on leaving a legacy that reflects the values you hold dear.

All of our workshops are free to Mackinac Center supporters, their guests and family members.

Lunch is included at all events.

You can reserve your seat now for any of these events, or be put on the mailing list for workshop reminders, by contacting Sandra Darland at **989-698-1905** or sending an email to **events@mackinac.org**.

We look forward to seeing you there.

#### **Tuesday, June 23, 2020**

11:30 a.m. – 1:00 p.m.

Gandy Dancer

401 Depot Street

Ann Arbor, MI 48104

#### **Wednesday, June 24, 2020**

11:30 a.m. – 1:00 p.m.

Frankenmuth Brewery

425 S. Main Street

Frankenmuth, MI 48734

#### **Thursday, August 13, 2020**

11:30 a.m. – 1:00 p.m.

The Gross Pointe Club

Grosse Pointe Farms, MI 48236

#### **Thursday, September 10, 2020**

11:30 a.m. – 1:00 p.m.

Snug Harbor

311 S. Harbor

Grand Haven, MI 49417

# A 2020 Vision for Criminal Justice Reform

## AS ALLUDED TO IN

the previous issue of IMPACT, legislators have a tight time window through which to advance policy this year. Anything not on the governor's desk by Memorial Day will be pushed aside by work on the next state budget, and then election considerations.

Partisan tensions are already heightened this year. Gov. Gretchen Whitmer delivered a "go it alone" State of the State speech. That was followed by her directive that the Michigan Transportation Commission issue \$3.5 billion in bonds for highway construction and the Michigan Senate's act to reject a Whitmer nominee for the first time.

The one policy area that seems least likely to be derailed by partisan sniping is criminal justice reform. There is a broad consensus that many aspects of our criminal justice process don't serve the public well. By pursuing data-backed reforms adopted in other states, we can reduce the risk of repeat criminal behavior, which will increase public safety and reduce the cost of government.

Late last year, the Michigan House overwhelmingly ratified a package of six bills that make it easier for people to receive set-asides on old criminal convictions. We encourage and expect the Michigan Senate to advance these bills sometime in the spring.

Any criminal conviction in a public background check has shown to be a significant deterrent to a person's employment and housing prospects, even for minor offenses in the distant past. The bills would allow people to petition a judge for set-asides of non-assaultive offenses several years earlier than the law currently allows. The bills would also grant set-asides, automatically, 10 years after the completion of a sentence.

A study on Michigan's existing set-aside process published in the Harvard Law Review last year showed its benefits. Those who receive a set-

aside immediately and substantially increase their likelihood of employment and earned income, while reducing their propensity for future criminal behavior below that of the general adult population. We should want more of those results.

A related issue is that the state sometimes misuses a person's criminal history to deny an application for an occupational license. Roughly one-fifth of all jobs in Michigan require a license issued by the state, so it is important that any denials based on criminal history be for convictions directly related to the duties of the job rather than nebulous breaches of "good moral character."

We have supported these bills for several years and won the broad policy argument, but the hang-up has been industry associations fighting to retain their little fiefdoms. "We get the policy goal, but we need to be carved out because we're different. (Insert protectionist excuse here.)" Nevertheless, the logjam should break, with these bills finally moving this spring.

Finally, the Michigan Legislature will begin the long slog of adopting the recommendations of the Jails and Pre-Trial Incarceration Task Force. Because there is more meat in those findings than can be covered in this space, do a Google search of "David Guenther Jail Reform" and read the link from The Hill.

Given the way Michigan structures its laws, including the state constitutional mandate that legislation be limited to a single subject, addressing all of the task force's recommendations could require up to 105 bills. But the ones dealing with overcriminalization and the overuse of county jails to lock up people whose driver's license has been suspended for nondriving violations should be among the first to advance. ■

**By David Guenther and  
David Safavian**

David Guenther is the senior strategist for state affairs at the Mackinac Center. David Safavian is the general counsel for the American Conservative Union.





## A PROFILE OF A SUPPORTER

# Someone Has to be a Catalyst

As Linda Ulrey recalls her early years, she sees people who didn't follow the usual path. Perhaps that's one reason why she believes that the upcoming generation will improve upon the legacy she received as a child.

"I was raised by an empowered mother and a father who never believed his three daughters were ordinary," she says. "This was progressive thinking for people who raised their family in the 50s and 60s."

She enrolled in Michigan State University, hoping to become an economics teacher, but following her mother's prompting, took a management internship at Chrysler. In time, she managed the Viper plant in Detroit, which she singles out for its product and work environment. "The union workforce and management team both loved the ethos of the product they were making — a vehicle to rival anything on the road." She credits that for minimizing the discord often found in a

factory. Today, Ulrey is retired but active, living in the Bloomfield Hills home she built with her husband over 20 years ago.

Her first encounter with the Mackinac Center came in a doctor's waiting room, more than 10 years ago, when she found a copy of IMPACT. The long wait, she says, allowed her to read the magazine from cover to cover. "It was an easy read on complex issues."

When asked to identify the most pressing policy issues of the day, she draws a distinction between local and national concerns. National concerns, she says, can be extremely daunting, hard to understand and even more difficult to do anything about.

Local government, on the other hand, offers more opportunities for people to make a difference. "Local government offices," she says, "are down the street from our homes. Its elected officials are our neighbors; our children go to school together."

She calls on officials and citizens alike to listen to each other. "If you want good government, you need the backbone of good ideas and participation from the entire community. I remember my mother telling me to listen to my critics; consider the possibility that they are right."

Organizations such as the Mackinac Center play an important role, too. When asked why she supports the Mackinac Center, Ulrey points to its role in moving the range of what's considered acceptable public policy.

"Philanthropy supports efforts that may be too unpopular or controversial to gain the widespread support of the general public or the government. Someone has to be a catalyst to begin these efforts — for me, that is the Mackinac Center."

Criminal justice, an issue the Center has been active in over the last few years, is one of her concerns. "I have been personally moved by stories of families affected by our criminal justice system," she says, adding that her opinions have changed. "I used to believe in a very hard line regarding positions on crime and incarceration." Now, she believes that policy must acknowledge the costs of overcriminalization. "Too many people are locked up for too long, at too high a cost for reasons that cannot be justified in a fair society," she says. "Everyone must believe that they have a chance for redemption and fairness. The Mackinac Center is at the forefront of leading this discussion on crime, criminal justice and democracy in Michigan."

When it comes to today's young adults, she is optimistic. They have used new technologies to create unique and novel ways to give. Parents, of course, still play an essential role: "Parents also need to emphasize giving with their kids as an important part of their values. The more giving becomes part of kid's habits, the more it continues into adulthood." ■

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PUBLIC POLICY  
**RECOMMENDATIONS**  
**2020**

The full guide is available online at [mackinac.org/policy2020](https://mackinac.org/policy2020).

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NEW RESEARCH

# Mackinac Center Public Policy Recommendations for 2020

There's no limit to the ways in which public policy could be improved in Michigan. But there is a limit to the number of hours in a day. And that's why the Mackinac Center creates a priority list of policy reforms every year. We analyze our top policy ideas and determine which ones are going to take priority, based on their feasibility and impact, among other things.

Lawmakers acted on several of our policy recommendations last year, such as spending more on roads without increasing taxes, trimming back on corporate handouts, making changes to the criminal justice system and, of course, enacting historic reforms to the state's auto insurance laws. We'll be looking for similar positive impacts in 2020, with our policy recommendations guiding our educational and outreach work.

One of our top and overarching priorities is fiscal responsibility: lawmakers making prudent use of our tax dollars. This includes prioritizing road funding without tax hikes or taking on debt. It also means continuing to make full payments on existing debt and reducing spending on gimmicky and one-off special-interest projects, such as corporate handouts.

Transparency is another priority of ours in 2020, and it surfaces in several policy areas. We'll push to make government unions more accountable to their members, expand Michigan's FOIA law to include all levels of government, and require state

agencies to report every penny in tax breaks, subsidies or other special treatment they provide.

We'll also be focusing a lot of effort in 2020 on regulatory reforms. The administrative state is out of control, and policymakers need to rein it back in. The most important place to start is with a thorough review of occupational licensing requirements and starting to trim back needless ones. But the rest of the regulatory code needs work as well, and we'll encourage policymakers to begin modernizing Michigan's administrative code.

These are but snippets of the work we have planned for the year — there's no space left for details about our plans for labor, criminal justice and health care policy. You may, if you wish, read more about those in the full guide, available here: [www.mackinac.org/policy2020](http://www.mackinac.org/policy2020). But, either way, you'll hear from us again soon on those issues — hopefully because we have success stories to share! ■

**By Michael Van Beek**

Michael Van Beek is the director of research at the Mackinac Center.





# Mackinac in the Media

Gov. Gretchen Whitmer zeroed out funding for the Pure Michigan advertising program in one of her many line-item vetoes at the end of last year. The Mackinac Center applauded this move, as we've long advocated for an end to that taxpayer-funded program. So when the governor decided to include \$15 million in funding for Pure Michigan in her \$61.9 billion budget proposal for the next fiscal year, media outlets across the state reached out to us for comment. "If the tourism industry can come together to advocate that the government fund a tourism advertising campaign, perhaps they should just cut out the middleman and pay for it themselves," said Jarrett Skorup to The Detroit News. Michael LaFaive told Bridge Magazine, "The program is not only ineffective, it is unfair and expensive."

editorial was also featured in The Associated Press editorial roundup.

There's been a lot of national movement on labor issues. Mackinac Center Senior Fellow F. Vincent Vernuccio was quoted in The Washington Times, discussing the PRO Act. Two former candidates for president, Sens. Elizabeth Warren and Amy Klobuchar, and current candidate Sen. Bernie Sanders, are co-sponsors of this bill. The legislation is part of "an extremist, radical platform that is going to hurt workers, earners and job creators," said Vernuccio. He also discussed workers' rights on WBCB radio and was quoted in the Washington Examiner. Vernuccio also wrote an op-ed, which appeared in the Chicago Tribune, on legislation currently being pushed by unions in Illinois. The legislation would severely limit government workers' freedom.

Health care has been one of the top national issues in the past few months, with some presidential candidates touting their plans for a federal takeover of the country's health care system. Sound health care policy is needed now more than ever, and as Lindsay Killen told Bridge Magazine, "Every state is different and every state has different challenges. So Michigan lawmakers need more flexibility from Washington to design our healthcare system in a way that better suits the needs that we face." In an op-ed she wrote for The Hill, Killen discussed ways that states can use recent changes on the federal level to regain some control from Washington and focus on innovative ways to lower costs and ensure higher quality care. ■



*Holly Wetzel*  
Communications Coordinator

We recently released the latest edition of our Context and Performance Report Card, which ranks elementary and middle schools across the state by adjusting average test scores for schools based on their student demographics. Local outlets across the state, including 9&10 News, Sanilac County News, Ionia Sentinel-Standard, The Alpena News, Dearborn Press and Guide, and FlintSide, have covered how their local schools ranked. You can read more about this year's CAP Report Card on page 11. Michigan's third grade reading law has been another popular topic in the news. In one of its editorials, The Detroit News cited Ben DeGrow, who has said that Michigan should give the law a chance, as similar laws in other states have helped students there. The

# Working Across the Aisle to Open the Books on Billions in Select Incentives

Michigan may be closer to having more transparent and accountable economic development programs. And if it does, it will be because of broad, bipartisan support.

Our state affairs strategist David Guenther works to coordinate with our friends in the Legislature. In meeting with a number of both Republican and Democratic lawmakers, he heard some skepticism about the state's spending on economic development, where the state transfers hundreds of millions from taxpayers to businesses each year. This legislative interest gave us a chance to work with them to put together a bipartisan package of bills to improve accountability and transparency in the state's economic development programs.

They put together a package of five bills that address some specific issues. It allows the public to hear what is going to be offered before administrators sign a deal. It requires reporting when deals don't go as agreed. If a deal doesn't go as planned, the state will reduce its aid in proportion to how many fewer jobs the company creates. And if a deal goes sour, the money pledged to a company, or returned from it, goes into the state's General Fund instead of back to economic development administrators to use for other projects.

And it allows the state to again disclose the recipients of some older discretionary tax

credit programs. Select companies received hundreds of millions of refundable tax credits — far beyond what they owe in actual taxes, meaning that the tax credit transferred those millions from other taxpayers to the companies. Despite this expense, the state considers the names and amounts to be confidential taxpayer information, and it does not disclose how much each company receives.

This is a travesty of government accountability. The state can disclose how much it spends on office supplies, and where it bought them, but it cannot disclose which companies collect an estimated \$600 million per year, and how much each gets? It's good thing that the package fixes this problem and does other things to improve transparency and accountability.

Some of the bills' sponsors have worked with us on different issues in the past, like Republican Reps. Aaron Miller of Sturgis, John Reilly of Oakland Township, and Lynn Afendoulis of Grand Rapids Township. And we also have worked with Republican Sens. Tom Barrett of Charlotte, Lana Theis of Brighton and Jim Runestad of White Lake. And we have worked with Democratic legislators, including Reps. Tenisha Yancey of Harper Woods and Yousef Rabhi of Ann Arbor, as well as Sen. Stephanie Chang of Detroit. Senate Minority Leader Jim Ananich, D-Flint, is a sponsor and Senate Majority

Leader Shirkey, R-Jackson, is a co-sponsor of one of those bills, HB 768.

There's also a broad bipartisan list of co-sponsors on these bills. We were excited to see these lawmakers come together to introduce the package.

Outside support comes likewise from a number of diverse groups. In addition to groups like the Michigan Freedom Fund and the Michigan chapter of Americans for Prosperity endorsing this package, the progressive Michigan League for Public Policy and Good Jobs First have supported it. And spokesmen for the state's Teamsters and American Federation of State, County and Municipal Employees have said positive things about it as well.

The package was introduced in February and the bills were referred to the Tax Policy committee in the House and the Economic and Small Business Development committee in the Senate. As of March 13, it has not yet received a committee hearing, the next step of the process. ■

**By James Hohman**

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





# Ad Vitam Paramus

We are preparing for life

The Hayes family is well-connected in the liberty movement. IMPACT magazine readers will be familiar with Jason Hayes, the director of environmental policy at the Mackinac Center. His wife Tanya Hayes is the chapter leader of the Midland branch of America's Future Foundation. They are pictured above with their children, Fionbarr, Ceanna and Ewan.



## FOR MANY YEARS,

the Latin phrase, “Ad vitam paramus” adorned the family room wall in our Arizona home. That phrase was a constant influence in our lives and the lives of our kids as they completed their daily homeschool studies.

The phrase translates into English as “we are preparing for life.”

Being prepared for life mixes our commitment to God and to personal responsibility with the recognition that life is a thing worth doing well. We often miss the mark but still believe that a consistent focus on core freedoms and liberties, and the abundant opportunities we enjoy in Western society, can be matched with hard work and commitment to some basic foundational beliefs. Taken together, these ideas lay the foundation for a meaningful and successful life.

Preparing for life also fits with another core belief: Humans are inextricably linked to their environment. For us to flourish, we must have a firm grasp on the science and policies that govern our management of that environment. Hoping that faceless “experts” in a Washington, D.C., office know what they’re doing will not cut it.

So the Hayes family lives life believing that each day, you have to grab on to the opportunities you have to learn and grow. Failing to do so means you will stall out or regress.

We came by our commitment to a “life lived well” honestly. Tanya’s mother was a top-selling real estate agent, so a tireless focus on your customers was just what you did. My own mother was a senior-

level emergency room nurse, meaning that calmly serving others in the face of extreme circumstances was normal. My father was a tenured academic and dean who, despite facing consistent, motivated and vitriolic resistance, regularly dared to speak about his conservative views in the education faculties in which he worked.

We learned by watching parents who put in immense amounts of effort to succeed. Tanya was active, as a teen, in conservative political causes and was a licensed real estate agent, managing her own condominium project by the time she was 18.

I focused on the natural environment, camping, hunting, hiking, and canoeing in my spare time. I studied the science of natural resource management by completing degrees in renewable resource management, natural resource conservation, and environmental science.

I worked as a park ranger and silviculture forester in British Columbia, and then co-authored a Fraser Institute study on the undue influence that grizzly bear researchers and allied environmental groups had over Canadian national parks policy. I then moved on to spend almost 15 years in the energy industry, researching and promoting the value of low-cost and reliable energy to human health, wealth and well-being.

Relocating from Alberta, to Arizona, to Michigan did not deter our focus on the education of our three children — Ceanna, Ewan, and Fionbarr. Tanya stayed home to ensure they had a classical and individualized education they could not receive in government schools.

In 2016, we moved from Arizona to Michigan, where I took on the role of director of environmental policy at the Mackinac Center. Tanya has continued to homeschool and to run her graphic design business, and she recently also became the leader of the Midland Chapter leader of America’s Future Foundation.

We are pleased to see our children growing and beginning to live out these same ideas. Ceanna is a sophomore and George Washington Fellow at Hillsdale College. Ewan is a high school senior, actively involved in his debate league and as a student captain in his church youth group, and he looks forward to working in environmental policy. Fionbarr is a high school sophomore, active in both high school debate and the First Robotics Competition.

Preparing for life has served as a focal point for the Hayes family as we raised three kids, moved throughout North America, and worked to promote human flourishing through healthy environments and viable free markets wherever we have landed. ■

### By Jason Hayes

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

# Are You Like Simon Cowell?

Simon Cowell is famous for being the tough-guy judge on the popular TV show “America’s Got Talent.”

Although you couldn’t call me a fan or even a regular viewer of the show, I recently watched several videos of Cowell using the “Golden Buzzer,” which catapults a contestant past several levels of auditions.

That’s a big advantage when you’re competing for a million-dollar prize.

I realized two things from watching Cowell, the show’s founder. One is that he keeps digging until he knows the personal story behind each contestant, and he wants that story to be raw and genuine.

In return, he is raw and genuine with his feedback. His commitment to telling performers the truth, which I view as his way of showing respect, is misinterpreted by many in the audience as harsh. But that’s exactly why so many contestants respond to a compliment from Cowell by saying, “That means so much coming from you.”

The second thing I learned is that Cowell has a clear preference for performers



**JIM WALKER**

who have had the odds stacked against them in life. The girl who became deaf at age 18 but learned to sing again, the foster father of six who wanted his children to have a dream, the boys who were bullied and found an answer in rap music — all were Golden Buzzer winners.

It’s clear that Cowell is inspired by people who never give up.

And that same inspiration is what I see in so many of our Mackinac Center donors.

Our donors understand that the greatest opportunities and greatest rewards are found in a free society where people can pursue their dreams and earn success, not in a totalitarian system of centralized control.

Yes, a competitive marketplace sometimes gives us harsh feedback, just as Cowell does. We might not get that job or win that bid or be able to open that business. But when we do accomplish those things, it means so much.

That’s why our supporters are inspired to fix the problems in our state and nation

by creating more opportunities from the ground up — more school choice, more worker freedom, more money back in taxpayer hands — and not through government handouts.

Our supporters would prefer to say to someone, “Look how much you’ve accomplished” than “Look how much we’ve given you.” They know that this does far more to make Michigan a better place to live, especially for people with the odds stacked against them.

Not only that, but our donors give to the Mackinac Center to help protect the privilege of opportunity for everyone, not to protect privileges for special-interest groups only.

It was inspiring to me to watch those few clips of “America’s Got Talent” and see talented people pursue their dreams. But it’s even more inspiring to me to meet with our donors, the people who are creating that opportunity for others. For that, I’m truly grateful. ■

Jim Walker is the vice president for advancement at the Mackinac Center.