

# IMPACT

AND THE WINNER IS...

## THE MACKINAC CENTER FOR PUBLIC POLICY

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Top 10 Legislative Wins in the  
Whitmer Era (So Far)

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Governor Temporarily Adopts Mackinac Center  
Recommendations on Certificate of Need

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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 separated by small gaps, giving it a dotted or fragmented appearance.

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If you're interested in learning more, please visit **[OpportunityMichigan.org](https://OpportunityMichigan.org)** today.

A large, stylized rainbow graphic at the bottom of the page, mirroring the logo above. It features three thick, semi-circular arcs in yellow, orange, and white, with small gaps between segments.

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**LETTER FROM THE EXECUTIVE VICE PRESIDENT**



# The Education Revolution is Coming

When the pandemic passes and the shutdowns end, I expect that the American institution to encounter the most profound changes will be the K-12 public school system. Parents, teachers and administrators are seeking solutions for the moment we're in, which is rattling long-held assumptions about education. Policymakers should prepare — now — for the school of 2022 (and beyond), not the school of 2021.

While the school cancellations this spring were inconvenient, parents were cooperative, even adventurous: “We’re working at home, the kids are learning at home, let’s give this a shot.” As the long summer passed, a question emerged, and it became more insistent: “The schools will open, right? Right?”

The decisionmakers running public schools encountered state-specific pandemic restrictions, teachers reluctant to return to the classroom and parents with strong opinions on both sides of the question.

Many parents of school-age children came to realize they would have to find alternatives to meet the family’s needs. An October EdChoice poll shows how widespread that sentiment spread into action: One-third of families report they participate in a learning pod with other families; 53% have joined or considered forming a pod. More than half of parents surveyed are considering a tutor this year. Even the parents who want to send their children to the local school expect it to provide multiple learning options (65%).

In other words, decisions about education are not on autopilot. Parents are not necessarily becoming the teachers, but they are most certainly becoming the administrators. And this is hardly insurmountable for the Millennial generation accustomed to on-demand solutions.

Innovation will disrupt long-held assumptions and may cause parents to ask uncomfortable questions: Is it up to me to figure all this

out? Must a child go to a school building to be educated? Why must it be this local school? What are we paying for and why can’t that funding help my learning pod or cover supplies? Could I do this? What did that teacher just say in the Zoom meeting?

We don’t have polling numbers yet, but economics suggests that once a family has adopted a “choice mentality” for education, it is more likely to stay on that course. At the very least, a certain number of families will significantly change their lifestyle. First, it happened because they had to, and then they discovered it was worthwhile. The pandemic has caused us to identify the things we truly value, including in education.

One might expect the National Education Association to celebrate the new forms of education, but that person would be wrong. The NEA published a September 2020 “opposition report” about pandemic pods. (Readers will recognize the report for what it is — a competitive analysis.) The report breathlessly exposes philanthropic support for education innovation and blasts the for-profit model of some providers.

Parents will now ask: Is education a public system or an outcome? As more of them do, they will drive much-needed innovation. ■

**By Michael J. Reitz**

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

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## BLOG

Keep up-to-date on the latest policy stories from Mackinac Center analysts.

**[Mackinac.org/blog](https://www.mackinac.org/blog)**

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Labor contracts, superintendent salaries, school grading and more. Our online databases provide easy access to important information.

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## CAPCON

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

**[MichCapCon.com](https://www.michcapcon.com)**

# Virtual Events Keep Citizens, Lawmakers Informed

The COVID-19 pandemic has created many unknowns for everyone. Despite this, the Mackinac Center has ensured that events continue, even if in a different format. For now, Mackinac Center events will continue in a virtual format, while remaining free for viewing. To find out more about new events or to view archived ones, please visit [Mackinac.org/Events](https://Mackinac.org/Events). Here are some recent events.



## Wildfires, Wild Theories, and Extinguishing these Fiery Threats

A virtual event with the Goldwater Institute featuring Jason Hayes, the director of environmental policy at the Mackinac Center for Public Policy.

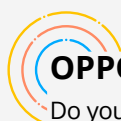


## Alcohol Reform – Give Me Liberty and Give Me a Drink!

A virtual event featuring C. Jarrett Dieterle, the director of commercial freedom and a senior fellow at the R Street Institute, and Michael LaFaive, the senior director of the Morey Fiscal Policy Initiative at the Mackinac Center for Public Policy.

### MICHIGAN VOTES

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Our public interest law firm advances individual freedom and the rule of law in Michigan. [Mackinac.org/MCLF](https://Mackinac.org/MCLF)



# Top 10 Legislative Wins in the Whitmer Era (So Far)

With the end of the 100th Michigan Legislature near, it's time for Mackinac Center staffers and supporters to celebrate the victories we've won.



## 1. Automobile Insurance Reform

Lawmakers enacted a comprehensive reform of Michigan's auto insurance system that included our two core recommendations: consumer choice of Personal Injury Protection coverage levels and a fee schedule for medical providers. We've advocated this since the late 1980s.

## 2. Asset Forfeiture Reform

Another multi-year initiative of ours has been to stop government from stealing your stuff. Thanks to reforms enacted in 2019, government can't keep your stuff unless it first convicts you of a crime. It's also easier, should law enforcement seize something from you, to get it back. While the new laws exempt cases involving cash or assets valued at more than \$50,000, they do give Michigan some of the strongest civil asset forfeiture protections in the country.

## 3. Raise the Age

Entering 2019, Michigan was one of only four states that routinely sent 17-year-old defendants to the adult criminal justice process for prosecution and punishment. This policy had unacceptable consequences: Defendants' future prospects for employment were significantly harmed, and they were more likely to commit more crime. A change in law, to send most 17-year-olds through the juvenile system, will improve public safety and redeem lives. The adult system will still be available for the most serious crimes.



## 6. Telemedicine Reform

The COVID-19 illness brought much-needed attention to the unnecessary restrictions on telemedicine. In reforming these restrictions, lawmakers expanded health care access to all Michiganders. These reforms provide a tremendous opportunity to improve health outcomes and lower medical costs.



## 9. Clean Slate

Michigan significantly improved its process of setting aside old criminal convictions. These reforms offer ex-offenders hope that their old crimes won't haunt them forever and a clear incentive to model upstanding behavior.



## 4. Craft Brewery Self-Distribution

Michigan's archaic liquor control code said that craft breweries could distribute only 1,000 barrels of their product on their own each year. The new law, which we supported, expands that limit to 2,000 barrels and exempts beer sold through taprooms.



## 7. Constitutional Protection of Electronic Data

On Nov. 3, Michigan voters approved a constitutional amendment to protect a person's electronic data and communications from unreasonable searches and seizures, and require a search warrant. Mackinac supported this resolution during the legislative process, as a clarifying extension of individual liberties.



## 10. "Good Jobs for Michigan" Expires

This \$200 million corporate welfare subsidy, originally envisioned to recruit Foxconn to Michigan, kicks back workers' income taxes to politically connected employers. Senators declined a proposal to extend it for five years and \$300 million. ■



## 5. Liquor to Go

During the early days of the COVID pandemic, many states let restaurants and bars sell or deliver liquor (i.e., pre-mixed margaritas) for off-premises consumption. This rule change was vital in helping these establishments survive without indoor operations. When the Legislature resumed in May, we supported a new law that allows this in Michigan.



## 8. Framework for Rural Broadband Deployment

A new state policy for accepting federal broadband grants prohibits them from being given to municipal broadband networks, and gives priority to private providers expanding in underserved areas.

### By David Guenther

David Guenther is the senior strategist for state affairs at the Mackinac Center.

# Governor Temporarily Adopts Mackinac Center Recommendations on Certificate of Need

## More sweeping action still required

While Michiganders rose to the challenge of flattening the curve of hospitalizations during the COVID-19 pandemic, they also saw serious shortcomings in various public policies that need to be addressed. Temporary reforms to those policies helped the state respond to the immediate threat, but the pandemic has revealed a need for permanent reforms that the Mackinac Center has called for.

In one of the most significant reforms, Gov. Gretchen Whitmer adopted one of the Center's recommendations when, in March, she suspended the state's certificate of need laws. CON laws, as they are called, limit the number of hospital beds and specialty wings in hospitals, as well as many services, such as diagnostic imaging. They do this by requiring professionals and service providers to go before a bureaucratic board to seek its permission. The 11-member CON Commission is appointed by the governor and confirmed by the state Senate, and is empowered to review plans for expanded facilities or services — ultimately deciding whether a proposed expansion can go forward. Members of the commission represent hospitals, health care professionals, employers and big labor unions, meaning that petitioners often must get the approval of special interests and operators they compete with.

In the 1970s, Congress was concerned that hospitals would overextend themselves by buying equipment and expanding services that were not financially feasible. So, in an attempt to limit the supply of services to match the expected need, it required states to enact CON laws if they wanted to get certain federal aid. The assumption was that these laws would keep increases in medical spending in check.

Within a decade, though, it was clear that CON laws were ineffective at controlling costs. In fact, there was

evidence that they raised prices for patients by restricting competition in the health care marketplace. Congress repealed the mandate, and many states — though not Michigan — began repealing their laws in the 1990s.

This year, State Sen. Curt VanderWall has advocated several bills to scale back Michigan's CON laws. Some reforms would let health care providers invest in new services and facilities without getting an official approval, as long as the investment is below certain thresholds. Others would remove the CON requirement for adding psychiatric beds or air ambulance services, a desperately needed change.

These are positive changes, but Michigan should ultimately act to repeal all CON laws. Research and experience show they reduce access to health care, increase its costs and decrease its quality. So far, 12 states have made this move, and another two dozen or so have fewer CON laws than Michigan.

In our state, the cost of CON laws can be measured in nearly 13,000 fewer hospital beds, 20 to 40 fewer hospitals offering MRI services, and 60 to 85 fewer hospitals offering CT scans. And that's just a start.

It's clear. Michigan policymakers, with the support of the Mackinac Center, must move toward repealing these costly restrictions. If they do, state residents will have greater access to the critical health services they need, at prices they can afford. ■

**By Lindsay Killen and Greg George**

Lindsay Killen is the vice president for strategic outreach and communications for the Mackinac Center, for which Greg George is a health policy advisor.





## Mackinac Center's **Workers for Opportunity** Sees Recommendations Move Across the States

It's been over two years since the United States Supreme Court's landmark *Janus v. AFSCME* decision, but states have been slow to adopt measures to properly enforce it. Not all of the slow-walking has been intentional, however, as many state officials have faced a steep learning curve. They've had to fully understand the decision's impact and which reforms will ensure that employees in their states have their First Amendment rights recognized and respected.

Fortunately, the Mackinac Center launched Workers for Opportunity in 2019, a national education initiative aimed at working with state lawmakers to ensure that their state complies with *Janus*. It also helps them identify opportunities for additional labor reforms that will keep the momentum going for greater worker freedom. As we take stock of what we've accomplished together with policymakers around the country in the first year of our work, the Center and its supporters can be immensely proud of the impact we've had. We're increasingly optimistic about our prospects for even more wins next year.

It all started in Alaska. Equipped with research and analysis from Workers for Opportunity, then-Attorney General Kevin Clarkston assessed the legal implications of the *Janus* decision and issued a clarifying opinion in August 2019. In it, he asserted that the state would need to make changes

to ensure employees of their rights. Alaska Gov. Mike Dunleavy quickly followed that opinion with an executive order to legally implement the attorney general's opinion.

What's significant about this?

In short, we worked with policymakers to flip the script. Rather than having to opt out of union membership, public employees in Alaska know that they will not see a dime of their paychecks hit union bank accounts without their consent to opt in. While unions challenged this policy change in court, the Workers for Opportunity team did not stop there.

Other states took note and followed suit. The attorneys general in Texas and Indiana issued similar opinions. Our home state has gone even further, with the Michigan Civil Service Commission issuing amended rules requiring that employees who wish to waive their First Amendment right by committing to support a union do so annually.

In the few short months after the rule changes went into effect, 13% of Michigan's civil service employees chose not to renew their dues authorization. This has taken approximately \$2.1 million in dues out of the unions' political war chests and returned them to workers' take-home earnings.

The progress in Alaska, Texas, Indiana and Michigan just scratches the surface of

Workers for Opportunity's impact during 2020. The WFO team also testified in support of legislation aimed at protecting public employees' *Janus* rights in Kansas, and we've spearheaded legislative initiatives in Missouri and Florida. In Florida, legislation passed the full state House before the onset of the COVID-19 pandemic disrupted normal legislative business. We expect lawmakers in these states to return to their January sessions with this legislation as a priority.

Workers for Opportunity has also met with and educated policymakers in six additional states where we expect to provide critical support in 2021, as lawmakers attempt to pass employee freedom protections legislatively or by executive action. So stay tuned: We look forward to updating you with the good news of victories for worker freedom sweeping the country. ■

**By Lindsay Killen and Stephen Delie**

Lindsay Killen is the vice president for strategic outreach and communications at the Mackinac Center, where Stephen Delie is the director of Workers for Opportunity.



**And the Winner Is ...**

# **The Mackinac Center for Public Policy!**

Despite 2020's many lows, this year brought a number of high points for the Mackinac Center and the impact of our work — not just in Michigan, but around the country.

Every year, State Policy Network, of which the Center is a longstanding member, hosts a week-long meeting that is attended by members of state policy organizations from around the country. We look forward to this opportunity to engage with our network friends and learn from best practices developing across the states. While this year's meeting was moved to a virtual setting, groups still relished the opportunity to reconnect and celebrate each other's successes — with the Mackinac Center walking away as the winner of a number of SPN's awards this year.

For the second year running, Mackinac was recognized by being included in the Network Award, which honors a coalition of select organizations from around the country that came together to make a big impact on state or national policy. Last year, we were recognized for our contribution to ending the infamous dues skim, a scheme that allowed for unions to forcibly "skim" money off the top of Medicaid care providers' paychecks. This practice is now extinct, thanks in large part to the years-long work of the Center and our fellow SPN organizations.

This year, the Network Award was given to a coalition of organizations, including the Mackinac Center, for work to advance timely health care reforms that could be immediately

effective in addressing the COVID-19 public health crisis. The SPN Health Care Working Group, which began meeting nearly seven years ago, developed a portfolio of reforms over the years that we've advanced at the state and national level. When the pandemic struck in March, members of the group ensured that SPN organizations were ready to help lawmakers meet the health care policy challenges. Indeed, the Mackinac Center's health care reforms were among the earliest policies put into place by Gov. Gretchen Whitmer's executive orders, demonstrating that even in times of crisis, progressive policymakers can and will turn to market-based solutions if we are prepared to offer them.



## 2020 ED-PRIZE WINNER



But the Mackinac Center's success at the SPN event did not stop with these two awards.

The Center also walked away with SPN's inaugural EdPrize, recognizing our work in charting a new path for education reform. We launched a reform called Flex Learning, a policy that would allow students to use a portion of the public funds spent on their behalf for purposes of their choosing. Under this idea, students can select online, dual enrollment. They also can select from career training or apprenticeship programs operated by or in partnership with a traditional public school district, charter school, community college or public university. Students can use the funds for other education-related

services, including access to the internet and transportation.

And lastly, but certainly not least, the Center received SPN's Communications Excellence Award for "Best Influential Marketing Campaign," honoring our cartoon series depicting the ridiculous and arbitrary nature of Gov. Whitmer's excessive executive orders. These cartoons soon developed a mass following, with thousands of Michigan residents and even lawmakers sharing the posts on social media platforms. In many cases, the flood of attention these cartoons brought to the governor's actions were followed by an almost-immediate reversal of the unpopular policies they depicted. This campaign demonstrates that impact on policy can be achieved simply by letting

"pictures tell a thousand words." We are especially humbled to have received this honor, as winners were determined by a direct vote of our peers.

The Mackinac Center and our supporters should be proud of the work we've done in Michigan and beyond to set an example of how an organization can remain successful despite adverse circumstances. We've moved policy under Republican and Democratic political leadership, a true mark of an effectual organization, and have demonstrated to our friends across our network that it can be done — pandemic and all. ■



**MY PAY  
MY SAY**

MY PAY, MY SAY

# The Right to Work Without Being Forced to Pay a Union

## Mackinac Center efforts contribute to hundreds of thousands dropping Big Labor

In 2018, the U.S. Supreme Court granted “right-to-work” status to 5 million public sector workers who did not already have it. In the two years since the decision, we estimate that 750,000 dues and fee payers have left their unions nationwide, costing those organizations around \$450 million annually.

Shortly after the court decision, the Mackinac Center launched a national campaign, “My Pay, My Say,” which educates teachers, state workers, local government employees and others who collect a paycheck from a government entity about their First Amendment right to leave a union. Since then, the response has been significant.

One source of statistics about union membership frequently used by the media is a survey from the federal government. This survey, compiled by the Bureau of Labor Statistics, shows a drop of 1-2% for the unions. But since the questions are confusing, data from the survey is flawed and unreliable. It’s the weakest measurement and far undercounts the drop for unions.

Stronger data comes from union financial documents known as LM-2 forms. These documents show a drop of about

350,000 dues and fee payers for the largest public sector unions since the Janus decision. The National Education Association, or NEA, is down about 4% and is budgeting to lose another 6% this year. The American Federation of Teachers, or AFT, has lost 100,000 former payers (about a 7% drop) and seen revenue plummet by \$110 million (down 30%). AFSCME, which largely represents state and local government workers, is down 110,000 (a nearly 8% decline).

The financial data is accurate, but it is also incomplete, lags for up to a year, is not filled out by most public sector unions and cannot be broken down by state. For that reason, the Mackinac Center files public records requests across the nation. These have gone out to about 300 public entities in nearly every state. For the 22 states affected the most by the court decision, this data shows unions losing 11.5% of their dues and fee payers in year one and around 4% more in year two.

After two years of unions denying that the Janus v. AFSCME decision was causing people to leave — and, in fact, most major unions saying they were doing better since the ruling — even union-

friendly researchers are acknowledging its negative effects for unions.

Giving workers the right to choose whether they want to support unions with their hard-earned money — or not — has been a long-time Mackinac Center priority. Our work was instrumental in making Michigan a right-to-work state in 2013, and we’ve continued our efforts nationally in recent years.

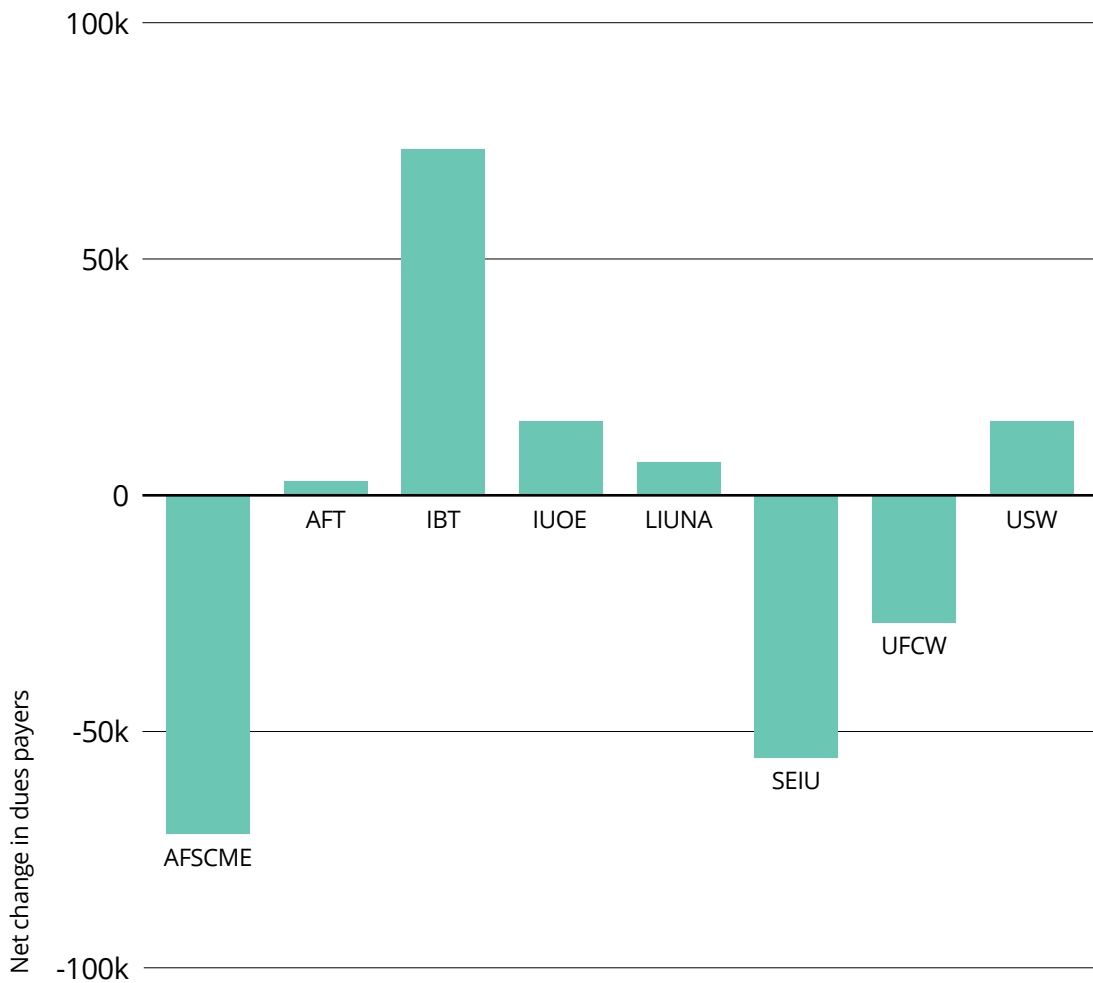
Ultimately, the court decision and right-to-work laws are not about whether unions are good or bad. They’re about giving workers the ability to make that decision for their own situation.

### **By Jarrett Skorup**

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

# Two Years After Janus

Change in agency fee payers and members 2017-19



Source: Labor Department LM-2 filings

# Mackinac Center' Defeat Crony Cap



# s Work Helps Capitalism



Everyone knows the benefits of market competition, but politicians too often cave to special interest groups seeking to restrict it for their own benefit. Michigan auto dealers have been working toward that end for the last several years, as they've faced competition from electric vehicle manufacturers. With the help of our Board of Scholars, the Mackinac Center led the charge to defeat a recent attempt.

EV manufacturers want to sell directly to consumers, but interest groups representing auto dealers got a bill passed in 2014 that makes this illegal. All the bill did was remove the word "its" from an existing statute. But it was a clear attempt to limit consumers' choices for the sole purpose of protecting the profits of current auto dealers. It was pure crony capitalism.

EV company Tesla challenged this law in the courts, and the state settled the case in January, paving the way for direct sales to consumers. But the auto dealers association struck back, urging the Legislature to pass a bill to severely restrict their EV competitors once again.

The Mackinac Center sprung to action and outlined the issues with House Bill 6233, which ultimately prevented it from passing in the Michigan House. Dan Crane, a member of our Board of Scholars and law professor at the University of Michigan, is a national expert on this issue. With our help, he gathered signatures from 24 college professors in Michigan, representing U-M, MSU, Wayne State, WMU, CMU, and, of course, Hillsdale College and Northwood University. Half of those professors sit on the Mackinac Center's Board of Scholars.

They summarized the problem, writing: "This bill is bad policy, bad for the state of Michigan, bad for Michigan consumers and manufacturers, bad for the environment, bad for innovation, and probably unconstitutional."

The Mackinac Center also teamed up with some strange bedfellows to push back against this crony capitalist attempt. We joined with groups opposed to the bill for environmental concerns, including the Sierra Club, the Michigan Environmental Council, the National Resources Defense Council and the Michigan League of Conservation Voters. We wrote a letter together and sent it to the Michigan Legislature before the bill was scheduled for a vote.

While a vote by lawmakers was being considered, our messages on the issue reached 120,000 people in Michigan, with thousands of them commenting on and sharing this content on social media. Lawmakers heard the message from their constituents who were not in favor of preventing competition and restricting consumer choice.

While this was an important policy victory, this is likely not the end of the battle. But the Mackinac Center is better positioned than ever to take on these types of policy battles, especially when the rights of consumers and basic market principles are on the line. ■

## By Michael Van Beek

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



# Mackinac in the Media



*Holly Wetzel*  
Communications Manager

When the Michigan Supreme Court struck down Gov. Gretchen Whitmer’s executive orders and unanimously declared that her actions were illegal, the question on most people’s minds was, “What happens now?” Fortunately, the Mackinac Center was standing by to help them navigate what would become a complex and constantly changing set of circumstances. Almost immediately, the Michigan Department of Health and Human Services issued a series of orders nearly identical to some of Gov. Whitmer’s now-invalidated executive orders.

Michael Van Beek issued a warning in an op-ed published in The Detroit News the morning after the decision. “As important as this ruling is, if the governor continues shutting out the Legislature and sidesteps the Supreme Court’s ruling by issuing the same orders through a state department, Michigan residents should expect continued legal controversy and confusion,” said Van Beek. “While there is room for debate about the effectiveness of many of Whitmer’s emergency orders, her unrelenting pursuit of unilateral control should be concerning to anyone who believes in the value of a balance of power in government.”

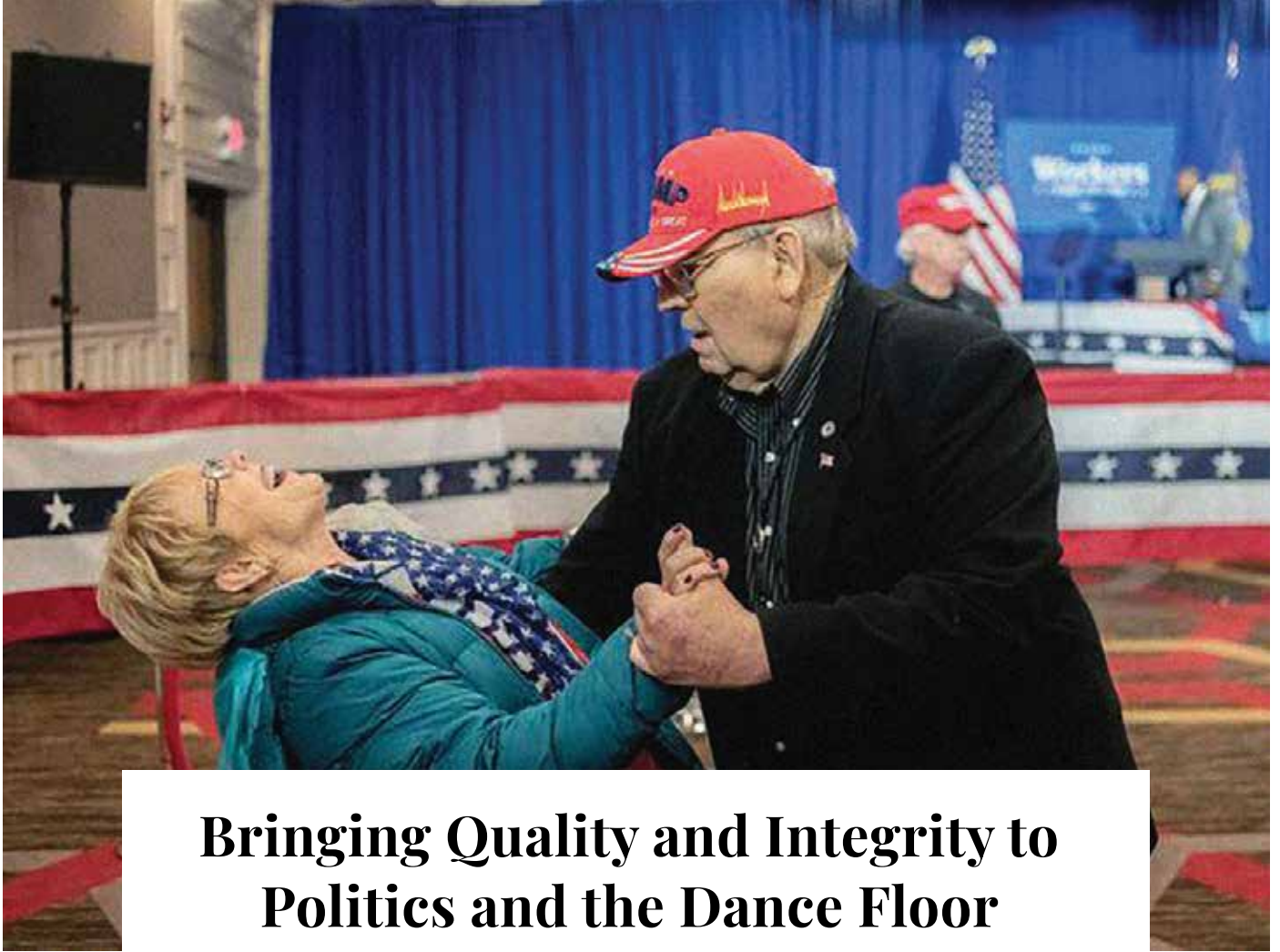
Things became a bit clearer after the Michigan Supreme Court rejected the governor’s request to delay the effects of its decision. Unfortunately, as the Mackinac Center told The Associated Press, the fight isn’t over. “While today’s motion affirmed that the court’s decision is now law, the governor is continuing to sidestep the ruling by maintaining unilateral control over pandemic

policies via broad and poorly defined powers granted to a state department,” said Patrick Wright, vice president of legal affairs. The AP article was picked up by dozens of local papers across the state, as well as MLive, the Detroit Free Press and the Detroit News. CBS Detroit turned to the Mackinac Center for comment.

Michigan voters had the chance to approve or reject two different proposals on the November ballot. For Proposal 1, the fiscal and environmental policy departments teamed up to co-author a report that examines how the State Park Endowment Fund and the Natural Resources Trust Fund both operate and what the proposed amendment would change. In an op-ed published in The Detroit News, James Hohman and Jason Hayes inform readers about the proposal and how it relates to the public trust doctrine. As they write in the piece, “[Voters] ought to compare the value of spending on parks and recreation in a way that benefits the public interest with the value of having the state spend the money elsewhere once the trust funds reach their current caps.” Both proposals passed with overwhelming support.

To inform the public about Proposal 2, which addresses data privacy, Jarrett Skorup teamed up with Connor Boyack, president of Libertas Institute in Utah. The two wrote an op-ed that was originally published in Bridge Michigan and then republished in the Oakland Press and Macomb Daily. The piece looks at Utah’s adaption of a bill similar to Proposal 2 and the importance of data privacy. ■





## Bringing Quality and Integrity to Politics and the Dance Floor

Friends of Al Kloha know that if he wasn't on the dance floor with his beloved wife, Carol Park, he was probably having a conversation involving policy or politics, with his interest driven by his dedication to his family. Al made every effort to defend free-market principles and defeat big government policies. His goal: Grant to upcoming generations, particularly his seven grandchildren and four great-grandchildren, the quality of life he enjoyed and opportunities he was afforded.

Al was a man of integrity and was described as a “fixer, always pursuing solutions” by his son, Rodney Kloha. Whether he was giving feedback on a white paper to a friend at the Mackinac Center or pursuing a new treatment in his battle with cancer, Al knew was an ideas man who made the most of his time and opportunities. Whether he was working in business or public service or raising his family, his motto was “quality is not expensive, it's priceless.”

Born on a family farm, Al learned about hard work and the value of family early on, and he believed that people should be recognized and promoted on their merits. As a young man, he crossed a picket line of pro-union

protestors while working as a truck driver for Dow. Al crossed the picket line, choosing to provide for his family and go to work despite the pressure from colleagues and union organizers. He was physically threatened by a co-worker, which only strengthened his personal philosophy. Al believed in achieving by merit rather than being limited by a union, which is why he first became a Mackinac Center supporter. He wanted to help transform Michigan into a right-to-work state, granting thousands of workers the freedom to achieve on their own terms.

In business, he was a renaissance man, working as a truck driver and a skilled mechanic. He opened his own business with his son Rodney in 1986, expanding merit shop employment opportunities as an early member of Associated Builders and Contractors Greater Michigan. Al also served as a fireman, rebuilding fire engines and donating the first truck to a local fire department that he helped form.

As an elected official, he served as a county commissioner and county road commissioner in Midland County, Michigan, during the summer 2020 dam failures. While

he and Carol were personally affected by them — in the midst of his health challenges — he was determined to help the people of Mid-Michigan by getting roadways and infrastructure restored.

Al was also a foster parent, and he performed many acts of kindness and service. These ranged from picking up restaurant tabs anonymously to donating dozens of hats to cancer patients, and giving to organizations that do the right thing and champion the American dream. Al's friends at the Mackinac Center and elsewhere will miss these acts as much as his strongly held views and more public work.

If you would like to learn how you can advance the mission of the Mackinac Center or would like to become a supporter, please contact Caleb Hortop or a member of the advancement team at 989-631-0900. ■



# Mackinac Center Showcases Supreme Court Win at CPAC

A successful lawsuit against Gov. Gretchen Whitmer lead to an Oct. 15 speaking engagement at a regional event of the Conservative Political Action Conference, or CPAC, for two Mackinac Center staffers. President Joe Lehman and Vice President for Legal Affairs Patrick Wright were joined by Jordan Warnsholz, a physical therapist and Mackinac Center client in the case.

The event, held in accordance with social distancing protocols at a drive-in theater in Sterling Heights, was an opportunity for Warnsholz, Wright and Lehman to share the good news about the Michigan Supreme Court's ruling. Justices found Gov. Whitmer's use of emergency powers to be "illegal and unconstitutional." Other speakers at the event included national conservative leader Matt Schlapp and

John James, who was then a candidate from Michigan for the U.S. Senate. ■

## BY THE NUMBERS

**54.5%:**

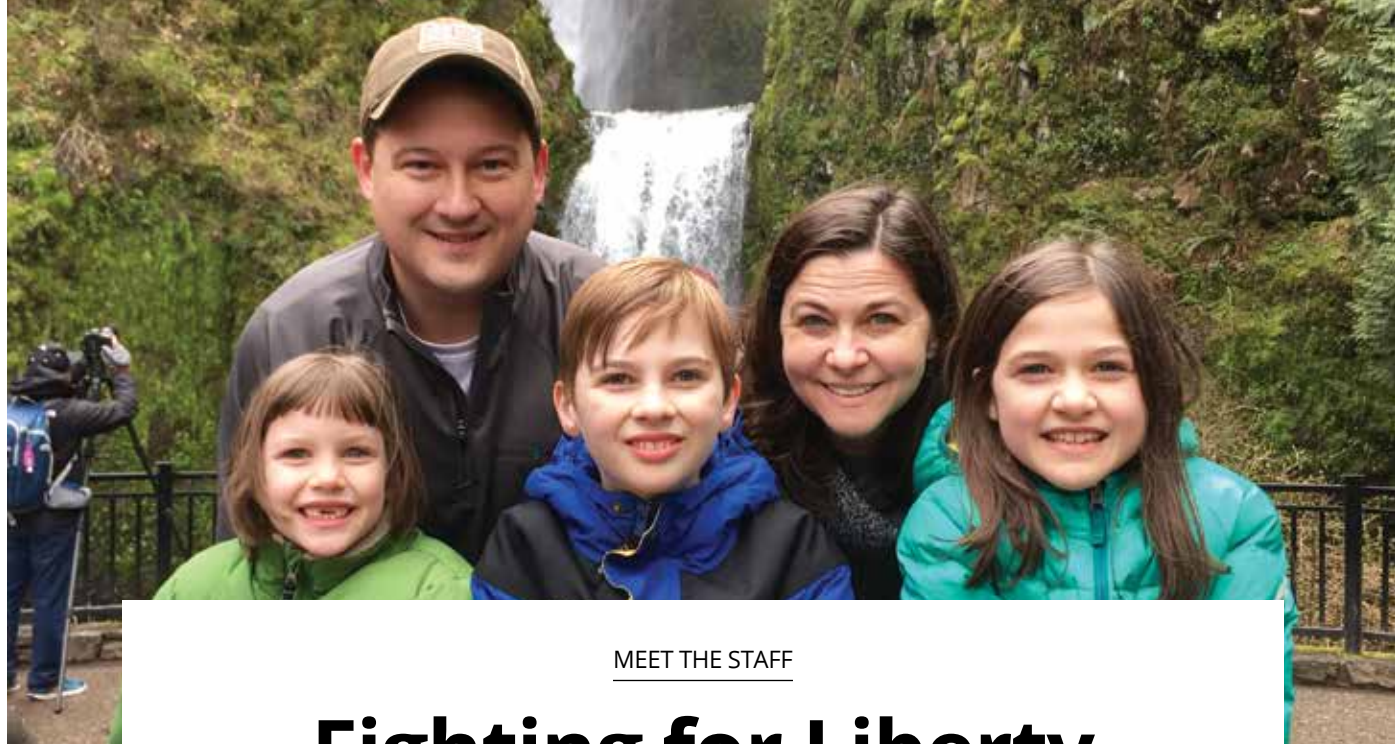
Decline in state-required payments to the catastrophic claims fund, which saved Michigan drivers more than \$800 million in 2020.

**1/3rd:**

Decline in Wayne County's use of civil asset forfeiture since 2018.

**\$300 million:**

Potential costs to taxpayers for reauthorizing the "Good Jobs for Michigan" program beyond its 2019 sunset. Lawmakers have let it end without replacement.



## MEET THE STAFF

# Fighting for Liberty and Playing the Blues

## A Profile of Mike Reitz

Growing up, Mike Reitz shuttled between western New York and southern West Virginia, both a long way from where he ended up, as executive vice president of the Mackinac Center for Public Policy.

But perhaps it isn't so surprising. His maternal grandmother fled to the United States from Ukraine, which had been overrun by the Nazis and then the Communists. A voracious reader as a kid, Reitz was given an Encyclopedia Britannica set (remember those?), which included a set called the "Great Books." That started a life-long interest in historical philosophy, thinkers like John Locke, and America's founding principles.

As the oldest in a family of nine kids, Reitz started his working life earlier than most, with a lawn-mowing business at age 10. "I made \$500 that first summer," he says. His work growing up included groundskeeping at local parks and cemeteries, farm work, and a job in sanitation doing deep cleans on restaurant bathrooms.

Reitz eventually began a career in public policy, foregoing a formal undergraduate degree and working his way through law school. He began working as a legal assistant at the Homeschool Legal Defense Association in Virginia, where, most importantly, he met his wife, Rachelle.

"After we got married, we wanted to be on the West Coast where Rachelle grew up, so I began looking for jobs out there," he said. "That led to a job as a labor policy analyst with the Evergreen Freedom Foundation in Washington."

The Freedom Foundation and National Right to Work Legal Defense Foundation secured a win at the U.S. Supreme Court in *Davenport v. Washington Education Association* (2007). The victory ensured that public sector unions must get consent from those they represent before spending agency fees on election-related issues. He also co-authored a book about individual liberties and the state of Washington's constitution, litigated a case involving the extent of a governor's executive privilege in withholding records from the public, and worked on election law and open government issues.

From there, Reitz came to the Mackinac Center in 2012 as its executive vice president. "I had known Joe Lehman for years. When the opportunity came up, my wife reminded me that even before we were married I had said 'If I ever get a chance to work for the Mackinac Center I'll take it.'"

Since that time, Michigan has passed many critical laws advancing freedom for its

citizens. Among those he is most proud to have been a part of is the 2017 pension reform bill that prevents the state from racking up debt on behalf of retirees. He also points to a statewide law that establishes clear rules for ridesharing companies and prevents local governments from banning them.

"Our efforts help people pursue their dreams and provide for their families and communities," he said. "Mackinac Center supporters understand the value and dignity of work and I'm grateful that they choose to create those opportunities."

The Reitz family loves to travel, and recently returned from a trip down South, featuring stops at historical sites. One of those involved tracking down a historical marker for family members who lived in West Virginia in the 1760s. Mike and Rachelle homeschool their three children.

His passions include learning blues guitar ("I play a mean rendition of 'Twinkle, Twinkle, Little Star,'" staying involved in church and serving on the boards of a variety of groups, like the Michigan Coalition for Open Government, Americans for Fair Treatment, Detroit Prosperity and Michigan Lawsuit Abuse Watch. ■

# Donor Privacy is a Cornerstone for Free Speech

As Americans, each of us has the right to support causes we believe in, and to keep that right a reality, we must protect donor privacy. We must protect citizens' ability to come together in support of each other. We must protect the ability to make our voices heard.

One of the ways you make your voice heard is through the charitable organizations you support, like the Mackinac Center. Being able to support causes that you believe in — privately — has been a cherished principle in our country since its beginning.

But today we often hear the term “dark money” used to cast a cloud over the right to private giving and donor privacy. During the recent congressional hearings on Amy Coney Barrett’s nomination to the U.S. Supreme Court, Sen. Sheldon Whitehouse, D-Rhode Island, tried to disparage the Mackinac Center and others for our successful legal efforts to free workers from forced unionism.

“You have a whole array of legal groups ... funded by dark money,” Whitehouse said, pointing to a list naming the Mackinac Center and other free-market groups. Later he said that Mackinac and others are “showing up in court to tell the judges what to do.”

Sen. Whitehouse meant it as a criticism, but we take it as a compliment.

We are proud that the amicus brief we submitted to the U.S. Supreme Court in the *Janus v. AFSCME*

worker freedom case was cited by the justices in their ruling. We are grateful to have donors who saw how important this case was and chose to support our legal team.

Critics of private philanthropy want to force you to publicly disclose your charitable giving by reporting your name, address and gift information to the government. Imagine if this information became available in a government database online, so that opponents of free markets or constitutional principles could target specific individuals or single them out for harassment.

During the civil rights era, the Supreme Court ruled that private groups cannot be forced to turn over their supporter list. The court knew what would happen to supporters of groups like the NAACP: Their businesses would be boycotted, and they would be targeted for harassment and intimidation, or even violence, stalling progress for civil rights.

The same threat exists today.

The Mackinac Center is committed to protecting donor privacy to the full extent allowed by law and challenging any efforts to expand government intrusion into private giving. To invade people’s privacy and chill their participation in public life is not the way our democracy should operate. ■