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IMPACT

Changing Policy Through the Courts

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Mackinac Center

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FOR PUBLIC POLICY



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THE WALL STREET JOURNAL

Welcome to Indiana, a Right-to-Work State

"Policy makers interested in making their states more attractive to employers, especially in union-dense industries such as manufacturing, should consider right to work."

Michael LaFaive, Senior Director of the Morey Fiscal Policy Initiative

The Washington Post

Politicians Signing NDAs When Giving Subsidies to Companies is a Terrible Idea

"The citizens who fund these deals and feel the effects in their local communities deserve to know how politicians want to spend their money or excuse companies from paying taxes."

Michael LaFaive, Senior Director of the Morey Fiscal Policy Initiative

NATIONAL REVIEW

What Not to Do in the Next Pandemic

"We would do well to heed the lessons of the slapdash, authoritarian approach Whitmer and other governors took to managing Covid-19."

Michael Van Beek, Director of Research



Mackinac Center Legal Foundation Client Carol Beth Litkouhi on Fox & Friends

Lansing State Journal

Michigan Overpaid for Battery Plants, Utility Customers May Be Stuck With the Bill

"Here's what the press accounts omit: State and local bureaucrats have approved a total subsidy package worth \$1.8 billion — more than double what the public was previously told."

Jason Hayes, Director of Environmental Policy



Why I'm Suing My Kids' School District

"Nothing taught in our schools should be under the cover of secrecy. If there is any reason why secrecy is desired or needed, that alone is a red flag."

Carol Beth Litkouhi, Mackinac Center Legal Foundation client



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Why We Need 'Impact Journalism'

New developments arise from ideas that only later are given their names. The Mackinac Center added short-form journalism to its communications arsenal more than a decade ago, but we practice it in a very particular way. Michigan Capitol Confidential, or CapCon, is its name, but “impact journalism” describes the way we do it.

Impact journalism is news that advances our policy aims. Many things are newsworthy, interesting, titillating, or even important, but not everything we could publish in CapCon moves the policy needle.

Our job as a think tank is to shift the Overton Window — the range of acceptable public policies — by informing and educating the public, and working with government officials who enact our ideas into law.

Our free-market ideas result in superior economic and social outcomes for all people. Our research demonstrates this in depth, and our litigation can force an issue when policymakers dig in their heels. But only so many people will read studies, and only so many lawsuits can be filed, so we created CapCon to reach vast audiences more quickly.

A huge CapCon audience does little to accomplish our mission if we publish stories

on subjects outside our mission, or serve up clickbait. We've insisted that CapCon would publish only stories that “do Mackinac work.” That phrase, offered by my colleague Jack McHugh, has become CapCon's true north.

CapCon Managing Editor Tom Gantert grasped this and made sure that each of our news stories passed through the filter of “Will this do Mackinac work?” Of course, stories have to pass tests of newsworthiness and uniqueness, too. Tom never wanted to publish something already covered elsewhere.

CapCon was doing impact journalism a decade before it had a name. Ballotpedia founder Leslie Graves saw the value of our approach, and she's the first one I heard name our technique “impact journalism.” Leslie told us it's fair to call it “impact journalism” when there's a causal relationship between one or more news stories and a move in policy in our preferred direction.

Examples include ending the SEIU dues skim against vulnerable people, changing a legacy media false narrative regarding then-Gov. Rick Snyder's education budgets, ending corporate welfare blowouts, and many more.

The Mackinac Center wasn't the very first state think tank to add a journalism arm, but we were one of the first. Soon after, seemingly dozens of

“Our free-market ideas result in superior economic and social outcomes for all people.”

others were launched but none of them achieved our success and most of them faded. I think the difference is impact journalism — the intent to focus only on stories that do Mackinac work — and the discipline to avoid sensationalism and remain silent on topics outside our expertise.

Others have noticed Tom's acuity. He will soon export himself and impact journalism to our friends at The Center Square, a multistate news service. Meanwhile, a generous supporter is matching \$3 million in gifts other donors give to support our new Frank Beckmann Center for Journalism, which includes CapCon.

We may be outgunned by institutions pushing more government and less freedom. But the \$3 million matching gift and our leadership in impact journalism mean we'll keep shifting the Overton Window in the right direction. ■



Joe

By Joseph G. Lehman
President of the Mackinac Center

NEITHER REASONABLE NOR PRUDENT

In June 2021, Consumers Energy, a major Michigan utility, filed a second long-term plan for providing electricity to its customers, also known as its integrated resource plan. Unfortunately, the plan does not meet the requirements of Michigan law: Its proposed long-term strategies are neither reasonable nor prudent. If implemented, the integrated resource plan would unnecessarily raise prices on customers and make their electricity supply less reliable.

More than 30 parties have participated in public hearings on the plan. With their input and public comments, there have been over 750 filings, representing tens of thousands of pages of legal documents, as well as hundreds of hours of direct testimony and cross-examination. Organizations involved in the public hearing process, such as the Mackinac Center, must have sufficient funding, staff and experience in order to make an impact.

It is increasingly clear that the Mackinac Center must be intimately involved in these hearings to protect the rights and interests of our supporters, who are directly affected by the utility's plans. While a few intervening participants focus on how the integrated resource plan will affect consumers, the input from the environmental groups is overwhelming and must be balanced.

Consumers Energy wants to achieve net-zero CO2 emissions by 2040. So it plans to rapidly close existing large, reliable generation facilities and replace them with restrictions on energy use. It also plans to use solar, backed by limited supplies of natural gas. This state-regulated monopoly plans to reduce its use of fossil fuels, matching the demands of green special interests. But its plans will reduce the company's

“IF IMPLEMENTED, THE INTEGRATED RESOURCE PLAN WOULD UNNECESSARILY RAISE PRICES ON CUSTOMERS AND MAKE THEIR ELECTRICITY SUPPLY LESS RELIABLE.”

ability to provide reliable, affordable electricity to customers. Worse, as we have noted in our recent comments to the state agency that oversees utility activity, these plans could put the reliability of the regional electric grid at risk. They could also expose customers to rapid price swings, brought on by rising natural gas and commodity prices.

Additionally, the company has proposed closing its existing facilities well before their planned life cycle is up, which would needlessly add to its debt. The resulting financial consequences, known as stranded costs, would fall on customers.

The Mackinac Center has asked the Michigan Public Service Commission to act. The MPSC should protect the reliability of the grid and ensure that Michigan's electricity prices remain competitive with those in neighboring states. The MPSC, the official state regulator of electric utilities, must protect Michigan's power consumers from unreliable service and rapid price swings. As such, it should look askance at Consumers' choice to limit customers' use of electricity and to rely on weather-dependent renewables for as much as 90% of its electricity supply by 2040.

We did receive pushback on our comments from environmental groups taking part in the public comment process. But we expected them, and they did not effectively undermine our contention that the utility should emphasize reliability and price over a green agenda. ■



By Jason Hayes
Director of Environmental Policy



By Derk Wilcox
Senior Attorney



“*Joe’s life’s work left an indelible mark on the organization and on free-market public policy in Michigan.*”

GOODBYE TO MACKINAC CENTER CO-FOUNDER

Joe Olson

The Mackinac Center Board of Directors, staff, and friends are saddened by the recent passing of D. Joseph Olson, a trusted adviser and stalwart supporter. Many recognize him as a co-founder of the Mackinac Center. Others may know him as the first and longest-serving chairman of our Board of Directors. Joe’s life’s work left an indelible mark on the organization and on free-market public policy in Michigan.

Joe co-founded the Mackinac Center in 1987 with Richard McLellan at the suggestion of John Engler, who later became governor. He was instrumental in hiring the Mackinac Center’s first president, Larry Reed, as well as promoting me to succeed Larry when he left. He was general counsel for Citizens Insurance Co. and Amerisure and was inducted into the Michigan Insurance Hall of Fame in August 2011. He took a leave of absence from the Mackinac Center board to serve as the Michigan Commissioner of Insurance during the Engler Administration.

Joe bore witness to the Mackinac Center’s biggest moments. He was immensely proud of the Mackinac Center’s role in making Michigan a right-to-work state. He guided the organization and its leaders through the tragic loss of Joe Overton, the Mackinac Center’s former senior vice president, who died at a young age in 2003.

Joe had a vision for universal school choice that we hope to realize soon. He also never received a dime

in compensation for the countless hours he gave. He supported the mission of Hillsdale College and established the Teresa Leigh Olson Scholarship Endowment at the Mackinac Center in 2013 to honor his late wife’s legacy. The endowment provides scholarships for Hillsdale College students to participate in summer internships at the Mackinac Center. When he remarried, he and his wife Tammy continued to passionately support the Olson Scholarship recipients.

Most importantly, Joe never allowed politics, controversy, opposition, or other circumstances to divert us from our philosophical North Star. He did this in good humor. Joe always said he wanted the Mackinac Center and its mission to outlive him. We just wish it hadn’t happened so soon.

For those who want to make a memorial gift, the Olson family recommends the Mackinac Center or Hillsdale College. If you would like to make a gift to the Mackinac Center, please send your contribution to: Mackinac Center for Public Policy, 140 West Main, Midland, MI 48640. Please make checks payable to the Mackinac Center and note “Olson Memorial” in the memo. ■



By Joseph G. Lehman
President of the Mackinac Center



Mackinac Center Works with Pacific Legal Foundation to Fight Foreclosure



“While government may seize properties to enforce taxes, it has no right to take more than it is owed.”

combined value of more than \$100,000. And then came the ultimate insult. The county auctioned off the properties and kept the full proceeds. The properties sold for \$107,498.55, which the county kept — all for a tax debt of \$501.

The Constitution provides that private property shall not be taken without just compensation. And while government may seize properties to enforce taxes, it has no right to take more than it is owed. But about a dozen states purport to authorize exactly the type of legalized theft that Wayne County used.

Some states, like Montana and Wisconsin, have recently enacted legislation to put a stop to this “tax-and-take” scheme. And so did Michigan, after the Pacific Legal Foundation secured a ruling from the state Supreme Court in *Rafaeli v. Oakland County* (2020). That case held that surplus proceeds from tax foreclosure sales must be returned to the property owner. It left an outstanding question, though. Was this decision retroactive, so that it would help Perez and others who had already lost their property and their investments, or did it only affect future tax foreclosures?

The Mackinac Center Legal Foundation is working with the Pacific Legal Foundation, a nationally recognized law firm specializing in protecting property rights, to fight for Perez and get her money back. A hearing was held on March 10 in the Wayne County Circuit Court. The Pacific Legal Foundation and the Mackinac Center await the judge’s opinion. ■

The American dream has long been to own property and investments. Erica Perez owned both, and Wayne County has turned her dream into a nightmare. Perez bought a small apartment building and a separate home in Detroit. She used these to earn rental income. But due to an accidental underpayment on her 2014 taxes on one property (she paid all the other taxes she owed), Wayne County foreclosed on both properties. Because Perez underpaid her tax bill by \$144 (and then incurred \$357 in interest, penalties and fees), the county took the two properties, with a



By **Derk Wilcox**
Senior Attorney



By **David Deerson**
Attorney, Pacific Legal Foundation

Autism Advocates Join Forces With Mackinac's Beckmann Center for Journalism



Photos by Kristi Gugel

The annual Ted Lindsay Foundation celebrity golf outing takes place in September, but Lew and Lynn LaPaugh, the foundation's president and secretary, respectively, stay busy all year long. The Ted Lindsay Foundation supports research and educational programs on the causes and management of autism spectrum disorder, or ASD.

The late Ted Lindsay, a celebrated Detroit Red Wings forward, created the foundation in 2001 after a friend's son was diagnosed with ASD. Lindsay didn't know much about autism at the time, but he wanted to help. To date, the foundation has raised over \$5.5 million.

Lynn LaPaugh is his daughter. "That was Dad; he was selfless," she says.

Lew, Ted's son-in-law, took over the foundation's leadership 14 years ago after a successful career in insurance. Lynn, meanwhile, had success with her advertising career. Now, the couple works together to further the foundation's mission, sometimes in hands-on ways.

A woman with ASD who lives near the LaPaughs in southeast Michigan had a temporary transportation need. Lew volunteered to pick her up so she could get to work by 6 a.m.

"If you believe in what you're doing, you have to get involved," he says.

Lew and Lynn recently became supporters of the Frank Beckmann Center for Journalism at the



Mackinac Center. Frank, who passed away earlier this year, was a friend of theirs.

They met Frank when he began attending the foundation's September celebrity golf outing and other fundraisers. He had started doing this, in part, because his daughter decided to pursue a career in autism therapy. Frank eventually became a celebrity staple at foundation fundraisers, volunteering in roles such as auctioneer, wine pourer and karaoke participant. He remains one of the few individuals to have received a commemorative watch from the Ted Lindsay Foundation for his work in autism advocacy.

"Frank was passionate and larger than life," says Lew, who also faithfully listened to his talk radio show on WJR. Lew and Lynn see the Beckmann Center for Journalism as carrying on Frank's life's work. "Frank always said he wanted the best-informed listening audience," says Lew. "He'd also hold people in power accountable to give an answer. The Beckmann Center is carrying on his vision." ■



Did you know?

The Ted Lindsay Award is presented annually "to the most outstanding player as voted by fellow members of the NHLPA."



By Jennifer Majorana
Assistant Director of Advancement

Two Years of COVID Policies Have Consequences

Would the people of Michigan have been better off if officials had stuck with the original plans, avoiding lockdowns and all that came with them?

Michigan recently experienced its deadliest COVID-19 wave, which started late last summer and lasted through March. Hospitalizations hit an all-time high and more than 15,000 people died in this fourth wave. Did you notice?

There were no school closures, business lockdowns, stay-at-home orders or broad mask mandates. It appears state officials have given up on these policies, which were once marketed as moral obligations. Perhaps they've finally recognized that the severe harm these unprecedented edicts cause outweighs their potential benefits. Or maybe they now believe these policies do not limit the spread of an easily transmissible virus. Regardless, it appears we're on our own now.

This is odd. The state once boasted of its powers to control the COVID-19 pandemic. Gov. Gretchen Whitmer promised Michigan would "beat the damn virus" in March of last year, but now state and public health officials have adopted a modest approach, aimed at educating the public on the danger of COVID-19 and leaving the details of managing its risks up to us.

Although Gov. Whitmer abandoned her command of the state's response, she is still fighting to preserve the extraordinary powers she used when the pandemic first arrived. Her administration, through Attorney General Dana Nessel, recently asked the Michigan Supreme Court to reverse its

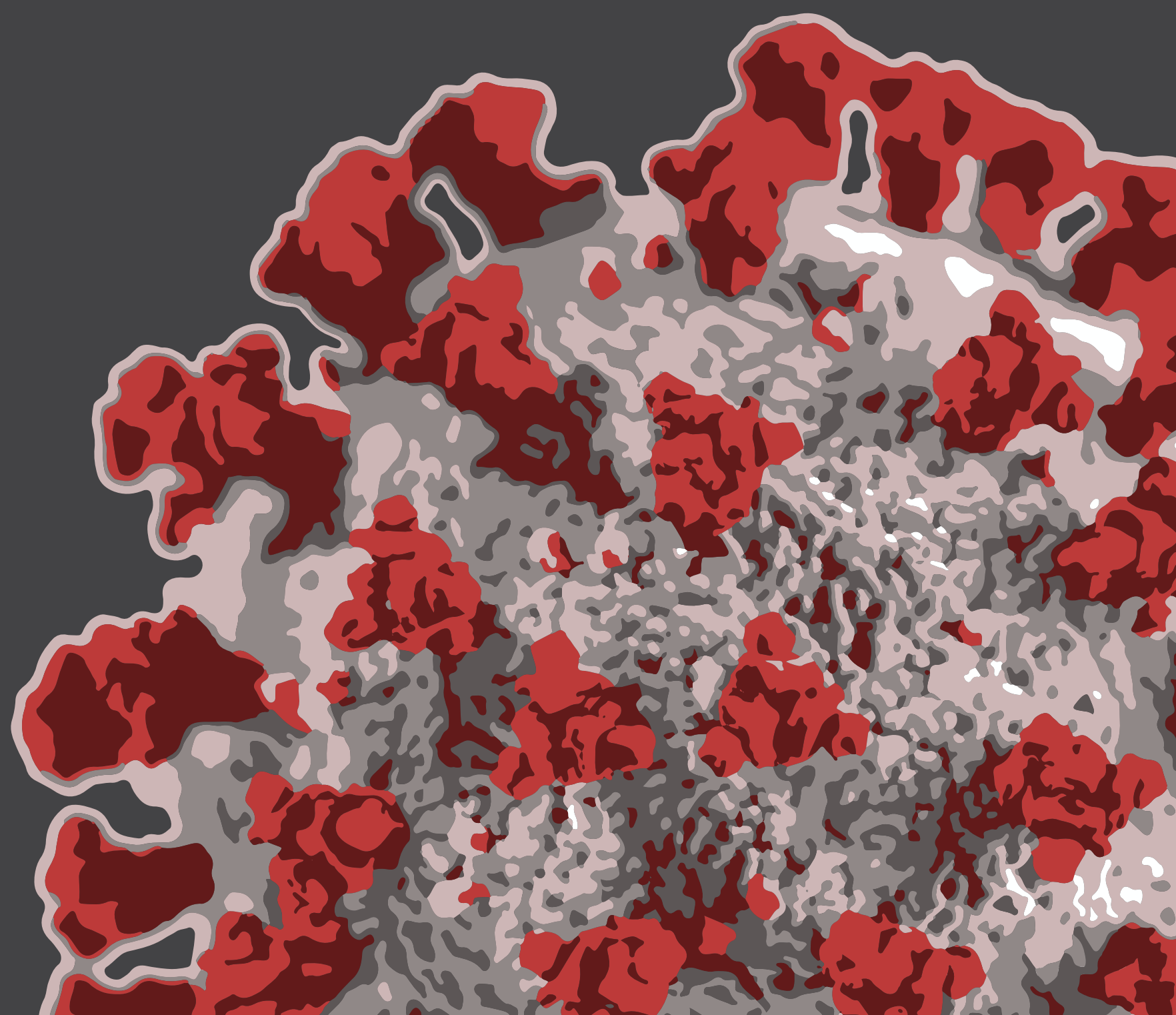
2020 decision against the governor's executive orders, in a case the Mackinac Center brought. The court rejected the request, fortunately.

There are multiple layers of irony in this. First, the governor seeks to restore the powers she claims are necessary for protecting public health even as she refrains from actively combatting the pandemic's deadliest wave. Second, the strategy the state settled on after waging war on the coronavirus is the very strategy public health officials recommended in the state's pre-COVID pandemic response plans. Gov. Whitmer threw these plans out the window in 2020 and made up her own strategy on the fly.

Would the people of Michigan have been better off if officials had stuck with the original plans, avoiding lockdowns and all that came with them? We'll never know. We can't have a do-over, and nobody would want one. But these policies have already fallen out of favor among politicians who once championed them, and this suggests it is not necessary to upend society to deal with a public health emergency. Let's hope public officials learn this lesson for the next pandemic. ■



By Mike Van Beek
Director of Research



Changing Policy Through the Courts



By Taylor Piotrowski
Outreach Manager

Enacting legislation may be the most common way of changing policy, but it isn't the only one. For over a decade, the Mackinac Center Legal Foundation has been a cornerstone of our work. Here's a brief look at a few of the things Legal Foundation staffers have been working on recently.



Carol Beth Litkouhi featured on Fox & Friends.

Rochester Schools Should be Transparent With Their Parents

Last December, Carol Beth Litkouhi, a parent in the Rochester Community School District, submitted a FOIA request, asking for certain course material used in her children's school. District officials have denied her requests several times, and the Mackinac Center Legal Foundation has launched a suit on her behalf.

The case has garnered much media attention, including an appearance on "Fox and Friends." The case is still ongoing.



Lucille Taylor, a Michigan lawyer and member of the State Bar of Michigan.

Lucille Taylor's Fight Against Mandatory Bar Dues

In August 2020, the Mackinac Center filed suit on behalf of Lucille Taylor, a Michigan lawyer and member of the State Bar of Michigan. This case is a follow-on to the 2018 U.S. Supreme Court case *Janus v. AFSCME*. In its ruling, the court granted public sector workers across the country the freedom to opt out of their union. As a result, they can't be forced to pay money to an organization they do not agree with.

While the *Janus* ruling freed public workers from their unions, it did not extend to other groups of people, including lawyers, who are forced to pay money to organizations they don't agree with. The Mackinac Center Legal Foundation has taken their cause to the federal courts, arguing that mandatory bar membership and its associated fees should be treated in the same way as mandatory union membership — as a violation of one's First Amendment rights.

The 6th U.S. Circuit Court of Appeals ruled against the Mackinac Center Legal Foundation in July 2021. Its decision relied on a 1977 U.S. Supreme Court ruling, *Abood v. Detroit Board of*

Education, which the Supreme Court overturned in the Janus case. The Mackinac Center Legal Foundation appealed to the Supreme Court, asking it to reconsider the circuit court's ruling.

Unfortunately, on April 4, 2022, the Supreme Court denied the Mackinac Center's petition for writ of certiorari, letting the circuit court's decision stand. While this was a disappointing development, the goal of upholding each person's First Amendment rights is still worthy, and the Mackinac Center Legal Foundation will look for other ways to uphold those rights.

Michigan Supreme Court Asks for Mackinac Center Opinion

In late March, the Michigan Supreme Court asked five organizations and businesses to submit an amicus brief in an upcoming labor case. The dispute would determine whether unions can charge nonmembers a fee for representing them in grievance proceedings. The Mackinac Center Legal Foundation was honored to be asked by the state's highest court.

This marks the second time in a year that the Michigan Supreme Court has specifically asked the Mackinac Center to submit a brief to help inform its opinion on a case.

In its brief, the Mackinac Center Legal Foundation argued that workers who do not belong to a union cannot be charged grievance fees. Currently, unions hold a monopoly over negotiation and disciplinary systems. If unions can refuse to represent certain employees — such as those who do not pay fees — the consequences for those employees could be serious, including termination.

Interestingly, several unions that submitted a brief, including AFSCME, the MEA and the AFT, agreed they could not charge nonmembers for

representing them in grievance proceedings. They made it clear that while employees should join and support their union, the union would still be required to represent nonmembers, free of charge, as part of its duty of fair representation. They disagreed with the Michigan Court of Appeals' holding that such fees were inherently coercive, but their chief objection was that the court should never have reached that question.



Left to right: Local counsel Matthew C. Moench, MCLF client Jody Lutter and Mackinac Center's Vice President for Legal Affairs Patrick Wright after oral argument in Philadelphia.

New Jersey Union Windows

In 2019, the Mackinac Center Legal Foundation filed suit on behalf of New Jersey resident Jody Lutter, who was trying unsuccessfully to opt out of her union. Unlike Michigan, New Jersey is a "window state," meaning that union members have only a few days each year in which they can opt out.

Lutter's union tried to force her into an unwanted settlement. This has raised another constitutional question around whether someone can be forced to take a settlement rather than continue a court case. Patrick Wright, the Mackinac Center's vice president for legal affairs, joined her in Philadelphia on May 25 for oral arguments. The Mackinac Center Legal Foundation is eagerly waiting the court's decision. ■

BY THE NUMBERS

≡ 177

Number of executive orders issued to address the COVID-19 pandemic.

🗉 4-3

Michigan Supreme Court decision which held that unlimited emergency authority was unconstitutional

📅 205

Number of days of emergency COVID orders before the Michigan Supreme Court struck down the governor's unlimited emergency authority.

💬 0

Emergency orders, executive directives or health department commands during the latest COVID wave.

ONLINE RESOURCES



Mackinac.org/blog

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



MichCapCon.com

Michigan Capitol Confidential reports with a free-market news perspective.



WorkersForOpportunity.org

Advancing the liberty of employees across the country and protecting First Amendment rights.



MiPace.org

Parent Advocates for Choice in Education.



Mackinac.org/MCLF

Our public interest law firm advances individual freedom and the rule of law in Michigan.



OpportunityMichigan.org

Want to get more engaged with public policy in Michigan? Opportunity Michigan is right for you.



Frank Beckmann Center for Journalism

Keeping citizens informed with news and analysis which exposes government overreach and abuse.

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An Evening with the Mackinac Center

After a two-year hiatus due to the COVID-19 pandemic, we were thrilled to bring back our annual Evening with the Mackinac Center event.

Mackinac Center President Joseph G. Lehman presented the Lives, Fortunes, and Sacred Honor award to the plaintiffs in the Midwest Health lawsuit. Dr. Randall Baker, Jordan Warnsholz and Jeffery Gulick, who received the award, all fought back against government oppression at the risk of tremendous personal and professional cost.

These men stood up to Gov. Gretchen Whitmer after she banned medical professionals from providing care during the COVID-19 pandemic. In response to their lawsuit, the Michigan Supreme Court struck down the governor's unconstitutional emergency powers in October 2020.

Kimberley Strassel, author and columnist at The Wall Street Journal, gave the keynote speech and

was a fan favorite before the event even started. A few guests bumped into her before the event and were excited to report that they had driven three hours to be there.

Strassel's speech focused on something the Mackinac Center has been exposing for years: the dangers of the growing administrative state. She described the power of bureaucrats and gave examples of the influence they have on our daily lives.

It was wonderful to have the opportunity to interact with our 250 guests at the JW Marriott in Grand Rapids, and we look forward to next year's event. ■



The Mackinac Center's work, including this magazine, is made possible by the Mackinac Center Board of Directors:

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The History Buff Who Wants to *Let Kids Learn*

A profile of the Mackinac Center's director of education policy, Ben DeGrow

Ben DeGrow may be the only person ever to use a college scholarship from the United Auto Workers to attend Hillsdale College, an incubator of American conservatism.

"I was counted as a dependent by the UAW," said DeGrow, whose father was a pipefitter for General Motors and a second-generation union member. "I may have been the best investment they ever made," he said with a quiet laugh.

DeGrow is the director of education policy at the Mackinac Center. He grew up in northern Oakland County, Michigan.

"I was kind of a typical high school conservative, really interested in politics and listening to Rush Limbaugh and reading National Review," he said. "I learned about Hillsdale's philosophy and decided that's where I'd attend."

He appreciated the college's liberal arts emphasis and was drawn to Hillsdale's distinguished history during the Civil War, an era that still fascinates the loyal Yankee and Lincoln aficionado.

"I really loved to read and write, so I decided to become a history professor," he said. But after earning a master's degree at Penn State University, he returned to Michigan to get married.

Ben met his future wife, Marya, at a College Republicans meeting while both were still at Hillsdale. The two were married in 2002 and moved to Colorado, where Marya had a job with the Independence Institute. When the institute needed some help on a research project, Ben took a full-time position in education policy.

"You could say I married into the free-market movement," he said.

Ben joined the Mackinac Center in 2015 and was immediately thrust into a fight to keep state lawmakers from giving the public school district in Detroit more control over charter schools. Charter school advocates prevailed.

Ben has compiled reports that rank every public elementary, middle and high school

in Michigan. He has examined the disconnect between higher spending on schools and academic results.

The biggest battle in education policy, he believes, is upon

us now. The Let Kids Learn initiative would provide students funding for private tutoring, trade schools or K-12 private schools. The idea took off after the COVID panic made clear how dysfunctional Michigan public schools have become.

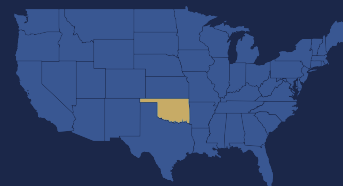
"For years, I'd talk to national groups about Michigan, but we were kind of written off because we have the most anti-private school choice constitutional amendment in the country," he said. "That's begun to change rapidly."

Ben and Marya have three daughters who are homeschooled, ranging from 10 to 16 years old. ■

**"You could say I
married into the
free-market movement."**



RIGHT-TO-WORK ADVOCATES LEARN FROM EACH OTHER



Oklahoma Governor Celebrates Anniversary of Right-to-Work Policy, Features Mackinac Center's Efforts

Staffers of the Mackinac Center and its national labor policy initiative, Workers for Opportunity, joined Oklahoma Gov. Kevin Stitt at the governor's mansion April 4 to celebrate the 20th anniversary of Oklahoma's becoming a right-to-work state.

Though the event was marked by jovial storytelling from Mackinac Center President Joe Lehman and our friend former Gov. Frank Keating, it had a serious intent. When Oklahoma acted in 2002, it ended the 16-year drought of new right-to-work laws at the state level, which had followed Idaho's 1985 law. Another 11 years would pass before right-to-work came to Michigan, after the Mackinac Center worked with allies and supporters on a strategy that was critically informed by the Oklahoma experience.

After Gov. Stitt introduced Lehman to the crowd, the Mackinac Center president explained what the victory in Oklahoma meant to the rest of the country's right-to-work soldiers. In short, it kept alive the hope that they could prevail in their own states, even after a decade and a half of no progress. When in the late 2000s the Mackinac Center and our friends in Michigan began to believe that the Overton Window had shifted enough to make a serious attempt at advancing right-to-work, we faced a hostile executive in Democratic Gov. Jennifer Granholm. Lehman called Gov. Keating to ask his advice. Gov. Keating was key to cementing right-to-work in the Oklahoma Constitution, but he had some unwelcome advice for Lehman: "Wait. Wait until you have a governor in place who will support the effort and can help with the strategy to move it forward."

So wait we did. As Lehman now admits, that advice helped the Mackinac Center and those

we worked with to do what many thought impossible: bring right-to-work to the home of General Motors, Ford and the UAW.

The commemoration in Oklahoma was a full-circle moment for the Mackinac Center and our supporters. We — alongside former Gov. Keating — demonstrated our support for Gov. Stitt's effort to build on the Sooner State's

“The commemoration in Oklahoma was a full-circle moment for the Mackinac Center and our supporters.”

earlier labor reforms by urging legislators to fully protect Oklahoma public employees' decisions about union membership. Indeed, our Workers for Opportunity initiative is actively working with Gov. Stitt and his legislative allies to ensure that these employees have provided

direct consent to their state employer before any union dues or fees are deducted from their paychecks. Gov. Stitt believes, as we do, that simply taking the unions' word isn't good enough, as it falls short of the true promise and principles of right-to-work.

The Michigan Civil Service Commission extended these protections to state employees here two years ago, at the urging of the Mackinac Center and Workers for Opportunity. We now have the privilege of returning a favor to our friends in Oklahoma who helped us bring right-to-work here. By helping them expand protections to their own residents, we are passing the baton to a new generation of labor reform leaders who will keep the spirit of right-to-work alive, in Oklahoma and across the nation, for years to come. ■



By Lindsay B. Killen
Vice President for Strategy and Communications

Essay Contest Winners Tackle the Question of Vaccine Mandates

Alexander Noel Tokarev of Midland, Abir Bazzi of Dearborn Heights and Lilliana Bernier of Rochester won first, second and third places, respectively, in the 2022 Charles M. Bauervic Foundation High School Essay Competition, presented by the Mackinac Center and Northwood University.

The winners received prizes of \$750, \$500 and \$250 and a commemorative medallion for their winning essays on the topic “Vaccine Mandates and Liberty: Where Do We Draw the Line?”

Tokarev, 16, is a homeschool sophomore who also works as a lifeguard and plays soccer in both Michigan and Bulgaria.

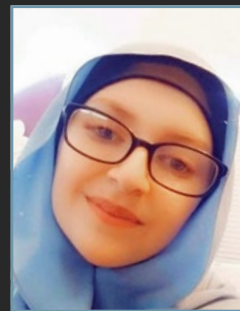
His paper presented arguments for and against three scenarios for vaccine mandates — universal, limited or none — and suggested that private property rights offer a solution.

“The government has no business owning or imposing any restrictions over most places where people congregate,” he wrote. Private property owners, by contrast, should have the right to set rules for their establishments on such things as vaccines and masking. Customers and employees, meanwhile, can choose for themselves whether to engage with that establishment.



FIRST PLACE

Alexander Noel Tokarev



SECOND PLACE

Abir Bazzi



THIRD PLACE

Lilliana Bernier

Tokarev advises future contest participants to research all sides of an issue when writing a paper. “That will help you make your claim.”

Bazzi, 14, a freshman at Henry Ford Early College, said the Bauervic competition was an opportunity to do something she enjoys — writing. She also enjoys being back in the classroom, after spending seventh and eighth grades in a virtual setting.

Working on the essay contest solidified Bazzi’s opinion that the more vaccines are forced on people, the more people resist.

“Vaccines should not be mandated, nor abolished. They should not be forced, only fostered to those who want to receive one,” she wrote. Her advice for writers is to research thoroughly because “having evidence is very important.”

Bernier, 17, a senior at Rochester Adams High School, had been a competitive dancer for 10 years when COVID-19 forced her program to go virtual. She chose not to continue, but found a silver lining in a new waitressing job that she enjoys.

In researching her essay, Bernier said she was surprised to learn how many small businesses closed permanently due to the pandemic. Government help is not enough when a business loses its entire customer base, she said.

She concluded that vaccine mandates infringe too much on America’s founding principle of liberty.

In the U.S. Constitution, “We were given the right to choose for ourselves how we decide to keep ourselves safe,” she wrote. ■

Read the winning essays online at:

www.mackinac.org/essay

“The government has no business owning or imposing any restrictions over most places where people congregate.”



Governor's Veto Doesn't End the Push for Lower Taxes

James Hohman wrote in the previous issue of *IMPACT* that the Michigan Legislature had delivered a broad-based tax relief package to Gov. Gretchen Whitmer's desk. At about the same time, lawmakers approved a six-month suspension of the 27-cent gasoline tax, which would give motorists some relief from the surge in prices. Senate Democrats denied the gas-tax bill "immediate effect," meaning it would not take effect until next year.

Unfortunately, on a late Friday afternoon shortly after that issue was published, Gov. Whitmer vetoed all the tax reduction options. The timing was no accident. Last year she vetoed Student Opportunity Scholarship legislation in the same way. Late Friday afternoon has long been the preferred time to release news you would rather have buried.

An alternative from the Senate Democratic leader and endorsed by Gov. Whitmer would suspend the state's gasoline sales tax for six months. Michigan is one of the few states that charges a gas sales tax. Most of these collections are dedicated to the School Aid Fund (which is already overflowing) while none are dedicated to road construction.

The sales tax is levied as a percentage of the price of gas rather than a fixed amount per gallon, so \$4.50/gallon is the threshold for deciding whether suspending the sales tax or the 27-cent-per-gallon gas tax would give more relief to motorists.

There is still a chance for broad-based tax relief this year. Tax relief will be a key negotiating point during this summer's discussions on the 2022-23 state budget. We continue to remind legislators that setting responsible spending levels will create room for at least \$1 billion per year in ongoing tax reductions.

Sixteen states have reduced income tax rates since the start of 2021. Michigan's competitiveness in attracting businesses and talent will slip quickly unless our state leaders follow suit this year. ■



By David Guenther

Senior Strategist for State Affairs