

The Magazine of the Mackinac Center for Public Policy JULY/AUGUST 2017

IMPACT

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RESTORING TRUST IN LEGISLATORS WITH DISTRICT VOTING

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An Evening with the Mackinac Center

Evening will include special recognition of our Legacy Society members.

WHEN | September 25th, 2017

WHERE | Northwood University
Midland, MI

Speaker: David French
National Review



For more information, please call 989-698-1946 or email events@mackinac.org.

Planning for Life WORKSHOPS

We all have a legacy. What will your legacy be — a plan by default, or a plan by design?

We invite you to attend one of our complimentary estate planning workshops, open exclusively to our members and friends. If you are beginning to think about your will or estate plan, or need to update your current documents, you will leave this workshop energized and equipped to collaborate with your own professional advisers.

These events are complimentary and nothing is sold. Refreshments will be provided. Preregistration is required.

Seating is limited, so please reserve your space today for any of the events below. You are welcome to include a guest.

WHEN | Wednesday, November 1, 2017

WHERE | Westin Southfield Detroit
1500 Town Center
Southfield, MI 48075

RSVP DATE | Friday, October 20 at 12 noon

For more information or to register, please contact Lorie Shane at 989-698-1909 or email events@mackinac.org.

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Front cover: James Hohman testifying on pension reform before the Senate Education Committee in Lansing.

 **CHANTAL LOVELL RECOMMENDS** “CHILDREN OF MONSTERS” BY JAY NORDLINGER

The oppression of nations living under evil regimes is well-documented, but what of the children whose fathers torture with such ease? Jay Nordlinger’s intriguing book “Children of Monsters: An Inquiry into the Sons and Daughters of Dictators” gives readers a rare glimpse into the complex lives of 20 tyrants’ offspring. Nordlinger — who discussed his book at a Mackinac Center event co-hosted by Northwood University — called the subject matter “ghoulish” but rightfully noted the lives he chronicles are more nuanced than that. Svetlana Stalin, for example, defected from the Soviet Union and became a United States citizen, vocally denouncing her father’s villainous ways. Other children, like Kim Jong-il, Kim Jong-un and Bashar al-Assad, took a more expected path and followed in their fathers’ footsteps. Nordlinger’s enlightening book challenges the reader to think differently about some subjects and serves as a great reminder of the importance and rarity of freedom.

FROM
THE
WEB

Blog

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

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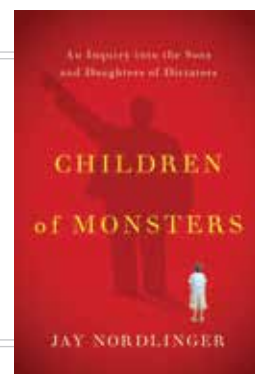
Mackinac.org/databases



WHAT FOLKS ARE SAYING
ABOUT THE MACKINAC CENTER

“The Mackinac Center was a terrific partner to the Legislature during this debate and provided expert financial and historical analysis at key moments. Many special interests worked against us and stood up to defend the status quo, but fortunately we had a great team of people who cared about this state’s future and who worked hard on these long-overdue reforms. The Mackinac Center was an important part of that team.”

— House Speaker Tom Leonard (R-DeWitt) on the Mackinac Center’s role in Michigan’s historic pension reform





Securing the Future

If you walk around Lansing, you'll see many people who make important decisions and appear daily in the newspaper. "Hello, senator." "Good morning, your honor." "There's the governor's chief of staff."

There are others in town who don't hold positions of power, whose opinions and attention are not highly sought after. For example, a man in an MSU sweater can usually be seen panhandling on the corner of Washington and Allegan. He has a technique of approaching motorists just as they reach for change for the parking meter. I recently watched a colleague encounter this man. My colleague (he doesn't know I'm writing this) beckoned toward a restaurant, walked up to the counter and ordered the man lunch.

Some of the finest things one does are performed with no expectation of credit or personal gain.

I thought of this encounter when the Michigan Legislature enacted historic pension reform in June. The details have been reported: The reform, crafted by the Legislature and governor, closes the current school pension system to new employees. They will be placed into a 401(k)-type plan and the state has adopted controls to avoid accruing new unfunded liabilities.

Lawmakers who voted for the change did the right thing with little expectation for short-term accolades.

MICHAEL J. REITZ

Most voters won't immediately understand the significance of the vote. Others will believe the inaccurate portrayals spread by loud critics. By the time the wisdom of the change becomes widely evident, the political careers of those who enacted it will mostly be complete.

And yet we saw a historic vote — a reform Gov. John Engler wasn't able to secure in the 1990s. Michigan now occupies a position of national leadership on how to address runaway legacy costs. We have Sen. Phil Pavlov and Rep. Tom Albert to thank for sponsoring the legislation, along with Senate Majority Leader Arlan Meekhof and House Speaker Tom Leonard for their leadership in crafting a solution with Gov. Rick Snyder. There is more to do, but the most difficult change has been secured.

This reform has been our top policy priority for more than three years at the Mackinac Center. We researched the issue, studied alternatives, published studies, recommended policy changes, explained the ramifications to taxpayers and answered lawmakers' questions.

This is why the Mackinac Center exists: We take the long view and recommend ideas that will advance liberty and opportunity for decades to come. Your support converts this vision into a reality. Thank you! ■

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GENEVA RUPPERT WISE Editor

ILIA ANDERSON Designer



Sen. Patrick Colbeck (R-Canton), Deion Kathawa, Stanley Kurtz, and Jim Manley participate in a panel discussion at the Mackinac Center's Issues & Ideas Forum Fighting for Free Speech on Michigan University Campuses.

Free Speech Under Fire

With a growing number of college campuses creating “safe spaces,” protesters silencing speakers and students facing restrictions on their speech, universities are under scrutiny.

A recent Mackinac Center event discussed free speech on campuses and how to ensure universities are being fair and protecting this important right. A panel featuring a recent University of Michigan graduate, a free speech scholar, an attorney and a state senator discussed free speech and its presence, or lack thereof, on Michigan campuses.

Jim Manley, a senior attorney at the Arizona-based Goldwater Institute, discussed the importance of free speech and how it has been eroded. He said the purpose of the First Amendment is to protect unpopular speech and ideas.

“The soul of the American university is the free exchange of ideas,” Manley said. “Colleges need to be places where you can think the unthinkable.”

Stanley Kurtz, a senior fellow at the Ethics and Public Policy Center, gave examples of free speech being chilled across campuses. Kurtz talked about disputes at the University of California-Berkeley (which resulted in a riot) and Middlebury College (where a professor was assaulted). He also commented on the University of Michigan, where a debate over the Black Lives Matter movement was shouted down, to the approval of the student newspaper. Each event was canceled because of protesters, who faced little punishment. “The real point of speaker shout-downs is to police the acceptable boundaries of speech,” Kurtz said. “Even a few shout-downs of speakers who challenge the reigning orthodoxies on campus suffice to send a message to the entire campus, to the entire state, and often nowadays, to the entire nation.”

Deion Kathawa, a recent graduate of the University of Michigan, talked about his time on campus as a conservative. Though he has never witnessed a shout-

down personally, he doesn't doubt their existence. He said a major problem is that many students don't understand free speech as described in the Constitution.

Kathawa said many students think if they disagree with you, you shouldn't have a platform. “A lot of times I'll have conversations with peers and they've just never heard someone who's ... espousing whatever view it is that I'm espousing. It's like I'm a unicorn; they've just never heard someone my age talking the way I talk.”

Sen. Patrick Colbeck is sponsoring the Michigan Campus Free Speech Act. This bill would require universities to track acts that chill free speech and do something about them. He also called the bill redundant, stating that it was “belt-and-suspenders” legislation.

“We have a first amendment that says you have the right to free speech. So why do we have laws that say we need to have the right to free speech? We've already got the belt, why do we need the suspenders?” ■

Why Locals are Banning People from Renting — and How to Stop It

While cities like Detroit and Grand Rapids have largely embraced short-term rentals, that's not the case everywhere. Homesharing, which allows people to rent out their residential property through companies like Airbnb and HomeAway — has become increasingly popular in Michigan. But some municipalities are fighting back by banning the practice.

That's not right, said panelists at a recent event sponsored by the Mackinac Center for Public Policy. Renting out your property for short periods of time has been done for as long as people have owned a cottage "up north." But modern technology makes the process easy. Vacationers can find a unique place to stay, often at a lower price than hotels, and homeowners can exercise their property rights while earning a little extra income.

Despite the benefits, this practice has some opponents. Hotels and members of the accommodations and tourism industry don't like the competition. And some residents and homeowners associations don't like the flow of new people coming through the neighborhood. These groups have encouraged local government

officials to charge excess fees or even ban these rentals. That's happened in Traverse City, Grand Haven, Holland and elsewhere.

Kelli Fickel and Elaine Page are homeowners on the west side of the state who rented out property to people through Airbnb. They welcomed guests from around the world, were accepted by their neighbors and never heard of any complaints. But Holland taxed them at a higher rate and eventually shut them down.

Christina Sandefur, executive vice president of the Goldwater Institute in Arizona, argued that the arbitrary enforcement of home sharing laws — to deem it a criminal activity to rent out a home for less than 30 days — severely infringes on property rights. Her organization has filed lawsuits across the nation on the issue.

Brian Westrin, vice president of public policy and legal affairs for the Michigan Realtors, said the problem is local officials mistreating short-term rentals as commercial activity and outlawing it.

"We're not telling [local governments] not to regulate at all. ... But you should not use zoning to treat property owners favorably

in one sense or unfavorably in another or to ban it outright," Westrin said.

The situation for homesharing individuals may be changing. Senate Bill 329, sponsored by Sen. Joe Hune, R-Fowlerville, and House Bill 4503, sponsored by Rep. Jason Sheppard, R-Monroe, would forbid local governments from using zoning regulations to prohibit short-term rentals. ■

Brian Westrin, Elaine Page, Kelli Fickel and Christina Sandefur share their experiences with homesharing at a Mackinac Center Issues & Ideas Forum.



Anti-Pipeline Groups Refuse to Accept Test Results

When oil and natural gas supplies in Michigan are discussed, Line 5 is never far from the conversation. My last IMPACT article examined the risks and rewards of transporting fuels via Line 5. I return to the topic because this key piece of Michigan's energy infrastructure recently passed a federally mandated hydraulic pressure test.

Even though the results of the pressure test were positive, the "shut it down" groups continue to demand that Line 5 be closed. But demanding the end of viable energy options offers no serious choices for energy developers, elected officials, policy experts or society as a whole.

Anti-pipeline groups make clear their disdain for the entire length of Line 5 – from its beginning in Superior, Wisconsin to its end in Sarnia, Ontario. But the portion of Line 5 that receives the most attention is the twinned, 20-inch-diameter pipelines that move up to 540,000 barrels of light crude oil and natural gas liquids, or NGLs, daily across the Straits of Mackinac.

Anti-pipeline groups demand Line 5's closure, claiming that even the most remote risk of a leak into the Great Lakes is too great. But others recognize risk is an inherent part of human activity. Therefore, they actively work to minimize the potential for a leak, while still enjoying the benefits of affordable, abundant energy.

For example, bipartisan congressional efforts passed the 2016 Pipes Act, federal legislation that requires intensive annual inspections of underwater pipelines. An independent contractor just completed hydrostatic testing on both underwater portions of Line 5 in a test that complies with the new law.

The pipeline normally operates at 150 pounds per square inch and has a maximum operating pressure of 600 psi. The recent tests removed all oil and NGLs, filled the pipe with water and pressurized it to double its maximum operating pressure

– 1,200 psi – for four hours. The pressure was then released and then returned to 700 psi for another four hours. This test actually exceeded federal mandates and mimicked tests completed when the pipe was first installed. No leaks, cracks or corrosion were discovered.

**JASON
HAYES**

Two Michigan members of Congress, Republican Fred Upton and Democrat John Dingell, co-authored the predecessor of the 2016 pipeline safety bill in 2011. Upton said of the test, "A spill on our Great Lakes would be catastrophic with immediate and long-term harm. This test is a step forward but we must remain vigilant as this is high stakes for our Great Lakes." Upton continued, "While this specific test was successful, we must continue to probe Line 5 for any vulnerabilities. I look forward to seeing these additional tests move forward this year for the betterment and safety of the entire Great Lakes region."

Richard Kuprewicz is a specialist in designing and safely operating pipelines in sensitive and urban areas. Kuprewicz has often worked with environmental groups that seek to close other pipelines and has publicly criticized Enbridge's operations in the past. But this test appears to have convinced him of the pipeline's integrity. "You have a high degree of confidence that the pipeline has decent integrity," he said, when this type of test is completed without any problems.

Not all pipeline critics were convinced. Retired Dow Chemical Engineer Edward Timm has said calling for a shutdown is the "ethical thing for me to do ... until the thing could be strip-searched." He admitted the hydrostatic testing showed "the line will withstand the pressure it could when it was installed." But then he called for what he termed a "better test" – a "volumetric hydro test to yield." This new test would demonstrate the elastic properties of the pipe by pressurizing water in the pipe to 2,400 psi, actually pushing the pipe to the point where the steel begins to yield and swell under the intense pressure.

Another critic, David Holtz, president of the Sierra Club's Michigan chapter, panned the test in early June before it was even completed, arguing that "it's hard to have confidence in anything that Enbridge does." Following in Holtz's footsteps, Sean McBrearty, with the environmental activist group Clean Water Action, admitted no test would change his group's intentions toward the pipeline.

"They can run water through the pipeline as much as they want; it doesn't take away the concern about the pipeline's safety from the things that have come out recently." He continued, claiming that Enbridge is "a corporation that can't be trusted," and added, "It's a pipe we know can't be relied upon, and the water test should not have any bearing on the decision-making about whether to shut down this pipeline."

No serious individual or organization ignores the potential damage an oil spill in the Great Lakes could cause. But Michigan's elected officials and regulators are faced with intense pressures from two distinct directions.

One side demands the closure of an essential energy infrastructure asset. Regardless of the impacts that closure might have on energy availability or energy prices, it maintains any risk is too great. Pressure on the other side comes from those who say that pipelines like Line 5 provide the state with essential energy and help keep the price of those resources low.

Knee-jerk, "shut it down" responses don't provide the people of Michigan with affordable energy. If the anti-pipeline groups help design serious options for replacing Line 5, their demands for closure could be seen as far more realistic. Until they can do so, the other option – hypervigilant testing and 24/7/365 monitoring of the pipeline – is the more reasoned, balanced and careful response. ■

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

Welcome to the Mackinac Center!

We've had a number of new faces join us at the Mackinac Center over the last several months.

In the last year, we've had two new regional directors of strategic partnerships join the team. **Caleb Hortop** joined us last summer after graduating from Spring Arbor University. Recently married, he lives in the Midland area. Earlier in 2017, Caleb was joined by **Ashley Keimach**, a graduate of California State University San Bernardino who transplanted to Michigan with her husband, Evan. Ashley came to us from the Michigan chapter of Americans for Prosperity and resides in the Lansing area.

We also recently welcomed **Lori Schumann** as administrative assistant. Lori spent the last several years managing branches of local credit unions and banks, and uses her free time to attend her children's many athletic events. She was born and continues to live in Pinconning. Another recent addition is **Melissa Van Meter**, our new advancement assistant. Melissa comes to us with extensive database experience and lives with her family in the Midland area.

Evan Carter joined the Mackinac Center in June as a reporter for Michigan Capitol Confidential. A native of Detroit, he is a recent graduate of Hillsdale College, where he minored in journalism and put in four years with the student newspaper.

Also in June, **Justin Davis** came aboard as multimedia producer at the Mackinac Center. Justin has an unconventional resume which includes work on The Amazing Race and time at The Second City Conservatory Program, along with a bachelor's degree and MBA from Northwood. He will focus primarily on producing videos highlighting and explaining the Mackinac Center's work.

Welcome, all!



Caleb Hortop

Regional Director of
Strategic Partnerships



Ashley Keimach

Regional Director of
Strategic Partnerships



Lori Schumann

Administrative Assistant



Melissa Van Meter

Advancement Assistant



Evan Carter

Reporter for Michigan
Capitol Confidential



Justin Davis

Multimedia Producer



2017 Summer Intern Class

Integral to the Mackinac Center's vision is the necessity to empower the next generation of liberty-minded individuals in order to secure the ideal of personal freedom for years to come. This year's bright young interns from colleges across the nation have arrived and settled into their work assisting our policy staff.

Janelle Cammenga, a rising junior at Dordt College, is returning to the Mackinac Center for her third summer with the Morey Fiscal Policy Initiative. Janelle studies English and chemistry, performs Shakespearean theater and edits her school newspaper.

Joining our VoteSpotter Project is **Daniel Visnovsky**, a junior from Hillsdale College where he studies politics and philosophy. In his free time, Daniel enjoys listening to heavy metal ballads, watching action flicks, jogging and participating in taekwondo.

Advancement and Events is pleased to welcome back **Luke Derheim**, a rising senior at Saginaw Valley State University, where he studies political science. Luke is the president of the SVSU College Republicans and enjoys reading and kayaking.

Holly Wetzel joins the communications department from Palm Beach Atlantic University in West Palm Beach, Florida. Holly majors in public relations, minors in American history, plays the oboe and enjoys Star Wars.

Joining the environmental policy initiative, **Garrick Anderson** hails from right here in Midland. Garrick has a long background in homeschool debate as a member of Christian Communicators of America, and is an assistant coach of the Kairos Debate Club of the tri-city area.

The fiscal policy initiative is happy to welcome back **Wyatt Bush**, who returns to us for his second summer. Wyatt received his bachelor's degree in economics from Central Michigan University and is currently pursuing his masters in the same field of study.

This year's Overton Intern, a multi-policy position, is filled by **Chase Slasinski**, an incoming sophomore at Michigan State University. Chase attends the James Madison Residential College of Public Affairs, where he studies political theory, constitutional democracy and economics.

Joining us for his second summer from Hillsdale College is **Jacob Weaver**, a senior studying history. He is working in the

Center's environmental initiative. Jacob participates in his school's Churchill Fellowship program and enjoys soccer, sailing and outdoor activities in his spare time.

The communications team is thrilled to welcome **Taylor Piotrowski**, who joins us from Valparaiso University in Indiana, where she is going into her junior year studying political science and communications. In her free time, Taylor plays the trumpet and sings Disney songs, all of which she knows by heart.

Madeline Conover, another rising senior from Hillsdale, joins Michigan Capitol Confidential this summer. Hailing from Chicago, Madeline studies politics and Spanish and enjoys painting, listening to podcasts and reading.

Erika Wyn joins our education policy initiative this summer. During the school year, she studies political science and history at Cedarville University. ■



Help for School Choice May Come From Washington

Those of us in Michigan who support full parental choice in education face overwhelming odds, but a breakthrough opportunity (with real risks) may soon come from the nation's capital.

For decades, the Michigan Constitution has blocked the path to educational freedom. An amendment adopted in 1970 is arguably the nation's most stringent ban on any public programs that promote private school choice. Federal action, though, could bring choice to Michigan anyway, though people who support choice disagree on the dangers of that path.

Many have reason to fear that a federal program could tie private schools into knots with red tape or keep them from participating altogether. A future administration could wield the power of the U.S. Department of Education to make life miserable for the schools and people who would benefit from the program. Also, maintaining funding and support is more difficult at the federal level, creating fears that someday Washington could pull out the rug from under students and families.

As a candidate, Donald Trump floated the idea of spending \$20 billion to promote school choice. His administration's first budget later proposed a much more modest amount: \$250 million.

At the American Federation for Children National Policy Summit in May, I watched Betsy DeVos, our new secretary of education, laud the president for proposing "the most ambitious expansion of education choice in our nation's history." Her powerful keynote

address highlighted the need to transform the education system to serve the diverse learning needs of children.

But DeVos also rightly stood against giving the federal government the power to mandate or oversee school choice programs. "When it comes to education, no solution, not even ones we like, should be dictated or run from Washington, D.C.," she said. "I firmly believe every state should provide choices and embrace equal opportunity in education. But those are decisions states must make."

Discussions of a possible federal program for school choice have narrowed to one particular model: tax credit scholarships. Businesses and individuals could receive large tax write-offs when they make donations to nonprofit organizations that give scholarships to families in need. Seventeen states currently use this model in some form. They follow the mold of the universal tuition tax credit, an idea the Mackinac Center pioneered and has championed for nearly two decades. The Center remains Michigan's outspoken thought leader for educational freedom.

A federal tax credit would not necessarily require any new oversight from D.C. States could administer the regulations they deemed appropriate for private schools. While details are unclear, the opt-in model advocated by DeVos likely refers to states deciding whether scholarship-granting organizations could receive federal tax credit donations. Given the opportunity, states with thriving scholarship programs

like Arizona, Florida and Pennsylvania might take a pass to avoid potential future federal entanglements.

On the other hand, opting in would pose a less tangible threat to states with no private school choice experience and very few prospects for change. Michigan thus could seize a rare opportunity to give many families new educational options. State leaders could override the wishes of groups hostile to choice, while philanthropists could create scholarship organizations to help meet the pent-up demand.

Finally, a tax credit scholarship program is probably the only type of private school choice program that could survive the gauntlet of Capitol Hill. Since the legislation would represent a congressional change to the federal tax code, it requires only two simple majority votes and a presidential signature, making it an easier-to-grasp goal than other options. Still, as *The Detroit News* accurately quoted my assessment of its likely success, "It's going to be, probably, difficult." Today's national politics are especially brutal.

Yet compared to Michigan's current options, this uncertain path carries a great deal of hope. Should momentum build for Washington to open the door to private school choice, our state must be prepared to enter. The Mackinac Center will welcome Michigan to the growing company of private school choice states. ■

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

**BEN
DEGROW**

SWAT Teams Need More Transparency

KAHRYN
RILEY

One sunny June afternoon, a quiet Portage residential neighborhood was suddenly overtaken. Police officers, K-9 units and SWAT teams restricted traffic to the block and descended on one of the homes.

Neighbors described the incident as surreal, and told reporters that they were shocked to see Portage police officers, the Michigan State Police and the Kalamazoo Metro SWAT Team swarming a home in their peaceful neighborhood.

SWAT stands for “special weapons and tactics,” and, according to the Kalamazoo Department of Public Safety, the regional SWAT team is a highly trained unit whose purpose is to “respond to and resolve critical and dangerous incidents exceeding the normal capabilities of law enforcement.”

Their critical and dangerous mission in Portage that day? To serve the husband of a missing woman with a warrant to search their home. Law enforcement officials wanted to talk with him about her disappearance, and he had been in contact with police detectives and under investigation for weeks already. The police completed their search without incident and left the home without arresting him.

The circumstances of this event prompt the question of why officials thought it necessary to deploy a tactical unit to serve a search warrant, especially given that the subject of the search was already well-known to them. It’s a question that critics of a trend known as police militarization find themselves asking more often as the use of SWAT teams for routine police activities grows dramatically.

Police militarization refers to the growing number of local police departments nationwide that are adopting military-style tactics and practices. These departments may train alongside soldiers, obtain military-grade weapons and vehicles, and adopt a battle-ready internal culture that can strain a department’s relationship with its community and raise the risk of violating civil rights.

Experts blame the war on drugs for instilling a warrior mindset among police officers. Police now routinely launch surprise raids on private residences with the help of armored vehicles, AR-15 rifles, body armor, battering rams and flash-bang grenades designed to stun victims. Thanks to civil asset forfeiture, many police departments benefit financially from these searches, though they only turn up drugs about half the time.

It is now commonplace for paramilitary strike teams to perform what should be normal civilian police tasks, although nobody is sure how many raids occur each year. One documentary filmmaker reported that the annual number had escalated from around 3,000 in the 1980s to between 50,000 and 80,000 today. Maryland was the first state to pass a law requiring SWAT teams to report how often they are deployed. As a result, Marylanders learned that 4.5 SWAT raids are performed each day in their state.

Michigan should enact SWAT reporting requirements of its own. If our state were following national trends, it now could be deploying paramilitary units at a rate 25 times more often than in the 1980s. In 2013, lawmaker Tom McMillin introduced a bill that would have given Michiganders data about SWAT deployments in the state, but it died in committee.

Lawmakers should resurrect this legislation. Whole books have been written about the rising use of strike forces and the corresponding growth in botched raids that end with the deaths or near-deaths of innocent people and family pets. These events turn neighborhoods into battlefields and civilians into enemies; that’s a far cry from a local police department’s duty “to serve and to protect.” Michiganders deserve to know whether, in an age of increasing distrust in the police, violent home invasions are the most effective method of conducting investigations and enforcing the law. ■

Kahryn Riley is a policy analyst at the Mackinac Center.



Rep. Tom Leonard (R-DeWitt), Rep. Tom Albert (R-Lowell), Rep. Tim Kelly (R-Saginaw Township), Sen. Phil Pavlov (R-St. Clair), Sen. Arlan Meekhof (R-West Olive) look on as Gov. Rick Snyder signs historic pension reform this July.

MICHIGAN SETS THE NATIONAL STANDARD ON PENSIONS

Inside the Mackinac Center’s decades-long push for reform

With legislation signed in July by Gov. Rick Snyder, Michigan has become a national leader in pension reform. The new law affects future teachers, and combined with a 1997 reform for state employees, means that Michigan has made great strides to prevent more debt in our retiree systems.

It’s been a long journey to get to this point, and the state will still be paying off its past debt for decades. But this is a historic moment. This is how we got here.

The Mackinac Center first began writing about public pension systems shortly after our founding in 1987. In 1997, under the leadership of Gov. John Engler, Michigan shifted new state workers off the pension system and into a 401(k)-type defined contribution plan.

At the time, there was concern that pension systems would rack up huge debt for future generations. That proved correct. In the

years since, the liabilities in the retirement system for state employees (SERS) and schools (MPERS) skyrocketed.

In 1997, on paper, they were briefly “fully funded.” But the state was making bad assumptions, including high investment returns (8 percent a year) and a growing payroll (which didn’t happen). It also underestimated how long retirees would live. And then for all but one

of the past 44 years, the state has not held enough investments to pay for the pensions it had promised.

Because of the change in 1997, new state employees were not contributing to the underfunding of the pension system. Michigan is still paying down the debt (which would be higher without the change), but it will eventually be paid off.

One regret from the Engler administration was not being able to close the teacher pension system. While the state employee

system was closed to new entrants, the school system stayed open. Three legislative Republicans, backed by the teachers union, refused to vote for reform.

In 2006, the Mackinac Center again sounded the alarm. At the time, the school system was funded at 83 percent – meaning 83 cents of every dollar the state had promised to school employees had been saved. We called for new teachers to be shifted to a defined contribution plan. We said, “Future responsibility for the underfunded promises of the Michigan Public School Employee Retirement System will continue to burden school districts, and substantive pension reform is the only way to ensure school employees’ and taxpayers’ security.”

For the past few years, pension reform has been our highest priority (you probably got our letters!). The greatest fiscal problem facing our country is that politicians can promise benefits today and pay for them later (or rather, expect someone else to pay

JARRETT
SKORUP

JAMES
HOHMAN

for them). That is the reason everything from Social Security down to the tiny local library system is in debt. Quite simply, the incentives are for lawmakers to spend money on other things, not the pension that someone will receive in the far off future.

But the future is here, and the school pension system is funded at only 60 percent. The cost to schools is massive – 37 percent of their payroll costs goes to pensions. And taxpayers are coughing up more and more. The state spends over \$1 billion more on pensions than it did just five years ago.

We called for a shift to a retirement system in which politicians had to pay for retirement benefits as employees earn them. The new legislation gets us most of the way there. For new teachers, they will automatically be enrolled in a defined contribution plan, which the employee and public employer pay into each year. The state will automatically deposit an amount equal to 4 percent of a worker's pay into a retirement savings account. The employee may contribute more out of their own salary, and the state will match the first three percent of an employee's contribution. This amounts to 10 percent annually, and employees who wish to save even more can do so. This is identical to what is offered to state employees.

New employees may choose a defined benefit plan instead. But this new plan has a more realistic assumed rate of return of 6 percent and if it goes into debt, both the employee and the employer are responsible for paying it down. If the plan's funding level falls below 85 percent for two years straight, it would be closed to people hired after that, and those employees would instead be given the 401(k)-type plan.

The new approach does not have everything that the Mackinac Center wanted, but it is a huge reform. We helped contribute to it in a variety of ways.

We produced research showing how big the problem was. Our work was cited in nearly every newspaper in Michigan, and by the time the legislation was being voted on, the debt problem was widely acknowledged. We met with dozens of lawmakers, answering questions, providing information specific to their local school districts, organized a coalition of outside supporters and testified on the bills.

But the inside game is not enough. Teachers and school employees were concerned about the system. We talked to dozens who supported having a defined contribution plan and shared their stories.

Two retirees, Mary Kay and Roger, were particularly worried about the system they were relying on. We shared their concerns

in a mini-documentary to get the story out even more.

All-told, our videos that shared the stories of former teachers and explained the legislation garnered more than 750,000 views, and many people contacted their legislators in support of the reform. Others also pushed lawmakers for a solution, notably the Great Lakes Education Project, the Michigan Freedom Fund, Americans for Prosperity-Michigan and the National Federation of Independent Business.

The politicians leading the way merit our applause. Most of the Republican caucus in the House and Senate supported the reforms. Sen. Phil Pavlov, who has over the years sponsored bills to close the system, never dropped the ball. Rep. Tom Albert, who previously worked in the state investment office, understood the need for major changes and sponsored the bill in the House. And House Speaker Tom Leonard and Senate Majority Leader Arlan Meekhof were relentless in ushering it through and keeping it as their highest priority.

Across the nation, nearly every state is doing a poor job putting aside money for retirees. In Illinois, the state went without a budget for two years and is well over \$100 billion in debt. The credit rating of the state has repeatedly been downgraded, as little of the money needed to pay for retiree benefits has been put aside. New York, New Jersey, Connecticut, Kentucky and New York are also in precarious positions, though not as bad as Illinois. Wherever pension debt is high, though, debt costs mean fewer public workers, less money to pay for them and cutbacks in core government services.

Michigan wasn't as bad as those states, but we were headed in that direction. The number of full-time state employees declined 25 percent from 2001 to 2016, yet their payroll costs have increased because of debt payments.

While the debt the state has promised still needs to be paid down, the long-term problem is manageable. The next step is our municipalities.

In a report last year, we documented that nearly every open pension system in Michigan is in debt. That includes systems for counties, cities and townships. Some have closed their plans and are doing well, like Oakland County, which got out of the pension business decades ago.

That's the model other local governments should follow. And Michigan has done more than every other state to ensure that the costs of today's government are not pushed onto tomorrow's taxpayers. ■

Jarrett Skorup is marketing and strategic outreach manager at the Mackinac Center. James Hohman is director of fiscal policy.

IMPACT

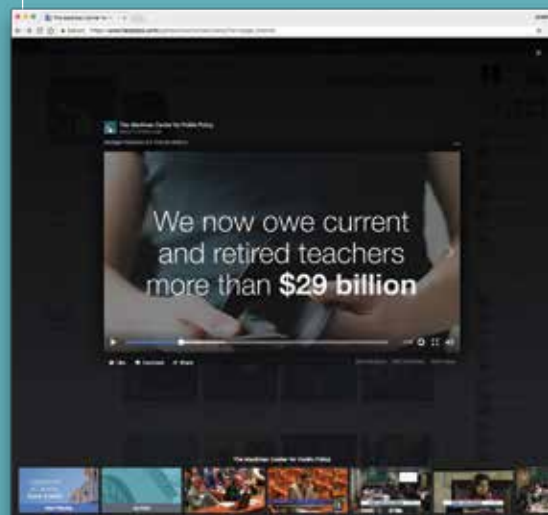
Jarrett Skorup and James Hohman testified at the MI House and Senate.



Our website, mackinac.org/pension, has had over **19,000 visitors**.



Our pension videos garnered more than **750,000 views**.





Mackinac in the News:

Mackinac Experts Cited in Pension Reform Debate

The Mackinac Center's message that teacher pension reform is vital for educators, students and taxpayers was carried by Michigan's top media outlets as lawmakers debated and ultimately passed the transformative legislation.

"Each year, more and more education funding is held hostage by our broken pension system," Mackinac Center's James Hohman told MLive. Hohman, the Center's director of fiscal policy, continued, "So I'm glad to see a group of legislators is willing to do the hard work now to ensure school funding gets where it's intended."

The Detroit News, Detroit Free Press, WNEM-TV, Crain's Detroit Business, Midland Daily News and many others turned to the Mackinac Center for research on the Michigan Public School Employees Retirement System and solutions on how to prevent its underfunding in the future. In an op-ed published by The Wall Street Journal, Policy Analyst Jarrett Skorup explained how union release time will put taxpayers on the hook for retiring MEA President Steve Cook's pension, estimated to be \$115,871 annually.

Various publications also covered the Mackinac Center's presence at the

Mackinac Policy Conference, hosted by the Detroit Regional Chamber and independent of the Mackinac Center.

The Detroit News listed Mackinac Center President Joseph G. Lehman as one of the notable individuals in attendance, listing him among Gov. Rick Snyder and Wright Lassiter III, president and CEO of Henry Ford Health System.

Several outlets reported on Lehman's idea, unveiled at the conference, to allow lawmakers to vote remotely as a means of restoring public trust in government. The chamber's magazine, *Detroit*, covered his participation on a panel about solving Michigan's opportunity gap.

"We have to decide whether the way to help the most people is to nudge more of them into one-size-fits-all solutions or remove the barriers that have accreted over the years in failed attempts to help people," Lehman said. He went on to recommend reforming the state's restrictive occupational licensing laws that keep many out of the workforce.

The Huffington Post, Bridge Magazine, IndyStar, Associated Press, Michigan Chronicle, Holland Sentinel and Michigan Public Radio were among the outlets that quoted or cited the Mackinac Center and its work in recent months. ■



Chantal Lovell is communications manager at the Mackinac Center.

Chantal M. Lovell



Mackinac Center President Joseph Lehman discusses the concept of district voting with Randy Richardville and Chad Livengood at the Mackinac Center Policy Conference.

Restoring Trust in Legislators with District Voting

The Mackinac Center at the Mackinac Policy Conference

Each year, before the Detroit Regional Chamber's Mackinac Policy Conference, we have some homework to do:



Despite the disclaimer, we do play an important role as a voice for free markets and limited government during the four-day event. This year, our president, Joseph Lehman was one of the Michigan leaders previewed in The Detroit News by Chamber CEO Sandy Baruah and conference chair Stephen Polk. Lehman delivered on that leadership twice from the conference stage.

In his first session, Lehman shared the stage with Lt. Gov. Brian Calley; Hudson-Webber Foundation President and CEO Melanca Clark; and Amy Liu, vice president and director of the metropolitan policy program at The Brookings Institution. Detroit Free Press columnist Rochelle Riley moderated their wide-ranging discussion on closing the economic opportunity gap for Michigan residents. Lehman's explanations of opportunity-destroying government policies such as unnecessary professional licensure had even the other leaders on the stage asking for follow-up information on

the Mackinac Center's research and policy work on this topic.

Those wishing to change Michigan's term limits or move the state to a part-time legislature may want to first focus on restoring and improving the public's trust in government. During his second session, Lehman proposed a way to do just that.

The District Voting Option would let legislators spend more time among constituents and less time among special interests in Lansing by allowing them to vote remotely from their home districts.

"Legislators who choose more time at home instead of at the Capitol could find a healthier balance of influence from constituents versus Lansing-based special interests," Lehman said. "Right now, the lawmakers go where the lobbyists are, which is convenient for the lobbyist. This would change that to some extent."

Lehman presented the idea during a discussion with former Senate Majority Leader Randy Richardville at the Detroit Regional Chamber's annual event, the Mackinac Policy Conference. Richardville called for an extension of Michigan's term limits, while Lehman noted that voters first must trust their representatives before they agree to give them more time in office.

The District Voting Option could achieve this.

"It changes the relationship between lawmakers and constituents," Lehman said. "It instantly changes every campaign and part of the campaign competition is, 'Hey, I'll spend more time in the home district than you. The third thing it does is it instantly changes the lobbying dynamic.'"

Richardville called the proposal "interesting."

"The idea of being able to vote from home, I like it as long as you give leadership the opportunity to say, 'We have an important vote ... I need you in the Capitol at these times,'" Richardville said.

The voluntary option would need to be approved by voters through a constitutional amendment. Michigan's Open Meetings Act also may need to be changed to implement this idea. While we rarely spend much time at conferences, this one is important. Big-business and big-government champions of corporate welfare schemes regularly dismiss our opposition as "philosophical" objections that have no bearing on the real world. The opportunity to show an audience of business and government leaders in person that we're the ones with research, history and facts on our side is worth the drive up I-75. ■

What's Happening in Lansing

There was no change in the Michigan governorship or Senate after last year's election, but much of the state House turned over. Several big legislative issues were resolved, for better or worse, at the end of 2016, including a package on energy.

But 2017 greeted lawmakers with much to do. Here are some of the bigger issues that have been taken up so far.



Pensions

With the passage of major pension reform, Michigan has become a national leader in preventing politicians from racking up debt (see our cover story for more details).



Criminal Justice

The state passed an 18-bill package to eliminate outdated rules, roll back technical laws that put people in prison and fund rehabilitative services. Crime is very expensive, both from a financial and societal perspective. These bills are likely to lower the number of people heading back to prison.



Environment

The House and Senate have passed a bill limiting some state agencies from adopting rules more stringent than the federal government's. A similar measure was vetoed in the past by Gov. Rick Snyder, but with more loopholes in the legislation now, he may sign it once it gets through the Senate again.



Budget

There is good and bad news here. Next year's budget continues some programs that should be eliminated, and it has a whole host of "Christmas tree" items, or spending provisions specific to one community or lawmaker. But it allocates more money to transportation and pension liabilities than ever before and holds spending at or below inflation for most areas.



Education

In the past few years, the Legislature has passed major education reforms, including tenure reform, merit pay provisions, bans on automatic union dues, transparency laws and right-to-work. Unfortunately, hundreds of school districts have provisions in their union contracts that ignore these laws. We have represented teachers when their union ignores the law, but we can't help everyone. That's why it's important for this year's budget to include a financial penalty for school districts that agree to contracts that violate state laws.

That's a good start. But the Legislature has also floundered on other priorities. Even with a Republican majority, the House wasn't able to pass a small income tax cut. The Senate, with a GOP supermajority, didn't even try. Both chambers passed a package of brownfield bills, which will give large developers subsidies. The Senate and governor are pushing another package that will allow select large companies to collect the income taxes of their employees. This unfair system has been a failure in the past. In the meantime,

taxpayers aren't allowed to see who is already receiving hundreds of millions of dollars in corporate welfare. They're also kept in the dark about reports justifying the Pure Michigan advertising program.

Lawmakers are on break for the summer and will return in September. There are other major priorities they should move on then. Bill packages related to occupational licensure and civil forfeiture are being worked on, with some pieces of legislation already introduced. The state should

allow workers represented by unions to vote regularly on that representation, as happens in other states. Legislation preventing unions from forcing taxpayers to cover the cost of their work should be passed. A law to ban union pension-spiking schemes should be a no-brainer, but the idea died in the House last year.

To see a full list of our policy recommendations for the 2017-18 legislative session, please visit mackinac.org/policy2017. ■



SUPPORTING LIBERTY SINCE THE LIVERPOOL BOMBINGS

Christine Crowner describes her life as ordinary in many ways. But over the course of it, she has experienced a lot of change, moving to a new country, finding a better husband and being called to a new religion. Her late husband, Robert, served on the Mackinac Center Board of Scholars and left a bold impact at the university level in his career, with publications on topics ranging from pork barrel spending to the distinction between macroevolution and microevolution.



in the world are rarely the most privileged. Her mother was a teacher and could have easily surpassed her husband in terms of income but chose to invest her time and energy into being a mother, a decision her daughter made a generation later.

After securing a successful career in the United States and entering into a healthy marriage, Crowner found herself searching for

something more. She became a Christian and more intentional about giving time, energy and support to ideas that coincide with many Mackinac Center principles. She is always quick to call out — and rarely has time for — “twaddle.”

Crowner said that she and her husband were philosophically opposed to running for office themselves but were determined to find someone who would make a difference and translate their views into sound policy. That first “someone” was congressional candidate Cliff Taylor in the early 1970s. Though he did not win, he went on to be the chief justice of the Michigan Supreme Court and is the chairman of the board of directors for the Mackinac Center. Bob delved into the nitty-gritty of budgets, while she made 4 x 8 signs with clever slogans for Taylor and Margaret O’Conner, who served in the state House from 1983-1992. O’Connor put together a book of state spending; Bob was the analyst for the first edition and Christine was the typist. Joe



Lehman has referred to that book as the prototype for VoteSpotter. Naturally, the paths of Mackinac Center founder Larry Reed and the Crowners crossed and they became loyal supporters of the Center beginning in 1990.

Using object lessons is Crowner’s favorite method of teaching friends and young people, a method she is pleased to have in common with the Mackinac Center. If you get the chance, ask her about her candy wrapper kaleidoscope or Christian onions, which are two of her go-to object lessons to help others understand her worldview.

The price of freedom has always hit home for her. She recalled a conversation with a German immigrant friend in America after the war. Her friend said, “I never thought I would be Hitlerized in a democracy — but that was the vehicle to power Hitler chose.” The importance of sound public policy and living out and teaching our shared principles was evident as she shared the history and stories she has been a part of.

When Crowner isn’t leading a Bible study, helping a friend launch a new initiative to help orphans in Sierra Leone or teaching local friends and students how to beautifully paint dishware, you can find her making free-market disciples. As she remains an intellectually aligned and cheerful giver toward the Mackinac Center, she believes that the purposeful legacy she is creating could be emulated by the rest of us — provided we keep twaddle to a minimum. ■

Growing up poor on a one-acre subsistence farm outside of Liverpool, England, is an upbringing Crowner counts as a tremendous blessing. When the Nazis dropped a bomb that landed in the family garden, they were evacuated and separated for the remainder of the war. The bomb did not detonate, but the experience ignited a vigor and passion for fighting for liberty. “Thank God for the Americans” was a sentiment she recalls her mother expressing in those trying times — a sentiment she adopted.

Her mother instilled in her a love for people — even if it meant finding happiness in avenues contrary to the mainstream of the world. “The Kindness Diaries,” now available on Netflix, is a new series on giving that has prompted Crowner to share with her granddaughters that the happiest children

A panoramic view of bomb damage caused by the Liverpool Blitz circa 1942.



True Labor Democracy through Union Validation Elections

Although the world has changed a lot since 1965, for many public sector workers in Michigan, the union that represents them in the workplace has stayed the same. Current labor laws mean that once a union is elected to represent a bargaining unit, it generally gets to represent it indefinitely.

So what is a dissatisfied worker to do? In Michigan, not much. Resigning from the union under right-to-work means he doesn't have to spend money supporting an organization he disapproves of, but he still has to accept its representation and must forfeit his ability to vote in union elections.

This dissatisfied worker has one other option: He could attempt to decertify his union. But this option is not for the faint of heart. Decertification is only an option during very narrow windows of time: within a few weeks of an expired contract or every three years, whichever comes first.

To call a vote, this worker would need to collect signatures from one-third of his fellow employees. At the election, a majority would have to vote to decertify. Throughout the process, his employer can't help him. Meanwhile, the union may run its own campaign, which will inevitably be better organized and

financed than the grass roots effort put forward by employees. It may even levy fines or other penalties against him as a member. To say the playing field is tilted is a vast understatement.

F. VINCENT VERNUCCIO

Fortunately, there is a solution: democracy through union validation elections.

House Bill 4399, introduced by Reps. Gary Glenn, Tim Kelly and Jim Lilly, would give union members the right to regularly vote for what organization represents them, just like all Michigan voters who get to elect the officials who represent them at the local, state and national levels.

Under HB 4399, every two years unionized public sector employees in Michigan would have the right to re-elect their union. If a majority does not vote in favor of validation, the union would lose the ability to represent those employees. The former union members could stay non-union or vote to bring in a new union.

Union democracy would give workers a choice many never had. Only about 1 percent of teachers in Michigan's 10 largest school districts ever had the chance to vote for the union that represents them today; 75 percent were not even born when their parents or grandparents voted for representation.

Democracy benefits unions, as well. It demands that they respect the wishes of the bargaining unit they represent, which will make the organization stronger and better equipped to respond to the needs of workers. A union that failed to act in the best interests of its members would find itself out of a job. Democracy also gives a newer union the chance to come in where a former union failed and provide better representation.

Right now unions have the ability to represent all employees at a unionized job. Since they are granted this special power, shouldn't they at least be able to prove that a majority of those they represent agree?

Unfortunately, Michigan's legislature only has the ability to allow state employees to vote to re-elect their union. Congress would need to act for private sectors to have that right. Letting government employees choose and validate what organization is given the monopoly to represent them will only benefit democracy and freedom. It will provide better representation by more attuned unions. ■

F. Vincent Vernuccio is a senior fellow at the Mackinac Center.



Eyes on the Prize

I started out this summer by starting my biggest adventure yet: I married my partner of four years.

While I wouldn't say that I spent my whole life dreaming about my wedding, it was important to me to have one. I wanted a day to be surrounded by all my best friends and family, to enjoy and celebrate with the man who is now my husband.

By that measure, my wedding was perfect. Getting there, however, was a nightmare.

Until we checked into a bed-and-breakfast on Old Mission Peninsula the day after the wedding, I didn't realize just how much I'd thrown off my mental equilibrium. For the first time in months, my mind wasn't racing, obsessing over details and needless worries. I fell asleep easily that night, something I used to be really good at.

This whole process has been an excellent lesson in how stress and anxiety can bleed over into every aspect of life if we don't take precautions. It wasn't just wedding worries that kept me up at night, but they served to blow everyday worries unrecognizably out of proportion, even when I didn't think I was stressed.

The good news is that this anxiety had an end date: Saturday, June 10. But my new source of anxiety is the knowledge that a wedding heralds many more stressful events to come. Events without a deadline.

Our wedding was everything I had hoped it would be, and more. I suspect, however, that it would have

been that way whether I had stressed endlessly over it or not. Intellectually, I knew that, even before the wedding. But theory and practice do not necessarily play well together.

So what will I do the next time I find myself letting stress follow me around like a thunderstorm? Compartmentalize. Take a step back. Houses, children, jobs, illness — the details are important, but ultimately, the traffic jams in life are not what we should remember. What we find after sitting at a standstill is almost always more memorable; the rocky road we encountered getting to our destination makes it more worthwhile.

This isn't just true for our personal struggles, but for the broader struggles we encounter on the road to liberty. Passing intelligent and meaningful reforms can seem impossible. Communicating ideas to people who disagree can seem futile.

It's counterintuitive, but I'd like to embrace the stress in my life and in the world around me. I can't eliminate it, but I should be able to see it for what it really is: An opportunity to create something perfect (or close to it). One of my mottos over the last few months was "Eyes on the prize" — a reminder that the details will only improve something that was already going to be great, and that the journey is often as important as the destination.

I didn't keep my eyes on the prize quite as well as I would have liked this time, but practice makes perfect. I look forward to the next challenge. ■

BY THE NUMBERS PENSIONS

750,000

Number of people who watched one of our pension reform videos

1,574

Number of articles the Mackinac Center has published that mention pensions

861

Number of times we've mentioned unfunded pension liabilities on our web site

55-52

Vote in the state House to limit the state from promising pension benefits now and paying for them later

21-17

Vote in the state Senate to limit the state from promising benefits now and paying for them later



Why I Chose Policy Over Politics

Editor's Note: Luke Derheim is a political science major at Saginaw Valley State University and an intern at the Mackinac Center for Public Policy.

In the summer between my freshman and sophomore years at Saginaw Valley State University, I took the opportunity to work as an intern in the offices of two different state lawmakers.

It was an eventful summer, featuring high-stakes political battles over Michigan infrastructure as well as dramatic scandals that ended several careers. I learned more that summer about politics and lawmaking than I have learned in my three years of college. I also made solid friendships that cross a vast political spectrum. Most of the people who know me — myself included — expected me to go back to that job the following summer. But I didn't, and I don't intend to in the future.

Why? Why work at a public policy think tank like the Mackinac Center instead of being in the middle of the political world in Lansing?

My reasons are very simple. The most important one is that I want to find somewhere to work where I can contribute 100 percent to the mission 100 percent of the time and never have to ignore my own convictions to pursue a mission that is not my own.

Fortunately, a professor who is a mentor of mine suggested that I look into the Mackinac Center, where I've found a mission for freedom and opportunity that matches my values.

**LUKE
DERHEIM**

I admit that, at first, part of my motivation in taking a job as a summer intern at the Mackinac Center last year was that, unlike my legislative job, it paid. I also knew that completing various internships looks good on a resume.

But even after that internship was over, I stayed on at the Mackinac Center, working here on Fridays through the school year. I came back for a second summer because I realized I had found the kind of place I was looking for. Politicians come and go, and only once in a blue moon do I find one I can believe in. I'm not interested in working in politics in Lansing if it means an endless round of choosing which values I want to sacrifice.

At the Mackinac Center, I know that whatever changes happen, the mission will not be one of them.

I also know that internships like mine are only possible because of the generous support of Mackinac Center donors. Thank you for making a difference in my life and the lives of my fellow interns. We really do appreciate it. ■