The Magazine of the Mackinac Center for Public Policy | JULY/AUGUST 2021





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140 West Main Street, P.O. Box 568 Midland, Michigan 48640 989-631-0900. Fax 989-631-0964 www.mackinac.org mcpp@mackinac.org

IMPACT is published six times a year by the Mackinac Center for Public Policy, a nonprofit, nonpartisan, tax-exempt research and educational institute classified under section 501(c)(3) of the IRS code.

IOHN LAPLANTE Editor ILIA VANDERHOOF Designer LETTER FROM THE EXECUTIVE VICE PRESIDENT



# "Who Do You Work With, Anyway?"

An important tactic for securing policy change is working through coalitions. A collection of groups and individuals agree: "The following goal is important to all of us. Let's work together to get it done."

This requires a willingness to be collaborative, an understanding of comparative advantage and humility. As Ronald Reagan said, "There is no limit to the amount of good you can do if you don't care who gets the credit."

In one sense, collaboration is a necessity. Think tanks can produce sound research, help shape public opinion and move ideas to the 5-yard line, but other actors (legislators, agencies, governors, courts) need to enact a policy.

The Mackinac Center has long valued a strong ecosystem of organizations working toward common goals. For years, think tank executives from around the world have visited our office in Midland for training. We frequently advise other state-based think tanks on best practices. We tell our new employees that we seek to build and support our allies in the liberty movement.

This is why we recently opened the Freedom Embassy in Lansing, within walking distance of the Capitol. It houses our government affairs team and some of our close allies: AFP-Michigan, Great Lakes Education Project, Michigan Freedom Fund, Michigan Rising Action and the Michigan Association of Public School Academies. The space is quickly becoming a hub where people discuss freemarket policy priorities.

Some of the Mackinac Center's most significant wins were secured through teamwork.

Michigan's 2012 right-to-work law was the ultimate coalition victory. Many, many individuals and groups helped secure the win, over several decades of work. So many, in fact, that the Mackinac Center published a visual timeline to mark major inflection points. The work engaged multiple capacities: rigorous communications, research. grassroots litigation, engagement legislative leadership.

In 2017 Michigan secured historic pension reform for public schools, creating 401(k)style plans for teachers and school employees. Many of the groups named above contributed essential help, as did business groups like the West Michigan Policy Forum, Michigan Chamber and NFIB of Michigan. The effort also required help from out-of-state groups: The Reason Foundation provided critical expertise to lawmakers.

Speaking of national organizations, we frequently host groups from Washington and around the country that are advancing important ideas in the states: the Institute for Justice, The Heritage Foundation, Americans for Tax Reform and State Policy Network affiliates.

Collaboration doesn't require lockstep agreement on all issues. For example, on the issue of government transparency (access to public records and meetings), we find common ground with organizations across the ideological spectrum. We may differ on the ideal scope and aims of government, but we all agree government agencies and public servants should be accountable to the people.

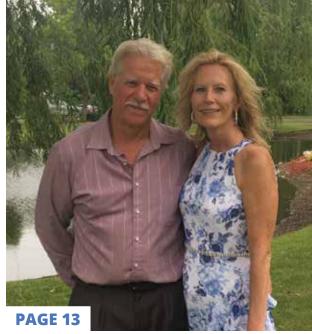
Our work is stronger when we work together with like-minded organizations. As Frederick Douglass once said, "Let every man work for the abolition of slavery in his own way. I would help all and hinder none." ■

#### By Michael J. Reitz

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

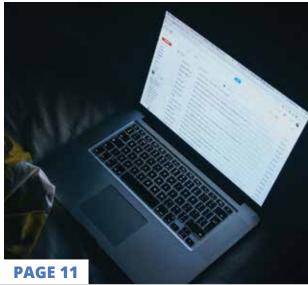
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#### **BLOG**

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

Mackinac.org/blog

#### **DATABASES**

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

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#### **CAPCON**

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

MichCapCon.com

With COVID-19 levels dropping in Michigan, and the governor's restrictions lifted, the Mackinac Center is pleased to announce the return of in-person events! Here are brief descriptions of several upcoming events. For more details, please visit **mackinac.org/events**.





Our Planning for Life workshops are open exclusively to Mackinac friends and supporters. They provide a comfortable, small group setting to learn about the current tools and techniques of estate planning from estate advisers.

- July 21 Petoskey
- July 27 Frankenmuth
- August 11 Grosse Pointe Farms
- September 9 Grand Haven

# POLICY FORUM

Policy Forums bring Mackinac Center professionals to your hometown to discuss relevant and timely policy issues. Each policy forum covers a different topic, so be sure to visit mackinac.org/events for full topics and descriptions.

- August 3 Livonia
- August 12 Traverse City
- August 17 Rochester
- August 19 Portage

All events listed are free, but registration is required. Please visit mackinac.org/events to register.

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### INTRODUCING

# OVERTON WINDOW

### PODCAST

occupational licenses, beaten back tax hikes, prevented their lawmakers from banning safe products, and moved their state from laggard to leader in school choice. In short, they've changed what was politically possible in their states: They've shifted the Overton Window. We launched the Overton Window podcast to talk to people who have made a difference about how they did it.

For instance, Garrett Ballengee of the Cardinal Institute of West Virginia spoke with us about its work to get lawmakers to approve the nation's leading education scholarship law. There was very little school choice in the state before the institute's victory. Students went to the district they were assigned. But victory came through persuasion, through building a coalition of groups aligned on the issue, and through some luck and skill at navigating the state's political environment. Ballengee and his colleagues took something that had been completely unacceptable, shifted the window and scored a victory over a short time.

We spoke with people who employ effective tactics. Elizabeth Stelle of the Commonwealth Foundation got the state to begrudgingly reform its stateowned liquor monopoly after the state attorney general brought corruption charges against a number of public officials. The foundation bolstered the chance for reforms by highlighting the state's mismanagement and publicizing it around the state, sometimes in billboard form.

Listeners will learn a lot by checking out the podcast. They can learn how commercial drone usage may be overregulated before the industry even gets off the ground. They can learn about how bacteria used for mosquito control may be the most important public health tool known to man. And even why some lawmakers in Mississippi wanted to ban sales of goat milk.

The show is also a meditation on power. And power doesn't work the way it is often portrayed, with greed and force determining the laws through a corrupt system. Instead, people engage on their issues with an important goal in mind, persuasive evidence, clever marketing, and personal stories. These and other strategies and tactics both change the climate of popular opinion and convince lawmakers. Lawmakers want to be on the right side of issues, and policy advocates can make it easier for them to make the right call.

Power is less about throwing one's weight around and more about truth, persuasion and winning over people's minds and hearts. Groups and individuals devoted to change have used these strategies and tactics to shift what is politically possible, and The Overton Window podcast talks to the people who have made it happen.

Episodes run roughly a half hour and new episodes are out every other week. Listeners can check out a few episodes and subscribe to the podcast on iTunes and Spotify. ■



# We Welcome the Intern Class of 2021

As the Mackinac Center reopens its office for all the staff, it is pleased to welcome 11 current and former students as part of its intern program.

**Abbee Elwell** is the new education policy intern. She studies applied math and English at Hillsdale College, where she belongs to the Mock Trial and Ultimate Frisbee teams. This summer, she would like to become a connoisseur of Midland coffee shops.

**Henry Deeth** joined the Mackinac Center as part of the fiscal policy team. This Midland native studies economics at the University of Michigan. He also enjoys reading and gaming with his friends, and he has a deep appreciation for cats.

Also new to the Mackinac Center this summer, **Jacob Gudmundsen** works in environmental policy. He attends Brigham Young University, where he majors in economics and minors in environmental science, and he plans to work in natural resource economics. He enjoys hunting, fishing and anything outdoors.

**Aaron Lehman**, another environmental policy intern, is back at the Mackinac Center for his fourth summer. He serves as

president of the Sign Language Club and vice president of the Poetry Club at Grove City College, where he studies biology, with a philosophy minor.

**Nathan Burgard** is this summer's advancement and events intern. He majors in political science at Michigan State University, and he worked on the Moolenaar for Congress campaign. In his free time, he likes to travel, golf and play basketball.

Allison Rigterink came to the Mackinac Center in November as an advancement intern. This avid traveler has visited nine countries and studied abroad in Italy. She received her degree in political science in May from Saginaw Valley State University and hopes to work in policy research.

Victoria Aultman joined the advancement team in March. She serves as president of Turning Point USA at Saginaw Valley State University, where she studies political science and criminal justice. She enjoyed getting Chick-Fil-A meals with John James while working on his campaign for U.S. Senate.

**Caleb Baker**, a new communications intern, studies prelaw at Liberty University and plans to attend law school. Outside of class, he

plays intramural sports. He likes basketball the most, but he also appreciates soccer and broomball.

Also joining the communications team is **Jennifer Wiland**, who majors in rhetoric and public address at Hillsdale College. She belongs to Hillsdale's Mock Trial team and works for the college's blog. In her free time, she writes stories and plays board games with her friends.

Olivia Miller works as this year's Michigan Capitol Confidential intern. She graduated this spring from Dow High School as a National Merit Scholar, and she plans to attend the University of Texas-Dallas this fall. During the weekends, she explores fun places in Michigan.

Elise Malkowski has returned for her second summer as a graphic design intern. This interior design major attends the Savannah College of Art and Design, and she would love to design children's hospitals. She likes hiking and traveling, and she has visited several places in Europe. ■





# LeDuff FOIA Case Reveals Michigan is Undercounting Deaths at Long-Term Care Facilities

In February, the Mackinac Center Legal Foundation brought a Freedom of Information Act lawsuit against the Michigan Department of Health and Human Services on behalf of Pulitzer-prize winning journalist Charlie LeDuff. As we wrote in April, LeDuff's request sought information about COVID-19 deaths in Michigan's long-term care facilities to determine whether Michigan had been undercounting deaths there. That case has now been settled, but the information the health department provided has only raised further questions about the state's pandemic response.

Specifically, the records LeDuff obtained revealed that the state is not reviewing COVID-19 deaths discovered through vital records searches to determine if the deceased caught COVID-19 at a long-term care facility. It also certified that it could not determine when deaths were added to its official death toll.

While these findings were troubling, a followup investigation by LeDuff and the Mackinac Center revealed even more disturbing news: The state health department does not crossreference deaths located through vital records searches to determine whether those deaths should be classified as long-term care deaths.

LeDuff published his findings in Deadline Detroit on May 25, 2021. In response, the Michigan House Oversight Committee requested that both the Mackinac Center and the health department testify. At the

June 3 hearing, the department's director, Elizabeth Hertel, confirmed that the state does not include deaths located in vital records searches when compiling data on deaths in long-term care settings. Instead, Hertel explained, the department tracks these deaths through direct reports from long-term care facilities.

The problems with this approach are multifaceted. Although some facilities face significant penalties for falsely reporting death data, others do not, despite having a strong incentive to minimize reported deaths. More disturbing, however, is the fact that the department does not track any deaths in facilities licensed to serve 12 or fewer individuals. These smaller facilities, which represent 76% of all long-term care facilities in Michigan, have no obligation to report deaths of their residents to the state. As many as 22,092 people could be living at these facilities.

In her testimony, Hertel admitted the reported number of long-term care deaths in Michigan "could be low." Realistically, the state is almost certainly undercounting, given the lack of reporting obligations for small facilities. The question, then, is not whether the state is undercounting, but by how much.

The solution is straightforward. All that is required is for the department to compare a list of all COVID-19 deaths in Michigan against a list containing the addresses of all long-term care facilities in Michigan

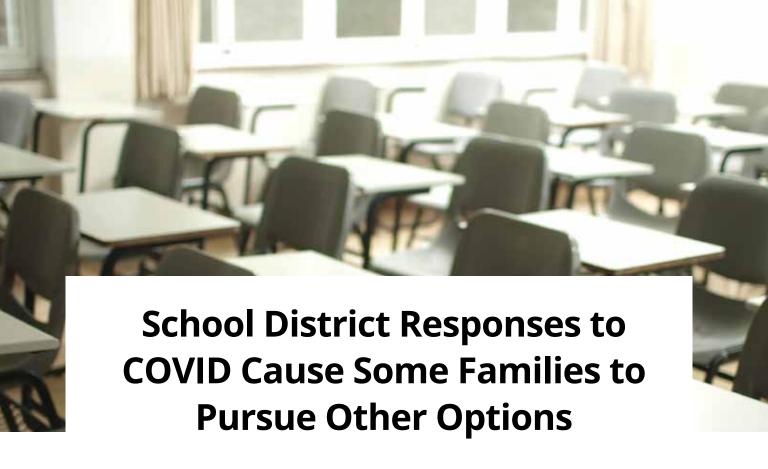
(including those licensed to serve 12 or fewer residents). Although this may not capture all long-term care deaths in Michigan, it would certainly establish a more accurate number than what is currently being reported.

The state has performed this review in this past, but stopped doing so because, by the department's own admission, it took too much staff time. But when the state did look, it found that 44% of all the vital records deaths it reviewed could be attributed to long-term care facilities, even though the media was only reporting a 35% rate at that time. And that's without counting deaths at facilities with fewer than 12 residents.

LeDuff would not have been able to learn this information were it not for the Freedom of Information Act. And while it is unfortunate that it took a lawsuit to obtain a meaningful response from the state, the Mackinac Center is proud to have helped LeDuff uncover these facts. This case is a stark example of how free, full, and fast access to public records is essential if we are to hold our elected officials accountable for their policy decisions. We remain committed to continuing to enforce FOIA requirements against public bodies throughout Michigan and to assist the public in accessing their records.

#### **By Steve Delie**

Steve Delie is an attorney, the director of labor policy and a FOIA expert at the Mackinac Center.



In few places was the struggle to reopen schools for face-to-face instruction harder and more contentious than in Ann Arbor, Michigan. Lena Kauffman and Anna Hoffman, founders of a local advocacy group, still both consider themselves public school supporters, but they also have become believers in giving parents greater ability to choose.

The two moms witnessed prolonged virtual education taking a toll on their children. They started the group Ann Arbor Reasonable Return after being frustrated at the school district's sluggish decision-making and vague communication about providing in-person instruction. District leaders said they would reopen classrooms on a part-time basis, or at least they would offer support for small groups engaged in virtual learning. By the time parents realized the district was not going to follow through, their opportunity to enroll in other public schools was gone.

The pandemic thus exposed the frustrating limits of families' ability to take advantage of other options. "Schools of Choice does not work if districts don't clearly explain to parents their real plans," Kauffman said.

Between their two families, they moved five of their six kids to private schools, a decision the parents found very satisfying. "St. Francis was a good example of how to make (reopening during a pandemic) work," Hoffman told Michigan Capitol Confidential. But the burden of paying tuition eliminated private school as an alternative for many parents.

Changes in a rural part of Calhoun County also occurred too late for Dawn Bayman to enroll her 14-year-old son in another district. Her family was compelled to make a break with the local school system, which, she said, left her two special-needs children "out in the cold." Unreliable internet access put them at a disadvantage when trying to learn remotely.

As the Pennfield School District reopened buildings on a limited basis, it required all students to wear face masks. Bayman's 6-year-old girl relies on lip reading, making mask-wearing impractical. The district did not accommodate this concern, leading the family to place their daughter in a private Christian school. Bayman homeschooled her son but is ready to sacrifice to pay tuition for his education starting this fall.

But Pinckney's Beth Bailey wants to keep teaching her daughter at home, after a non-COVID illness disrupted plans to enroll her in a preschool program. "Now that I've adjusted to homeschooling, the idea of transitioning my child back into an environment where I have no involvement in her daily learning and growth is unimaginable," she said.

Families across Michigan have gained a newfound appreciation for flexibility, but many cannot afford to pay for the schooling they would choose to best prepare their children for success in life. A thorny anti-aid provision in our state constitution currently stands in the way of supporting some of those choices. The present moment, however, highlights the need to overcome that barrier and make Michigan a place where educational freedom shines.

As Bayman said, "When a parent chooses a school as a better option, the money should go there too." ■

#### **By Ben DeGrow**

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

# The Internet is Too Important for Government to Run

In 2020, many Michigan residents learned just how important reliable, high-speed internet is. For months, if you couldn't get online, it meant severe limits on your kids in school, going to work, buying supplies, ordering food or even visiting a medical professional.

And, for the most part, Michigan's broadband networks held up. For decades, speeds have been increasing and prices have been competitive — and the price for the speeds we are now getting has plummeted. During the COVID pandemic, even with internet usage surging, the United States saw better access and fewer outages or slowdowns than European nations.

A key reason for that is our companies and networks deal with fewer regulations and restrictions than those overseas. As a result, they can adjust faster and invest more as the market demands.

But there are still problems. Many areas of Michigan have little or no internet access. Some have only one provider. So how do we help ensure that we get increased investments and better speeds and access without government regulations that produce an

unlevel playing field and poor service?

A key answer is in a bill the Mackinac Center supported in 2020. A public act passed last fall sets up rules for distributing broadband money — especially funds the federal government gave Michigan. It does two key things. First, it prevents government-owned municipalities from receiving the money. Second, it ensures these broadband grants go to private providers that set up in areas without internet service.

In Michigan, we've had a problem of local municipalities setting up and running government-owned networks. It's been happening for decades, and they almost always fail. The result is bad service being run by a public entity that choked off competition and put taxpayers on the hook.

A better path is to lessen government rules and regulations, including high fees imposed on internet service providers and heavy restrictions on how they string or lay service lines. This will encourage more private investment and competition. Only after that has been done should the government subsidize service. Even then, it should focus on individual youchers or in areas with a

lack of service. Not in cities that already have multiple internet providers, as we are seeing now.

The bill Michigan passed will encourage private competition and keep the government out of an area where it has limited expertise. Unfortunately, there has already been an attempt to repeal that law and encourage municipalities to go into the broadband business. A new bill, said to be supported by the governor, would spend \$400 million in federal funds, designate public entities as internet service providers and allow them to compete with private companies — on an unlevel ground, with taxpayer funds and freedom from rules others must follow.

This would be a mistake. The internet is too important for the government to run. The Mackinac Center will continue its work to limit government to its core missions and let private industry provide better services.

#### By Jarrett Skorup

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

#### BY THE NUMBERS

212,000

Number of households in Michigan that lack broadband access

#### 1.2 million

How many households the governor claims lack broadband access

#### \$10.1 billion

The amount the state and local governments received in federal stimulus that can be spent on broadband infrastructure

















# **Mackinac in the Media**



Lawmakers in Michigan and across the country are busy with policy work, in an effort to revive the economy. Unfortunately, some of the policies under consideration will do more harm than good. James Hohman wrote about one such policy in an op-ed for Real Clear Policy. As Hohman wrote, "While lawmakers label their attempts to bribe companies to their borders as 'economic development, they do not result in a better use of resources. Instead, these programs waste resources so that politicians can appear to be helping the economy grow." One way to end corporate welfare programs is to pass an interstate compact that creates a ceasefire agreement among states. An op-ed in The Detroit News, also written by Hohman, applauds recent legislation introduced in the Michigan Legislature that would create an interstate compact in the Midwest.

Film incentives in particular have been gaining traction across the country. After Michigan's film tax-credit program failed to deliver on its promises, the Mackinac Center helped to end it in 2015. But bad ideas never stay dead. Efforts to resurrect the program have begun in Michigan, and some states have introduced new programs of their own. Michael LaFaive co-authored a Wall Street Journal op-ed with Pat Garofalo of the American Economic Liberties Project that discussed the problems with film incentives. As the piece says, "Lawmakers in Michigan and every state considering such corporate welfare should look at the evidence, then end their obsession with doling out taxpayer money to moviemakers."

As parts of the United States were experiencing energy shortages due to a cyberattack on the Colonial Pipeline, Michigan Gov. Gretchen Whitmer continued her relentless pursuit of closing the Line 5 pipeline. Jason Hayes wrote about this misguided move in National Review. He also wrote an op-ed for Reason magazine. As he wrote there, "Pursuing policies that impose 'reliably unreliable' energy on citizens and ratepayers is a dangerous recipe for failure." Hayes also discussed this issue on "Plugged In" and "Michigan's Big Show."

Labor unions are once again attempting to intimidate workers by organizing through card check. Steve Delie wrote about these efforts in an op-ed for the Washington Examiner. Another blatant attack on worker freedom is the PRO Act, which is currently in front of the U.S. Senate. The deciding vote could come down to Sen. Joe Manchin, D-West Virginia, who has expressed support for the bill. In an op-ed for The Hill, Delie and F. Vincent Vernuccio discuss how Manchin is at odds with his state's constituents, who have taken recent action through the West Virginia Legislature to further protect workers' rights.



#### **DONOR PROFILE**

# Michael Kotulski on Vocational Education and Green Energy

Michael Kotulski is the owner of Kustom Truck & Trailer of Lenox, Michigan. He describes how he came about to support the Mackinac Center and why public policy is important to him.

## Q: Where were you born and raised?

I was born in Warren, Michigan, but shortly after moved to Utica, where I was raised as one of six children. I lived in Utica and graduated from Utica High School.

## Q: Can you share the highlights of your education?

I have to say that the vocational classes they offered in high school helped me in my current career; I took welding and machine shop classes. I had a great teacher, Paul Boes. He, along with my dad, were two of my most important mentors and influences in my life. They both taught me that hard work and focus were the steps I needed to have a promising career.

## Q: What type of work have you done?

The first job I had was working for the Boes' family business, Target Fabricating

& Machine. I started out as a welder. The next steps took me to a trucking company, where I decided to go to diesel school. I went out on my own in 1978, doing welding and fabricating. Because of the 1980-81 recession, I had to go back to work for other companies, including Messina Trucking. I was there for 17 years, and then I started my own company in 1998, Kustom Truck & Trailer. And 23 years later, I am happy to say we are still going strong.

# Q: How did you come to support free markets and limited government?

I have always believed that you are the only person that can mold your future, with hard work and the right choices. I support free markets and limited government in my decisions for my life and my company.

# Q: Are there specific policy areas that most interest or worry you? Taxes? Education? Government growth?

I believe that vocational and trade classes should be brought back in our schools so children can have a choice. They can go to college, or they can go to a trade school and know that they can get a good career that doesn't force them to go to college. I don't agree with the current administration that the answer to all our problems is to raise taxes without the people's input. I also feel very strongly that government should be limited. It works for us and not the other way around.

# Q: What do you think is the biggest policy challenge facing Michigan?

I'd say it is the push for green energy without consideration of its true cost. The public needs more facts and truth about the cost of building, maintaining and decommissioning all aspects of green energy solutions.

#### Q: How did you hear about the Mackinac Center and why did you choose to become a supporter?

The Mackinac Center came to my attention through Ken Goike, who was our state representative at the time. He promoted the Mackinac Center, and as I learned more, I became a huge supporter and promoter to others as well. People need to know the truth.



# **No Better Place To Work**

# A profile of the Mackinac Center's vice president for operations, Patricia Benner

"I didn't plan on working at the Mackinac Center."

And yet Patricia Benner is now in year 18 at the free-market think tank.

Today, she's the vice president for operations, in charge of finances, human resources, and the employees who do the behindthe-scenes work to get good policy ideas out into the world.

Benner was raised in Bay City, the daughter of a union steward. "My father was a maintenance supervisor at a dairy in Bay County," she said. "But my parents were from the World War II era with strong, blue collar, conservative values."

She took those values to Northwood University in Midland.

"I had a class with professor Dale Hayward and we read the book 'When We Are Free.' It made me realize I wasn't as free as I thought," Benner recalled.

After earning a degree in accounting, she worked in accounting and management at several companies around the state, including Perry Drugs, Independent Bank, Mercury Communications and Forward Corporation.

After having her daughter, Marie, she worked part-time and on a contract basis while also getting an MBA and teaching as an adjunct professor.

"I kind of fell backwards into my position," Benner said of her current employer. "I had the right educational background and work experience, and alignment with the Mackinac Center's mission, at the right time."

She started out as the executive assistant for the executive vice president, Joseph Lehman, who is now the Mackinac Center's president. Since 2003, she has worked her way up to her current position, crediting her colleagues with teaching her a lot.

"I was definitely a conservative when I arrived, but seeing the workings of government on a much closer basis these past two decades has made me lean more and more libertarian."

Benner is married to her husband, Chris, whom she met through a church youth group as a teenager, and they have an adult daughter. She lives in Sanford, Michigan, on what was a lake until the town's dam was breached by heavy rains in May 2020. The breach flooded the town as well as Midland, which sits downriver.

The Benner home suffered extensive damage and was covered by several inches of mud.

"My Mackinac Center co-workers and their families were the first to respond," she said. "They came immediately to start the cleanup, slogging through the mud in work boots and gloves, bringing equipment, supplies, food and hope."

She is grateful that her home is now nearly fully restored and her family is safe. She is grateful also for all who aided in the recovery, including her co-workers, many of whom continued to volunteer in cleaning and rebuilding other flood-damaged homes around the county throughout 2020.

"I could do my job for a lot of different types of organizations — and have," Benner said. "But what better than to do it for an organization I believe in and with colleagues I love?" ■



140 West Main Street, P.O. Box 568 Midland, Michigan 48640



### **Exploring New Ideas is Essential to Freedom**

The events of this past year have caused many people to reconsider the way our government and society works. I've had an unusual vantage point, simultaneously studying at a government-funded university and interning at a privately funded institute.

As a student, I was told time and time again exactly how I was supposed to write, the format I was supposed to use, and the position I had to take. I saw a pattern developing, as most professors would only allow perspectives they agreed with. More often than not, this aligned with a left-leaning political ideology.

While this gave me the opportunity to better understand arguments I was not familiar with, I was not able to develop my own political perspectives and preferences to the same extent.

Conversely, my experience at the Mackinac Center has shown me what it is like to work with a group that values individual opinions. Rather than rejecting new ideas, we actively seek them out and explore their potential.

Experiencing a lack of ideological freedom, compared to working in a more open and autonomous environment, has reinforced my support for an unrestricted exchange of ideas, a critical element of a free society.

This is a key reason free-market economies consistently outperform centrally controlled ones. A free-market system allows individuals to share their ideas, collaborate and experiment. They don't have to conform to the opinions of those in power. When individuals err in a market-based system, the impact is relatively small, and the correction is swift and sure. When government officials err, on

the other hand, the consequences can be devasting and long-lasting.

Our state's experience with the COVID-19 pandemic shows the dangers of top-down control. It has helped me see why groups like the Mackinac Center — and the people who support them — are so important.

It is not enough to believe that our freedoms will last forever without actively protecting them. We all have a role to play, which is why I am so grateful that this internship has given the chance to start out in mine.

#### By Allison Rigterink

Allison Rigterink is an advancement intern at the Mackinac Center.