

JULY / AUGUST 2025

# IMPACT

## SANDRA v. THE SYSTEM:

A Mother's Legal  
Battle for Free  
Speech and Her  
Son's Education

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FOR PUBLIC POLICY



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**MACKINAC  
IN THE  
MEDIA**

## THE WALL STREET JOURNAL.

### **High-Tax California Is the Nation's Cigarette-Smuggling Capital**

"These states may think they're improving public health, but smoking hasn't meaningfully declined, while crime is on the rise. In the war on smoking, common sense is losing."

*Michael LaFaive, Senior Director of Fiscal Policy, and Todd Nesbit, Assistant Professor of Free Enterprise at Ball State University*

## NATIONAL REVIEW

### **We're Suing to Stop Unions from Stealing from Home Caregivers**

"[Tammy's] a mother trying to keep her son alive, and she has the freedom to do that without being forced into a union."

*Derk Wilcox, Senior Attorney*



### **My Son's Old School Board Owes Me an Apology**

"Government officials shouldn't be let off the hook simply because their targeting failed."

*Sandra Hernden, Mackinac Center Legal Foundation client*

## CRAIN'S DETROIT BUSINESS

### **Detroit Free Press Sues State for Tax Incentive Records Related to Bedrock Project**

"These are not private tax filings. These are government calculations used to divert taxpayer dollars to private developers — and the public deserves transparency."

*Derk Wilcox, Senior Attorney*

## The Washington Times

### **Unions Don't Deliver for Workers**

"Let's reform unions to focus on empowering workers without crippling businesses."

*Steve Delie, former Director of Labor Policy*

## Detroit Free Press

### **Coalition Launches Ballot Proposal to Raise Taxes on Wealthiest Michiganders for Education**

"There's not any type of correlation between higher spending and better education results across the country."

*Jarrett Skorup, Vice President for Marketing and Communications*

## The Detroit News

### **Improve Teacher Quality to Fix Education System**

"Lawmakers serious about improving achievement must stop reversing good policy and pass laws that ensure students learn from the most effective teachers."

*Molly Macek, Director of Education Policy*





# Is School Choice a Dead Horse in Michigan?

School choice opponents have had a good run in Michigan in the last hundred years. After failing to pass a ballot measure with Ku Klux Klan support in 1924 that would have effectively banned private schools, they've won nearly every time they've gone before voters since then. Does that mean we must resign ourselves to the limited school choice we have and just keep trying to eke out little improvements in the government K-12 system?

The anti-choice crowd doesn't win at the ballot because Michigan public schools do a great job and spend wisely. Reading and math scores keep sinking even though we spend 33% more in real terms (to teach fewer students) than we did in 2013.

Public education isn't great in any state, but Michigan is now worse than most. The joke used to be that any 49th-ranked state could usually count on Mississippi to spare it the indignity of placing 50th. Not anymore. The Magnolia State ranked in the top 20 for fourth grade reading and math in the most recent National Assessment of Educational Progress, while Michigan — once reliably in or near the top half of the class — is behind 40 other states in fourth grade reading. The best we can say now is that we're the leader of the back of the pack.

Not surprisingly, Michigan also provides zero funding for private school choice, which means it's in a 15-way tie for last place. The other 35



Photo by Adobe Stock



**“We can and must help students now who don’t yet have access to the choice policies we will one day bring about with your help.”**

states have all adopted vouchers, tuition tax credits, or education savings accounts that help parents choose the safest and best schools for their children. Twenty-two states adopted or enhanced such policies after the lockdowns, when many parents became unhappy with what the schools were, and weren’t, teaching.

COVID may have shifted the Overton Window toward more educational freedom, but Michigan policy regressed as a Democratic trifecta repealed the types of education policies the Mackinac Center championed (and Mississippi coincidentally adopted).

The primary, but limited, forms of tax-supported choice in Michigan are public charter schools (about 10% of students) and cross-district public school choice (about another 10%). Homeschooling (single digits) and private schools (about 10%) receive no aid or favorable treatment.

The most powerful argument for these options is that parents choose them over the free alternative for reasons important to them, and it doesn’t cost them the price of a house in a particular school district. The parents’ choice is paramount because “the child is not the mere creature of the state,” as the U. S. Supreme Court put it in 1925 when it stopped the Klan’s attempts to force all kids into public schools.

Today, the Michigan Education Association is the state’s biggest roadblock to more choice. The union was behind our 1970 constitutional amendment that makes private school choice programs almost impossible without help from the U. S. Supreme Court, which has not been forthcoming.

Here’s what we can do while we keep working to remove anti-choice language from our constitution. First, we can encourage our governor(s) to opt in to new federal school choice benefits that are part of the recently passed congressional legislation (One Big Beautiful Bill Act). Next, we can limit MEA influence in schools; retain, reward, and place teachers based on performance; restore school report cards; restore the focus on reading in K-3; enhance transparency; and protect charter, home and private school options.

Full private school choice is still our lodestar. But we don’t believe in doing nothing until we can do everything. We can and must help students now who don’t yet have access to the choice policies we will one day bring about with your help. ■



*Joe*

**By Joseph G. Lehman**

*President of the Mackinac Center*

# NEW STUDY ***MAKES WAVES*** IN WASHINGTON, D.C.



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**INSTITUTE FOR THE  
AMERICAN WORKER**

**MACKINAC CENTER**  
FOR PUBLIC POLICY



The Mackinac Center's partnership with the Institute for the American Worker was on full display in June when we debuted a groundbreaking joint study at a congressional hearing.

Steve Delie, the Mackinac Center's former director of Labor Policy, wrote the report, "Misread: How Legal Authorities Allowed Tyranny of the Minority to Subvert Worker Enfranchisement." Its major point: Policymakers and judges have long ignored the clear meaning of the nation's most significant federal labor law, enabling unions to organize workers with only a fraction of employee support. Congress, the courts, and the executive branch can restore the right meaning of the National Labor Relations Act. That way ensures that a majority of workers at any worksite can make their voice heard before any union gets monopoly power to speak for them.

I testified at the congressional hearing about the report. Rep. Bob Onder, who has worked with me as a Missouri legislator and now as a member of Congress, held up a copy of the study for all to see and entered it into the Congressional Record. It was a strong endorsement of our work — and a sign that these ideas are being translated into action.

It's easy to see why Onder and his colleagues have rallied around this study. A majority of workers must support a unionization for any organizing election to be valid. This is what the National Labor Relations Act requires. But since the late 1930s, the NLRB and judges have allowed a minority of workers to control the fate of all their colleagues.

Unions are more than capable of clearing the majority threshold, winning roughly 60% of the time. But many unions win elections they ought to lose. In some cases, a mere 20% to 30% of workers force unionization on their colleagues. In at least once case, barely 11% made the call. But the law is clear: More than 50% of the workers in a bargaining unit need to vote for a union before that union can gain monopoly bargaining power. I've written about this injustice in *The Wall Street Journal* and collaborated with Delie for a piece in *National Review*.

Onder has introduced the Worker Enfranchisement Act to right this wrong. It would require a two-thirds quorum of workers to vote before a union could organize. The study gives intellectual ammunition for the Trump administration, Congress or the courts to restore the right meaning of federal law and give workers what they deserve. ■



**By F. Vincent Vernuccio**  
*Senior Fellow*

# Fraudsters FEAST



**on SNAP While  
Families Go Hungry**



Photos by Adobe Stock





Theft and fraud are rife in Michigan's food stamp program, Michigan Capitol Confidential reported in a groundbreaking series, and the problem is rapidly getting worse.

The state paid out more than \$14 million in fraudulent claims in fiscal year 2024. That is more than the estimated \$8 million it would cost taxpayers to apply a technical fix that could significantly reduce fraud.

Low-income Michiganders often don't even know thieves have stolen their benefits until they're standing in line at the store and their card is declined. But thieves steal from food stamp recipients through a variety of schemes:

- Installing card skimmers at grocery stores, gas stations, and liquor stores to clone cards and drain accounts.
- Buying stolen card data on the dark web.
- Running phishing scams.

The scope of the problem is statewide. Records show 30 victims in Kalamazoo alone filed police reports about stolen Bridge Card benefits in 2024. CapCon obtained these records through a Freedom of Information Act request, and we are still awaiting

data from Detroit, Ann Arbor, Grand Rapids, Warren, Sterling Heights, Dearborn, Livonia and Westland.

When criminals steal food benefits, they take food off the plates of Michiganders who struggle the most.

The Supplemental Nutrition Assistance Program is meant to help only those with very low incomes. A single person must earn less than \$2,510 per month to qualify.

Michigan Capitol Confidential broke this story about stolen benefits and has published five investigative pieces so far. In one case, we waited 599 days for public records that show in detail how the state is failing to safeguard the public trust.

We are Michigan's watchdogs. With your help, we'll keep digging. ■



**By Scott McClallen**

*Michigan Capitol Confidential  
Reporter*



Photo by Adobe Stock

# Deny Digital Service Taxes

The Mackinac Center has joined a coalition to oppose new taxes on digital services such as social media platforms. Why? Because the desire to punish makes bad tax policy.

Many people are skeptical of social media, and some will want to hit it with extra taxes. A bill in the Michigan Legislature would do just that.

Lawmakers look for new villains to tax. Cigarettes were targeted as bad for health and thus subject to special taxes. (This leads to high amounts of cigarette smuggling, as my colleague Michael LaFaive's work demonstrates, but unintended consequences rarely diminish the demand to punish unpopular tobacco companies and smokers.)

Digital service taxes would charge companies such as Alphabet (Google) and Meta (Facebook, Instagram) every time they sell an advertisement. The companies are already subject to income taxes, payroll taxes and other taxes.

People have said that social media causes social fragmentation, allows for rampant cyberbullying, has ended civility in public discourse and creates other societal ills. To some lawmakers, the answer to these problems is not to protect people from these harms; it's to punish the companies with taxes.



**“No one likes paying taxes, but a tax should not be based on the unpopularity of a minority of businesses or certain groups of people.”**

There's an added political reason why lawmakers might levy the tax. Legislators want to spend more money on roads, and Democrats find unacceptable any plan that doesn't include a tax hike of some sort. Gov. Gretchen Whitmer herself has said that these internet companies aren't paying their fair share. Taxing the new villains might be the path of least resistance if lawmakers want to reach a deal.

Yet it remains a bad policy, and not just because it takes more out of the private economy to give to political leaders. Taxes are supposed to raise revenue on an equitable basis. No one likes paying taxes, but a tax should not be based on the unpopularity of a minority of businesses or certain groups of people. Congress has already prevented states from assessing special taxes on internet companies but not on other businesses similarly situated. Proposals in other states to impose a tax on digital services have been stuck in judicial limbo.

It was good to join with allies, including business groups, to oppose the digital service tax proposal. Let's hope lawmakers avoid the temptation to tax the latest villain. ■



**By James Hohman**  
*Director of Fiscal Policy*

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# Where Liberty and Generosity Meet

The Philanthropy Roundtable knows that when generous individuals are free to give according to their values, civil society thrives.

Since 1991, the Roundtable has helped generous Americans everywhere advance liberty, opportunity and personal responsibility through effective charitable giving. It protects donors' rights and freedoms while offering practical resources and donor education. Individuals and households in its network of peers share a belief that private giving, not government mandates, is the best path to solving public problems.

Over the years, the Philanthropy Roundtable has become more than a national resource. It has become

a trusted ally to the Mackinac Center for Public Policy.

Through its partnership and support, the Roundtable helps us stay focused on long-term impact. Donors who come to us through the Roundtable often play a key role in making our work possible, whether that entails a legal challenge to government overreach, a new tool to support worker freedom, or a research report that changes the policy conversation.

"We support the Mackinac Center because it doesn't just believe in freedom; it acts on it," Roundtable President and CEO Christie Herrera said. "It takes on the hard fights, stays focused on results, and builds coalitions that strengthen civil society from the ground up."





Photo by Philanthropy Roundtable

# Philanthropy Roundtable

The Roundtable's own mission is strengthened through partners like Mackinac. Our work gives donors a way to see their ideals in action, whether that means expanding education freedom, holding unions accountable, or restoring the constitutional separation of powers.

That alignment makes the partnership between the Philanthropy Roundtable and the Mackinac Center a natural one.

The Mackinac Center is proud to work alongside the Roundtable and the donors it serves. Together, we prove that principled philanthropy can lead to real policy change. And by supporting strong, independent

institutions, donors can leave a legacy of liberty that lasts for generations. ■



**By Elizabeth Posthumus**  
*Director of Donor Communications*



**By Molly Macek**  
*Director of Education Policy*

Photo by Adobe Stock



# THE BACK-TO-SCHOOL BUDGET BLUNDER

Local school officials have their work cut out for them after the Michigan House and Senate failed to pass a school aid budget by a self-imposed July 1 deadline. School districts must create spending plans for the new school year despite lack of certainty from Lansing. Regardless of how lawmakers allocate funds, however, districts can count on receiving more money for every student they enroll.

Lawmakers have so far failed to reconcile differences in each chamber's budget proposals. The most notable difference is the amount of funding each gives to specific programs through categorical grants.

The Senate's proposal reflects the growing trend of tying dollars to programs lawmakers believe should take priority. While these priorities may have merit, they often don't align with the diverse needs of local school districts.

The House proposal breaks from this trend, sending less money to restricted funds and more to the foundation allowance. This is the minimum amount districts receive for every student they enroll, and they have more say in how they use it. Instead of being required to pay for programs distant lawmakers favor, schools could fund initiatives that make sense for their community.

Reducing restricted funding has another benefit: It removes some of the administrative burden on school officials. The Legislature has nearly doubled the number of categorical grants over the last 10 years, with a record 128 in the governor's proposal. Districts need to complete applications and comply with state regulations to access these funds, which represent 44% of the governor's budget proposal. Conversely, the House budget would give districts more money they could use with no strings attached.

Whether the final budget reflects the House's, Senate's, or governor's version, districts can expect to enjoy more funding per student. Last year, the Legislature neglected to increase the foundation allowance — the first time in over a decade. It instead allocated more state dollars to categorical grants, hampering districts' ability to direct funding where it's needed most. With the current budget proposals, districts can expect to receive at least \$10,000 for each student enrolled — about \$400 more than in the 2025 fiscal year.

The Mackinac Center supports a funding model that allows for more local control over school spending. A budget that increases the foundation allowance while reducing categorical grants would help district officials meet the needs of their school communities more efficiently. ■

# SANDRA v. THE SYSTEM:

## *A Mother's Legal Battle for Free Speech and Her Son's Education*

When Sandra Hernden forwarded to her school board a news article about a ruling from the 6th U.S. Circuit Court of Appeals that protected free speech at board meetings, she didn't anticipate the harsh retaliation that landed her before the same court this June.

Sandra is a police officer and mother to a special needs student in Chippewa Valley Schools. When schools shifted to remote learning in March 2020 due to COVID, Sandra witnessed the toll it took on her son's academic progress and social development.

When the district opted for a hybrid model of instruction instead of returning to full in-person learning, Sandra began speaking out. She attended board meetings and emailed school board members, urging them to set aside their political views and focus on the impact their decisions were having on the children in the district.

Sandra, like any parent, has only done what is best for her child. Rather than taking her feedback in an appropriate manner, the school board violated her



Photo by the Library of Congress



First Amendment rights, attacked her character and attempted to take away her voice.

On Sept. 29, 2022, the Mackinac Center Legal Foundation filed suit in federal district court against the Chippewa Valley Schools Board of Education, and two of its members, Frank Bednard and Elizabeth Pyden. Sandra is seeking \$3 in damages and an apology.

Sandra's fight made its way to the appeals court in June, represented by the Mackinac Center Legal Foundation.

Awaiting a decision from the court, Sandra recently spoke on our Overton Window Podcast to tell her story.

Once education switched to online, Sandra said, she started seeing "daily emotional breakdowns" from her children. "It scared me as a parent."

The lack of one-on-one instruction that her children formerly received in person affected their learning,

especially for her special needs son. Before the lockdown, his GPA was 3.5; Sandra had to watch as it fell over 2 points.

"I'm not a teacher. All I can do is go on the internet and say, 'I think it's this. I don't — I don't know how else I can help you, but I'll help you research it.'"

But it wasn't just the learning adjustments that harmed Sandra's kids.

"The isolation — from their friends, from their day-to-day normal life — was a huge toll that it took on them." She went on, "I'm a mom. You don't want to see your child depressed. You don't want to see your child unhappy. You don't want to see them emotionally struggling. You don't want to see them consistently having meltdowns."

She started emailing the school board. No response. She started showing up to school board Zoom meetings, but her efforts to speak were met with increasing hostility. She was frequently interrupted or silenced.

**“The isolation – from their friends, from their day-to-day normal life – was a huge toll that it took on them.”**



Photo by MCP



Photo by MCPP

That's when Sandra found the news article about the July 7, 2021, *Ison v. Madison Local School District* ruling, which held that restricting the public's ability to speak at board meetings violated the First Amendment. She sent the article in an email to the board, cautioning it to take care when interrupting her comments.

The board acted, but not to improve her children's education.

"The next thing you know, I'm finding out that the board president had referred me to the Department of Justice and said that I was a ringleader of a group that was causing chaos and disrupting their school board meetings." That's when she decided to file suit.

For Sandra and the Mackinac Center Legal Foundation, the best outcome would be an appeals court ruling that if you retaliate against someone for exercising their First Amendment rights, you can be held accountable.

Sandra's son graduated in May with honors. "He is actually working a full-time job now in construction," she says, "He is happy, and he is absolutely content."

Sandra now serves on her local school board. "When people come to our school board meetings, I make sure I address them."

#### Her message to parents is this:

"Your voice absolutely has power behind it. It can inspire change. Obviously, my voice was threatening to them. That's why we're at where we're at now. That's why we can't stop this case — so that parents know that you can go to your local school board or to your town hall meeting and you can speak what you feel and how you feel about something. You can never give up, especially when it comes to your children, because at the end of the day, we know what's best for them."

Sandra's ability to overcome retaliation from public officials does not condone the injustice done to her.

A generous donor has launched a \$500,000 matching challenge to support the Mackinac Center Legal Foundation. Every dollar you give will be matched, doubling your impact in cases like Sandra's.

To give the gift of freedom, please visit:  
[www.mackinac.org/litigation/donate](http://www.mackinac.org/litigation/donate). ■



**By Jessica Wyeth**  
*Marketing Content Manager*





Photo by MCPP

## SCHOLARS STRATEGIZE POLICY REFORM AT SECOND ANNUAL SUMMIT

The Mackinac Center hosted a dozen economics professors at its second annual Scholars Summit in August. Attendees joined from as far away as Ball State University and Northern Michigan University. Scholars networked with like-minded professionals, discussed new research opportunities and learned how to better promote free-market policy reforms.

Attendees heard about the state of affairs in Lansing. They discussed how best to reform occupational licensing laws as well as zoning and permitting regulations. These policies are ones that both sides of the aisle recognize need change.

AnnMarie Pariseau and Dave Bondy, two of the Center's communications gurus, revealed strategies for working more effectively with the media. Many scholars struggle to keep pace with the changing media landscape, so they valued the presentation.

The Center also partnered with the Institute for Humane Studies, which flew a representative into Lansing for the event. Scholars at the event were

introduced to an AI-powered research tool that will make it easier to track bills, legislative action and find previously published research relevant to their work. The institute is a valuable partner that advances liberty through the academy.

The Freedom Embassy, the Center's versatile space in downtown Lansing, provided the perfect venue. Scholars found the event an easy way to network and develop new relationships with similarly situated colleagues. The summit is a great opportunity for the Center to expand its Board of Scholars — a group of economists and other experts who conduct research, provide peer-reviews, write op-eds and blog posts, speak at events or contribute to our work in other ways.

We look forward to engaging with scholars and meeting new ones at next year's summit. ■



**By Michael Van Beek**  
*Director of Research*





Photo by MCPP

# MEET OUR SUMMER INTERNS

*Interns listed as they appear from left-to-right.*

**Kyrie Reitz** is a communications intern and will begin studying communication arts at Grove City College this fall. In her free time, she writes, listens to music and spends time with friends and family. She loves exploring places and has visited more than 30 states.

**Brian Ntwali** is returning to his 2023 role as the education policy intern. He recently graduated from

Hope College and will soon begin his master's degree in economics at Montana State University. Brian looks forward to finding a new book club to explore questions of the good, the true and the beautiful. He enjoys playing volleyball and card/board games as well as watching anime.

Joining the advancement team this year, **Molly Basil** enjoys running, baking, juggling and playing pickleball. She studies psychology and business at the University of Michigan, where she is involved in many



clubs, including the triathlon club and the real estate fraternity. Molly has been to Tanzania and loved seeing its wild animals.

**Aiden Tanis** studies political theory and constitutional democracy in the James Madison College at Michigan State University. He is this year's fiscal policy intern. Aiden has many hobbies, including golf, Euchre, sand volleyball, wake surfing and poker. He spends his winters as a ski instructor at Boyne Mountain.

**Taylor Regester** writes for Michigan Capitol Confidential as this year's Frank Beckmann Center for Journalism intern. She is a resident assistant at Michigan State, where she studies international relations, Arabic and business at MSU's James Madison College. She recently traveled to Cappadocia in Turkey and explored the underground tunnel complexes of the Byzantine and Islamic eras.

**Evan Burdick**, an advancement intern, studies public administration and economics at Saginaw Valley State University, where he is president of the College Republicans. Evan was recently appointed to his local school district's board of education. His hobbies include reading, antiquing, bowling, hiking and kayaking.

**Kyria DeGrow** is a communications intern who recently completed her first year at Liberty University, studying sport management and French. In her free time, Kyria loves playing hymns on the piano, curling, and playing board games with friends and family.

**Michael Rupe**, an advancement intern, is a history major at Hillsdale College, where he is involved in the College Republicans, Federalist Society and Lutheran Society. If he could instantly become an expert in anything, it would be German, French and Italian.

**Naomi Saneda**, a communications intern last year, returns as an advancement intern. At Patrick Henry

College, Naomi studies American politics and policy and plays on the school's soccer team. She enjoyed backpacking in the Grand Tetons in Wyoming. She loves cooking and spending time with family.

**Dani Pohl**, another advancement intern, studies economics and international business at Northwood University. She participates in Turning Point USA and the economics club. She also plays on the university volleyball team. Her favorite way to spend a day off is to be at her cottage on Lake Michigan.

**Hannah Golab** is in her second year as the Mackinac Center's graphic design intern. She recently graduated from Saginaw Valley State University with a degree in graphic design and a minor in marketing. In her free time, Hannah enjoys reading, taking walks, learning about Greek mythology and spending a day up north with her family.

**Amelia Molitor** is in her fourth year as an advancement intern. She will be a senior at Walsh University this fall, where she studies psychology and theology. A resident assistant, Amelia is also president of the hiking and camping club. ■



**By Kyrie Reitz**  
*Communications Intern*



**By Kyria DeGrow**  
*Communications Intern*



# PUTTING LIBERTY AT THE HEART OF LABOR POLICY



The Mackinac Center is leading labor reforms around the country and in Michigan. There is a lot of work to be done to ensure that voluntary association and mutually beneficial trade guide labor policy. A new study from the American Legislative Exchange Council highlights just how much further Michigan needs to go.

“States that Work: A Labor Policy Roadmap Across America” ranks states based on where they stand on a series of laws that support labor freedom. The laws ensure secret ballot votes for union authorization, recognize the occupational licenses issued by other

states, and comply with Supreme Court rulings that recognize the right of public employees to opt out of paying unions, among others.

Michigan ranks as the 16th worst in the country, having just one of the laws that ALEC recommends. It also gets partial credit for allowing people with criminal records to get a state occupational license if their crime was not related to their license. The state would have ranked higher if legislators had not repealed Michigan’s right-to-work law in 2023.

The study also shows that unions have a larger influence in the public and private sector in Michigan than in most states. Four out of ten workers in the public sector are unionized, the 16th highest rate in the country. It’s not surprising considering that conventional public schools, the largest government employers in the state, tend to have high unionization rates. While private sector unionization has been down from more than 30% in 1980 to less than 10%

## BY THE NUMBERS

**5th**

Only four states have a higher private sector unionization rate than Michigan

**\$10.56**

The state’s current minimum wage rate, scheduled to go up to \$14.97 over the next three years

**39%**

The proportion of Michigan’s state and local government workforce that is unionized



# ONLINE RESOURCES

today, that's also the 12th highest rate of unionization in the country.

High levels of unionization could be a good thing for the state. But the state needs better unions. When unionization is based on coercion and force rather than voluntary association, unions don't need the support of their members. They can engage in political activity regardless of what their own members believe. They negotiate contract terms based on ideology rather than in the interests of their members. The ongoing corruption scandals at major unions also show that they continue to steal from their own members.

There is a better way. That's why we advocate for 21st Century Unionization, where labor policy is based on the freedom of association. It would ensure benefits for members and quality work for employers. As the ALEC study shows, we've got a lot of work to do. ■



**By James Hohman**

*Director of Fiscal Policy*



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



## **WorkersForOpportunity.org**

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



## **Mackinac.org/MCLF**

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



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# LAWMAKERS IGNORE THE THREAT OF FUTURE LOCKDOWNS

Five years have passed since politicians enacted unprecedented restrictions on our civil liberties in response to the COVID-19 emergency. Still, only a few state officials seem interested in assessing or learning from Gov. Whitmer's pandemic response. As a result, the state remains unprepared for the next public health crisis.

The Mackinac Center recognizes the importance of this issue. In the last few months, we have published research on the state's current pandemic plans, hosted a forum to discuss emergency power laws and testified in front of a legislative committee on the improper use of unilateral authority.

"Plan or Panic" is the title of my report published by the Center in May. I analyzed the pandemic plan the state health department released last year. I explain

that it is not a plan; instead, it merely hands unilateral authority to the state health director. An unelected bureaucrat would have full control to mandate any social distancing measures, including closing schools and imposing statewide lockdowns.

If it sounds familiar, this was the unprecedented approach the Whitmer administration took during the COVID-19 emergency. The state's current pandemic plan is to do a rerun of 2020 before even assessing whether its previous response was necessary or effective.

One thing is certain: If the state again hands unchecked and unilateral authority to an unelected bureaucrat, it will be embroiled in legal controversy, just as it was in 2020.



“An unelected bureaucrat would have full control to mandate any social distancing measures, including closing schools and imposing statewide lockdowns.”

This was a point I shared with the Michigan House Oversight Committee on the Weaponization of State Government. Emergency powers are controversial because they can violate separation of powers. If the governor or other state officials can grant themselves lawmaking authority for however long they alone determine is necessary, what is to stop them from becoming de facto dictators?

Other states have clarified or limited the emergency authority the executive branch can grant itself. At an “Issues and Ideas” event the Mackinac Center hosted in Lansing, Daniel Dew of the Pacific Legal Foundation described these reforms.

Michigan needs to prepare for the next pandemic, but the last response seems to have paralyzed

policymakers who might otherwise pursue reforms. This is a good reminder of the unique role of the Mackinac Center. We can draw attention to the most important policy issues, even when they are politically unpalatable. ■



**By Michael Van Beek**  
*Director of Research*

Photo by Adobe Stock

A lit candle sits on a grid of solar panels. In the background, several wind turbines are visible against a dark, cloudy sky. The candle's flame is bright and blue at the base, with a yellow-orange tip. The solar panels are dark with a grid pattern. The wind turbines are silhouetted against the sky.

# Challenging Policymakers on **Net Zero**



Michigan's policymakers stand against reality when they stand with their decarbonization policies. Whether the governor's MI Healthy Climate Plan or 2023's Public Act 235, net-zero policies mandate arbitrary quotas of wind and solar power in the state's grid — despite the fact that such policies destabilize the regional grid, raise utility rates ever higher, and achieve impacts on the climate too minuscule to measure.



The Mackinac Center's Energy and Environmental Policy Initiative has been working to challenge policymakers on their harmful and costly agenda. Last month, the initiative's former director, Jason Hayes, testified before the Michigan House Committee on Energy to do just that.

In his testimony, Hayes told policymakers about the dangers to the electric grid that wind and solar mandates force upon us. A recent study of ours, "Shorting the Great Lakes Grid" details the nature of the threat imposed by decarbonization policies around the Great Lakes region. Grid operators, regulators, and reliability organizations all have numerous warnings about the "material, adverse challenges to electric reliability" that "the transition that is underway to get to a decarbonized end state" poses. Hayes' testimony included not only these warnings, but more timely examples of the costs of continuing along the net-zero path; both the blackouts in the Iberian Peninsula and those in New Orleans have overreliance on wind and solar to blame.

Given political realities, the need for pragmatism and compromise is understood as well — progressives are unlikely to budge on decarbonization policies, regardless of the costs such policies impose. Hayes'

testimony also included previews from our newest research, numbers modeling a less-costly decarbonization plan. If decarbonization has to transpire, then surely it can be achieved by means other than a headlong rush into reliance on unreliable wind, solar, and battery schemes.

Our newest study, with modeling done by Always On Energy Research, offers a lower cost decarbonization plan based on carbon capture of existing plants and growth in nuclear energy which, while still costly, is workable — unlike current utopian policies. To quote Hayes' testimony, "There is no inexpensive way to meet the CO2 emission reduction targets Michigan officials have written into legislation."

The Mackinac Center is fighting to keep Michiganders' lights on and rates low. There's much work to be done, but our voice is unwavering. ■



**By Joshua Antonini**

*Research Analyst*

## WE ENJOY THE SHADE OF TREES PLANTED YEARS AGO

Every summer, Mackinac Center advancement interns have the unique opportunity to meet the people who make our work possible. Our conversations with supporters are more than inspiring. They're transformative. Donors generously share their stories, policy priorities and personal lessons. In doing so, they show us what it means to live a principled life committed to liberty.

It is humbling to learn just how much our mission relies on people like you. You dedicate your time, resources and ideas to benefit the next generation. That generosity has challenged us to think more deeply about our own responsibility to advance liberty today and preserve it for the future.

Mackinac Center supporters who choose to extend their commitment through the Legacy Society have been especially inspiring to us. These donors understand that the fight for freedom isn't won in a single moment. It takes sustained effort and long-term vision. They bring to life the adage, "The shade you enjoy today comes from trees planted years ago."

Your commitment helps ensure this work continues for generations to come.

We are those future generations. Thanks to your support, we are being mentored, challenged and equipped to carry forward the torch of liberty. The Legacy Society ensures that this opportunity will not stop with us and that this critical work can go on.

To everyone who has invested in this mission, thank you. You've taught us that gratitude is expressed through action and that the principles of liberty endure when each generation chooses to pass them on. ■



**By Dani Pohl**  
*Advancement Intern*



**By Naomi Saneda**  
*Advancement Intern*

