



Report: U-M's 163 Diversity Officers the Most Among Big US Universities

2.3 for every history instructor; 'more focused on promoting narrow and divisive political agendas'

BY MADELINE PELTZER

A recent report by The Heritage Foundation found that the University of Michigan has the largest diversity, equity, and inclusion staff of the 65 American universities examined, beating out progressive bastions like the University of California-Berkeley and UCLA.

While the average university now has 45.1 people dedicated to promoting diversity on campus, the University of Michigan has 163. According to the report, Michigan employs 2.3 DEI officers for every one member of its history faculty. It also has a 15:1 ratio of DEI personnel to Americans with Disabilities Act compliance personnel.

The report indicated that 19 of Michigan's DEI staff members work in a central office for DEI, led the "vice provost for equity and inclusion and chief diversity officer."

According to the report, the rest of the DEI personnel work for other areas such as the Multicultural Center, the Center for the Education of Women, the LGBTQ Spectrum Center, the Office of Multi-ethnic Student Affairs and the Office of Academic Multicultural Initiatives.

U-M spokesperson Rick Fitzgerald said it would "not be accurate to assume all 163 of those identified

See **Diversity Officers**, Page 9

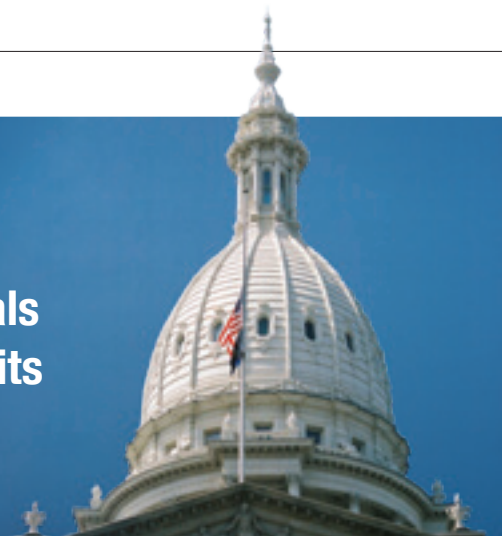


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PAGE 4

Public Health Officials Oppose Placing Limits On Their Power



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NEWS BITES

Population Fell In Post-Bankruptcy Detroit, City Revenue Rose

Payrolls at the city of Detroit and the school district that serves it have increased dramatically since their bankruptcy and state bailouts in 2013 and 2016, respectively.

When the city filed for bankruptcy in July 2013, it carried 6,294 full-time employees on its payroll, with revenue of \$1.37 billion for the year. By 2020, the payroll had risen to 7,436 full-time employees, with \$1.43 billion in revenue for the year. Over the same time, Detroit's population fell, going from 713,777 in 2013 to 670,031.

When the Michigan Legislature voted to give the Detroit school district a bailout in 2016, there were 6,343 full-time employees listed on its payroll, with \$824.9 million in revenue for the year. By 2020, the payroll at the reorganized Detroit Public Schools Community District had grown to 7,688 full-time employees, and total revenue was \$846.9 million for the year. But the old Detroit Public Schools district that was bailed out still exists to pay off debts; it received another \$176 million in 2020.

How Big Is Michigan's Government Spending Blowout?

No votes have been taken yet, but in the 2021-22 fiscal year that begins Friday, Oct. 1, Michigan's state government is projected to spend a total of \$68.9 billion. This is \$10.4 billion more than it will have spent in the current fiscal year, and includes state and federal money.

The Legislature is expected to pass a budget that spends \$3.6 billion more in state dollars than the previous year (up 10.4%), and \$6.7 billion more in federal spending (up 28.4%).

The Quiet Shortfall In Michigan Schools

There's a shortage in Michigan public schools not many talk about, but it's not of funding or teachers.

It's a shortage of students.

The last time the number of children attending public schools in this state went up was the 2002-03

school year. For 18 consecutive years, fewer students have enrolled in Michigan schools, according to official data.

The last time more than 2 million students attended Michigan public schools was 1977-78, when there were 2,023,944 enrolled in the fall.

By the 2020-21 year, that number had dropped to 1,415,820, a 30% decline over the 43-year span.

Fewer Children In Michigan Schools But Bigger Staffs?

The number of children enrolled in Michigan's K-12 public schools has fallen in recent years, yet school districts have not cut their staffing levels to reflect that decline.

The number of individuals employed by public school fell 2.3% in 2020-21 from the previous year for new total of 200,140 full-time jobs. But that figure is still higher than previous years, despite ongoing drops in enrollment.

The state's definition of school staff combines all teaching positions, including day-to-day substitute teachers, aides and administrative positions, as well as noninstructional jobs.

For example, in the 2011-12 school year, Michigan public schools had 196,965 full-time jobs, with 1,582,168 students enrolled. By 2020-21, the number of employees had risen to 200,140 full-time public school staffers serving just 1,437,612 students — 9% fewer than a decade earlier.

The employment data comes from the state of Michigan.

Michigan School Revenues Up 47% Over Two Years

The Michigan K-12 public school system received \$21.7 billion during 2020-21 including \$7.9 billion from the federal government.

The total amount represents a 47% increase in revenues from two years ago. In 2018-19, K-12 schools received \$14.8 billion.

These revenue figures are regularly reported by the Michigan Senate Fiscal Agency.

Just In Time For 2021 Inflation Spike, Michigan Gas Tax Getting Cost-Of-Living Increase

BY JAMIE A. HOPE

Michigan taxpayers concerned about the toll inflation may inflict on their household budgets are about to discover a fresh new source of it: a cost-of-living allowance baked into the state's motor fuel tax levy. Beginning Jan. 1, 2022, the state's gas tax will begin what could turn out to be stiff annual increases pegged to the rate of inflation.

The inflation-based trigger was part of a 2015 legislative deal. It included a motor fuel tax increase of 7.3 cents per gallon, a hike in the annual vehicle registration (license plate) tax, and an earmark of some state income tax revenue to road repairs. The deal was passed by the Republican-controlled legislature and signed by Republican Gov. Rick Snyder.

The size of the January 2022 fuel tax increase will depend on how much the consumer price index has risen between Oct. 1, 2020, and Sept. 30, 2021. The increase is capped at 5%, even if actual inflation is higher.

The current state gas tax is 26.3 cents

per gallon. If 2021 inflation is 5% or more, then the fuel tax will be increased to 27.7 cents per gallon. It will have a 5.3% increase due to a rounding provision specified in the calculations.

If, by the end of September, the annual inflation rate ends up similar to that of the previous six years, the gas tax would rise from 26.3 cents to 26.8 cents per gallon. That would be a 1.9% increase.

But changes in the consumer price index have been running hot all year. This may well bring the annual increase close to the 5% maximum, if not higher. At that rate, Michigan motorists would pay \$76 million more in the state gas tax each year, starting in 2022.

Motorists here already pay the 18.4 cent per gallon federal gas tax. Michigan fuel purchases are also subject to the 6% state sales tax. When the various charges are added together, Michigan drivers already pay the nation's 10th highest gasoline tax. ■

The original version of this story was posted online on August 14, 2021 and is available at [MichCapCon.com/29075](https://michcapcon.com/29075).



Park Board Member Denied New Term After Supporting Diversity, Equity Spending

BY JAMIE A. HOPE

A member of the Huron-Clinton Metroparks board was denied another term by the Livingston County Board of Commissioners in a 5-4 vote. At least one Livingston county commissioner who opposed Steven Williams says it was because Williams supported the parks system's initiative to use taxpayer dollars to implement diversity, equity, and inclusion programs.

Commissioner Wes Nakagiri says he voted against Steven Williams' appointment at an Aug. 23 meeting. The reason, he said, was that Williams voted to allocate \$125,000 to hire guest speakers that focus on diversity, equity and inclusion. Williams, he added, also supported giving \$6 million in taxpayer funds to the Detroit Conservancy over the next seven years for the same purpose.

Nakagiri said, "I voted against his reappointment due to his support for

CRT [Critical Race Theory] and social justice. Other commissioners were equally troubled by the incumbent's vote to give \$6 million taxpayer dollars to a private entity as a means of showing more support for social justice. The incumbent likely would have been reappointed had he not voted in favor of these woke causes."

The park system has so far paid between \$500 and \$7,500 for two guest speakers in its DEI Speaker Series. One of the speakers, Heather McGhee, is an author and former president of the left-leaning think tank Demos.

In a YouTube video, McGhee discussed her book "The Sum of Us" with U.S. Sen. Elizabeth Warren, D-Massachusetts. McGhee said that in the past, white people opposed liberating people of color because doing so would come at their expense; and that they used stolen land, stolen labor, and stolen people.

She added, "And it's just been sort of rehashed and reinvigorated generation after generation by those same forces; obviously, today it is the core of the narrative of the right-wing media and infrastructure and what is the world view of what Donald Trump sees everything."

McGhee also believes unions lost their power and support among white people when people of color wanted to be included.

The Metroparks described another speaker, Elizabeth Perry, an assistant professor in the Michigan State University College of Agriculture, as someone who would discuss climate change and its "equity considerations."

Williams did not respond to a request for comment. ■

The original version of this story was posted online on Sep. 1, 2021 and is available at [MichCapCon.com/29121](https://michcapcon.com/29121).



Public Health Officials Oppose Placing Limits On Their Power

Restraints will bring 'suffering and death'

BY JAMIE A. HOPE

At least one public health administrator and a group that represents others are opposing an initiated-law campaign to limit the duration of emergency orders issued by health departments to 28 days, unless they gain the approval of elected officials. The measure would apply to both local health departments and the Michigan Department of Health and Human Services.

Ingham County Chief Health Officer Linda Vail says the change “would radically shift decision-making authority from public health experts to Lansing politicians and political appointees, resulting in needless illness, suffering and death,” according to the Gongwer news service.

Nick Hess, the executive director of the Michigan Association of Local Public Health, said his group opposes the measure. He said, as reported by the MIRS news service, “It requires a public health officer to look at data day after day.” He added, “To ask for permission from an elected body would make it difficult to act quickly to protect the public health.

The language of the petition campaign, which seeks to place the 28-day limit on emergency orders before the Legislature, garnered the approval of the state Board of State Canvassers. This means that

organizers can start collecting signatures at any time. If they collect signatures exceeding 8% of the number of votes cast in the last election for governor, the measure will be placed before the Legislature for an up-or-down vote within 40 session days. If legislators do not act, the measure goes to ballot box for voters to decide. The governor has no say in the initiated-law process.

The Republican-controlled state House and Senate are expected to approve the initiated law if it reaches them.

The Unlock Michigan coalition behind the effort has already used the initiated law process to repeal the 1945 state emergency powers law Gov. Gretchen Whitmer used to impose extended COVID lockdowns without legislative approval. The Senate approved the proposal on July 15 and the House did the same on July 21. At that point, the 1945 law was effectively removed from state statute books, where it had remained despite a Supreme Court ruling that it violated the state constitution's separation of powers provision.

The Unlock Michigan petition states, “The current act authorizes the director of the Department of Health and Human Services and local health officers to determine that control of an infectious disease outbreak is necessary to protect

the public health and issue emergency orders. This proposal would require determinations be in writing and would make an emergency order expire after 28 days unless the state Legislature or local governing body extends it.”

The Michigan Supreme Court ruled in October 2020 that the 1945 Emergency Powers Act which had allowed Whitmer to impose extended emergency orders without legislative approval is unconstitutional. Whitmer sidestepped the ruling by having the state health department issue essentially the same orders under authority granted in a public health law passed in 1978. The emergency orders imposed by the state health department on Oct. 5 remained in effect until June 22, 2021.

Vail has not responded to an email seeking comment. ■

The original version of this story was posted online on July 30, 2021 and is available at [MichCapCon.com/29032](https://michcapcon.com/29032).



ACLU Flip-Flops On Vaccine Mandates

BY TOM GANTERT

The American Civil Liberties Union has reversed its position on mandating vaccines during a pandemic.

This month the ACLU said, “Far from compromising civil liberties, vaccine mandates actually further civil liberties.”

In 2008, the ACLU opposed vaccine mandates in an epidemic:

“Also, while it is likely that almost everyone will want, and even demand, access to vaccine—the right to refuse to be vaccinated should be honored,” the organization stated in a 2008 report. “No

one should be forced to be vaccinated against their will both because of the constitutional right to refuse treatment, and pragmatically because forced vaccination will deter at least some people from seeking medical help when they need it.”

The 2008 report from the civil liberties group added: “Nonetheless it is worth emphasizing to public officials that the Supreme Court has ruled that competent individuals have a right to refuse any medical treatment, including life-sustaining treatment, and this includes vaccinations. Experimental vaccines can likewise always be refused, but once

proven safe and effective, parents may have an obligation to have their children vaccinated, and governments have an obligation to make vaccine available to those in their custody, their workforce, and citizens unable to protect themselves. In addition, if it is reasonable for public health officials to find that an individual poses a significant risk to others by refusing examination or treatment by a qualified, licensed physician, quarantining that person would probably be constitutionally acceptable.”

On Sept. 2, 2021, the ACLU changed its position.

It wrote: “Do vaccine mandates violate civil liberties? Some who have refused vaccination claim as much. We disagree. At the ACLU, we are not shy about defending civil liberties, even when they are very unpopular. But we see no civil liberties problem with requiring Covid-19 vaccines in most circumstances.”

The ACLU has not responded to emails about the 2008 report. ■

The original version of this story was posted online on Sep. 8, 2021 and is available at [MichCapCon.com/29133](https://michcapcon.com/29133).

Detroit Public Schools Debt Was Homegrown, Not A Product of State Management

BY TOM GANTERT

State taxpayers will be on the hook for past overspending for operating expenses of the Detroit public school district until at least 2026 as part of the \$617 million bailout, according to school district officials.

That's when the Detroit public school officials project they will have completed paying off its operating deficit in the 2016 bailout deal.

The Detroit public school district began overspending in the 2007-08 school year at a time when its enrollment was plummeting. Detroit's K-12 enrollment had fallen from 157,932 in 1999-2000 to 96,986 in 2007-08, a 39% drop over that eight-year period.

Many public school officials have blamed the state for the crushing debt the district ran up. But that's not accurate.

The local Detroit school board, not the state of Michigan's emergency manager, controlled the district in late 2005. At that point, the Detroit district had no operational deficit.

In the 3.5 years under board control that followed, the district accumulated operating debt that reached as high as \$327.3 million in 2009-10, according to the Michigan Department of Education. In 2009, Gov. Jennifer Granholm stepped in and appointed an emergency manager and the operating deficit continued to increase under the emergency manager and hit \$417 million by 2016, according to the House Fiscal Agency. ■

The original version of this story was posted online on Aug. 31, 2021 and is available at MichCapCon.com/29119.



Local United Way Raises Money For School Supplies State Already Must Provide

BY TOM GANTERT

A WOOD-TV news article covered an Aug. 21 "Stuff the Bus" event in Grand Rapids sponsored by the regional United Way office.

The article stated: "Donations will be given to K-12 schools within Grand Rapids Public Schools, Kenowa Hills, Godfrey Lee, Wyoming, Kentwood and Sparta."

A United Way spokeswoman stated gifts would be used for "basic needs" such as "school supplies, uniforms and shoes."

Michigan law — reinforced by a 1972 state Supreme Court ruling — requires public school districts to provide any necessary school supplies to parents at

no charge, though not shoes. Schools must also provide all necessary classroom supplies, despite frequent claims of teachers burdened by paying for these out of their own pockets.

Moreover, Michigan's public schools are set to receive a total of \$6.1 billion in epidemic-related federal money.

Grand Rapids Public Schools, for example, will receive \$120.9 million in federal COVID money. The Grand Rapids school district had total revenue of \$211 million in 2020. ■

The original version of this story was posted online on Aug. 27, 2021 and is available at MichCapCon.com/29113.

Grand Ledge Schools Get Heat For Hiring MSU Critical Race Theory Advocate

BY JAMIE A. HOPE

Several parents in Grand Ledge Public Schools are threatening to pull their children from the district after it hired a diversity consultant. The consultant, a professor at Michigan State University, has claimed that capitalism is racist and said, "Schools are manifestations of the imperialist white supremacist capitalist patriarchal educational enterprise."

Dorinda Carter Andrews is the chairperson for the Department of Teacher Education at MSU and a professor of race, culture, and equity. Grand Ledge schools hired her to assist with the district's new Equity, Diversity, and Inclusion Committee.

Carter Andrews has participated in other state and national speaking engagements and owns DJCA Educational Services, LLC.

The Grand Ledge school district contracted with Andrews at \$200 per hour. Parents are upset, citing her previous comments, which state that capitalism and school systems are inherently racist and built on white supremacy.

The contract proposal created by the board calls for Carter Andrews to help the district develop "anti-racist and anti-oppressive policies, programs, and practices." It also calls for the board and its consultant to work toward creating "anti-racist and justice-focused school board leadership," with the same goal for district administrators.

At a Flint community meeting in 2016, Carter Andrews stated, "Labor force and capitalism drives the way we do education. And capitalism in and of itself is racist." She also told attendees she has been called a socialist, to which one person replied, "And there's nothing wrong with that." Andrews acknowledged the comment with a slight laugh responded, "Whatever."

Carter Andrews also says health care, education, housing, and government operate under a capitalist structure that is based on white supremacy "where whites are always to be advantaged in the system."

In a post on her Facebook wall, which can no longer be found, Carter Andrews wrote, "Please remember that school is not the most humanizing and safe place

for many of our babies, especially in predominantly white settings but really in all contexts, because the majority of schools are manifestations of the imperialist white supremacist capitalist patriarchal educational enterprise."

At a June 14 Grand Ledge school board meeting, several parents threatened to pull their students out of the school system if critical race theory and diversity, equity, and inclusion programs were implemented. A mother in the district testified:

"This BOE has worked and orchestrated to bring suppression, segregation, hate, and division to our schools under the guise of diversity, equity, and inclusion. In August, you voted to contract with Dorinda Carter Andrews with taxpayer money to teach our children, teachers, and other Grand Ledge staff racism, bigotry, shame, and Marxist ideas."

Several parents testified at a June 14 school board meeting that they either already pulled their children from Grand Ledge schools, or were considering it. They cited critical race theory, which, they said, was potentially being taught to their children. One parent stated that eight of her nine Hispanic children graduated from Grand Ledge Public Schools. But critical race theory, she said, was a factor in her not allowing her ninth child to continue in the district.

The Grand Ledge Public Schools Board of Education voted 6-0 to hire Andrews in an Aug. 11, 2020, virtual meeting. All Grand Ledge school board members were emailed, seeking comment, but none have responded. Carter Andrews did not respond to questions seeking comment. ■

The original version of this story was posted online on Aug. 25, 2021 and is available at MichCapCon.com/29076.



Michigan Schools Never Had More To Spend; MSU Prof Calls State Dead Last In Funding

BY TOM GANTERT

Michigan State University professor David Arsen has tried for years to make a case why public schools needed more money, most recently with an op-ed in the Detroit Free Press.

“Well, since the federal No Child Left Behind Act launched the test-based accountability era in 2002, Michigan is 50th among the states — dead last — in per-pupil k-12 education revenue growth,” Arsen wrote.

Arsen is not saying the Michigan comes in last in the amount of taxpayer dollars it collects and delivers for public schools each year. He is instead measuring changes in rate of increase of funding between 2002 to 2015, based on a report he published in 2019.

That period includes a single-state recession Michigan experienced in the mid-2000s, and the nationwide Great

Recession and crash of 2008-09. In both times, this state’s budget came under extreme pressure. But in 2021 Michigan public schools are getting record levels of taxpayer dollars.

The state’s finances were turning around in the early 2010s, and a review of Michigan public school revenues from that time forward paints a truer picture of their current status.

Combined state and federal funding for K-12 schools has increased from \$12.7 billion in the 2011-12 fiscal year to \$16.5 billion in 2020-21. After adjusting for inflation, K-12 schools are getting and spending additional \$1.8 billion in funding in 2020-21. At the same time enrollment has fallen, meaning more dollars are now being spent to educate fewer children than 10 years ago. ■

The original version of this story was posted online on June 25, 2021 and is available at MichCapCon.com/28971.



Photo taken by Ken Lund, Wikimedia Commons

Agencies Use Questionable Legal Reviews To Inflate Charges For Open Record Law Requests

BY TOM GANTERT

The Mackinac Center for Public Policy recently sought copies of email communication between the Michigan Department of Health and Human Service and a contractor about the state’s COVID-19 responses.

State officials demanded \$12,420 for the information.

The state’s response to a document request authorized by the Michigan Freedom of Information Act illustrates how some agencies and local governments have found legal ways to use high costs to effectively bar many entities from obtaining government records to which they are entitled.

The FOIA law applies to citizens too, not just watchdog organizations. Few residents could afford to pay the amounts municipalities are now routinely demanding.

In 2015 the Legislature amended the law in a way that has markedly increased the cost of obtaining documents from government.

“Public bodies have always used fees as a deterrent,” said Robin Luce-Herrmann, the general counsel for the Michigan Press Association. “Are we seeing more of the kind of charges you are talking about? Yes.”

The state of Michigan was able to hike up the cost of releasing the public information due to various aspects of FOIA law.

Officials charged \$5,941 to have attorneys review the documents to see what would have to be exempt from being released. Under FOIA law, personal information such as Social Security numbers and certain confidential communication involving an attorney do not have to be released.

In this instance, officials demanded payment at a rate of \$21 per hour for what they said was a total of 282.50 hours of necessary work. The law also lets the state charge half the cost of fringe benefits of that \$21-an-hour employee, an add-on that increased this bill by \$4,140.

More than \$10,000 of the \$12,420 came from that review of documents by legal department staff.

Requests for regular interoffice communications, such as emails, are unlikely to involve exempt personal information like Social Security numbers.

“You aren’t going to find Social Security numbers commonly listed in an interoffice e-mail,” said Steve Delie, an attorney at the Mackinac Center for Public Policy who specializes in FOIA law. “And there shouldn’t be much in the way of truly private information in those e-mails. But they will review it all and attempt to apply as many exemptions as they can anyway. The problem is that they shouldn’t be necessary in most circumstances. Public bodies shouldn’t be spending hundreds of hours reviewing documents to try and apply every discretionary exemption. They should only review when there is a legitimate concern that something important might be inadvertently be disclosed if they don’t.”

Delie said there are two related problems. One is that the law permits excessive charges that effectively prohibit most people from obtaining records that are supposed to be “open.” The second is when a public body actively looks to apply exemptions in every instance, even when there is no need.

A common remedy is to file a lawsuit. “You can’t simply send everything that is gathered by the lowest-paid employee to a lawyer and charge for it,” MPA’s Luce-Herrmann said. “Some public bodies are taking advantage of it because they haven’t been sued yet.”

In 2019, the Mackinac Center submitted a FOIA request to Tuscola County, asking for all documents related to county employees and officials and a wind energy company.

Tuscola County responded with a \$3,224 fee, of which \$2,836 was related to having an attorney involved in reviewing documents. ■

The original version of this story was posted online on Aug. 3, 2021 and is available at MichCapCon.com/29039.



Michigan Nonprofits Relieved By Supreme Court's Donor Privacy Ruling

BY TOM GANTERT

The U.S. Supreme Court ruled 6-3 this week that the state of California may not force nonprofit groups to hand over the names and addresses of donors. The ruling on the *Americans For Prosperity Foundation v. Bonta* case ends a threat to donor privacy that also had been a source of recent controversy in Michigan.

A little more than a month after Dana Nessel was elected as Michigan's attorney general in 2018, the state Legislature passed a bill to prohibit the government from seizing the names and addresses of donors to nonprofit organizations.

Many were surprised when on Dec. 28, 2018, outgoing Gov. Rick Snyder vetoed the bill, arguing donor privacy had not been an issue in Michigan. His veto message also pointed to the Supreme Court's landmark 1958 ruling in *NAACP v. Alabama*, which appeared to have closed the door on government attempts to collect donor data.

Snyder vetoed the bill just days before he was replaced as governor by Gretchen Whitmer, and Democrats Dana Nessel and Jocelyn Benson replaced Republicans as Michigan's new attorney general and secretary of state, respectively. Both Nessel and Benson were on the record opposing the bill Snyder vetoed and supporting the practice of government collecting donor information from nonprofit groups.

Their election suggested that if protecting nonprofit donors' privacy had not been an issue in Michigan before, it might become one in the very near future.

Threats to donor privacy were already a big issue in California, where Attorney General Kamala Harris — now vice president of the United States — had aggressively pursued donor lists from two conservative organizations, Americans for Prosperity Foundation and the Thomas More Law Center.

The groups sued and lost. They appealed and lost more than once before the U.S. Supreme Court decided to hear the case.

This outcome was far from certain in 2018 when Snyder vetoed a bill protecting donor privacy in Michigan. The 1958 *NAACP* case he cited had not kept Harris from demanding that some groups, widely seen to be her ideological opponents, turn over the names and addresses of their donors.

That legal fight was still underway when the Michigan offices of governor, attorney general and secretary of state all flipped from Republican to Democratic control just three days after Snyder's veto.

Nessel had already made clear her support for collecting donor data from nonprofit groups. In 2018, she called the donor protection bill approved by the Legislature "shameful," according to the *Detroit Free Press*. Michigan's mainstream media was largely aligned with that view; reports often

said the bill could hamper investigations into fraudulent organizations.

Concerns that Nessel may follow California's lead grew when her office said it would use the Southern Poverty Law Center's list of hate groups as a basis for investigations. Some conservative groups and Republican politicians consider that list to be driven by ideology.

In a 2019 email, Nessel's spokesman Dan Olsen wrote, "While the SPLC is a good place to start when investigating these issues, we will rely on our independent research and not just the SPLC designation."

This statement revealed that Nessel's office was aware that relying on SPLC accusations was problematic. One example of a conservative group that landed on the SPLC list is the Family Research Council, which describes its mission as "articulating and advancing a family-centered philosophy of public life."

The Family Research Center and its donors had good reason to fear seeing their information posted in an internet-accessible government database. Not even two years after it had been designated a hate group by the Southern Poverty Law Center, a man entered the FRC office in 2012 with a gun and 15 Chick-fil-A sandwiches, intending to shoot and kill staffers and smear their faces with sandwiches, according to CNN. The gunman fired three shots and hit one person before being subdued. (The Chick-

fil-A restaurant chain was identified with support of a traditional definition of marriage.)

Nessel had also been endorsed by an organization called End Citizens United, a Political Action Committee. The PAC, which also opposes donor privacy, issued a press release this week on the Supreme Court ruling. It said the ruling was a "gut punch" and "an open door to corruption."

In its own press release, the Thomas More Law Center praised the Supreme Court's ruling:

"In the Internet Age, where doxing one's opponents has led to job loss, boycotts, ostracization, and violence, the fear of such repercussions should one's charitable contributions become public could be enough to stymie giving, leaving the personal beliefs of many Americans to go unrepresented in the public square."

The Mackinac Center for Public Policy, the publisher of *Michigan Capitol Confidential*, is another group with good reasons for wanting to protect information about its donors. In 2011 the Mackinac Center received a death threat related to a Freedom of Information Act request it had made to several state universities. ■

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MSU Sued For Mandating Vaccination For Individuals Who've Already Had COVID

BY JAMIE A. HOPE

The New Civil Liberties Alliance filed a lawsuit against Michigan State University over the COVID vaccination policy it announced July 30 for students and staff. Specifically, it objects to the school's refusal to grant an exception for individuals who already have natural immunity acquired by previously contracting the disease. The lawsuit argues that the vaccine requirement violates the Ninth and 14th amendments to the U.S. Constitution.

The organization submitted the class action complaint August 27 on behalf of university employee Jeanna Norris, who faces disciplinary action, including potential firing, even though tests show she has natural immunity from having contracted and recovered from COVID late last year.

"MSU's refusal to grant naturally immune individuals exemptions from its vaccine mandate is unscientific and irrational. Substantial evidence establishes beyond the shadow of a doubt that immunity acquired through infection

is superior to that obtained through the best available vaccines, both in terms of robustness and durability," Jenin Younes, litigation counsel for the NCLA, said in an email.

Younes said that MSU has an unscientific approach to the vaccination mandate, which leaves her no alternative to filing a federal lawsuit. Her attorneys sought a preliminary injunction to halt the university from enforcing an August 31 vaccination deadline, but the court denied their motion.

Norris said she has worked at MSU for eight years, and she believes the university has placed employees in a "terrible predicament of" having to choose either an "unnecessary and unwanted" medical treatment or losing their jobs.

She added, "In my case, positive antibody tests indicate I have naturally acquired immunity from a previous COVID-19 infection. For MSU to dismiss natural infection immunity as legitimate protection is completely contrary to science. I want MSU to acknowledge natural immunity as real and equally

protective for the many people out there like me."

Immunologist Dr. Hooman Noorchashm, who has criticized COVID vaccination policies that ignore whether an individual has previously contracted the disease, is assisting Younes and the NCLA. He told Michigan Capitol Confidential that natural immunity should always be considered as an exemption with vaccination mandates. Noorchashm created an initiative, #Screen4vaccine, which recommends people get an antibody test before receiving the vaccine.

In a Fox News broadcast, he said that administering a vaccine to a recently infected individual is a mistake with potential physical repercussions.

On his blog, Noorchashm wrote, "My very specific concern stems from the fact that the SARS-CoV-2 virus is known to accumulate in the inner lining of blood vessels — the so-called endothelium. So if a person with a recent or active COVID-19 infection is vaccinated, the highly effective and antigen specific immune response incited by the vaccine will, very

likely, attack the inner lining of the blood vessel and cause damage, leading to blood clot formation."

Noorchashm is a retired surgeon and faculty member at the University of Pennsylvania, Harvard Medical School and Thomas Jefferson University Hospital. His focus has been cellular and molecular immunology.

MSU spokesperson Emily Gerkin Guerrant says the university has no comment on the lawsuit. She says the university offers full refunds for students who withdraw from classes and cancel residence hall contracts due to COVID-related concerns.

The NCLA also sued George Mason University on behalf of a student who was not allowed a natural immunity exemption. The group announced August 17 that GMU granted an exemption in that case, but its general policy of mandatory vaccinations still stands. ■

The original version of this story was posted online on Sep. 6, 2021 and is available at [MichCapCon.com/29126](https://michcapcon.com/29126).



DIVERSITY OFFICERS

from Page One

by the authors as doing DEI work full time,” but he applauded the university’s emphasis on diversity.

“We believe that everyone should have an equitable opportunity to succeed and contribute to the greater society,” Fitzgerald said. “We recognize that one cannot achieve those goals without intentional efforts to incorporate those principles within all of our operations as an institution. That commitment means that we must employ a team doing this work full time, with many others in units all across the institution who do this work in addition to their primary work duties as digital strategists, communicators, finance administrators, associate deans and scores of other roles.”

Yet the University of Michigan’s expansive DEI offices and centers do not seem to register on campus satisfaction polls. According to a recent survey, 72% of University of Michigan students report being satisfied or very satisfied with the campus climate. Among minority undergraduate students, that number drops to 62%. Mississippi State University, which has a significantly smaller DEI infrastructure, found that 72% of its students felt accepted, respected, and appreciated by students different from them. Among African American students, 68% reported feeling this way, which is not far off from the overall result. Among Hispanic students the figure is 78%.

Jay Greene, a senior research fellow at Heritage and co-author of the report, said that while universities should aspire to be inclusive and welcoming to all, he expressed some concerns about their work.

“There is nothing wrong with these ostensible goals of DEI efforts; the problem is with how these efforts are conducted in practice and how large DEI staff is relative to other staffing priorities of universities,” he said. “It appears that DEI staff are often more focused on promoting narrow and divisive political agendas than on welcoming students from many backgrounds.”

While local school boards have become a flashpoint for parents alarmed by certain ideologies, such as critical race theory, citizens are also beginning to

take a closer look at the seedbed of these ideas: academia.

“While DEI has long been pursued in this divisive way in higher education, the more aggressive efforts to restrict student and faculty speech to enforce a DEI-promoted orthodoxy is leading to resistance in higher education as well,” Greene said.

Greene says that in higher education, these ideas are deeply embedded, and taxpayers and legislators who seek to have an influence there face bureaucratic obstacles. Still, public universities like Michigan must be held accountable, he argues.

“Legislators, boards of trustees, tuition-paying parents, donors, and other stakeholders can demand that universities produce evidence that their enormous devotion of resources to hiring DEI staff have been effective,” Greene said. “Absent that evidence, these stakeholders should demand that universities shrink these efforts and redirect resources toward other university priorities, like teaching history and serving students with disabilities. Congress should also closely examine the ways in which it subsidizes higher education and consider whether those subsidies promote wasteful and counter-productive DEI staff-hiring binges.”

DEI staff came under fire from Sen. Ted Cruz, R-Texas at a U.S. Senate Judiciary Committee hearing last week. In a discussion of college costs, Cruz said



there is a massive overhead siphoning off of funding at schools like Michigan, noting the university’s 163-member DEI department.

“Our universities don’t teach anymore,” Cruz said. “They are instead paid sinecures for people who go and work for the government.”

While legislators can draw attention to administrative bloat and could use their budget authority to contain it, Greene says college students can also push back.

“The first thing students should do at universities with large and powerful DEI staff is to refuse to allow those staff to enforce a narrow ideological orthodoxy on them,” Greene said. “Students and faculty need to stand up and protect their rights to free academic inquiry in higher education.”

He says that it’s often a small but noisy group of students who push for more DEI staff and power. If university leaders fail to realize that these students don’t represent the broader student body, he says, they assume the politically expedient response is to concede to demands for more DEI personnel.

“University leaders have to believe that they may face heat from students, parents, and legislators if they cater to small but noisy groups of students,” Greene said. ■

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Schools Serving Michigan’s Poor Cities Get More Taxpayer Dollars, Not Less

BY TOM GANTERT

A recent article about the \$6 billion in federal COVID funds Michigan’s public schools are getting suggested that the poor fiscal and academic performance records of Benton Harbor’s school district are due to inadequate funding.

Published by the Michigan arm of a national nonprofit called Chalkbeat, the article referred to the Benton Harbor district as “cash-strapped,” and quoted an official saying it didn’t have money previously to provide expanded summer school programs.

Chalkbeat Detroit is not alone in portraying school districts in Michigan that serve poor communities as poorly funded. But the claim is not accurate, based on school funding data.

Benton Harbor Area Schools received \$17,006 per pupil in total funding in 2019-20. This includes money from taxpayers at the local, state and federal levels. The average amount of revenue for operations received by Michigan public school districts in that year from all sources was \$16,322 per pupil.

One of those sources of revenue is called the general fund. Benton Harbor received twice as money on a per-pupil basis than schools serving the far more affluent neighboring city of St. Joseph in 2019-20.

Benton Harbor Area Schools received \$20,884 per pupil in general fund revenue in 2019-20, while St. Joseph Public Schools got \$9,675. The statewide average was \$10,687. ■

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Could Be Worse: Study Finds Michigan's Regulatory Burden On Business Less Than Nearby States

BY MADELINE PELTZER

A new report from a Virginia-based research organization finds that Michigan imposes less bureaucratic red tape on business than other Great Lakes states. Published by the Mercatus Center, the report finds Michigan superior to Illinois, Indiana, Ohio and Wisconsin in almost every regulatory category it considered.

Researchers estimated the burden of state regulations by using several metrics: the word count of regulations, their complexity, and the number of restrictions and mandates. Tools included counting how frequently the following words appear in each state's administrative codes: shall, must, prohibited and may not.

The report also looked at the extent to which industries are affected by the combination of state and federal regulations, and the relationship between population size and number of restrictions. Michigan emerged as the least-restrictive state in every category except for regulatory complexity, where it came in second to last.

According to James Broughel, senior research fellow at Mercatus and co-author



of the report, excessive regulation is a drag on economic growth, which eventually generates a decline in living standards. In practical terms, this means lower incomes for residents, smaller profits for businesses, and less revenue for government. These developments hurt lower-income people the most, Broughel said.

"Those who mainly benefit from having

lots and lots of regulations are higher-income people, who like having the poor to help pay for risks they want to see reduced, and incumbent businesses who benefit from a complicated regulatory code that keeps competitors out and allows them to keep the price of their product high," he told Michigan Capitol Confidential.

Fewer regulations, on the other hand,

create an environment conducive to business and innovation.

"Since Michigan has a lighter regulatory load than some states, it is conceivable that it suffers from some of these problems less, making life more affordable for state residents and the business environment more open for entrepreneurs," Broughel said.

Jarrett Skorup of the Mackinac Center for Public Policy says the report's findings reflect well on Michigan, but he also emphasize the need to hold the line on regulatory expansions.

"Most people agree that we should have regulations in place that directly protect the public," he said. "Unfortunately, regulatory agencies — the state health, licensing, agriculture, economic development and other departments — have lots of incentive to add new rules and little incentive to get rid of them. Michigan lawmakers should require regulations be regularly reviewed and eliminated if they don't pass a cost-benefit analysis." ■

The original version of this story was posted online on Aug. 21, 2021 and is available at [MichCapCon.com/29100](https://michcapcon.com/29100).

Politicians Believed 'Grim' COVID Messaging Would Be The Most Effective

BY TOM GANTERT

Days after Gov. Gretchen Whitmer imposed a stay-at-home order in March 2020, top administration officials discussed using what one called the "grimmiest" messaging about COVID-19 as they communicated to state residents.

The discussions were held through email as part of a larger conversation about what would be the most effective way to release information to the public on the coronavirus.

"As part of the philanthropically funded comms work, there is some new testing on the effectiveness of different messages," said Robert Gordon, director of the Michigan Department of Health and Human Services (MDHHS), in a March 31 email. "The grimmiest message works much better than the others: You can have COVID-19 and not even know it. By

leaving home, one person with COVID19 could infect 40 others—and those 40 people could go on to infect 2,000 more. Do your part. Stay home, stay safe and slow the spread. This one was suggested by some behavioral science people who said it was now being used in Italy."

State officials had already assembled an epidemic response, in 2008. It stated, "The goals of crisis Communications are to: Instill and maintain public confidence in the nation's public health system and its ability to respond to and manage a comprehensive response."

That 2008 MDHHS plan also stated messaging should, "Contribute to the maintenance of order, and minimization of public panic and fear."

The state appeared to stray from that 2008 guidance by August of 2020.

That was when Joneigh Khaldun, the chief medical executive for the state,

said at an Aug. 19 press conference that residents would be lucky to survive the coronavirus.

"If you're lucky, you get to keep your life and you don't die. But even if you live, there are many people that have long-term health consequences," Khaldun said.

The role of the state health department is to give the public factual information that they can use to protect themselves and others, according to Michael Van Beek, director of research for the Mackinac Center for Public Policy.

"Here the department appears to have tested messages not based on how well they would protect the public but on how 'effective' the messages themselves would be," Van Beek said. ■

The original version of this story was posted online on July 24, 2021 and is available at [MichCapCon.com/29022](https://michcapcon.com/29022).



Granholtm-Subsidized Biochemicals Incubator Now Makes Ethanol For Cocktails

BY TOM GANTERT

Working Bugs LLC was one of several state-subsidized companies that 2010 press releases from Gov. Jennifer Granholm characterized as cutting edge.

Working Bugs was honored by Granholm's Centers of Energy Excellence program and received a \$2 million state grant.

According to a 2007 Lansing State Journal article, the company planned to turn the Michigan Brewing Company brewery in Webberville into a biochemicals incubator. A 2010 press release stated, "Technology developed

at this center can be applied to existing biomaterial processing facilities across the state such as corn ethanol plants, beet sugar refineries, and pulp mills to produce new, higher margin products."

But 11 years later, the brewer is known as Red Cedar Spirits Distillery and makes hand sanitizer and distilled ethanol (alcohol) for spiritous liquors such as vodka, gin, whiskey, bourbon and brandy.

Dianne Holman, the managing partner of Working Bugs, says her company uses the same technology that was designed to produce biochemicals, just in a different way.

The press releases stated the company

had facilities in Sweden and Webberville, but Working Bugs has just one plant now, in East Lansing.

"We are still here," Holman said. "You have to adapt."

Kris Berglund, a Michigan State University professor who worked at the Lulea University of Technology in Sweden, was a managing partner of Working Bugs. He died in December 2018.

Holman is the surviving managing partner. ■

The original version of this story was posted online on July 12, 2021 and is available at MichCapCon.com/29000.



U-M Says 'No' To Open Records Law Payroll Request, Michigan Court Of Claims Says 'Yes'

BY JAMIE A. HOPE

Many Michigan local governments and state institutions are using contract provisions that let them pay certain employees more than twice their base salary through overtime, bonuses or payouts of unused comp time or sick leave.

The University of Michigan claimed in 2020 it was freezing the base salaries of all its employees.

But when a Michigan Freedom of Information Act request was submitted for documents showing the gross pay of its employees, U-M officials refused, claiming the law only requires them to turn over base salary records. The requested

documents would indicate whether some employees received bonuses or extra pay beyond base salary increases that had been frozen.

In response, the Mackinac Center Legal Foundation sued, demanding the university provide complete compensation records from its Office of Institutional Equity.

This week, the Michigan Court of Claims turned back the university's claim.

Mackinac Center attorney Steve Delie commended the ruling. "Michiganders deserve transparency and responsiveness from our government and the public institutions subsidized with our hard-earned tax dollars," he said. "We are

pleased that the court upheld the cause of open government in this case and defended the public's interests."

A state law says that public entities, including universities, "shall upon request make available to the public the salary records of an employee or other official of the institution of higher education, school district, intermediate school district, or community college."

U-M has argued that a definition of salary as defined in the dictionary, "fixed compensation paid regularly for services," does not include bonuses and overtime. The court disagreed, noting that state law refers to "salary records," which entails salary and other forms of compensation,

including bonuses and overtime. It held that the Legislature's intent was for all forms of compensation to be covered by the law.

The university has 21 days to appeal the ruling, according to Delie. He said, "The University of Michigan — indeed, all public institutions — needs to respect that government employee compensation information is a matter of public record."

University of Michigan spokesman Rick Fitzgerald said U-M was still considering its next steps. ■

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MichiganVotes.org

A sampling of proposed state laws, as described on MichiganVotes.org.

Senate Bill 5058

Exempt industrial hemp from food adulterant list

Introduced by Rep. TC Clements (R)

To amend a section of the state food law that deals with adulterated food, so as to declare that its prohibitions do not apply to food that contains or has added to it any quantity of industrial hemp.

House Bill 5162

Ban “selling” Secretary of State branch office appointments

Introduced by Rep. Ranjeev Puri (D)

To prohibit a third party from “selling” Secretary of State appointments. The bill does not define “appointment,” which appears to denote the practice of this office during the coronavirus epidemic to require individuals who need services provided by Secretary of State branch offices to make an appointment.

House Bill 5088

Authorize local opt-out of regional Detroit arts museum tax

Introduced by Rep. Jeff Yaroch (R)

To allow a city, village, or township to “withdraw” from having to pay the 0.2 mill Oakland, Macomb and Wayne County property tax levy authorized by a 2010 law and subsequent ballot measure to subsidize the Detroit Institute of Arts.

House Bill 5103

Allow taxpayers to pay more for school supplies

Introduced by Rep. Angela Witwer (D)

To allow taxpayers to use their state income tax return to contribute to a state account proposed by House Bill 5102 that would give money to public school teachers who claim to have spent their own money on classroom supplies. Note: Under a 970 Supreme Court ruling, school districts are already required to provide a specific, array of necessary classroom supplies at no cost to students’ families (or to teachers).

Senate Bill 4982

Ban labeling fake meat as “meat”

Introduced by Rep. Beau LaFave (R)

To prohibit a grocery, restaurant or other vendor from labeling a laboratory-grown substitute as “meat.”

Senate Bill 593

Authorize new layer of government, and rain taxes

Introduced by Sen. Rosemary Bayer (D)

To establish a new layer of government called a “stormwater management utility” for the purpose of levying “stormwater utility fees” on property owners based on various factors including the amount of the property that is “impervious” (impermeable) to water, sometimes called a “rain tax.”

Senate Bill 545

Require schools teach graduating seniors how to get state ID to vote

Introduced by Sen. Lana Theis (R)

To require public school districts to inform graduating students how to access a state identification card for the purposes of voting.

Senate Bill 574

Increase rigor of nicotine product age enforcement

Introduced by Sen. Lana Theis (R)

To authorize local police to execute “unannounced compliance checks” of tobacco and smoking accessory stores to see if they are selling a “tobacco product, vapor product, or alternative nicotine product” to minors, including the nicotine vape products that Senate Bill 572 would tax and regulate. The bill would also require sellers to “card” buyers to confirm they are 21 or over, and more.

House Bill 4975

Ban using fireworks without neighbors’ permission

Introduced by Rep. Jeff Yaroch (R)

To ban shooting off “consumer” or “low-impact” fireworks within 200 feet of a another person’s property without the express permission of the owner or lessee.