Michigan’s university labor studies centers receive “FOIA” requests in 2011 from the Mackinac Center for Public Policy: Just FOIA requests or threats to unions and university allies?

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Biographical Statement:

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Abstract:

Michigan State University (MSU), the University of Michigan (U of M) and Wayne State University (WSU) created a labor education program (LEP at MSU) and labor studies centers (LSCs) in the 1950s era. These three grew in size and stature in the American labor and industrial relations (LIR) and university-based labor education fields. They still exist in 2015, but modified and smaller operations. Each changed partly due to the growth and then decline in labor density, but also in response to interactions within the universities, and with changing union and management organizations and leaders in state government. The recent decline may also be related to interactions with key non-government groups including the self-titled “non-partisan, non-profit research and educational” Mackinac Center for Public Policy (MC) which actually is well connected to national groups many would label quite conservative and anti-union.

In 2011, the Mackinac Center filed Michigan Freedom of Information Act (FOIA) requests targeting the MSU HRLR school faculty and the U of M and WSU labor studies center faculty and staff. These FOIA requests concerned the university professors’ email correspondence regarding the 2011 “reforms” of Wisconsin public sector labor laws. Were these just more FOIA requests as alleged by a “non-partisan… educational and research” group or part of a national “war” on labor and its allies at Michigan’s LSCs? Was this just another battle in a long simmering “attack” by anti-union forces, going back to the Taft-Hartley Act and the national right-to-work “war” against workers, their labor unions and allies? That story is told here.

Keywords:

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Just a FOIA or “RTW” Anti-union Attack
On April 6, 2011, the Michigan State University (MSU) Freedom of Information Act (FOIA) Office received a “revised” FOIA request regarding certain MSU professors’ emails. The communication to MSU came from Jarrett Skorup, a research associate with the Mackinac Center for Public Policy (hereafter called the Mackinac Center or MC). The request noted in an email cover note to the MSU FOIA office that it was a “revised” request. Skorup wanted to clarify that the Midland, MI Mackinac Center wanted MSU to “disregard the previous request and accept this one.” The email seemed to say when the MC realized their original request for emails had included the word “Madison” and MSU has three undergraduate residential colleges, one named James Madison, the Mackinac Center was “not interested in those emails” and had “no intention of taking on the added cost for them.”

This “FOIA Request for Emails” asked Michigan’s three constitutionally designated state universities, The University of Michigan (U of M), Wayne State University (WSU) and Michigan State University (MSU), to provide the following information for the period from January 1 to March 25, 2011:

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1 Jarrett Skorup, Mackinac Center for Public Policy, “Revised FOIA Request for Emails,” April 6, 2011, submitted to MSU FOIA office; copy in possession of the author. The original FOIA request to MSU and similar ones to WSU and U of M were submitted apparently a week earlier. The original and revised FOIAs are likely available at the three university FOIA and/or legal offices.
All electronic correspondence (i.e., e-mails) carried out on computers to or from employees, contractors, etc, of the Michigan State University School of Human Resources and Labor Relations in which the following terms (or their derivatives) appear:

“Scott Walker”
“Wisconsin”
“Maddow”
References to Madison, Wisconsin
Any other emails dealing with the collective bargaining situation in Wisconsin.

This request was made and complied with probably similarly by the three university FOIA or legal offices under the Michigan compiled Laws Section 15.231 et seq. The request asked that the requester not be charged for the service or only after the requester had been notified of the anticipated charges. These Mackinac Center FOIA requests therefore noted that the MC “is a non-partisan, non-profit research and educational institute” and that the
documents should “be provided without charge pursuant to Section 4(1) of the Freedom of Information Act.” The request from Skorup to MSU, at least, went on and noted that if MSU elected to charge any fees “please notify me of the cost prior to filling this request” and that if any requested emails were denied that MSU “please specify all the legal exemptions which you believe justify your withholding of the information.”

MSU, and probably the other two Michigan research-intensive universities, regularly receives many FOIA requests regarding sports’ teams, tuition increases, building projects, and activities of the university president. On occasion in recent MSU history FOIAs were filed about public controversies such as student “riots” after special sporting wins or losses. On occasion these universities probably also receive FOIA requests from the press or from outside “research and educational” groups, such as the Mackinac Center, regarding academic departments, schools and colleges.²

However, the faculty at MSU’s School of Human Resources and Labor Relations (HRLR) were quite surprised and some were worried about this Mackinac Center FOIA request. A few knew of the MC’s activities

²The author, as MSU’s Faculty Grievance Official from 2004 to 2012, and from conversations with interviewees, noted below, has had interactions with and gained some understanding about the university FOIA offices.
regarding political controversies in Michigan including earlier interactions with the WSU labor center. Some worried the Mackinac Center was now targeting some of the MSU HRLR faculty. For example, Associate Professor John Beck, then Associate Director of the then LEP, indicated he was familiar with the other state of Michigan labor centers’ websites and some past issues those centers and faculty had with the MC. 3

Perhaps Beck was familiar with a report, that will be further discussed later in this paper, by Greg Steimel of the Michigan Education Association, titled: “The Truth About the Mackinac Center” in which Steimel stated: “The Mackinac Center for Policy Research is the largest conservative state-level policy think tank in the nation. It was established by the state's leading conservative activists to promote conservative free market, pro-business policies…” Wikipedia provides a balanced discussion of the MC including: “The Mackinac Center (founded in 1987) is a member of the State Policy Network, an umbrella organization of conservative and libertarian think tanks operating at the state level… In November 2006 the New York Times published a two-part series about state based free market think tanks that

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3 The author, while FGO, attended some of the HRLR School faculty meetings and had conversations with HRLR faculty and staff individually, at the time of the FOIA request and subsequently, including with John P. Beck, then associate director of the Labor Education Program (LEP), and HRLR professors Richard Block, Stacy Hickox and Michelle Kaminski.
described how the Mackinac Center trained think tank executives from 42 countries and nearly every US state…(and the) Mackinac Center is classified as a 501(c)(3) organization…” and its website states MC is supportive of right-to-work laws but critical of prevailing wage and minimum wage laws.4

Other MSU HRLR professors noted they were worried the MC FOIA request might distract them from their research and teaching responsibilities. Richard Block, now a professor emeritus and former school director, said he wondered if complying meant the professor, then teaching the school’s collective bargaining course, had to turn over all communications with the graduate students in his class. He was happy to learn such communications were “exempt” under Michigan FOIA. It was unclear also if this author, serving then as MSU Faculty Grievance Official, and Terry Curry, the MSU Vice Provost for Academic Human Resources, who were both also professors in the school but under the provost office budget while on administrative assignment, were covered by the request. Therefore the FOIA office agreed to send a representative to meet with the school faculty

and director William Cooke to respond to these and related questions.\textsuperscript{5}

The FOIA covered professors (including neither Revitte nor Curry) were asked to look at all of their email for the period in question. They were instructed not to delete any “questionable” emails, and to estimate the number of emails and the time it would take to provide the relevant emails on the FOIAed topics of interest to the MC. Subsequently on April 14, 2011 a letter addressed to Skorup titled: “FOIA FEE & DEPOSIT NOTICE”\textsuperscript{6} stated:

“[T]he processing of your request will require significant labor. Based upon our preliminary inquiries, your request may encompass e-mail communications made and received by approximately forty-nine individuals over three months… (and) involve upwards of 140 hours of labor, resulting in fees likely to exceed $5,600.” The MSU letter then noted additional fees might be incurred depending on what was found in the initial search, and “pursuant to Section 4(2)” of Michigan’s FOIA, MSU was requiring the Mackinac Center to “remit a deposit prior to our processing your request…

\textsuperscript{5} The author recorded oral history interviews with Block, Hickox and Kaminski, as noted later in the text. He also remembers one or more conversations with the FOIA office and Terry Curry, Associate Provost for Academic HR, concerning whether Revitte or Curry were covered by the FOIA request. Both were not.
\textsuperscript{6} MSU FOIA office letter to J. Skorup, Mackinac Center, “FOIA FEE & DEPOSIT NOTICE,” April 14, 2011; and see note 1.
(in) a check made payable to “Michigan State University” in the amount of $2,800… or notify us in writing if you wish to modify or withdraw your request.”

The MSU FOIA letter of April 14, 2011 in a subsequent paragraph noted: “This letter also serves as formal notice to you that you are in default of your obligation to pay the fees for processing your November 12, 2010 FOIA request… Your payment is now over 60 days past due…” and a check to MSU should be sent in the amount of $751.25 for their earlier unpaid FOIA request.

To the author’s knowledge, to date the Mackinac Center for Public Policy has not yet responded to the MSU FOIA letter of April 14, 2011. Therefore the MSU HRLR professors, unlike their U of M and WSU LSC colleagues, did not need to search and download all of their email correspondence of January 1 to March 25, 2011 regarding the “collective bargaining situation in Wisconsin,” or about Governor Walker or TV personality Rachel Maddow.
The “abbreviated version” of the School of HR & LR Faculty Meeting Minutes of May 6, 2011 include under “unfinished business” Beck’s response to Kaminski’s inquiry about the FOIA request. Beck is summarized as saying the Mackinac Center received a cost estimate of $5800 and had an “outstanding FOIA bill” and they “must pay MSU before we do anything… (but in) the meantime, we need to keep our emails.”

The HRLR school faculty minutes continue: “Beck feels it was never intended that the Mackinac Center FOIA MSU. They made a mistake by targeting MSU rather than LEP (i.e., the Labor Education Program). Beck believes they have no intention of going forward. The target was U of M… Kaminski reported that labor education programs are under attack around the country. There is a much more simultaneous attack on programs and we should be prepared in the future for another one. (HRLR Director) Cooke asked faculty to stay low key and not respond to calls.”\(^7\)

Beck, in a subsequent conversation with this author, suggested that he said he thought there were one professor at U of M and one at WSU that the Mackinac Center had been targeting. He assumed this was to provoke

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\(^7\) Minutes of the School of Human Resources and Labor Relations Faculty Meeting, “abbreviated version,” May 6, 2011, submitted by Annette Bacon, administrative assistant to Director William Cooke; copy in possession of the author and original probably available from the HRLR School.
discomfort for them or that they were the MC focus of “attack” because of their work and website commentary supporting unions. Beck said he thought it was especially because of activity to oppose outsourcing and privatization campaigns and to promote union-community coalition work and local U.S. living wage campaigns.\(^8\)

The U of M and WSU LSC faculty were not in the same situation in regards to the Mackinac Center’s 2011 FOIA request regarding Wisconsin Governor Walker’s “reforms” of labor laws nor subsequent vigorous labor, student and citizen response to perceived “attacks” on public sector workers and unions. Similar FOIA requests were made by the MC of U of M and WSU, but these FOIAs only concerned their labor studies faculty and their email correspondence. Therefore these FOIA requests were directed at much smaller numbers of faculty and staff, and the emails were provided, and at least by WSU without any fee charges.\(^9\)

Steven Greenhouse in the *New York Times* (NYT) on March 29, 2011 wrote about MC’s FOIA activity in an article “Group Seeks Labor E-Mails by

\(^8\) See note 3.

\(^9\) Oral history interview, March 7, 2012, with Michelle Fecteau, former WSU labor studies center faculty member and at time of that interview the executive director of WSU’s AAUP-AFT Local 6075; and a phone interview, February 22, 2015, with Mark Gaffney, IBT Detroit area business agent and former President of the Michigan State AFL-CIO.
Michigan Professors.” He noted: “A conservative research group in Michigan has issued a far-reaching public records request… (that) comes several days after the Republican Party of Wisconsin made a records request to a prominent University of Wisconsin history professor, William Cronon, who had severely criticized the state’s Republican governor, Scott Walker, over his push for legislation to weaken public-sector unions.” Greenhouse quoted several voices from Michigan. He said Roland Zullo, “a labor studies professor at the University of Michigan, said he found the center’s request ‘puzzling.’ ‘It seems an odd request for an institution that claims to be nonpartisan’.” Greenhouse mentioned that “Marick Masters, the director of labor studies at Wayne State, said he had nothing to hide. ‘This looks like an attempt to embarrass us… I think they’re probably interested in seeing the extent to which labor studies centers in the state have helped orchestrate the protests in Madison’.”

The *Lansing State Journal (LSJ)* on March 31, 2011 published a similar article, “Mackinac Center seeks access to faculty emails” which included some additional quotes. The *LSJ* article said MC staff members “declined to say why they were seeking the emails. ‘Like any other media outlet, we
don’t discuss what we’re seeking in a FOIA request for a story or investigation that we’re working on until we’ve actually seen that there’s a story to be told,’ said Michael Jahr, the center’s vice president for communications.”  

The *LSJ* article continued: “But some of the faculty members whose emails are being sought said the request smacks of political motivation. ‘I think it is noteworthy that the request is not going to any number of other departments at these schools that might be addressing this issue,’ said Michelle Kaminski, an associate professor in MSU’s School of Human Resources and Labor Relations. ‘The FOIA request is an attempt to limit the debate, and to silence the voice of one group: labor.’”

The *Lansing State Journal* article also noted the link of the MC FOIAs with “a similar effort by the Republican Party of Wisconsin to obtain emails sent by University of Wisconsin history professor William Cronon, who had been critical of the party’s efforts to weaken public sector unions… (However) Ken Braun, managing editor of Michigan Capitol Confidential, the Mackinac Center’s on-line political newsletter, said his organization’s

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12 Ibid.
requests were unrelated, that he ‘didn’t even know about that incident until I had been sent them on Friday.’”

In fact, Professor Cronon had raised questions regarding the relationships of the American Legislative Council and Wisconsin Republicans on his personal blog and in a *New York Times* “Op-Ed” which he authored. According to another MSU professor who followed the story, Douglas Noverr: “The Wisconsin Republican Party couldn’t back down from a highly public fight and pursued the FOIA request and in fact did receive on April 1, 2011 (April Fool’s Day) a selection of Professor Cronon’s emails with many areas of exclusions insisted upon by the University.”

The *State Journal* quoted Gregory Scholtz of the American Association of University Professors: “there are ‘striking similarities between the type of requests they made. It almost looks like a trend… (It could have) ‘a chilling effect on academic freedom. Wholesale requests for professors’ emails containing certain key words would really tend to cause a professor to think twice about what he or she communicates to students and colleagues,’ he said. ‘If someone is out to ‘get’ you or out to present you in an unfavorable

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light, if you give them enough material, there’s a good chance they might be able to find something, especially taken out of context.” This aspect of the Michigan MC FOIA story also sounds strikingly similar to what University of Missouri-Kansas City professor Judy Ancel described in remarks at the 2012 UALE annual conference in Pittsburgh, PA concerning “right wing attacks” on her college labor studies program.  

The author had separate conversations with several persons affiliated with WSU and U of M. These included chats with Mike Smith, William LeFevre and Dan Golodner of WSU’s Reuther Archives. The author conducted recorded oral history interviews in person and by phone in March of 2012 and February and March of 2015. Separate interviews were done with WSU’s former LSC director Hal Stack and with Michelle Fecteau, former WSU labor studies faculty member and subsequently executive director of the AAUP-AFT local that represents the targeted LSC faculty. Three separate interviews were recorded with MSU HRLR professors: Richard Block, Stacy Hickox and Michelle Kaminski. In-person chats occurred in the hallways at the UALE Pittsburgh conference and phone calls and email exchanges were made in January through April 2012 and February through

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14 Ibid; and Ancel and Revitte were on a panel together at the 2012 annual United Association for Labor Education (UALE) conference in Pittsburgh, PA.
April of 2015 to David Reynolds, who in 2011 was a WSU LSC faculty on leave and now is at U of M-Dearborn’s LSC. Emails were also exchanged with Steve Babson, a retired WSU LSC faculty member, and in March of 2015 with Maurice “Skip” Turner of the U of M’s LSC and Roland Zullo, a faculty member at the U of M, who was connected to the LSC when it was located in Ann Arbor. Lastly the author talked in person and later conducted a phone interview with Mark Gaffney, former Michigan State AFL-CIO president and MSU HRLR school advisory board member, and now IBT business agent and still a member of the WSU labor advisory board.15

Roland Zullo, described by Evan McMorris-Santoro in his *TPMDC* article of March 29, 2011 as a professor at the U of M Institute for Research on Labor, Employment and the Economy, “suggested the Mackinac Center is trying to catch labor studies professors in illegal political advocacy on state time. ‘It sounds like they’re trying to catch us advocating for the recall or the election of a politician,’ Zullo said. ‘Because we’re not supposed to do that, we’re not supposed to use our University of Michigan resources for something like that.’ The *TPM* article went on to state that “Zullo said it sounds to him like

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15 The oral history interviews with Fecteau and Stack, Block, Hickox and Kaminski, and with Gaffney, will eventually be available through the MSU Vincent Voice Library in their “John L. Revitte collection.” No recordings were made, but several emails were kept, noted in the text, as well as a few notes of phone and in-person conversations with David Reynolds and other WSU and U of M staff, as mentioned in the text.
labor studies professors are becoming the latest pawns in the fight between conservatives and labor that has heated up since January [2012], when a slew of tea party-backed Republican governors were sworn in around the country. ‘This is a way that they’re going after folks they don’t agree with, I suppose.’ Zullo said. ‘I see it just simply as part of the political environment we exist in right now’.”

In an email to this author, Roland Zullo said he was “frankly amazed at how quickly this story made national news… The whole event became an embarrassment for the MC… Our LSC office was nervous about the whole affair at the beginning of the week (March 28) but buoyant by the week’s end. The media correctly portrayed us as academics under attack by political hacks… The lesson, in my judgment, is to stand up to organizations like the MC, and in doing so expose them for what they are: corporate funded, conservative political entities… [I]t seems inconsistent for us to advise workers to stand up for their rights and values, and yet shrink in the defense of our own. We are by choice part of the labor movement, in a general sense, and thus must shoulder our share of risk.”  

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16 Evan McMorris-Santoro, “Conservative Think Tank Seeks Michigan Profs’ Emails About Wisconsin Union Battle… and Maddow,” *TPMDC*, March 29, 2011; and Roland Zullo email to Revitte, in March 2015, in response to reviewing an earlier draft of this manuscript. According to *Wikipedia*, *TPM* is a web-based political journalism operation that “debuted” in 2000. Run by Josh Marshall, a “liberal blogger and
Former WSU professor and AAUP/AFT local union leader, Steve Babson, wrote the author a “Happy New Year” email on December 30, 2011 regarding a previous encounter that he and his colleague David Reynolds had in the public sphere that might help explain this set of 2011 MC FOIA requests. Babson noted that there had been a “Wall Street Journal editorial circa 2000 attacking WSU’s LSC by name, largely (as I recall) for David’s efforts in support of the Living Wage campaign. I have a murky recollection… that WSU’s General Counsel subsequently declared such efforts on behalf of labor’s political agenda inappropriate. If I’m remembering it half right, the whole episode raised important questions about a tax-supported university engaging in advocacy campaigns, with the university opting for the safe and narrow interpretation of the law and our mission.”

historian,” it “received an average of 400,000 page views every weekday” by 2007. TPMDC is a related blog, authored by Greg Sargent, “to cover politics from Washington, D.C.”

Reynolds remembered part of the details slightly differently. After reading Babson’s account in an earlier version of this paper, Reynolds said: “The WSU General Counsel never declared my Living Wage or other work as inappropriate. Academics have specializations, which they research, publish, and share information around. There was at a different time a question about a site created by MSU student interns that had material about a potential minimum wage ballot drive. While the site was run by the students it linked off the Labor Studies Center website. That link was removed.”

Interestingly, Steve Malanga, a contributing editor of the Manhattan Institute’s *City Journal*, adapted something he had written for them into an “Opinion” piece that appeared August 13, 2003 in the *Wall Street Journal*. In his “Picketing 101” Malanga discussed the “50 such programs operating today (to) churn out new initiatives in support of labor” across the U.S. He is clearly not a supporter of such programs as he also noted: “The labor studies field’s umbrella group, the United Association for Labor Education, now holds its annual ‘education’ conference in conjunction with the AFL-CIO,” and “labor studies is emerging as among the most blinkered of fields

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18 Reynolds email to Revitte, March 10, 2015 following review of an earlier draft of this manuscript.
because of such close bonds… (M)uch of what passes for research here is little more than union organizing.”

Malanga also mentioned the University of Massachusetts M.A. program in union leadership, which he stated has a “course description for a class at Amherst (which) declares that we live in ‘an era of crushing corporate power and aggressive opposition to union’.” Then he wrote of Wayne State: “In the late 90s, the labor center at Wayne State University, working with the radical left-wing group Acorn, began providing technical support to living-wage campaigns around the county, which helped to spark successful efforts to raise the minimum wage for some workers in dozens of cities and provided a model of how academics could advance union causes.”

Conversations with Fecteau, Gaffney, Reynolds and Stack corroborated much of Babson and Malanga’s accounts, but with differing values judgments attached.

Hal Stack remembered that while he was the WSU LSC director he became aware the Mackinac Center actively monitored, on one or more occasions, the LSC and its website. He thought the MC was particularly interested in

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Reynolds’s “building regional power” and “living wage” campaigns, and with website materials from a Reynolds’s program with some MSU James Madison College undergrad students. Regarding the MC FOIA, Stack thought the Mackinac Center had gone on a “fishing expedition” to find anyone who was using state resources to support the public sector union fight in Wisconsin.  

David Reynolds said he thought he was a primary target of the FOIA requests and Mackinac Center “scrutiny” but for a different reason than some might surmise. He noted: "It seems to me that, since labor education centers do not use public funds for political advocacy, what really concerns the Mackinac Center is the prospect that organized labor might reach out beyond its own ranks to engage the broader community in conversations about economic justice and where our nation is heading. That's what rebuilt the labor movement in the 1930s and that's what I study and teach.”  

Maurice "Skip" Turner wrote two emails on March 23, 2015, after reviewing an earlier version of this manuscript. At 7:34 a.m. Skip wrote Revitte: “Good Morning John, As I remember, I was contacted by the lawyers who

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20 See note 15 and earlier text.
21 Conversations with and emails to the author at and after the UALE conference in March of 2012 at Pittsburgh, and in April of 2013 in Toronto, and the 2015 email exchange noted in the text and prior notes.
made it known that UM stands firmly behind their staff but their support would quickly fade if we were found to be in violation of email policy. A different climate permeated through the hallways of LSC, there was a notion that we must be doing something right to be FOIA’ed by the MC. I particularly turned over roughly a ream and a half of emails. I did not hear anything further from UM lawyers or MC.” Turner’s email of 11:38 a.m. said simply: “We, the staff, were proud to assist workers in their quest for equality through any means necessary, just not on university time or email. ‘Skip’.”

Evan McMorris-Santoro, in his *TPMDC* article of March 29, 2011, labeled Ken Braun the managing editor of the Mackinac Center. McMorris-Santoro wrote: “A free enterprise think tank in Michigan – backed by some of the biggest names in national conservative donor circles – has made a broad public records request to at least three in-state universities with departments that specialize in the study of labor relations… TPM has learned. An employee at the think tank requesting the emails tells TPM they’re part of an investigation into what labor studies professors at state schools in Michigan are saying about the situation in Madison, WI, the epicenter of the clashes

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22 Emails from Turner to Revitte as noted in text.
between unions and Republican-run state governments across the Midwest.”

The *TPMDC* article, also quoted from “recent reporting” by *Mother Jones*, which described the MC as “part of a network of state-based groups associated with the Heritage Foundation” whose “major donors… have included the Charles G. Koch Foundation, the Walton Family Foundation (the Wal-Mart Waltons), and foundations tied to two of Michigan’s best-known and wealthiest conservative political families: the DeVos family of Amway fame and the Prince family of Blackwater fame.”

Greg Steimel of the Michigan Education Association authored a report (available on-line) regarding MC finances and activities titled: “The Truth About the Mackinac Center.” In his “Forward” Steimel summarized: “The Mackinac Center for Policy Research is the largest conservative state-level policy think tank in the nation. It was established by the state's leading

23 See note 16.
24 Andy Knoll, “Behind Michigan’s ‘Financial Martial Law’: Corporations and Right-Wing Billionaires,” *Mother Jones*, March 23, 2011. The involvement of the Koch brothers also became an issue for MSU students more recently. In an article titled “Un-Koch Our Campus” an MSU Students United group posted on November 3, 2014 that they had submitted a FOIA request to MSU “for any information, including correspondence and contracts, between MSU and the ‘Charles Koch Foundation’… upon learning that the Koch brothers have already given $69,730 to MSU over the past seven years… part of a larger strategy of donating to colleges and Universities across the country in an attempt to push their far-right-wing political agenda into academic curriculum.”
conservative activists to promote conservative free market, pro-business policies. In 2011, it took a public position of opposing the existence of public sector unions. Reflected by its board of directors and those funding its operations, the Center works to advance its policy objectives primarily though its publications, but has an increasing physical presence throughout the state. Its research routinely reaches conservative conclusions. The Mackinac Center has moved beyond Michigan by hosting think tank schools that have lead to the franchising of its operations in every state and 37 other countries.”

Steimel then discusses MC’s history and finances noting they were founded in 1987 with funding by the Cornerstone Foundation of Grand Rapids, MI and both were “created” by Lansing’s well-connected Dykema Gossett attorney Richard D. McLellan. Steimel states that “located in the same building as the Dykema Gossett law firm, Cornerstone’s original board included McLellan, then-Senator John Engler (later Michigan’s 1990s governor), and D. Joseph Olson then General Council [sic] for Amerisure Insurance…”

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Another investigative report done on the MC was the *Mother Jones* article of March 23, 2011 by Andy Knoll, which was titled “Behind Michigan’s ‘Financial Martial Law’: Corporations and Right-Wing Billionaires.” Knoll apparently was concerned with the finances of various conservative groups who were seemingly involved in various Michigan public policy debates including the “emergency financial managers” legislation, which Rachel Maddow covered in her TV commentary. Maddow discussed how the state’s Republican legislature and governor moved to or threatened to “take over” the governing of Benton Harbor, Detroit and other cities and municipalities suffering financial crises. These resulted from the severe financial deficits and leadership problems in Michigan following the national c. 2007 “great recession,” and what some termed Michigan’s latest “depression” during the overlapping Bush presidency and governor Granholm administration. This *Mother Jones* article quoted Doug Pratt of the MEA: “"The Mackinac Center has been tied at the hip with the Republican Party establishment for years," says Doug Pratt, public affairs director at the Michigan Education Association. "It goes to their funding sources; it goes to their ideology.”

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The *TPM* article noted that in a conversation with Jarratt Skorop, he “told *TPM* he helped write and then filed the FOIAs at the request of his bosses, but he wasn’t sure what they’d be used for in the end... ‘I would imagine just to see what the people in the labor studies dept are thinking about stuff in Wisconsin,’ Skorup said when asked the purpose of the FOIAs. His boss, Mackinac Center newsletter managing editor Ken Braun, refused to comment on the FOIAs.”27

Ken Braun, however, did describe the story more fully when he discussed his thoughts regarding the Wayne State labor studies center at least twice, and once about the FOIA, in articles under his name in publications available on the Mackinac Center’s own website. In “Wayne State’s ‘Wholly Owned Subsidiary’ of Big Labor” Braun wrote on February 9, 2010: “this obscure corner of the taxpayer-supported university does a lot that resembles progressive political agitation rather than teaching and research. Critics have accused the LSC of crossing the line between education and politicking on the taxpayer dime.”

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27 See note 12.
The WSU LSC “‘has long been viewed as a wholly owned subsidiary of the UAW’, noted Bob LaBrant, Michigan Chamber of Commerce vice president and legal counsel, in a December 2005 news release. ‘It’s disappointing that an academic institution would allow itself to be so politically manipulated.’ LaBrant said. He also stated that the violation of campaign finance laws by the LSC was due to a ‘lack of oversight’ by the university’s administration and Board of Governors.”

Braun’s 2010 piece then noted the WSU LSC website was listed “on its university-hosted main page under ‘Research,’ (and that) a significant political agenda still appears to be driving two of the three areas listed as legitimate research subjects for the LSC. ‘Building Regional Power’ is the first… The page for the second of the LSC’s three research areas, ‘Living Wage Campaigns,’ appears to provide overt advice and assistance for the regional power-building agitators… In addition to these research areas, there is also a page dedicated to passing the Employee Free Choice Act (aka ‘card check’), an LSC-produced manual for public employee unions trying to defeat privatization, and an offer to help assist local unions in ‘political education.’”

Braun ends this piece quoting Paul Kersey, director of labor policy for the MC and a person whom this author publicly “debated” by request of an MSU James Madison College student club, as saying “‘The taxpayers pay for Wayne State to be a university and for the Labor Studies Center to be dedicated to legitimate economic and legal research, not political agitation… Wayne State’s administration needs to return the LSC to its proper mission. If they cannot or will not, then Lansing should cut off funding’.”

In another article by Braun on “The Public Purpose of Our ‘Professors’ Email’ FOIA Request,” published April 4, 2011, there is an interesting opening paragraph which states: “(Editor’s note: The piece below contains hyperlinks to Web material and Web pages that were available on Wayne State University’s website on the morning of April 4, 2011. In two cases, this material became unavailable on the WSU website later in the day, and the remaining Web pages became unavailable the next morning. Hence, we have substituted hyperlinks to the Mackinac Center’s PDF copies of the original WSU Web content.)”

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In his April 4, 2011 on-line article Braun noted that MC typically does “not comment on the purpose of these FOIAs (but) we have decided to respond to what has become a national debate over whether we –or anyone- should be asking for such information at all.” He then provides as his answer for why the FOIAs were submitted to the three universities’ labor studies centers the following commentary: “imagine the following hypothetical statements… The department has a website that displays hyperlinks to tea party groups… helping ‘local leaders develop local strategies for building power,’ ‘produced a comprehensive guide for activists for organizing’ opposition to living wage campaigns… (assisted) pressure groups that wish to see cost-saving privatization plans implemented in public schools…” (and) the department was then using its website to advocate a statewide ballot proposal that would reduce Michigan’s minimum wage, (and on its website) includes a handy list of ways for tea party and taxpayer groups to dig up dirt and embarrassing evidence against labor unions.”

Braun then noted: “Readers who have been following the hyperlinks in this article will have already realized that the five hypothetical statements effectively reverse what has actually happened.” The WSU LSC “does everything noted above except that its materials would favor organized
labor… The unfolding of the Wisconsin turmoil and the pitched debate over the Michigan legislation provided us an opportunity to chase an old story with a FOIA. Specifically, we were interested in determining whether an LSC and the labor faculty at Michigan’s other two large public universities had actively employed university resources to enter the political debates… (W) e knew these emails might suggest that the faculty had acted illegally, because certain political uses of university resources are prohibited by Michigan law.”

Mr. Braun was described in his Mackinac Center article as the “director of Michigan Transparency.Org for the Mackinac Center for Public Policy, a research and educational institute headquartered in Midland, Mich.” The article also noted: “Permission to reprint in whole or in part is hereby granted, provided that the author and the Center are properly cited.” He even explained why a mention was made of Rachel Maddow: “Ms. Maddow had recently criticized at length Michigan’s governor and his labor-related legislation in a TV segment virally circulated on the Web, and second because FOIA requests are an inexact art…” He concluded this article: “In sum, open-records laws like FOIA are how a free people maintain their confidence that government is working effectively and isn’t hiding
inappropriate activity from them. Sometimes those inquiries will be uncomfortable for government officials and other public employees… (but) sunshine remains the best disinfectant…”

Michelle Fecteau of the WSU AFUP-AFT corroborated much of the same history regarding the MC past and then recent interactions with the WSU LSC. Fecteau noted the AAUP-AFT chapter, including her and the local’s attorney, had been invited to assist the WSU human resources and general counsel offices to respond to the MC FOIA request. She said the HR and legal staff had been most supportive of the LSC and the AAUP-AFT local. She recalled the MC FOIA had been directed to only four LSC faculty including Reynolds and herself since she occasionally did part-time teaching for the LSC. She also indicated that the amount of material actually under the FOIA request was so small that WSU provided it to the Mackinac Center without charge. She said she thought the FOIA request had really been a Mackinac Center attempt to “chill” the LSC and its faculty following the height of the press coverage and public discussion of the “Wisconsin story.” Fecteau also said she felt that the MC FOIA request had in fact provoked some fear among some LSC administrators, faculty and staff.30

30 See note 9.
The *TPMDC* article, titled “Conservative Think Tank Seeks Michigan Profs’ Emails About Wisconsin Union Battle… And Maddow,” also quoted Marick Masters, director of Labor @ Wayne. He said he had never seen anything similar and “‘I’ve been an educator since early 1980s and I’ve never had a FOIA request.’ Masters declined to speculate on the nature of the request, saying only that ‘everyone is entitled to file a FOIA request,’ and that he’d forwarded the request to the university’s general counsel, who’ll decide if and how to comply with it.” In the *Lansing State Journal* article discussed earlier, Masters, is quoted as saying “there would be nothing amiss with professors expressing judgments about those (Wisconsin) protests. ‘I think it’s important that people realize that they have certain academic freedom and First Amendment rights and while it’s inappropriate to engage in partisan activities, it’s certainly not inappropriate to hold opinions about important public policy questions,’ he said.” The *TPM*, by the way, apparently also interviewed Rachel Maddow who said concerning her name being in the list of subjects covered by the MC FOIA requests: “Some days my job is weirder than others.”\(^{31}\)

\(^{31}\) See note 16.
Based on the oral history interviews and archival research, it seems sensible to conclude the MC FOIA requests was targeting the WSU labor studies center. Perhaps the MC had some interest in the U of M LSC faculty or the MSU LEP faculty, but just one or two individual WSU faculty were clearly the real MC targets of complaint. The MC, as noted, had previously filed a FOIA request concerning the WSU LSC and made repeated complaints on their website of Wayne State. It seems likely FOIA costs were not the real reason the MC did not follow through with their MSU FOIA requests.

Given the MC history with the Wayne State LSC, it is not surprising WSU administrators and attorneys, faculty and staff, and AFT-AAUP leaders all seemed to see the 2011 MC FOIA request as not just another FOIA request but as just another MC “attack” upon WSU and especially its labor studies center.

However, the purpose of the FOIAs may have been mostly for intimidation, and not of a couple individuals, but more likely of their university colleagues and bosses. The MC’s 2011 FOIA requests of WSU and U of M LSCs and the related MSU professors demonstrate labor-oriented faculty are under actual scrutiny by Michigan’s MC and many other so-called “non-partisan” conservative groups across the USA. The Mackinac Center and probably
other related groups are likely to continue to contest state supported university faculty when and if they provide labor oriented information to traditional undergrad and graduate students or to workers and union leaders via continuing education and credited labor studies programs. It is likely many public university administrators, professors and LSCs will continue to be under review if their worker and labor supportive faculty or students continue to support labor unions and their rights to collect dues or other monies under union security clauses or perhaps persist in efforts even just to exist.

**Postscript:**

University allies of labor, especially those connected to Michigan’s LSCs, were correct to surmise that the MC’s external scrutiny via FOIAs of university service to labor unions was meant to intimidate these institutions of higher education. Labor’s university allies’ defense of workers rights to form or join unions, yet alone any activity to help unions “fight back” against conservative groups’ uncomfortable “research and educational” inquiries of unions and even of public universities, came under attack. The MC 2011 FOIAs were probably meant to intimidate or at least influence not just labor studies faculty and staff, but their faculty colleagues and bosses,
and especially their university’s administrators, legal and communications offices, and elected public board members.

And this MC 2011 FOIA “scrutiny” may be uncomfortably connected to a 2014 story, perhaps still evolving, and also involving the MSU HRLR school. But this 2014 story involves the school’s somewhat related joint labor-management Building Trades Academy (BTA). And this 2014 story is strikingly similar to a 1961 Michigan state senate investigation of the MSU LIR center and its LEP for creating a film, “A State Labor Body.”

Some in Michigan’s state government believed the 1960s MSU LEP film, “A State Labor Body” inappropriately fostered “class war between the business community and labor.” Others in labor and at the academy believed it was merely a late 1950s style “witch hunt” to try to tame labor’s growing strength. After a lengthy hearing, and a forceful university response to defend MSU’s overall balance of services to both the labor and management communities, coupled with the then significant influence of the historically large Michigan labor movement (Michigan’s union density in 1960 was reported as 49%), a joint Michigan state house and senate resolution to reduce appropriations to the university (if it continued the LIR
center and LEP without some revisions) disappeared. The then named LIR center and LEP instead flourished for decades, though they were modified and a more traditional and credited graduate school of LIR was created with the LEP as one program component, which is the subject of another manuscript by this author.

Apparently in the bizarrely similar 2014 MSU story, complaints from the Associated Builders and Contractors (ABC) of Michigan were brought to the attention of several Republican state legislators. They apparently argued the BTA instructional activity meant MSU was inappropriately promoting union organizing and in effect that MSU was “actively endorsing and engaging in union activities.” According to news accounts, MSU alumna Tonya Schuitmaker, the chairwoman of the Michigan state house appropriations subcommittee on higher education, proposed docking MSU of $500,000 for sponsoring such training that “encourages or discourages union organizing of employees.” Several months later, following some quiet behind the scenes discussions with MSU administrators and perhaps some in the school of HRLR, the state subcommittee’s budget proposal no longer penalized MSU for the BTA programming. However, one news account stated: “As a
compromise, the finalized budget states that all Michigan public universities must remain neutral when it comes to labor unions.”

“Game on,” some sports oriented commentators might suggest, will probably continue to be the future of these labor studies “controversies” if the universities continue to have any labor union advocates and/or labor studies programs which have interactions in the public sphere. This “attack on labor” or what some term: “a war on workers,” described herein as a “game,” seems likely to continue. It seems likely at least some faculty and students at Michigan public universities will continue to see themselves as interested in, and perhaps as allies of, labor unions. Though they may feel they have to be careful, even within ivory-colored walls, at least some academic labor allies may continue to ignore the “chilling effect” of external attacks on what they regard as their “academic freedom.” They may continue to engage in the public sphere including with such supposedly “non-partisan” “research and educational,” but truly “anti-union” right-wing ideological, conservatives as the Mackinac Center for Public Policy of Midland, MI and their allies across America’s currently well-funded conservative networks. One can only hope the “game” continues.