Nos. 19-2377, 19-2420

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ANTHONY DAUNT, *et al.,*
Plaintiffs-Appellants,

v.

JOCELYN BENSON, in her official capacity
as Michigan Secretary of State, *et al.,*
Defendants-Appellees

and

MICHIGAN REPUBLICAN PARTY, *et al.,*
Plaintiff-Appellants,

v.

JOCELYN BENSON, in her official capacity
as Michigan Secretary of State, *et al.,*
Defendants-Appellees,

and

COUNT MI VOTE, doing business as Voters Not Politicians,
Intervenor-Appellee,

On Appeal from the United States District Court for the
Western District of Michigan

BRIEF OF PROPOSED *AMICUS CURIAE* LEAGUE OF WOMEN VOTERS OF MICHIGAN IN SUPPORT OF SECRETARY OF STATE OF MICHIGAN AND COUNT MI VOTE URGING AFFIRMANCE OF THE DISTRICT COURT

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Dated: February 7, 2020

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Answer: No.

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AMICUS CURIAE'S **STATEMENT OF INTEREST**

Proposed *amicus curiae* League of Women Voters of Michigan ("League") submits this brief in support of the Secretary of State of Michigan and Count MI Vote and urges affirmance of the District Court decision.

The League is a nonpartisan community-based statewide organization formed in April, 1919 after Michigan voters granted women suffrage in November, 1918. The League is affiliated with the League of Women Voters of the United States, which was founded in 1920. The League is dedicated to encouraging its members and the people of Michigan to exercise their right to vote as protected by the federal Constitution, Michigan Constitution, and federal and state law. The mission of the League is to promote political responsibility through informed and active participation in government and to act on selected governmental issues. The League impacts public policies, promotes citizen education, and makes democracy work by, among other things, removing unnecessary barriers to full participation in the electoral process.

The League has developed a particular interest in reform of the Michigan redistricting process. In 2011-12, local Leagues studied how redistricting was conducted in Michigan and other states, and began to advocate for reform in Michigan. The League was the lead plaintiff in *League of Women Voters of Michigan v. Benson*, 373 F. Supp. 3d 867 (E.D. Mich. 2019) (3-judge court), *vacated*

on jurisdictional grounds, 589 U.S. __ (No. 19-220) (2019), which found that 34 districts in the 2011 Congressional and legislative districting plans were partisan gerrymanders. The League supported the adoption of 2018 Proposal 2 which created the independent redistricting commission at issue in this case.

The League's brief will provide the Court with historical information which will aid the Court in resolution of these appeals.

BACKGROUND – THE FAILURE OF REDISTRICTING IN MICHIGAN

As Justice Brandeis observed, a "State may, if its citizens choose, serve as a laboratory,"[1] giving rise to the concept of states as "laboratories of democracy." Michigan's "laboratory of democracy" has experimented with various non-judicial means of redistricting under its current Constitution since its 1963 adoption. All have failed, instead yielding partisan gerrymanders or necessitating the courts to draw plans.

Under the original 1963 Constitution an 8-member commission appointed by the Republican and Democratic parties and equally divided between them was tasked with legislative redistricting.[2] In the 1960's, 1970's, and 1980's the

[1] *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311; 52 S. Ct. 371; 76 L.Ed. 747 (1932) (Brandeis, J., dissenting).
[2] Mich. Const. 1963 Art. 4, §6 (as adopted).

commission deadlocked, requiring the Michigan Supreme Court to decide upon the 6 legislative plans for the State Senate and State House during those 3 decades.[3]

After the commission was discarded by the Michigan Supreme Court in 1982 on procedural grounds,[4] the process shifted to the Legislature and Governor. They deadlocked in 1991 again requiring court-ordered plans for the State Senate and State House.[5] In 2001 and 2011, the Legislature and Governor produced 4 legislative plans – 2 State House and 2 State Senate – all of which were partisan gerrymanders[6] and led to more litigation as well.[7]

While this failure, turmoil, and litigation engulfed the creation of legislative plans from the 1960's through the 2010's, the federal courts were similarly reluctantly drawn into the Congressional redistricting process. From the 1970's through the 1990's the Legislature and Governor deadlocked on Congressional plans

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[3] *In re Apportionment of State Legislature – 1964*, 373 Mich. 250; 128 N.W.2d 722 (1964); *In re Apportionment of State Legislature – 1972*, 387 Mich. 442; 197 N.W.2d 249 (1972); *In re Apportionment of State Legislature – 1982*, 413 Mich. 96; 321 N.W.2d 565 (1982) (*per curiam*), *appeal dismissed*, 459 U.S. 900 (1982).

[4] *In re Apportionment of State Legislature – 1982*, *supra.*

[5] *In re Apportionment of State Legislature – 1992*, 439 Mich. 251; 483 N.W.2d 52 (1992).

[6] *See Benson*, *supra* (finding 34 legislative and Congressional districts in the 2011 plans were partisan gerrymanders); Center for Michigan, *Re-Drawing Michigan* at 12-13 (2011) (describing Republican gerrymandering of the 2001 legislative plans).

[7] *See NAACP v. Snyder*, 879 F. Supp. 2d 662 (E.D. Mich. 2012) (3-judge court) (dismissing VRA claims against State House plan); *O'Lear v. Miller*, 222 F. Supp. 2d 862 (E.D. Mich. 2002) (3-judge court), *aff'd*, 537 U.S. 997; 123 S. Ct. 512; 154 L. Ed. 2d 391 (2002) (dismissing partisan gerrymandering claim against both legislative plans).

leading to federal court-ordered plans.[8] The 2001 and 2011 Congressional plans were enacted by the Legislature and Governor but were partisan gerrymanders,[9] and produced other litigation as well.[10]

Overall, in the last 6 decades Michigan has needed 3 redistricting plans – Congressional, State Senate, and State House – each decade for a total of 18 plans. The result during that period? Eleven (11) judicially ordered plans and 7 gerrymandered plans produced by the Legislature and Governor. During those 6 decades the prior commission, the Legislature, and the Governor produced *no plans* which weren't partisan gerrymanders.

It was against this history of a failed commission controlled by the Democratic and Republican Parties, failure by the Legislature and Governor to enact plans, partisan gerrymandering by the Legislature and Governor in 1964, 2001, and 2011, and 55 years of serial judicial intervention to draw plans that the voters of Michigan in 2018 created a new commission. Learning from the failures of the past, the new commission excludes the Legislature and Governor from redistricting, is not

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[8] *Dunnell v. Austin*, 344 F.Supp. 210 (E.D. Mich. 1972); *Agerstrand v. Austin*, No. 81-40256 (E.D. Mich. unpublished opinion 1982) (3-judge court); *Good v. Austin*, 800 F.Supp. 557 (E.D. & W.D. Mich. 1992) (3-judge court). There was a legislatively adopted congressional plan in effect from 1964 until 1972, but it was tainted by allegations of partisan gerrymandering. *See Dunnell, supra*, 344 F.Supp. at 217.

[9] *See* note 6, *supra*.

[10] *See LeRoux v. Secretary of State*, 465 Mich. 594; 640 N.W.2d 849 (2002) (denying review of 2001 congressional plan).

controlled by the political parties or their agents, and has new safeguards against partisan gerrymandering. Michigan's "laboratory of democracy" continues to attempt to solve the challenge of redistricting.

INTRODUCTION

Just as the people of Arizona have rid themselves of the "recurring redistricting turmoil," "controversy," and litigation created by the legislature performing redistricting[11] so the people of Michigan have now discarded the dysfunction of the last 55 years for a new redistricting commission. Through this litigation the partisans responsible for the chaos and gerrymandering of the last 6 decades seek to return to the *status quo ante* by destroying the new commission before it can even begin its work. The First and Fourteenth Amendments do not so require.

ARGUMENT

THE NEW MICHIGAN REDISTRICTING COMMISSION SHOULD BE UPHELD

Federal courts should defer to Michigan's right to autonomously organize its redistricting commission. Alternatively, assuming arguendo that Plaintiff-Appellants' First and Fourteenth Amendment rights are burdened by the new Michigan redistricting provisions at issue and that strict scrutiny applies – neither of

[11] *Arizona State Legislature v. Arizona Independent Redistricting Commission*, 576 U.S. ___, ___; 135 S. Ct. 2652, 2661; 192 L. Ed. 2d 704 (2015).

which are true – the provisions should be upheld because they advance several compelling state interests recognized by the Supreme Court and this Court, and they do so in a closely drawn way consistent with their prophylactic purposes.

I. Michigan's Right To Autonomously Organize Its Redistricting Commission Warrants The Highest Level Of Deference.

The Supreme Court has long held that equal protection "scrutiny will not be so demanding where we deal with matters resting firmly within a state's constitutional prerogatives." *Sugarman v. Dougall*, 413 U.S. 634, 648; 93 S. Ct. 2842; 37 L. Ed. 2d 853 (1973). The Court described those prerogatives in a way which includes a redistricting commission such as Michigan's as well as the qualifications and method of selection for its members:

> [E]ach State has the power to prescribe the qualifications of its officers and the manner in which they shall be chosen." *Boyd v. Thayer*, 143 U.S. 135, 161 (1892). See *Luther v. Borden*, 7 How. 1, 41 (1849); *Pope v. Williams*, 193 U.S. 621, 632-33 (1904). Such power inheres in the State by the virtue of its obligation, already noted above, "to preserve the basic conception of a political community." *Dunn v. Blumstein*, 405 U.S. at 344. And this power and responsibility of the State applies,…to persons holding state elective or *important nonelective* executive, *legislative*, and judicial *positions, for officers who participate directly in the formulation, execution*, or *review of broad public policy perform functions that go to the heart of representative government*.

Id. at 647 (emphasis added).[12]

There is nothing "that go[es] to the heart of representative government" more than the method a state chooses to design the districts from which the people elect their legislators and representatives in Congress. *See, e. g., Reynolds v. Sims*, 377 U.S. 533, 564; 84 S. Ct. 1362; 12 L. Ed. 2d 506 (1964) ("State legislatures are, historically, the fountainhead of representative government in this country.").

In upholding the Arizona Independent Redistricting Commission against a federal constitutional challenge, the Supreme Court grounded its decision in this well-established deference to a state's right to autonomy in organizing its government:

> [It] is characteristic of our federal system that States retain autonomy to establish their own governmental processes. See *Alden v. Maine*, 527 U.S. 706, 752 (1999) ("*A state is entitled to order the processes of its own governance."*) The Federalist No. 43, at 272 (J. Madison) ("*Whenever the states may choose to substitute other republican forms, they have a right to do so."*). "Through the structure of its government, and the character of these who exercise government authority, a state defines itself as sovereign." *Gregory v. Ashcroft*, 501 U.S. 452, 460 (1991).

Arizona State Legislature, supra, 576 U.S. at _____; 135 S. Ct. at 2673 (emphasis added); *see also Lewis v. Casey*, 518 U.S. 343, 349; 116 S. Ct. 2174; 135 L. Ed. 2d

[12] Under the Michigan Constitution the commission is performing a legislative function, *see* Mich. Const. Art. 4, §6(22), and its members are state officers, *see id*. Art. 11, §5.

606 (1996) ("it is not the role of the courts, but *that of the political branches, to shape the institutions of government*....") (emphasis added).

The Court in *Arizona State Legislature* went on to describe the many benefits of deferring to a state's right to organize its own government:

> *Deference to state lawmaking* "allows local policies 'more sensitive to the diverse needs of a heterogeneous society,' permits 'innovation and experimentation,' enable greater citizen 'involvement in democratic processes,' and makes government 'more responsive by putting then States in competition for a mobile citizenry.'" *Bond v. United States,* 564 U.S. __, __; 131 S. Ct. 2355, 2364; 180 L. Ed. 2d 269, 280 (2011) (quoting *Gregory*, 501 U.S., at 458).

576 U.S. at __; 135 S. Ct. at 2673 (emphasis added).

In accordance with these precedents deferring to a state's right to organize its government, the Court refused to use the federal constitution's Elections Clause to interfere Arizona voters' choice to create an independent redistricting commission through a citizen-initiated state constitutional amendment. *See id.*

Under this case law, a state's right to autonomy in creating the method of designing its legislative and congressional districts is at its zenith. Similarly, deference to that state autonomy is also at its pinnacle.[13]

[13] The commission's product, the districts themselves, are of course subject to federal and state constitutional and statutory standards, and judicial review in their composition.

The Supreme Court's decision in *Rucho v. Common Cause*, ___ U.S. ___; 139 S. Ct. 2484; 204 L. Ed. 2d 931 (2019), reinforced a state's right to autonomy in designing the method of redistricting and the need for the highest level of deference to a state's choice of methods.

In *Rucho*, the Court recognized that "[e]xcessive partisanship in districting" is "gerrymandering" which is "incompatible with democratic principles," ___ U.S. at ___; 139 S. Ct. at 2506 (quoting *Arizona State Legislature*, 576 U.S. at ___;135 S. Ct. at 2658). However the Court went on to hold that claims of unconstitutional partisan gerrymandering "present political questions beyond the reach of the federal courts." *Id*. Thus there is a federal constitutional right to be free from partisan gerrymandering but there is no federal court remedy.

Instead of a federal court remedy, the Court said that the remedy lay with the states. *See* ___ U.S. at ___; 135 S. Ct. at 2507. Thus the Court essentially delegated the issue of remedy for partisan gerrymandering to the political processes of the states. Chief Justice Roberts in his opinion for the Court in *Rucho* singled out Michigan's remedy, the commission at issue here which had been directly adopted by the voters:

> Indeed, numerous other States are restricting partisan considerations in districting through legislation. One way they are doing so is by placing power to draw electoral districts in the hands of independent commissions. For example, in November 2018, voters in Colorado and Michigan approved constitutional amendments creating

> multimember commissions that will be responsible in whole or in part for creating and approving district maps for congressional and state legislative districts. See Colo. Const., Art. V, §§44, 46; Mich. Const., Art. IV, §6.

Id.

Yet now opponents of Michigan's remedy, which has been cited by the Supreme Court as an alternative to an unavailable federal court remedy, ask the federal courts to dismantle it.

In this rare constitutional situation where the federal courts have no jurisdiction to enforce the constitutional right to be free from partisan gerrymandering because it is a political question, Supreme Court precedents from *Sugarman* to *Alden* to *Arizona State Legislature* to *Rucho* support the highest level of deference to the remedy created by a political branch, the voters of the State of Michigan. Put another way in the *absence* of federal court enforcement there should be maximum deferral to a state's chosen means of enforcing a federal constitutional right in the redistricting context.[14]

[14] Judicial deference to state autonomy is particularly appropriate where, as here, the voters – the ultimate sovereign – have bypassed recalcitrant state elected officials to solve a problem themselves. *See Arizona State Legislature, supra* (upholding a voter initiative creating a redistricting commission); *Schuette v. Coalition to Defendant Affirmative Action*, 572 U.S. 291, 311; 134 S. Ct. 1623; 188 L. Ed. 2d 613 (2014) (plurality opinion) (sustaining a voter-approved constitutional amendment under which Michigan voters bypassed public officials who were not responsive to the majority on the issue of affirmative action).

Such deference is not only supported by decades of Supreme Court precedent but is consistent with the Supreme Court's own approach when there are concurrent enforcement powers in the federal courts and in a federal political branch.

In those situations the Court has held that the federal political branch's efforts are owed "much deference." For example, in *City of Boerne v. Flores,* 521 U.S. 207; 117 S. Ct. 2157; 138 L. Ed. 2d 624 (1997), the Court considered the scope of Congress' enforcement power under the Fourteenth Amendment. While holding that Congress exceeded its power in enacting the statute at issue, the Court also held that as a general matter:

> It is for Congress in the first instance to "determine whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment," and its conclusions are entitled to much deference. *Katzenbach v. Morgan*, 384 U.S. at 651.

Id. at 536.[15]

If the federal courts in *concurrent* enforcement situations should show "much deference" to the political branches, maximum deference is appropriate to a state redistricting mechanism intended to prevent a constitutional evil, partisan gerrymandering, in the *absence* of a concurrent federal court remedy.

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[15] There are other areas of the law where the federal courts are highly deferential to the actions of state actors such as habeas corpus review and qualified immunity. *See, e.g.,* Cole, *The Value of Seeing Things Differently: Boerne v. Flores and Congressional Enforcement of the Bill of Rights*, 1997 Supreme Court Review 31, 71-73.

Michigan's redistricting commission deserves the highest level of judicial deference.

II. The Exclusion Of The Political Parties Serves Michigan's Compelling State Interests In A Redistricting Process Which Works Without Court Intervention And Prevent Partisan Gerrymanders.

It cannot be gainsaid that Michigan has compelling interests in a functional redistricting process so it can govern itself, stay out of federal court, and prevent partisan gerrymandering because the Supreme Court has recognized that gerrymandering is "incompatible with the democratic principles," *Rucho, supra*, __ U.S. at ____; 139 S. Ct. at 2506 (quoting *Arizona State Legislature, supra*, 576 U.S. at____; 135 S. Ct. at 2658).

However, as the Supreme Court also has held, the federal courts have no role in remedying partisan gerrymandering, *see Rucho, supra,* and should be the last resort in the redistricting process, *see, e.g.*, *Chapman v. Meier*, 420 U.S. 1, 27; 95 S. Ct. 751; 42 L. Ed. 2d 766 (1975) ("reapportionment is primarily the duty and responsibility of the state through its legislature or other body, rather than of a federal court.").

Thus, given that the federal courts can provide no remedy for partisan gerrymandering and are extremely reluctant to engage in redistricting at all, it falls

to Michigan to protect its compelling interests in a functional redistricting process which reduces litigation and prevents partisan gerrymandering.[16]

This is precisely what Michigan has done with the creation of a new redistricting commission. During the last 6 decades, Michigan has needed 3 plans – Congressional, State Senate, and State House – for each decade, a total of 18 plans. The processes which gave the major political parties and their operatives a role – the former commission or the regular legislative/executive process - produced *no plans* in 11 instances and partisan gerrymanders in 7 others. As that historical record illustrates, giving a controlling role to the political parties – whether through a commission or through the Legislature or Governor - leads to gridlock or to partisan gerrymandering.

Based on the hard-earned lessons of history, Michigan has enacted a reasonable prophylactic rule going forward excluding the political parties and their operatives from a formal role in the new commission. The political parties and their operatives remain free to advocate before the commission, speak freely about its activities, and appeal its decisions.

[16] Indeed, this Court and the federal district courts in Michigan, which have seen several cases involving redistricting during the last 55 years, virtually all of them requiring 3-judge panels, also have a substantial interest in a much less litigious Michigan redistricting process. One way for federal courts to adhere to the Supreme Court's instructions to stay out of redistricting is to allow states to create a redistricting process which yields plans not gridlock.

The Supreme Court and this Court have recognized that when a state has a strong interest, even an interest which may collide with the First Amendment, it can undertake prophylactic measures such as this one to protect its interests. *See, e.g., Ohralik v. Ohio State Bar Association*, 436 U.S. 447, 466-67; 98 S. Ct. 1912; 56 L. Ed. 2d 444 (1978) (upholding as a prophylactic rule Ohio's regulation of attorney solicitation); *Schickel v. Dilger*, 925 F. 3d 858, 873-75 (6th Circuit 2019) (upholding prophylactic legislation banning lobbyist contributions and gifts to legislators as serving compelling state interests).

The role that the Michigan Republican Party here demands – formal inclusion in the new commission and control of the selection of the Republicans who serve on it - would resurrect the failed redistricting system Michigan voters rejected in 2018 after 55 years of dysfunction. Because it is contrary to Michigan's compelling interests in a functional redistricting system without partisan gerrymandering, the First and Fourteenth Amendments do not require Michigan to return to that demonstrably failed system by abandoning a historically justified prophylactic alternative.

III. The Disqualification Provisions Serve Several Compelling Interests.

To ensure the new commission serves Michigan's compelling interests in creating redistricting plans without litigation and partisan gerrymandering, Michigan voters also adopted prophylactic restrictions on who can serve on the commission.

Those restrictions are not only historically justified but also advance several compelling interests in a closely drawn way consistent with their prophylactic purposes.

In determining whether prophylactic rules are closely drawn this Court has held that this

> requires "a fit that is not necessarily perfect, but reasonable; that represents not necessarily the single best disposition but one whose scope is 'in proportion to the interest served,' … that employs not necessarily the least restrictive means but … a means narrowly tailored to achieve the desired objective." *Id.* At 2018 (quoting *Board of Trustees v. Fox*, 492 U.S. 469, 480, 109 S. Ct. 3028, 106 L. Ed. 2d 388 (1989).

Schickel, supra, 925 F.3d at 873.

The restrictions at issue meet this Court's standards of a "reasonable" fit "in proportion to the interest served."

A. Avoiding Conflicts of Interest Is a Compelling Government Interest

The Supreme Court has recognized that redistricting commissions fulfill the compelling state interest "in limiting the conflict of interest implicit in legislative control over redistricting." *Arizona State Legislature, supra*, 576 U.S. at ___; 135 S. Ct. at 2676 (quoting Cain, *Redistricting Commissions: A Better Political Buffer?*, 121 Yale L.J. 1808, 1808 (2012).

The compelling interest in avoiding conflicts of interest is not only served by a commission replacing the conflict-ridden Legislature, it is also served by

structuring the commission itself to ensure that the commission does not become coopted by the Legislature or the agents of current or future legislators.

The natural inclination of incumbent legislators and Members of Congress, candidates for those offices, and possible future candidates for those offices serving in local office or active in a political party, is to draw districts which advance their interest in being elected. *See Benson, supra,* 373 F. Supp. 3d at 886, 889-90 (2011 Congressional and legislative plans were drawn by incumbents to protect themselves). That creates a conflict of interest.

Other partisan state elected officials would have the same conflict of interest if allowed serve on the commission, particularly given Michigan's term limits which have created a revolving door of people moving from office to office. For example, former Secretary of State Ruth Johnson is now a State Senator. *See* 2019-20 Michigan Manual at 153. Local officials in partisan and non-partisan office run for and are elected to the Legislature and Congress, creating a conflict of interest if they were on the commission and had a hand in creating districts in which they may run. *See* 2019-20 Michigan Manual at 146-66, 179-234 (biographies of 148 current legislators indicate many previously served in local elective office).

Many state and local political party officials also run for the Legislature. *See id*. (many current legislators are current or former political party leaders or

members). They would have a conflict of interest if allowed to serve on the commission and help draw districts in which they could run for office.

The employees, campaign workers, consultants, and immediate family members of all the people described above would be nothing more than their agents if allowed to serve on the commission. Employees, campaign workers, and consultants all have a strong economic interest – their jobs – in serving as the agents of their legislative employers on the commission. *See, e.g.*, *Benson, supra,* 373 F. Supp. 3d at 886 (2011 map drawer states that "[e]very [legislative] staffer's political future… depended on how the lines turned out"). Some legislative employees later run for the Legislature themselves. *See* 2019-20 Michigan Manual at 146-66, 179-234 (several current legislators are former legislative employees). That creates a conflict as well. Immediate family members not only have an economic interest in helping their officeholder/candidate/potential future candidate family members but a sense of family loyalty as well creating a conflict of interest for them.

For all these reasons the disqualification from service on the commission of the persons listed in Michigan Constitution Article 4, §6(1)(b)(i)-(v) and (c) serve Michigan's compelling interest in avoiding conflicts of interest by those serving on the commission. Those disqualification categories are a "reasonable" fit "in proportion to the interest served," *Schickel, supra*, 925 F.3d at 873.

B. Michigan Has Compelling State Interests in Fostering Electoral Competition, Reducing the Advantage of Incumbency, Encouraging New Candidates, Dislodging Entrenched Leaders, Curbing Special Interest Groups, and Decreasing Political Careerism.

In upholding Michigan's legislative term limits against First and Fourteenth Amendment challenges, this Court found that "foster[ing] electoral competition by reducing the advantages of incumbency and encouraging new candidates," as well as "dislodging entrenched leaders, curbing special interest groups, and decreasing political careerism" were all compelling government interests. *Citizens for Legislative Choice v. Miller*, 144 F. 3d 916, 923 (6th Circuit, 1998).

Each category of prophylactically disqualified persons advances one or more of those compelling interests, and is justified by the dysfunctional history of Michigan redistricting since the 1960's rendering them a "reasonable" fit "in proportion to the interest served," *Schickel, supra*, 925 F.3d at 873.

1. Section 6(1)(b)(i)

This provision bars declared candidates for partisan federal, state, and local office from commission service. Not only does it serve Michigan's compelling interest in avoiding conflicts of interest as described *supra*, but it also serves the compelling interests in "fostering electoral competition," "encouraging new candidates," and "decreasing political careerism." For example, incumbent legislators who were eligible for reelection helped craft the 2011 districts in order to discourage "electoral competition" and "new candidates", and to further their own

careers. *See Benson, supra*, 373 F. Supp. 3d at 882-84, 886-90. Removing them from the process will increase competition, draw new candidates, and discourage political careerism.

2. Section 6(1)(b)(ii)

This section prohibits elected officials in federal, state, and local office from commission service.

Elected officials already enjoy an up to 20% advantage over non-incumbents in election campaigns. *See* Warshaw, *"Local Elections and Representation in the United States,"* 2019 Annual Review of Political Science 461, 469 (Figure 4). Allowing them to help draw their own districts would give them an insurmountable advantage and perpetuate the previous failed process.

Therefore, this section advances Michigan's compelling interests in avoiding conflicts of interest detailed *supra*, "dislodging entrenched leaders," and "decreasing political careerism." Because state and federal elected officials were intimately involved in the 2011 gerrymanders, *see Benson, supra,* 373 F. Supp. 3d at 882-84, 886-90 (map drawers' goals included protecting every Republican incumbent Member of Congress and every Republican incumbent State Senator), their exclusion also protects Michigan's compelling interest in preventing partisan gerrymanders.

3. Section 6(1)(b)(iii)

This section stops an "officer or member of the governing body of a national, state, or local political party" from serving on the commission. This provision helps root out one of the major causes of redistricting dysfunction in Michigan since 1963: the political parties.

As detailed *supra* the original political party-controlled redistricting commission failed during the 30 years it was in effect to produce any plans. National and state party officials played central roles in the gerrymandering of Michigan's redistricting plans in 2001 and 2011. *See* note 6 *supra*. For example the Michigan Republican Party chair was a key player in the 2011 gerrymanders – attending meetings at which plans were discussed, serving as a conduit for the wishes of party donors, and having input into districts. *See Benson, supra,* 373 F. Supp. 3d at 886, 890-91. One of the drawers of the 2011 gerrymandered maps was the former executive director of the Michigan Republican Party. *See id.* at 883. He was also one of the architects of the 2001 partisan gerrymanders. *See id*. National party officials and organizations helped craft the 2011 gerrymanders as well. *See id* at 882-83.

Moreover, these party leaders are also potential future candidates so their presence on the commission would create a conflict of interest which Michigan has a compelling interest in avoiding. *See supra* Section III.A.

Thus the exclusion of political party leaders advances compelling interests in preventing gerrymandering, "dislodging entrenched leaders," "decreasing political careerism," and avoiding conflicts of interest.

4. Section 6(1)(b)(iv)

This section prohibits consultants or employees of federal, state, or local elected officials or candidates, employees or consultants to their campaigns, and consultants or employees of PACs from commission service.

Not only do these employees and consultants have a conflict of interest creating a compelling interest in their exclusion, *see supra* Section III.A., but historically these employees have played important roles in partisan gerrymandering providing another compelling interest in exclusion. *See Benson, supra,* 373 F. Supp. 3d at 883-90 (several legislative employees had a role in the 2011 gerrymanders). Political consultants helped draw the gerrymandered maps in 2011. *See id.* at 883-91. These employees and consultants have made careers in politics, *see, e.g., id*., and therefore Michigan's compelling interest in "decreasing political careerism" is furthered by this exclusion as well.

To sum up, compelling interests in avoiding conflicts of interest, preventing partisan gerrymandering, and "decreasing political careerism" are all served by this provision.

5. Section 6(1)(b)(v)

This provision disqualifies legislative employees from commission service.

Nearly a dozen legislative employees helped draw or were involved in the 2011 gerrymanders. *See Benson, supra,* 373 F. Supp. 3d at 883-90. Those employees also had long careers in partisan politics. *See id.* Some legislative employees later run for the Legislature creating a conflict of interest if they could serve on the commission. *See* 2019-20 Michigan Manual at 146-66, 179-234 (several current legislators were formerly legislative employees).

Thus this exclusion advances compelling interests in preventing gerrymandering, stopping conflicts of interest, and "decreasing political careerism."

6. Section 6(1)(b)(vi)

This section bars lobbyists and their employees from serving on the commission.

With good reason.

When asked about the role of lobbyists in the Legislature, a leading Lansing lobbyist recently said: "We're running things." Michigan Advance, *History-making lobbyist reflects on more than 50 years in the business,* at 4 (December 28, 2019) (copy in Addendum).

Lobbyists' stock-in-trade is influence with legislators. A lobbyist or lobbyist employee who serves on the redistricting commission and has the ability to influence

the creation of 148 districts which will be occupied by hundreds of legislators during the subsequent decade, can use that position to help or hurt incumbent legislators and future candidates, thereby leveraging that commission position for his/her economic and political benefit.

Michigan has a compelling interest in "curbing special interest groups." Lobbyists are themselves such a group and their bread and butter is representing special interests groups. Keeping lobbyists and their employees off the commission serves that compelling interest.

Some lobbyists also run for the Legislature. *See* 2019-20 Michigan Manual at 146-66, 179-234 (legislative biographies disclose that some formerly lobbied). Thus, lobbyists also have a conflict of interest if allowed to serve.

The compelling government interests in "curbing special interest groups" and preventing conflicts of interest sustain this provision.[17]

[17] In *Schickel, supra*, this Court held that a ban on lobbyists providing "anything of value" to a legislator served the compelling government interests in preventing corruption and the appearance of corruption. 925 F. 3d at 875. A lobbyist helping to craft districts for legislators is providing considerable value to those legislators. To the extent excluding lobbyists from the commission prevents such "gifting" it serves the compelling government interests in preventing corruption and its appearance.

7. Section 6(1)(b)(vii)

This section prevents state employees who are not in the classified civil service from serving on the commission. As with all other exclusions this one is rooted in Michigan experience and serves compelling interests.

Michigan has a nonpartisan, merit-based civil service system for state employees. *See* Mich. Const. Art. 11, §5. However, there are over 100 positions in the Governor's office and the 20 departments of state government which are exempt from that system. *See id.* ¶1; These positions are for at-will political appointees. *See* Mich. Const. Art. 11, §5; 1961-62 Constitutional Convention Comment ¶2; Michigan Attorney General Opinions Nos. 4783 (1973), 4484 (1965), 4272 (1963-64).

Historically, these positions are often filled with people from an elected official's past or future election campaigns. For example, Michigan Attorney General Schuette, who served from 2011 until 2019, made these appointments to unclassified positions in the Department of Attorney General:

- Gerald Hills was Schuette's Senior Advisor. Hills, who formerly worked 10 years for Governor John Engler as Director of Communications and later as Chair of the Michigan Republican Party, among other partisan work, had a senior position on Schuette's 2010 and 2014 campaigns. He also worked on Schuette's 2018 campaign for

governor. *See* Detroit Free Press, "*Bill Schuette stocks AG staff with GOP operatives*" (December 15, 2017) (copy in Addendum).

- John Sellek was Schuette's Director of Public Affairs. Sellek worked on Schuette's 2014 reelection campaign and on Schuette's 2018 gubernatorial campaign. Previously he worked for Governor Engler, for Republicans in the State Legislature and for the Michigan Republican Party. *See id.*
- Dennis Starner was Schuette's driver. *See id.* A former Chair of the Midland County Republican Party, he also served as Treasurer of Schuette's political candidate committees, overseeing the raising and spending of tens of millions of dollars by those entities.

Given the partisan political nature of the persons appointed to exempt positions, their exclusion from the commission serves Michigan's compelling interests in avoiding conflicts of interest and "decreasing political careerism."

8. Section 6(1)(c)

This section prohibits immediate family members of disqualified persons from serving on the Commission.

The Michigan Legislature has had at least 40 family dynasties since the 1980's, defined as 2 or more immediate family members who share the same last name succeeding each other in the Legislature. *See* Detroit Free Press, *How family*

dynasties dominate Michigan politics (December 6, 2017) (copy in Addendum); Michigan Manuals, 1980-present. These family dynasties occur in many different ways: spouses succeeding spouses, children succeeding parents, parents succeeding children, spouse-spouse-child, siblings, etc. *See id.*

These dynasties are on both sides of the aisle from everywhere in Michigan, from the Rocca's of Macomb County (over 30 family years in the Legislature) to the Leland's of Detroit (over 30) to the Posthumus's of Kent County (over 20) to dozens more families with 10, 20, or 30 plus years in the Legislature. *See id*.[18]

These dynasties bring enormous electoral advantages to the second, third, or fourth family member who runs in terms of name recognition which is a very important factor in winning elections. *See id.*

If in addition to name recognition, immediate family members of legislators or their agents were allowed to serve on the commission, their ability to create or perpetuate a family dynasty would be enhanced. When combined with name recognition, opposing candidates would face a difficult if not impossible challenge: defeating a candidate with name recognition whose family may have helped draw the district in which the election occurs.

[18] Many of these families also have or have had members in statewide, federal, or county office. *See id*.

The bar on service by immediate family members thus plainly serves Michigan's compelling interests in "fostering electoral competition," "encouraging new candidates," "dislodging entrenched leaders," and "decreasing political careerism."

CONCLUSION AND RELIEF SOUGHT

For the reasons stated proposed *Amicus Curiae* League of Women Voters of Michigan urges the Court to affirm the decision of the District Court.

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Dated: February 7, 2020

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ADDENDUM

1. *"Schuette pads AG staff with GOP operatives"*

2. *"How family dynasties dominate Michigan politics"*

3. *"History-making lobbyist reflects on more than 50 years in the business"*

ADDENDUM 1

Schuette pads AG staff with GOP operatives

Paul Egan, **Detroit Free Press** Published 6:44 a.m. ET Dec. 15, 2017 | **Updated 5:17 p.m. ET Dec. 16, 2017**

(Photo: Elaine Cromie/Special to the Free Press)

LANSING — Michigan Attorney General Bill Schuette has loaded his taxpayer-funded office payroll with Republican campaign activists in the run-up to his 2018 campaign for governor, a Free Press investigation has found.

Schuette also has used no-bid state contracts to pay more than $130,000 to two influential Republicans — one of whom has been active in the tea party movement that is important in winning a Republican primary, records show.

The state constitution and civil service rules prohibit hiring or firing employees based on partisan considerations, enshrining the idea that a professional state workforce based solely on merit should remain in place, regardless of what party or leader is in power.

But this year, in advance of his September announcement that he is running for governor, Schuette hired as civil servants four "constituent relations representatives," also known as "executive office representatives," who are all Republican activists or experienced GOP campaign operatives, records obtained under Michigan's Freedom of Information Act show.

Also read:

Michigan gubernatorial candidates rack up endorsements more than a year before elections (https://www.freep.com/story/news/2017/10/10/michigan-gubernatorial-candidates-endorsements/748041001/)

Ted Nugent endorses Bill Schuette for governor (https://www.freep.com/story/opinion/columnists/mike-thompson/2017/11/16/ted-nugent-endorses-bill-schuette-governor/872433001/)

They joined other highly politicized appointees and civil servants on Schuette's executive staff, all paid for by taxpayers. They include Schuette's driver, a political appointee who is paid more than $82,000 a year as a "special assistant" but doubles as Schuette's campaign treasurer, and two others with civil servant posts — a self-described "tea party organizer" and another constituent relations representative who was political director for Schuette's 2014 attorney general campaign and recently took a leave of absence to work full-time on his campaign for governor.

Schuette's executive office representatives are responsible for public outreach, giving speeches to service clubs and community groups, educating people about the department's programs and trouble-shooting issues raised by constituents, according to Schuette spokeswoman Andrea Bitely and department records.

Schuette's two predecessors — Republican Attorney General Mike Cox and Democratic Attorney General Jennifer Granholm — did not have these positions, though Cox had a director of constituent relations near the end of his eight years in office, state records show.

Michigan Attorney General Bill Schuette of Midland announces his gubernatorial campaign Tuesday, Sept. 12, 2017, at the Midland County Fairgrounds in Midland. *(Photo: Katy Kildee, Midland Daily News via AP)*

"That's a Bill Schuette thing ... making sure we have people out there who are listening," Schuette spokeswoman Andrea Bitely said.

"Receive rather than broadcast," she said.

"These people aren't hired because of their partisan politics. They're hired because they're the best and brightest."

More: Donors pay up to $100K a plate to hobnob with Gov. Rick Snyder at Little Caesars Arena (/story/news/local/michigan/detroit/2017/12/01/fundraiser-governor-rick-snyder-little-caesars-arena-brian-calley/914480001/)

More: Top Michigan governor candidates have more than $10M to spend (/story/news/local/michigan/2017/10/25/michigan-governor-election-shri-thanedar-funding/797795001/)

Schuette's recently hired constituent relations representatives, positioned in attorney general offices around the state, are:

- Judi Schwalbach: Hired in May as a constituent relations representative at about $50,000 a year, the former Escanaba mayor is an influential Republican in the Upper Peninsula who was a delegate to last year's Republican National Convention and attended President Donald Trump's inauguration. A member of the Republican State Committee, she works out of the attorney general's Marquette office.
- Luke Londo: Also hired in May, Londo, a $52,000-a-year constituent relations representative, was digital director for the 2014 campaign of U.S. Rep. Dan Benishek, R-Crystal Falls, and a former regional press secretary for the Michigan Republican Party. He works in the attorney general's Detroit office.
- Michael Sullivan: Hired in May as a $45,000-a-year constituent relations representative, Sullivan was coordinator of the 2014 state House campaign of Rep. Lee Chatfield, R-Levering, and has worked for a political consulting firm owned by Scott Greenlee, a former Schuette aide and campaign worker. He works in Lansing.
- Brandon Sinclair: Hired in March as a $35,000-a-year constituent relations representative, Sinclair is a former political coordinator for the Kent County Republican Party who managed the 2016 campaign of state Rep. Tommy Brann, R-Wyoming. He works in Grand Rapids.

A report filed in October shows Schwalbach, Sullivan and Sinclair were all paid expense reimbursements this year by Bill Schuette for Governor, meaning

each has been working on his campaign.

Schuette was unapologetic Dec. 6, when a reporter pointed out that his executive office representatives were Republican activists and Schuette supporters.

"They'd better be, or they're not going to be working for me," he said.

Schuette, who took office in 2011, softened his answer when asked whether that wouldn't violate civil service rules.

"You don't have to be a Republican, but you'd better have a relationship with Bill Schuette, or I wouldn't hire those people," he said. "I need to trust them, and I do."

Bitely said nobody does campaign work on state time, which would violate state law.

"I can't speak to what people are doing in their spare time," Bitely said.

Carter Bundy, a former field director for Michigan native Mitt Romney's presidential bid, illustrates the sometimes fluid relationship between Schuette's campaign and his state-funded office.

Andrea Bitely *(Photo: Paul Egan/Detroit Free Press)*

Bundy served as political director for Schuette's 2014 attorney general campaign – receiving close to $62,000 in wages and expense reimbursements from Schuette's campaign fund — while taking unpaid leave from his then $40,000-a-year civil service job as a constituent relations representative for the attorney general's office. Bundy, who returned to his full-time job after the campaign, recently took a leave of absence from his now $74,000-a-year job so he can work full-time on Schuette's gubernatorial campaign.

J. Edward Kellough, a professor of public administration at the University of Georgia and an expert on civil service reform, said the situation in Schuette's office sounds unusual.

"There has been a trend in recent years to increasingly politicize the civil service," Kellough said in an e-mail Thursday. "I find that a very troubling trend that can undermine the integrity of the civil service."

Bitely said the job openings were posted on the state website and a committee of departmental officials followed civil service rules by not asking candidates about political affiliations during interviews.

While the vast majority of attorney general employees are supposed to be hired based solely on merit, without considering their partisan politics, Schuette is allowed up to five appointees who are not subject to civil service rules and serve at his pleasure. Duties of those officials also overlap with Schuette campaigns.

Dennis Starner, Schuette's driver and longtime friend and sounding board, is paid more than $82,000 a year as a "special assistant," but has another role that is arguably of equal or greater importance. Starner, a former chairman of the Midland County Republican Party, handles the accounting of millions in campaign donations and expenditures as Schuette's campaign treasurer.

Rusty Hills, left, senior advisor to Bill Schuette and Michigan Attorney General Bill Schuette during an interview at the Free Press office in Detroit in June 2017. *(Photo: Junfu Han, Detroit Free Press)*

Schuette's other appointees include Rusty Hills, and John Sellek. Hills, who earns more than $157,000 a year as Schuette's director of public affairs, was paid about $93,000 for his work on the 2010 campaign and has received more than $1,300 in campaign expense reimbursements since Schuette took office. Sellek, who is paid more than $153,000 as Schuette's director of public relations, took an unpaid leave during the 2014 campaign and has received about $95,000 in campaign consulting fees and expense reimbursements since 2013.

The four new constituent relations representatives joined civil servants already serving in Schuette's executive office in Lansing, who records show have worked on his attorney general or gubernatorial campaigns, including:

- Wendy Anderson: The supervisor of Schuette's constituent relations representatives, Anderson, a frequent donor to Republican candidates and causes who has also listed her occupation as owner of a GOP campaign consulting firm called Election Resources, has worked for Schuette since he took office and is paid about $95,000 a year.
- Sharon Lollio: Paid about $81,000 as Schuette's deputy director of legislative relations, Lollio's Facebook page describes her as a "tea party organizer." She joined Schuette's office in 2011.

In rejecting suggestions that Schuette's work is driven by partisan interests, Bitely noted Schuette has worked closely with Genesee County Prosecutor David Leyton — a Democrat who ran against Schuette in 2010 — in prosecuting alleged crimes arising from the Flint water crisis.

Though having four constituent relations representatives in the attorney general's office is unique to Schuette, and the recently hired employees are new, the positions themselves are not. At least four GOP activists who worked for Schuette during his 2014 campaign for attorney general have since left their constituent relations positions. They are:

- Scott Greenlee: The president of Greenlee Consulting and the Michigan director of Sen. John McCain's 2008 presidential campaign, Greenlee, who left Schuette's office in 2016, was an $89,000-a-year constituent relations representative who received close to $7,400 in consulting fees and expense reimbursements from Schuette's campaign fund between 2010 and 2015. Greenlee stood out among Schuette insiders as an early supporter of Gov. Rick Snyder, who has frequently been at odds with Schuette and is not expected to endorse him for governor.
- Matt Hall: Schuette's former constituent relations representative in Grand Rapids was paid about $77,000 a year when he left in 2016. He is a Republican State Committee member and was 3rd Congressional District chairman of the Trump presidential campaign. Records show he worked on Schuette's 2014 campaign.
- Shannon Price: A former Republican Wayne County commissioner and Plymouth Township supervisor, Price was paid about $87,000 a year as a Schuette constituency relations representative in Lansing and Detroit until he left the office in 2015. He earlier served as a political appointee to both Schuette and his predecessor, Cox, before moving to the civil service late in 2011.

- Stanley Grot: Now a Republican candidate for Secretary of State, Grot was an attorney general executive office representative under Schuette until February 2012, when he launched his successful campaign for Shelby Township clerk, records show. Grot, a GOP district chair, is a former Sterling Heights city councilman and Macomb County commissioner.

Records obtained under FOIA show that since 2011, Schuette has awarded a series of contracts to Glenn Clark, a former president of the Michigan Faith and Freedom Coalition, a former Michigan GOP district chair who was an Oakland County tea party activist.

The contracts, each worth between $25,000 and $50,000, are for making presentations related to Schuette's programs on Internet safety, protections for seniors, and the OK2SAY student safety initiative, records show.

Bitely said the total amount paid to Clark under the contracts was just under $117,000.

Though the contracts weren't awarded through competitive bidding, which Bitely said was not required, interested vendors had to submit a résumé and/or cover letter and be interviewed by Schuette's consumer protection team.

"We are interested in candidates who are comfortable with technology and speaking in front of an audience," as well as "diversity in terms of geographic location, race, and gender," she said. Most of the 36 current contractors are former educators, she said.

Clark, who is supporting Schuette for governor, said Schuette's office felt his experience organizing school fund-raising projects with Nestlé was a benefit in arranging appointments for presentations in schools.

Clark said Wednesday he left the Faith and Freedom Coalition in 2013 and doesn't currently have time for tea party activities because he is caring for his 99-year-old grandmother.

Schwalbach, the former Escanaba mayor, received just under $14,000 through similar contracts before Schuette hired her as a civil servant this year, Bitely said.

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ADDENDUM 2

How family dynasties dominate Michigan politics

Kristen Jordan Shamus, Detroit Free Press Published 6:00 a.m. ET Dec. 6, 2017 | Updated 10:17 a.m. ET Dec. 6, 2017

(Photo: STEFAN ZAKLIN, EPA)

What's in a name? Political advantage.

At least that could be the case when it comes to the congressional seat once held by John Conyers.

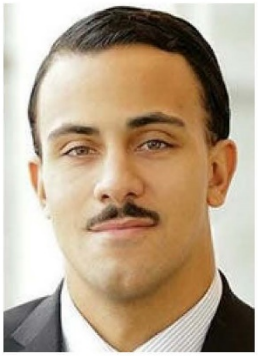
The Detroit Democrat retired Tuesday amid sexual harassment claims from the seat in the U.S. House of Representatives he has held for 53 years. As he announced his retirement, the outgoing congressman also endorsed his 27-year-old son, John Conyers III, to be his successor.

At the same time, his grandnephew, state Sen. Ian Conyers, also a Detroit Democrat, declared himself a candidate for the seat.

Could there be another Conyers in Congress?

Absolutely, said Marjorie Sarbaugh-Thompson (https://clasprofiles.wayne.edu/profile/aa2895), a professor of political science at Wayne State University.

"That is an extremely prominent phenomenon if you look in Michigan, especially after term limits," Sarbaugh-Thompson said. The effort to curtail decades-long political dynasties essentially backfired in that way, as relatives of elected officials have ridden into office on the coattails of relatives forced out by term limits.



State Sen. Ian Conyers, D-Detroit. *(Photo: Detroit Free Press)*

"If you think about it in Macomb County, you had the Roccas. You had Sal and Sue and Tory Rocca. Up near Central Michigan University, in that neck of the woods, you had Sandy Caul for a House seat, and then Bill Caul, her husband, took that over. In southwest Michigan, you had Mick Middaugh, and then he was replaced by his wife, Mary Ann Middaugh.

"The list just goes on and on and on. It's not a Republican or a Democratic thing. All three of those I just named are Republican. It's not a pattern that is unique to any political party, and it is extremely common."

FILE PHOTO -- Former state Rep. Sal Rocca poses for a picture with his son state Rep. Tory Rocca inside the Capitol Rotunda in Lansing, Mich., Wednesday, June, 13, 2012. *(Photo: Andre J. Jackson, Detroit Free Press)*

The Dingell family is another example of a Michigan political dynasty. The longest-serving congressman in U.S. history — he served 59 years — is John Dingell Jr., a Dearborn Democrat who was voted into his congressional seat upon the death of his father, John Dingell Sr. The elder Dingell served 22 years in the U.S. House.

When John Dingell Jr. retired in 2015, his wife, Debbie Dingell, ran for and won the 12th Congressional District seat she still holds.

2014 FILE PHOTO -- U.S. Rep. John Dingell and his wife, Debbie Dingell, pose for a photo following a luncheon where Dingell addressed his retirement as the longest-serving member of Congress Southgate on Feb. 24, 2014. *(Photo: Ryan Garza, Detroit Free Press)*

"There's kind of a joke in political science that there are three things that matter in winning elections, especially in seats when turnout might be low," Sarbaugh-Thompson said.

"The first thing that's important is name recognition. The second thing that's important is name recognition. The third thing that's important is name recognition. Hence, the reason you see this pattern."

Consider LaMar Lemmons III, who knew in 2004 that he'd be unable to serve more than two more years in the state House of Representatives because of term limits.
So he talked his father, LaMar Lemmons Jr., into running for the seat to extend his influence in Lansing.

Former State Rep. LaMar Lemmons III, left, and his father former state Rep. LaMar Lemmons Jr., pose for this file photo on Aug. 4, 2004, in front of their headquarters in Detroit. The Lemmons name is known on the city's east side. *(Photo: William Archie, Detroit Free Press)*

He told the Free Press in a 2012 interview that once his father was elected, "I ran all the policy, all the bills." His father had been recruited to run for office to serve as a proxy for his son.

Sarbaugh-Thompson said in one recent election, "they weren't all running in the same district, but there were three LaMar Lemmonses running."

It's further evidence that "name recognition really matters. It's one of the reasons that money matters so much in politics is became money is so key to get your name out there. If you don't have to really hammer getting your name out there, then half the battle is won."

It worked for U.S. Rep. Dan Kildee, too. The Flint Democrat was elected to Congress in 2012, filling the spot his uncle Dale Kildee held for more than three decades.

Dan Kildee is the U.S. Rep. for Michigan's Fifth Congressional District. *(Photo: Dan White)*

Matt Grossmann (http://polisci.msu.edu/people/matt-grossmann/), an associate professor of politics at Michigan State University and director of the Institute for Public Policy and Social Research (http://ippsr.msu.edu/), said it's a phenomenon that happens all over the world.

"A huge percentage of women in office for a very long time were widows or other relations to former members of Congress," he said. "It's extremely common for family members to run for and to succeed in taking over house districts from family members."

He noted that though name recognition might help John Conyers III in the election, and possibly even his cousin, Ian Conyers, it isn't a guarantee either will win, nor does it mean other well-known politicians won't run for the seat, too.

2013 FILE PHOTO -- U.S. Rep. John Conyers, his wife, Monica Conyers, and their sons, Carl Conyers and John Conyers III, stand for the National Anthem during a tribute event for his five decades of service at Greater Grace Temple in Detroit, Sunday, September, 29, 2013. *(Photo: Kathleen Galligan, Detroit Free Press)*

The 13th Congressional District is "the most Democratic seat in Michigan, and anytime you have a situation where the primary is the real battle, you're going to bring out a whole lot of Democratic candidates," Grossmann said.

And who knows? Sarbaugh-Thompson said. The list of candidates might include more than the two Conyers relatives who've so far shown interest in running.

"I wouldn't be surprised to see many people with the last name of Conyers entering the primary, and one of them winning," Sarbaugh-Thompson said. "It's hard to say who will win, but I would not be at all surprised to see lots of people named Conyers running."

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RELATED:

John Conyers retires after 53 years amid sexual harassment claims (/story/news/politics/2017/12/05/john-conyers-resignation-detroit-michigan/904737001/)

Race for John Conyers' Congressional seat: Free-for-all predicted (/story/news/politics/2017/12/05/john-conyers-congressional-seat/923810001/)

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ADDENDUM 3

History-making lobbyist reflects on more than 50 years in the business

Eaton uses 'puberty' to describe Chatfield, says Whitmer is 'sharp' but 'taking a beating' from GOP

By **Ken Coleman** - December 28, 2019

Gregory Eaton in his Lansing office | Allison Donahue

It's just before noon at Gregory's Soul Food, the popular eatery on Martin Luther King Jr. Boulevard in Lansing. More than a dozen patrons have already arrived and are enjoying robust conversation.

As its unassuming proprietor moves around the dining area talking with staff and tucking chairs neatly at tables, his customers, one by one, mosey over to him and exchange pleasantries.

Gregory's Soul Food, Lansing | Facebook

"How's that situation going?" he asked one of them. "It's working," the patron replied. "Ok, call me later," he said.

Dressed casually in a Michigan State University sweatshirt and baseball cap, Gregory Eaton looks like an everyday guy. And to all who know him — he is.

But he is also a major dude: Eaton, generally considered Lansing's first Black lobbyist, has had a front row seat in the state Capitol for more than a half-century.

In a straight-no-chaser, wide-ranging interview with the *Advance*, Eaton talked about his life and career, as well as offering his take on Michigan governors past and present, the effect of term limits and the state budget impasse.

Gregory Eaton, Bill Milliken, Gil Haley and James Karoub | Gregory Eaton photo

Lansing roots

Eaton has been affiliated with Lansing-based Karoub Associates for more than 50 years. When he started there in 1968, George Romney was Michigan governor, gasoline was only 34 cents a gallon at the pump, and Dick Martin, the Battle Creek-born and Detroit-bred comedian, helped to power NBC's "Rowan & Martin's Laugh-In" to the nation's highest-rated television show.

In 1971, Eaton opened the Garage, a popular bar in downtown Lansing. For the last 25 years he has served as president of Metro Cars, the luxury sedan curbside transportation firm that he helped to found.

His family moved to Lansing in 1884. His father, Albert, better known as "Abbey," was a porter for a private club in town. His mother, Lena, was a supervisor at the Secretary of State. Gregory is the youngest of their three children.

Eaton was a star Sexton High School football and basketball player. He was nicknamed "Mule" by his grandfather because Gregory was short in stature yet very strong. After high school, Eaton started a janitorial service in 1960. His

Creative Commons

business slogan was: "In search of dirt." He later worked at Lansing's General Motors Oldsmobile plant.

Soon after, Eaton earned an opportunity to represent Lansing-area automotive dealers in the state Legislature. Gil Haley, who was white and the powerful executive vice president of the Michigan Automotive Dealers Association, knew Gregory as a teenager gave him a historic opportunity.

"That's how I got it," Eaton recalled with a chuckle. "… I used to call him 'Mr. Haley' when I was a kid. Then he said, 'Just called me Gil.' So, you know, I had called him Uncle Haley or my 'white daddy. So, he started taking me to different places. He was grooming me."

Mentor and friend

Eaton continues to serve of counsel to Karoub Associates. He said that he enjoys seeing younger Black lobbyists like Ken Cole of Governmental Consultant Services Inc. and Tyrone Sanders of Public Affairs Associates rise over the years as influential players within the ranks. Although their firms are competitors, the three men meet often informally and discuss life and family, Eaton said.

"I'd push them," Eaton said about Cole's and Sanders' early days in the business. "I told them: 'Don't stay too long. If you aren't made a partner, get out of there.'"

Ken Cole | GCSI photo

In addition to mentoring others in his profession, Eaton also offers several college scholarships to deserving students.

Another one of his mentees has been Earvin "Magic" Johnson, the Hall of Fame professional basketball legend who grew up in Lansing. Johnson once worked for Eaton prior to his stellar career with the Los Angeles Lakers.

"He has put back into the Black community," said Eaton, referring to Johnson's business and philanthropic efforts. "That's why I'm so proud of him."

Eaton is a snowbird these days and spends a good portion of the winter in Florida and the rest of the year in Michigan's capital city. He has attended every Super Bowl game in National Football League history and looks forward to his 54th in February, which will be held in Miami.

Earvin "Magic" Johnson in 2014 | Ashley Velez, Wikimedia Commons

Irma Clark-Coleman, a former state House and Senate member from Detroit and current Wayne County commissioner, has known Eaton for more than 30 years.

"He's a gentle giant," she said.

The following are excerpts from the *Advance*'s interview with Eaton in November:

Michigan Advance: What do you think about term limits?

Eaton: It changed everything. We've always had term limits. Do you know what they were called? Elections. [Before term limits], you would have to be in the Legislature eight, nine or 10 years before you could even think about getting on Appropriations [the committee that controls state spending]. Now, the [House] speaker, [Lee Chatfield, came into the position] at 30 years old. Still going through puberty and still don't know what the hell he's doing.

Gregory Eaton in his Lansing office | Allison Donahue

Michigan Advance: Do you think time limits will be eliminated?

Eaton: I don't think I'll see it in the next two or three years. It could come, but I don't think that could happen.

Michigan Advance: Does the lobbyist have an advantage over the lawmaker in a term-limited environment?

Eaton: We're running things. You go to a committee meeting and the staff is running it. They know more than the persons coming in [legislators]. Staff has been here 20, 25 and 30 years.

Gov. Gretchen Whitmer at her year-end press conference, Dec. 18, 2019 | Susan J. Demas

Michigan Advance: What do you think about the [Fiscal Year 2020] budget stalemate?

Eaton: They [House and Senate Republicans] are treating her [Gov. Gretchen Whitmer] like dirt. They won't give her the money for roads and bridges. She won on that.

Michigan Advance: Tell me something about [the late Michigan Gov.] Bill Milliken.

Eaton: One of the best governors we've ever had — and he was a Republican.

Michigan Advance: And Jim Blanchard [the Democrat who succeeded Milliken]?

Eaton: He had a lot of smart guys around him; all of those sharp guys around him. But he forgot how he got there — and I know that he eats him up now. He should have never created [John] Engler.

Michigan Advance: You are referring to the lack of Detroit voter turnout that led to Engler defeating Blanchard for governor in 1990 by about 17,000 votes?

Eaton: Yes. [Former Detroit Mayor] Coleman [A. Young] says, 'Gregory, goddammit, I should not have been so stubborn and sat down [with Blanchard].' In the long run, with got Engler for 12 years."

Michigan Advance: What about John Engler?

Interim President of Michigan State University and former Michigan Gov. John Engler, July 24, 2018 on Capitol Hill in Washington, DC. | Photo by Alex Wong/Getty Images

Eaton: Probably the sharpest governor we've ever had to get things done. … He knew how to work it.

Michigan Advance: Tell me something about [Democratic former Gov.] Jennifer Granholm.

Eaton: She listened to her husband [Dan Mulhern] all the time and not the folks in the political institutions who could have helped her. You can't do that [serve as governor] by yourself. Look at when Blanchard came here. All them sharp young guys who were around him.

Michigan Advance: And [GOP former Gov.] Rick Snyder?

Eaton: Not a bad guy, but he was a businessman. I liked him and he wasn't as bad as the [Flint] water thing. I mean, he'll never get out of that. I feel sorry for him because his wife didn't want him to run and that [the Flint water crisis] is what he will go down as [being known for.]

Gov. Rick Snyder, (R-MI), speaks during a House Oversight and Government Reform Committee hearing, about the Flint, Michigan water crisis, on Capitol Hill March 17, 2016 in Washington, DC. | Mark Wilson, Getty Images

Michigan Advance: What do you think about Gretchen Whitmer?

Eaton: She's taking a beating. I knew her father [Milliken former Commerce Department Director Dick Whitmer] and he and I were friends. We played high school football and basketball against each other. … I watched her come through six years in house and 8 years in the Senate. She's sharp, but she's gonna have a tough time [with a Republican-led Legislature].

I called her the other day and told her to hang in there. I said, 'Don't let your staff speak for you. I want you to do that. You know how to do it.' She's working. She's been on both sides [executive and legislative branches]. See, that young staff, she's working overtime and they are not working as hard as she is at trying to solve some of the problems that we have.

Ken Coleman

Ken Coleman reports on Southeast Michigan, education, civil rights and voting rights. He is a former Michigan Chronicle senior editor and served as the American Black Journal segment host on Detroit Public Television. He has written and published four books on black life in Detroit, including Soul on Air: Blacks Who Helped to Define Radio in Detroit and Forever Young: A Coleman Reader. His work has been cited by the Detroit News, Detroit Free Press, History Channel and CNN. Additionally, he was an essayist for the award-winning book, Detroit 1967: Origins, Impacts, Legacies. Ken has served as a spokesperson for the Michigan Democratic Party, Detroit Public Schools, U.S. Sen. Gary Peters and U.S. Rep. Brenda Lawrence. Previously to joining the Advance, he worked for the Detroit Federation of Teachers as a communications specialist. He is a Historical Society of Michigan trustee and a Big Brothers Big Sisters of Metropolitan Detroit advisory board member.