

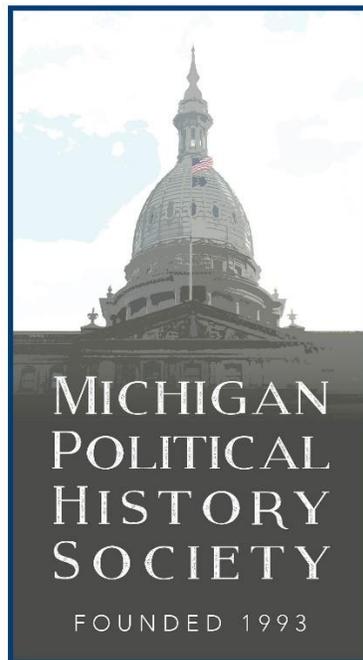
ROBERT LABRANT

Interviewed by

Bill Ballenger

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Transcript: MPHS Oral History of Bob LaBrant by Bill Ballenger, 8.19.15

- Bill Ballenger This interview is sponsored by the James J. Blanchard Living Library on behalf of the Michigan Political History Society. Our guest is Bob LaBrant, former vice-president and legal counsel for the Michigan Chamber of Commerce – now retired, he says.
- Bob LaBrant Semi-retired.
- Bill Ballenger Semi-retired, okay. Let's start out. Weren't you originally a Hoosier and a Badger before you became a Michigander?
- Bob LaBrant I was born in Baraboo, Wisconsin, the home of the Ringling Brothers Circus but my parents were living in Gary Indiana at the time. But my mother had had a difficult pregnancy with my older brother and decided to come back to Baraboo and have the same doctor and have the delivery in the same hospital. I grew up in North-West Indiana. We lived in Gary until I was five and then we moved to Hammond, Indiana where I went to high school. I started in kindergarten in Hammond and went all the way through high school and then I went up to Wisconsin to go to college. I graduated from what is now the University of Wisconsin at Stevens Point, and from there, went on to the Army, returned from Vietnam and got a job. My first civilian job was with the Appleton Area Chamber of Commerce. Then I worked for a Wisconsin congressman in DC and then back in the district. Then I went down to Milwaukee to be their Milwaukee Chamber's State Legislative Lobbyist. Then I worked for a political action committee that was headquartered in Washington DC but I was its mid-west regional manager with an office in Milwaukee. It was there that I became acquainted with Michigan and Jim Barrett, and accepted a position with the Michigan Chamber of Commerce back in July of 1977. And I've lived here ever since.
- Bill Ballenger Okay. So you come to Michigan. It's 1977. What did you find not only in Michigan – the political scene – but maybe more importantly, the Michigan Chamber of Commerce: how they operated, what kind of organization they had been up until that time, and what maybe needed to be done to turn things around, in your view?
- Bob LaBrant Well, when I was considering whether to come to Michigan, I did take a look at the political landscape of Michigan and although there was a Republican governor, almost all the other officials, statewide officials, were Democrats. The state legislature was dominated by the Democrats. After all, Michigan was the home of the UAW and organized labor was extremely important in Michigan politics. What I considered in coming to Michigan was, we had a brand new campaign finance law that went into effect just the month before I came. And I knew that would give the business communities some opportunities to begin to organize political action committees. And I had some experience doing that in Wisconsin and I thought I could emulate that and replicate that in Michigan.
- Bill Ballenger And so what did you encounter in your first election cycle in Michigan, which I think would have been 1978?

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- Bob LaBrant Well in 1978, almost everything that could possibly be on the ballot, except for the presidency, was on the ballot. Bill Milliken was running against Bill Fitzgerald for governor. You had the other statewide constitutional offices up for election, all the congressional seats...
- Bill Ballenger U.S. Senate.
- Bob LaBrant ...the U.S. Senate. Bob Griffin was off-again, on-again in that race, and then was challenged by Carl Levin. We had both the House and the Senate up for election. And then something that was unique – well I found unique – because I didn't have any experience with statewide ballot question proposals in Wisconsin. In Michigan in that election, we had eleven ballot questions. That's the largest number of ballot questions in Michigan history, then and since. One of the questions was this automatic question that has been part of the Michigan political scene since 1850, and every sixteen years the voters of the state of Michigan are asked the question, "Shall we convene a call for a new constitutional convention?" And so, in 1978, that was the first time that that question was automatically on the ballot following the implementation of the 1963 Michigan Constitution. So I got involved in that particular ballot question and served as the treasurer of the committee. And also that year, I was the treasurer of the Headley Tax Limitation Amendment committee. And that was an experience that probably stood me well in getting to know a number of people around the state while those two campaigns were going on.
- Bill Ballenger Yeah, "Headley" was actually one of only a number of tax proposals. Headley was the only that passed.
- Bob LaBrant Yeah. Bob Tisch, who was the Shiawassee County Drain Commissioner, and I had somehow managed to plunk myself and my family down, in Perry, Michigan, so he was actually our drain commissioner. I don't know if I ever had any conversation with the guy up to that point in time. He put together a kind of a ragtag band of people and they got the necessary signatures to get the "Tisch Amendment" on the ballot. Actually that was the best thing to ever have happened to the Headley Amendment because that issue had been on the ballot in 1976 and was defeated. Bill Milliken had opposed it back in 1976 but in the intervening time you had Prop 13 out in California...
- Bill Ballenger Property tax cut.
- Bob LaBrant ...property tax cuts. So in 1978, the leadership of this tax limitation amendment was taken over by Dick Headley who at the time was the president of the Alexander Hamilton Life Insurance Company. In his background he had actually been the national president of the Jaycees and had been active with the Romney presidential campaign and things like that. So he gave it a lot of credibility and Bill Milliken actually endorsed the proposal because the Tisch proposal was so much more radical. Actually the Headley Amendment looked like it was the moderate proposal and somehow squeaked out, I think, 52% of the vote.

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Bill Ballenger What did you learn overall from the '78 campaign - I mean going forward and secondly, what about the Chamber as an organization as it existed up until that time, did it start to change under perhaps your guidance and your advice?

Bob LaBrant Well, let's talk first about '78. I came away with a couple of lessons out of the '78 election. The first was that although Bill Milliken won in a near landslide over Bill Fitzgerald, Republicans did quite poorly as far as the state legislature was concerned. In 1978, I think the Democrats won 70 seats in state House of Representatives to just 40 for the Republicans. And in the state Senate which had already been 24 Democrats, 14 Republicans; that margin remained the same. And so the takeaway from the 1978 election was that we needed to find a way to get involved in the redistricting process because the Hatcher-Kleiner Plan from 1972 was just killing Republicans. That was a very artfully-drawn map that guaranteed Democratic control of the House and the Senate for that entire decade. And so that's the principle takeaway that I came away from '78 with.

More to the point on the Michigan Chamber of Commerce: The Michigan Chamber of Commerce was perhaps one of the youngest state Chambers of Commerce in the nation. It was not organized and established until 1959. Then you had many local chambers of commerce that were probably had been established back in the 1800's. I'm sure the Detroit Chamber has its origins back maybe even pre-civil war. So, when the Michigan Chamber of Commerce got organized, I find it a little ironic that a number of people in the business community thought that the Michigan Manufacturers Association was much too Republican and they needed another voice for the business community that maybe could talk to Democrats and have some influence with Governor Soapy Williams and things like that. The first person who was chosen to be the president of the Michigan Chamber of Commerce was a gentleman by the name of Harry Hall. He had had a very successful career in chamber management. He had run the Minneapolis Chamber of Commerce. He had been the head of the Dayton, Ohio Chamber of Commerce before he accepted the presidency of the Michigan Chamber. Harry was the president of the Michigan Chamber for the next 17 years. During that time period the Michigan Chamber of Commerce did some lobbying but for the most part it didn't play that active a role in the public affairs in the state. Harry liked to write and I think probably penned a number of op-eds, and of course the chamber had its own magazine and he would probably pontificate in that publication. But change I think was coming with the Michigan Chamber of Commerce when in 1976 Jim Barrett who had been a vice-president at the Michigan Chamber of Commerce under Harry Hall, was selected to be the new president of the Michigan Chamber. What was unique about Jim was that he was only 33 years of age when he became president of the Michigan Chamber of Commerce. Jim, I think, had a vision that for the Michigan Chamber of Commerce to be effective, it had to be involved in the political arena. And with the enactment of the Michigan Campaign Finance Law, and having provisions in that that allowed the business community to establish and operate political action committees or as the statute says, "seperate segregated funds," the vehicle was there to begin to organize the Michigan business community. I was fortunate that when he hired me he had that expectation and frankly allowed me wide leeway to implement that vision for the Michigan Chamber.

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- Bill Ballenger So you came in, hired in essence, I guess, by Jim Barrett.
- Bob LaBrant I was his first professional hire.
- Bill Ballenger Okay and he gave you your head and lead and you could do whatever you want, really, within reason. And what were the first challenges beyond the new campaign finance law? I mean, what were some of the things that you started to do or were done by you and with others in the Chamber over the next, let's say, decade?
- Bob LaBrant Well the first thing, I tried to become a student of that Michigan Campaign Finance Law so I knew it inside out. And one of the things that I decided very early on is that the contribution limits in the Michigan Campaign Finance Law were reasonably low. One political action committee could only contribute \$2,500 to a candidate in the primary and another \$2,500 in the general election. For the state Senate it was \$4,500 per election. I knew then and there that one large monolithic business pack was not going to change Michigan politics. What we needed to do was proliferate the number of political action committees on the business side in Michigan so that we could compete against organized labor. Organized labor had some real advantages in the political arena back in 1978. Number one is that they didn't have to go out and ask people to make a voluntary personal contribution out of their disposable income to contribute to the political action committee. They could take mandatory union dues in dollars and then make those contributions to candidates for state legislative and statewide office. Now, it was more difficult for the business community to raise dollars because we would have to number one, go to management employees or members and ask them to make a voluntary personal contribution to the political action committee. That led me then to say what we needed to do, initially, was to form a whole lot of PACs. And so, I put together three PAC kits. I had a PAC kit for corporations. I had a PAC kit for trade associations. I had a PAC kit for chambers of commerce. And I ran around the state and held workshops on how to form a political action committee. And I had all the forms and resolutions and bylaws and checklists to do that. And a lot of those workshops I took Colleen Engler along with me. She was the Manager of Economic Education at the Michigan Chamber. Her husband at the time was John Engler, a state representative, soon to run for the state Senate. And she had been a state representative from Bay City and then was defeated in the 1976 election by Jim Barcia who would go on to further legislative service and then in Congress and then back to the Legislature. And Colleen at the luncheon following the workshop, she'd basically tell the war stories on her campaign against Barcia and how labor basically had her defeated and had Jim Barcia elected. So we did that, in a number of communities. I even took the road show up to the UP. We had our workshop in Escanaba, a workshop in Marquette, at Northern Michigan...
- Bill Ballenger Were these generally chambers of commerce? Were they the core of the people that you met with?
- Bob LaBrant No actually the core was people that were likely to be the new PAC managers.
- Bill Ballenger Okay. Were they politically oriented, politically engaged, thought about it?

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- Bob LaBrant Well, some of them had thought about it. They knew they were going to get that responsibility.
- Bill Ballenger So you kind of put this together on a local level from scratch almost, built it up.
- Bob LaBrant Yeah. Now, I did not try to go out and form a chamber PAC network. That would come later after 1981. But the initial one was to try to get corporations to form PACs and get trade associations to form PACs. And then by November or December of '78 the number had begun, really, to proliferate. And we had well over 100 PACs established by that time. So I then put together an entity that we called the PAC Exchange Council. And we took all of these people that had these new PAC responsibilities thrust upon them and we would share with them information, ideas, techniques. And then, they would have somebody to call if they had questions. And that's one thing I always tried to do in my career – I always tried to make me the expert. I didn't want to be there just to pour coffee. I wanted to be there to be the knowledgeable one so that people would call me and ask questions on things like that.
- Bill Ballenger So, how much more money did you see the Chamber in some way, shape or form being able to amass and spend let's say in the first half dozen years after you arrived here? Let's say by the Reagan-Mondale presidential race in '84. How much...
- Bob LaBrant Well, it's night and day. The first election cycle, all these business PACs probably collectively raised about \$1.2 million.
- Bill Ballenger In '78?
- Bob LaBrant In '78. Remember by '84 we had already had the recall elections in Macomb and Oakland County. We had the special elections early in 1984, January I think of '84, to fill those recall-created vacancies. And I know that the business community responded very well. And by that time I had put together a network of fifty-five local chamber packs. Some would raise just \$500, but some would raise \$5,000 and some would raise \$15,000. And collectively, those local chamber PACs put in \$35,000 along with the Michigan Chamber into Kirby Holmes' Senate race and Rudy Nichols' Senate race to bring about a new majority in the state Senate.
- Bill Ballenger So by, let's say the mid '80s or the '90s, how much were all these groups spending compared to the 1.2 million they spent back in '78?
- Bob LaBrant Oh, probably three times the amount.
- Bill Ballenger Three times as much. Okay, the other thing, of course that you were starting to do was declaratory rulings. You were asking for...
- Bob LaBrant Well, the Michigan Campaign Finance Law made provisions that an interested person could ask for a declaratory ruling from the Secretary of State as to a proposed course of action, and then, the Department was required to respond. The

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Department also in lieu of issuing a declaratory ruling, they could also issue an interpreted statement. It wouldn't be binding upon the Department but at least it would give you their thinking. And so, what I tried to do was shape the Michigan Campaign Finance Law administratively by asking the right questions at the right time through declaratory rulings and later interpretive statements. Later on in our discussion I'll talk about how my request for interpretative statements on PAC payroll deduction by public bodies, basically led to a state Supreme Court decision, and then later, the codification of that state Supreme Court decision in the Michigan compiled laws. But back in 1979 and 1980, all the way up till the Republicans gained control of the state Senate in 1984, the chances of changing the Michigan Campaign Finance Law legislatively was pretty hit or miss. Most of the legislative changes that we made really were to kind of ease the administrative burden placed upon these new PAC managers. Also, I wanted to change a couple of provisions of the campaign finance law because I just didn't like its impact on the Michigan Chamber's PAC. When I came to Michigan, Barrett said, "You can do anything you want with this PAC, pretty much, except change its name." And he said, "We spent almost a whole board meeting going over a name for the Michigan Chamber's political action committee." And instead of calling it the Michigan Chamber's Political Action Committee, they called it MichBUSPac. Buspac, B-U-S. And I looked at that and I said, "This looks like it's a PAC for some bus company." And he says, "Well, we're not changing it." And so then I was able to get some legislation enacted that required that the name of the sponsoring organization had to be included in the name of the political action committee. So then it was the Michigan Chamber Political Action Committee and the state Chamber PAC was the...

Bill Ballenger So the legislature cooperated in getting the name changed better than your own chamber did. Well, did you get the feeling as you moved forward that the Democrats and organized labor, were catching on to what you were trying to do? Was there any pushback from them? Because you were taking a different approach. You were using the Campaign Finance Act. You were asking for interpretive statements. I realize that act didn't exist, I guess, before '76 or '77. But I would think that they would have been a little worried?

Bob LaBrant Well, we had to fight a battle as early as I think, 1980. Secretary Austin attempted to promulgate some administrative rules that were fairly restrictive. And I had learned from my Wisconsin experience that when somebody is trying to promulgate administrative rules against you, you sue the bastard. And so I remember probably the first lawsuit called Michigan Chamber of Commerce v. Austin was a lawsuit basically challenging administrative rules that Richard Austin was trying to promulgate to restrict separate segregated funds, under the Campaign Finance Law.

Bill Ballenger So as time goes on, what do you see as the key dates and occurrences politically, and in terms of campaign finance and everything you were trying to do at the chamber, as the 1980s rolled along? I mean you are going election through election...

Bob LaBrant The first thing I think was in early 1982 there was a special election to fill Billy Hoffman's seat in the state Senate. He had resigned his seat to become a lobbyist,

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and that provoked a... It was an overwhelmingly Democratic district. It was like Hazel Park, Ferndale, a little bit of Royal Oak and Troy. It was a Democratic district. And we had just fought a major battle in the Legislature on workers compensation. And Gary Vanek, who was the state representative from Royal Oak was running in this Democratic primary. And he had voted against the workers compensation reform package, and he got the endorsement of the MEA, the UAW, and the AFL-CIO. Dana Wilson, another Democratic state representative from Hazel Park was running in that special primary election to fill Billy Hoffman's seat. And he was smart enough to know, "Hey, if I vote for these work comp reforms, then there's a bunch of PACs out there that might support me." And we did. The business PACs and the first stirrings of this local chamber PAC network, got involved in that Democratic primary, and Gary Vanek lost that race to Dana Wilson. And that I think showed organized labor that maybe these business PACs were going to be a substantial challenge. And in 1982, the threat that organized labor had put out, that any Democrat who voted for these worker compensation reforms, you know, "We'll go after ya in Democratic primaries." Well they failed against Dana Wilson and also in August of '82 they failed in most of the Democratic primaries. They had a few wins, but not many. And the business community was there through these new political action committees to help even up the odds.

Bill Ballenger Okay, and the other thing you eluded to a minute ago, and you wanted to come back to, what really kicked in in '82, was reapportionment. I'd like you to talk about that, exactly what your role was, the Chamber's role, and what happened in 1982?

Bob LaBrant My first involvement with redistricting was back in 1979. I was part of a study group that Senator Bill Sederburg, a senator from East Lansing, put together on redistricting. And frankly, for me it served as a tutorial on how redistricting works and the law of redistricting and things like that. With a friend of mine, a state Senate staffer at the time, Al Mann, who would later go on to be a pollster for Marketing Resource Group, he and I, put out a publication that we called the "Citizens Redistricting Plan." And it talked about having an acceptable population margin and then keeping counties, cities and townships together. And so that was my initial involvement with redistricting. In 1982 Michigan had a Commission on Legislative Apportionment that was to do state legislative redistricting. It was made up of four Republicans and four Democrats from four different geographical areas of the state – and it always deadlocked. And because it always deadlocked the state Supreme Court would be thrust into the position of choosing a plan submitted by one or more commissioners that was the most constitutional. Tom Brennan, when he was on the Supreme Court, wrote an opinion: "The constitutionality is like is like pregnancy. Either you are or you ain't." One of the first forays I had into judicial elections came in the 1980 election and I knew that Mary Coleman was up for election that year. And so the Michigan Chamber's PAC actually made a contribution to her. It wasn't a substantial amount but it was the first time we had ever made a Supreme Court contribution, and I knew that she was likely to be the key to developing some sort of consensus on redistricting. And in 1982 Mary Coleman was in fact the chief justice and then a...

Bill Ballenger But it was still, wasn't it still a democratic-controlled court at that point?

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Bob LaBrant Well really it was three, three and one.

Bill Ballenger With Charles Levin.

Bob LaBrant Now Charles Levin was the “one.”

Bill Ballenger Yeah.

Bob LaBrant He was the independent...

Bill Ballenger Yes.

Bob LaBrant ...although he shares a famous last name with Carl and Sander and votes pretty much like a Democratic justice.

Bill Ballenger Right.

Bob LaBrant On this issue we would find that...

Bill Ballenger He was willing to be reasonable.

Bob LaBrant Yeah, and we also had another Democrat on the Supreme Court that had been punished by the Democrats, and that was Thomas Giles Kavanagh. He had voted against the Democratic plan in 1972, this Hatcher-Kleiner plan that I talked about. And so when he was up for re-election the next time, I think it was in '76, the Democratic state convention nominated Roman Gribbs for the Supreme Court. Well Thomas Giles Kavanagh filed an affidavit of incumbency, got his name on the ballot, and was re-elected to the court. So there were a number of people that basically wanted to get the state supreme court out of this political thicket.

Bill Ballenger So you had a chance in '82 with the court that you didn't have in '72, or for that matter, long before you came to Michigan, '64 when you had a Democratic Supreme Court. And they always seemed to pick the Democratic map that was drawn and given to them. But finally in '82, what happened?

Bob LaBrant Well, time ran out. The 180 days had expired. And the commission was prepared to submit a Republican and a Democratic plan to the court. And the court basically sent a communication back to them and said, “We want you to brief the issue of whether in fact with all of these U.S. Supreme Court decisions, that in fact, this Commission on Legislative Apportionment is any more, and the other provisions in the constitution that provided for, let's say the Senate on an 80 to 20 ratio of area to population, whether they survive.” And so the briefing was done. The state Supreme Court basically ruled unanimously that the Commission on Legislative Apportionment was invalid, “But in the interest in continuity of elections, we're going to appoint a special master to draw a plan for House and Senate districts. And then we'll give the Legislature this date certain, sometime in early May, to pass a plan that would be given immediate effect – meaning a two-thirds vote in both the

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House and Senate – and the governor sign it, and only then will we let the legislative plan go into effect.” Otherwise, this plan that Bernie Apol, who was a recently-retired director of elections, the plan that he draws and will submit to the court in advance of this deadline, will go into effect. Well when Bernie Apol did his plan, there was an acceptable population margin. Actually it was plus or minus 8.2%. It said that counties are the basic building block for creating districts. And if it was necessary to break a county boundary line, you break it at a city or township boundary line. And they thought that was the best guarantor against partisan gerrymandering. And so when the Republicans looked at this plan that Bernie Apol had drawn up, they had absolutely no incentive to cut a deal with the Democrats. And so the Apol plan was into effect for the 1982 elections. One of the things that occurred in the 1982 elections, Jim Blanchard was elected governor. The state Senate remained Democrat, but only 20 to 18. And the state House, the Democrats still had a solid control but the margin was reduced from 70 - 40, though Republicans might have gotten up to 46 seats or something like that. But, that kind of changed the whole landscape of the legislative elections because the Apol plan was no longer some partisan gerrymander, it was basically one, although the Democrats did well with it, that Republicans had a fighting chance.

Bill Ballenger Or, for that matter the two seats that the Republicans had the recalls in and won the special election, were created by the Apol plan, right?

Bob LaBrant That’s correct.

Bill Ballenger And they were marginal seats. And then the Republicans won the special election, got control of the Senate, and they’ve never given it up.

Bob LaBrant Now one thing that comes out of the 1982 election, because it deeply influenced me later on, was that in 1982 as far as the congressional districts were concerned, the Republicans really had no money. And so they had to rely... Well, Bill Milliken was able to get the Republicans and Democrats on the Commission on Legislative Apportionment – that only did the state legislature – some sort of state funding. And I know the Republicans hired Bob Teeter and they came up with a computer to help them draw district lines. These weren’t desktop computers, these were kind of mainframe computers. But as far as *congressional* redistricting, which was done by the state legislature, not by the commission, Republicans had to rely upon a pro-bono lawyer, and there was absolutely no money for any expert witnesses. And Republicans got their clocks cleaned in federal court. And I think after the ‘82 election the margin was I think, twelve Democrats and only six Republicans in the congressional delegation. In 1983, the night of David Serotkin’s recall, the legislature reconvened in Lansing. And what the Democrats did in the state Senate is they discharged a bill that had been sitting in the Senate Municipalities and Elections Committee that had already been passed by the House. It was a multi-sectioned bill making some housekeeping changes to the Michigan Election Law. And they adopted that night a Senate substitute that re-drew a hundred and ten state House districts and thirty-eight state Senate districts. And I remember that night because I came back to the state Capitol from an election watch party, and sat up in the gallery and watched Joe Mack appear to be suffering a heart attack. But

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he refused to leave the floor of the Senate. And the EMS came in and put oxygen in his nose and an I.V. and that sort of stuff. He remained there till the end and gave them the 19th vote to pass this redistricting plan. Now David Serotkin had been recalled earlier in the evening, but since the vote had not been certified, he was still able to vote. Phil Mastin, who had been recalled a week earlier, that vote had been certified so he was ineligible. So that's why it only required 19 votes to pass the plan. That redistricting plan then was concurred in by the state House later that evening, like about 3 o'clock in the morning, and Governor Blanchard signed the bill into law. In 1984, that plan would go into effect for the fall elections. I was approached by two Republican state representatives, Gary Randall and Don VanSingel, and they said, "You know we think that the way this bill was passed, violated the "Change of Purpose Clause" of the Michigan Constitution. And we've talked to Dave McKeague..." – who at the time was an attorney at Foster Swift and actually served as the general counsel of the Michigan Republican Party – "But, he says, 'I've got to have \$2,500 right up front to begin any legal research on this change of purpose clause argument.'" And they said, "We've talked to Mike Busch, the Republican leader and he refuses to give us any money. So can the Chamber provide the financing?" I think my exact words to them was "Well, we pissed away \$2,500 before. We'll try it this time. We'll do it again. We'll find a way." What happened was that McKeague's research said that we had a decent shot. And so a lawsuit was filed in Oakland County Circuit Court. It was called "Anderson v. Oakland County Clerk", before Judge La Plata. And he held that the redistricting law was unconstitutional for violating the Change of Purpose Clause. There was an application for bypass to take it directly to the state Supreme Court. That motion was granted and in oral argument, you had the attorney general's office representing the State, defending the constitutionality of the act. I think Ted Sachs probably intervened and spoke as well.

Bill Ballenger

Democratic lawyer.

Bob LaBrant

Democratic, yeah. And for the Republicans Ted Swift, David McKeague's law partner, just did a masterful job of oral argument. He broke into limericks and danced an Irish jig and did all sorts of things. And years later I had dinner one night with Jim Brickley and I said, "Do you remember that oral argument?" And he said, "Oh, yes it do." And he said, "When we got done with oral argument and we all filed into the conference room, the first words out of chief justice Soapy Williams' mouth were, 'Who said oral argument doesn't matter?'" And the Supreme Court on a seven to zero vote...

Bill Ballenger

Woe!

Bob LaBrant

...declared the law unconstitutional for violating the Change of Purpose Clause and ordered the Apol plan back into effect. Now that had severe implications on the Republican majority. If they had to go up against that in 1986, I'm sure John Engler would not have been the Senate majority leader. And if John Engler hadn't been the Senate majority leader in 1990, he may not have challenged Jim Blanchard for governor. He might have tried to hold on to see if they could get the majority back in the state Senate. So that was a pivotal moment in Michigan political history.

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- Bill Ballenger Right. Let's keep on this theme of redistricting. Let's flash forward to 1992, ten years later. You've had the Apol plan in affect for a decade at that point after having recued it in '84.
- Bob LaBrant Three years before that occurred however was another milestone.
- Bill Ballenger Okay.
- Bob LaBrant Dave McKeague and I and Bill Gnodtke had breakfast at Sparty's.
- Bill Ballenger I remember that.
- Bob LaBrant And at that breakfast meeting, over a bunch of scribbling on napkins, we came up with a new mechanism to help fund litigation expenses in the future. We were going to form a kind of a soft money "527 organization" and we were going to call it the Michigan Redistricting Fund, because it was not involved in the nomination or election of candidates. There had been previously some FEC rulings and also some Secretary of State rulings that redistricting fell outside of the scope of the Michigan Campaign Finance Law. So we had basically, a mechanism through this Michigan Reapportionment Fund to raise corporate dollars, something that really had never been done before, except for maybe ballot questions. And then not have to disclose any contributors because it fell outside the scope of the campaign finance law. And so Bill Gnodtke and I started fund-raising for it. David McKeague soon retired from politics because he would be nominated the following year by George Herbert Walker Bush for the Federal District Court position in the Western District. And so going into redistricting in 1991-92, we needed to find a new lawyer. We found it in Peter Ellsworth at the Dickinson Wright Law Firm.
- Bill Ballenger Okay and then after that what happened going into '92? You have a Supreme Court, you have a Court of Appeals with T. John Lesinski...
- Bob LaBrant Well the most important thing that happened in '92 was that we had divided power. John Engler had won the governor's office in an upset over Jim Blanchard in 1990, but we had a Republican in the governor's office. The state Senate, had been Republican since those recall-created vacancies were filled in 1984, and they held onto it by the hair of their chinny-chin-chin in 1986 and again in 1990. Having Joe Schwarz run in '86 and having John Cisky run in '90 basically provided the margin that the Republican had 20 votes in the senate to 18.
- Bill Ballenger 20 to 18, yeah.
- Bob LaBrant The Democrats controlled the state House and Lew Dodak was the speaker. And so with divided control we knew that we were going to have basically the decisions made in the courts.
- Bill Ballenger And by this time that old fashioned reapportionment commission from the...

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Bob LaBrant Oh it was invalid.

Bill Ballenger It was declared unconstitutional itself.

Bob LaBrant It wasn't even convened.

Bill Ballenger So the courts at this point took over.

Bob LaBrant One thing that happened was in July of 1992, Ted Sachs filed a lawsuit in federal district court in Flint. There was only one judge that you could draw out of Flint and that was Stew Newblatt. And Ted Sachs had done that 10 years before so we had a plan. We didn't think he'd actually file that early, but we were going to file in Marquette. And we thought that if we filed in Marquette the judge that we might draw up there would be Robert Holmes Bell. So when we heard that Ted Sachs had filed in Flint, we had nothing to lose, we went ahead and filed our lawsuit up in Marquette and did in fact, draw Robert Holmes Bell. The likelihood of us getting a federal district court judge who'd been appointed by a Republican president was much greater in Marquette than...

Bill Ballenger Than anywhere else.

Bob LaBrant ...anywhere else. But what happened was is that Robert Holms Bell immediately notified Gilbert Merritt, the Chief Judge of the 6th Circuit Court of Appeals down in Cincinnati, that he had drawn a redistricting case. And Stu Newblatt kind of sat on it and didn't call the chief judge. And so Gilbert Merritt basically resolved the matter by putting both of them on a 3-judge panel. Statewide redistricting, whether it is congressional, is always heard by a 3-judge panel. So Merritt put Robert Holms Bell and Stu Newblatt and then he named a court of appeals judge from Michigan, Jim Ryan to serve on the panel. Now Jim Ryan was appointed by a Republican president and he had also been on the Michigan Supreme Court back in 1982. And so he was familiar with the Apol standards.

Bill Ballenger He was nominated by the Republicans for the Michigan Supreme Court too, right?

Bob LaBrant Yes and so we thought we had...

Bill Ballenger A pretty good panel.

Bob LaBrant Well we had a decent panel.

Bill Ballenger Better than you used to have.

Bob LaBrant Now remember in 1992, Michigan's congressional delegation really got decimated because we went from 18 congressional districts down to 16. We had already lost one a decade earlier from our high water mark of 19 down to 18, now down to 16. And as it turned out, we did okay.

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And the people who kind of got left by the wayside were people who got caught up in the House post office scandal like Dennis Hertel and the Republican from the U.P., Bob Davis.

Bob LaBrant And then also there was the passing of the scene. Wolpe didn't think he could win and so he didn't run for re-election. He went on to run for governor two years later. And Carl Pursell, for whatever reason, didn't want to leave his homestead in Plymouth. If he had just moved across the county line he would have been in congress for a lot more time, but he chose to retire rather than run for election. So at the state legislative level we had a 3-judge panel put together by the state Supreme Court. And they named T. John Lesinski, the retired chief judge of the Michigan Court of Appeals, former lieutenant governor under George Romney, as a Democrat under George Romney. And then there was a circuit court judge; it was kind of on-and-off where we had one guy from Crawford County and another guy from Grayling or something, and Harold Hood, an active court of appeals judge from Detroit. So those three basically adopted a plan using the Apol standards from 10 years before.

Bill Ballenger It was designed by a Department of Management and Budget bureaucrat named Eric Swanson, who was a completely unpolitical figure. He came up with the lines using the Apol standards, gave them to the 3-judge panel with Lesinski as chair and they said fine, right?

Bob LaBrant Pretty much. T. John I think tweaked it a little bit, but not too much.

Bill Ballenger So all told, the Republicans did better than they had under Hatcher-Kleiner and Austin-Kleiner back in '64 and '72?

Bob LaBrant They sure did and in fact in 1992, one of the great surprises of my life, was that on election night I got all these reports that, "You know what? We might, the Republicans might actually control the state House of Representatives." As it turned out after recounts and canvases and certification, it ended up 55-55, and we had for that two year period, the era of shared power.

Bill Ballenger Shared power.

Bob LaBrant And each month the speakership would trade off. When Paul Hillegonds was the speaker then the Democrats controlled the committees. When Curtis Hertel was the speaker the next month, the Republicans would control the chairmanship of all the committees. And it was during that time period that we had a window of opportunity occur because the voters in 1992, in addition to electing the state House of Representatives and having a presidential election and things like that, one of the ballot question proposals in 1992 was "term limitation". And term limitation changed the institution of the state legislature. And it also with a 55-55 tie in the House, it caused a couple of state representatives to say, "You know what? The clock is running and I'm going to be out of a job come 1998, and I might want to run for maybe mayor of Lansing or mayor of Pontiac." And that's what David Hollister

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did and what Charlie Harrison did. And when they were elected in November of '93 they resigned from the state legislature. Then all of a sudden the Republicans had 55 seats and the Democrats only 53. And then when special elections were called, in that interim time period, that's when I advocated that we make some changes to the Michigan Campaign Finance Law.

Bill Ballenger What were those three things that you did?

Bob LaBrant Well.

Bill Ballenger Union dues?

Bob LaBrant The first thing the legislature went after was to impose some penalties on illegal teacher strikes. And after that was completed the next was; I had argued that we needed to extend the ban on corporate contributions and expenditures to labor unions. And in addition that we should require these labor unions to establish separate segregated funds of their own, and require that any kind of PAC payroll deduction have annual affirmative consent. And then we were going to treat all the PACs that were formed by, let's say the teamsters and the UAW as one, for contribution limitation purposes. So no longer could they go out and establish 10 UAW PACs, each with a \$10,000 contribution limit. Now they can have one PAC and only one for contribution limitation purposes.

Bill Ballenger How about political bingo? Was it then too?

Bob LaBrant Well no, that was in a different law. This was to amend the...

Bill Ballenger But it was part of this window of opportunity.

Bob LaBrant The Charitable Gaming Act was amended. And it basically said that any kind of political committee under the Michigan Campaign Committee Finance Law was not a qualified organization, and was therefore ineligible to get a bingo license or to get a millionaire party license or raffle license. And that also was enacted, and why I call that "Seven Days in April." Like "Seven Days in May" and "Seven days in April."

We got the go-ahead to do this as soon as the voters approved Proposal A in March of 1994. And then in that little brief time period these three significant pieces of legislation were enacted.

Bill Ballenger Austin v. Michigan Chamber of Commerce and Citizens United, were starting in 1985, you and Richard McLellan. Tell us about it.

Bob LaBrant Well, first I decided to go to law school in 1980. And so when I got done with law school I had a lot of time on my hands. And so one of the things I thought about was, "What would be a lawsuit that the Michigan Chamber of Commerce could bring that would have impact or perhaps maybe even go all the way to the United States Supreme Court?" And in 1985 I was reading some newsletter about a U.S.

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Supreme Court decision that had come down earlier in the year. It was called NIC PAC v. FEC. And there the court, on I think a seven to two vote, declared unconstitutional the restriction on independent expenditures by political action committees. And so I was thinking, "What's the next lawsuit to come out of the Federal Election Campaign Act that deals with independent expenditures?" And it seemed to me that if the court had found that restrictions on individuals, and now political action committees, were unconstitutional as a violation of the first amendment; and then a few years earlier in Bellotti v. First National Bank of Boston, that restrictions on corporations getting involved in ballot question campaigns was unconstitutional, that maybe this was the next one. And I had looked at some dissents from a case called U.S. v. UAW in 1957. And there Hugo Black and the Chief Justice Earl Warren basically dissented in that case and they basically said, "We can't have any restrictions on speech that would affect either labor unions or corporations." And as I looked at that dissent I said, "You know, a lot of these things found their way into Buckley v. Valeo and then later the First National Bank of Boston." About this time Vern Ehlers had been elected to the state Senate in a special election to fill the vacancy which was caused...

Bill Ballenger He was a Republican from Grand Rapids.

Bob LaBrant That's correct. And he had been a state representative in the 93rd House District. He got elected in the state Senate District that was caused by a vacancy when Paul Henry was elected to Congress in 1984. And so I thought, "You know, we could use this special election in 1985 and the 93rd House District to basically begin a lawsuit." And I sat down with Richard McLellan, whose firm kind of became part of Dykema Gossett, and laid out the scenario to him and he said, "Yeah, I think, if we file this lawsuit in the western district of Michigan, much better to go to federal court than state court, they would be more sympathetic to a 1st Amendment argument." He said, "You know, this could have some potential to go up the appellate court ladder." And so we had decided to do that. The Chamber had just bought one of these Apple Macintoshes and so I sat down and laid out a quarter-page ad. We weren't going to spend a whole lot of money on this, but a quarter-page ad that we were planning to run in the Grand Rapids Press. And it was going to expressly advocate the election of whoever was going to win the 93rd District primary. Rich Bandstra won that primary and so it would advocate his election. And it was an ad that I made boring by design. And it was real wordy but it had a disclaimer and we were going to pay for this out of the Chamber treasury, not out of our political action committee. Now since we didn't want to commit a felony we went into federal district court and asked for an injunction on the restrictions on corporations in Section 54 of the Michigan Campaign Finance Law. And we drew Judge Richard Hillman and he listened to our argument for an injunction and denied it and then laid the case over for trial. Well the trial really didn't come about for another year, but we in the interim period had discovery and expert witnesses and things like that. And we had a week-long trial. And although Richard was coordinating all the briefs, we had Joe Boyden, a mountain of a man – he was a lineman for the University of Michigan once upon a time and past president of the State Bar of Michigan – basically argue our case in the trial court. And the trial lasted about a week and Barrett and I testified at the trial. And Judge Hillman basically ruled in favor of the

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State, upheld the constitutionality of the Michigan Campaign Finance Law. And said the Chamber could speak through its PAC; it wasn't being denied its 1st Amendment right. Well we knew that this case was going to go up the appellate court level one. And we went down to Cincinnati with the 6th Circuit Court of Appeals. And the 3-judge panel at the 6th Circuit Court of Appeals reversed Judge Hillman and unanimously ruled that the restrictions in the Michigan Campaign Finance Law were unconstitutional, violated the 1st Amendment and ruled in our favor. Well the state then appealed that decision to the United States Supreme Court. And we had oral argument before the United States Supreme Court, I believe in the fall of 1989. And Richard McLellan argued that case before the United States Supreme Court and we lost. They reversed the 6th Circuit.

Bill Ballenger What was the vote? Do you remember?

Bob LaBrant It was six – three. Scalia had a very intense dissent that in fact he read from the bench. Thurgood Marshall wrote the majority opinion in the case. And so that's the way it was. It was the case law that was used to uphold McCain-Feingold. They cited the Austin case as the constitutional justification for banning speech by corporations and labor unions in 60 days before an election period, through issue ads and things like that. In 1989 a case reached the United States Supreme Court called Citizens United. And I expected a strong critique of the Austin decision in that case, but little did I know that what the court would do is they didn't come out with a decision at the end of June 2009. And what they did is they bound it over to have oral argument and briefing on the issue of whether in fact Austin v. Michigan Chamber of Commerce was wrongly decided, and should it be reversed? And so I immediately called Richard McLellan and said, "Okay, we've got to get back in the saddle here. We've got to file an amicus brief in this case." And working with Richard and Gary Gordon and working with John Pirich and Andrea Hansen at the Honigman Law Firm we crafted up an amicus brief, filed it with the U.S. Supreme Court, and the group of us went out and listened to oral argument before the United States Supreme Court. In fact Pirich and McLellan got to sit right behind Ted Olson, who was arguing for Citizens United. And Gary Gordon and I were sitting right behind John McCain and Russ Feingold, so it was an exciting time to be there. Olson did a terrific job in oral argument and we knew that they were going to reverse Austin and rule in favor of Citizens United and that's in fact what they did.

Bill Ballenger It was five – four wasn't it?

Bob LaBrant It was a five – four decision. And Anthony Kennedy wrote the majority opinion. Justice Stevens was the principal dissent in the case. That led then to a federal district court decision called "Speech Now v. FEC" and here in Michigan another case of "Michigan Chamber of Commerce", but this time "v. Land", against Terry Land. She had issued me a declaratory ruling that I thought was wrong. And it said that the Chamber could do independent expenditures out of its own treasury funds but we couldn't raise corporate dollars to pool those funds for independent expenditures. We challenged that in federal district court. Won before Judge Maloney and then the Department decided not to appeal it. And in fact we filed that under what's called a "section 1989 action", which meant that the state had

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infringed on our civil right, the First Amendment, and that they were liable to pay our legal expense. So the case hardly cost us a dime. And that led to the establishment, not only federally of super PACs, but in the state of Michigan super PACs as “independent expenditure-only political committees”.

Bill Ballenger So this all started with your 1985 sit-down with Richard McLellan. It was a 25 year odyssey that led to this, right?

Bob LaBrant Yeah, I told the media when they asked me, I said, “It’s nice to see, to be vindicated after 25 years but it’s even nicer to still be alive to see Austin v. Michigan Chamber reversed.”

Bill Ballenger Right. Now two things that I think you worked on to keep off the Michigan ballot. There was Dodak-Bonior in 1992 and there was what I call “rim-gin” (RMGN), Reform Michigan Government Now in 2008. Can you tell us about your role in all that?

Bob LaBrant In 1991 Lew Dodak and Congressman Dave Bonior, Lew Dodak being the speaker of the state House at the time. He and Bonior basically decided they were going to lead a petition drive to provide for residential property tax relief, which would be financed by the elimination of the Capital Acquisition Deduction under the Single Business Tax. Well we were concerned about that. So, first of all, Lew Dodak was financing his ballot question campaign, getting members of his caucus to basically transfer money out of their candidate committee, put it in an office holder expense fund, and then from this office-holder expense fund, transfer it to this ballot question committee. So I had my friends at Marketing Resource Group come up with a nice brochure on how this money was flowing, and we announced the establishment of the Michigan Business PAC Watch, back in 1991. And we said, “We’re going to be watching to see which business PACs are basically feeding the alligators, and then we’re going to award them the Alligator PAC Club Award.” And we did that early in 1992 and the recipient of that one-and-only award was the Michigan Auto Dealers Political Action Committee.

Bill Ballenger Why alligator? It’s one of your maxims.

Bob LaBrant Feeding the alligators – in the hopes that you won’t be eaten.

Bill Ballenger You’ll be the last to be eaten. Alright.

Bob LaBrant And so the Michigan Business PAC Watch achieved its purpose in drying up the funds. Another thing we did with Lew Dodak was that we put up a billboard right on the Birch Run exit of I-75 that Lew Dodak would take each night to go home. And on our billboard, we basically said, “Don’t sign Speaker Dodak’s petition, otherwise...” – under Blanchard it was “jobs, jobs, jobs”, well we had kind of this universal slash sign and a “no jobs, no jobs, no jobs”, and so, “Don’t sign this petition.” And so Lew would have to see that every time he pulled off the 75 exit. As it turned out, with the adoption of the Lesinski Plan...

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- Bill Ballenger The redistricting plan?
- Bob LaBrant Yeah. His own state house district was much more marginal. And in fact in 1992 he was defeated for re-election and was no longer the Speaker of the House. So that gave me some satisfaction. But, we retained Tom Shields at MRG who hired somebody for her first political job and that was Terri Reid, who until recently had been one of the top advisors in the Snyder gubernatorial office dealing with kind of political activities; and then Pirich to challenge the sufficiency of signatures. And back in 1992 if you could demonstrate that a circulator of a petition was not a registered voter in Michigan, that's no longer the case today but back in 1992 it was, then you could, regardless of the validity of the signature, you could get all those struck because the circulator of the petition was not a registered voter. And Tom and John had devised a mechanism for checking the voter registration status of all these circulators. And we found enough signatures that were invalid so there were insufficient signatures to qualify it for the 1992 ballot.
- Bill Ballenger Okay, what about 2008? RMGN.
- Bob LaBrant This was a very interesting issue. And in fact as I look back, professionally it was perhaps my most satisfying because in early June we had no idea this petition drive even existed. Mark Brewer, bless his soul, basically conducted a stealth petition drive. They had been working on this issue since 2007.
- Bill Ballenger This was the Michigan Democratic Party, Mark Brewer.
- Bob LaBrant Yeah. They had hired the Byrum-Fisk firm to do a lot of work on this. They hired pollsters, focus groups, but they didn't take their petition to the state board of canvassers to get their petition approved as to form. They just began their petition drive. And I caught wind of this because I had been looking at some newspapers. The Jackson Citizen Patriot talked about petition circulators spreading out in downtown Jackson, during the lunch hour. And then some guy in Mt. Pleasant did a story with the (Morning) Sun up there and said that he was approached by someone at the post office about signing a petition, and he said it cuts legislative salaries but they were very reluctant to talk about who was behind the plan or anything like that. So someone got ahold of the petition. It got its way to Saul Anuzis at the state Republican headquarters...
- Bill Ballenger Saul Anuzis was the Republican Chairman.
- Bob LaBrant ...State Chairman back in 2008. And Saul did a YouTube on it, and what was interesting about the petition is it folded down to 8 ½" by 14" but as you unfolded it, it all of a sudden grew geometrically to the point where it was bigger than the State of Michigan road map. And on both sides of the sheet of paper, in 8-point type, were like 34 changes to the Michigan Constitution. And the legislature had substantial changes made to it, the executive office and the judiciary. We were faced with a conundrum here. This thing was just weeks away from getting filed. We had no money. What were we going to do? And Jim Barrett was going to be

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leaving the presidency of the Michigan Chamber of Commerce at the end of the month. Well we made the decision that we had to fight this thing. And so whatever money we were prepared to spend on issue ads, and whatever money we were prepared to spend on redistricting coming up in 2011, we decided we had to spend now to keep this thing off the ballot. One of the things it did on the Supreme Court, it downsized the Supreme Court from seven justices to five. The two justices with the least seniority, Markman and Young, would be off the court at the end of the year, if this thing passed.

Bill Ballenger Who were both Republicans.

Bob LaBrant Right. And then on the Court of Appeals, I think six or eight judges on the Court of Appeals, all the judges that were up in 2010 would be ineligible to run for re-election under the terms of this, so I guess eight of them. Seven out of the eight were Republicans and the one Democrat, Helene White, had already been appointed the 6th Circuit Court of Appeals, so she wouldn't be yelling and screaming about it. And then it would increase the size of the circuit courts around the state by 10 additional judges, all to be appointed by the governor. And then they were going to cut all sorts of judicial pay by 25% so that would lead to a stampede of early retirements. And then as far as the Legislature was concerned, they would downsize the state Senate from 38 seats down to 28. They would downsize the state House of Representatives from 110 to 82. And because they downsized it, in order to have elections in 2010 they'd have to have a re-redistricting of the state legislature. And they would create a kind of independent redistricting commission and come up with different standards than Apol. And so we knew that this was the real deal.

Bill Ballenger You could describe this as a sweeping proposal, right?

Bob LaBrant That's right.

Bill Ballenger Revolutionary almost.

Bob LaBrant So anyway we made the decision that we were going to spend the money now, take the money out of the redistricting fund, take the money out of our issue advocacy account and hire lawyers. And I knew that this was a project that had to be done very quickly and it was probably much too much for one law firm. So we hired Peter Ellsworth and Jeff Stuckey at Dickinson Wright to do the challenge, the constitutional challenge. We hired Pirich and Andrea Hansen to do the sufficiency challenge on signatures and circulators. And then we hired Gary Gordon and have him basically argue before the State Board of Canvassers that you couldn't explain something with this breadth in a hundred words. I did come up with an idea that I shared with Peter Ellsworth, and I said, "You know, the constitution makes provision for constitutional amendments. They can either be put on the ballot by the legislature with a two-thirds vote of both chambers, or a constitutional amendment could be initiated by voters through a petition drive that would collect signatures equal to 10% of the total votes cast for governor in the last election. There may in fact not be any real restrictions on the scope of an amendment. I mean there is no

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provision in Michigan like there is in some other states that a constitutional amendment can only deal with a single subject. So we needed to come up with a different theory." And I said to Peter, "How's this for a theory? The constitution in article 12 provides for a general revision of the Michigan Constitution through a constitutional convention with elected delegates. And frankly what we have here is Mark Brewer trying to do a constitutional convention in his basement by making all these wide sweeping changes to all three branches of government. And maybe that's how we attack this thing." Well in essence that's basically what we ended up doing is attacking it as a general revision of the Michigan Constitution rather than just an amendment to the Michigan Constitution. We went to the Michigan Court of Appeals and got writ of mandamus out of the Michigan Court of Appeals.

Bill Ballenger

And what does that mean?

Bob LaBrant

That means that basically that the court is ordering the State Board of Canvassers not to certify this question for the ballot. There was a number of other issues that we had to jump over a hurdle on. Mark Brewer wanted every judge in Michigan to be disqualified from hearing this because he was cutting everybody's pay by 25%. I said, "No, no, you can't do that." I said, "I know Bill Schuette is not running for re-election, his judicial pay won't be cut. Perhaps we should just let Bill Schuette hear this case." And I said, "Besides that, if everybody is disqualified, then no one is disqualified," under a doctrine called the "rule of necessity." And so, although they tried to make that motion before Judge Whitbeck, he denied the motion for recusal. And he and ironically enough, Bill Schuette and Patrick Meter...

Bill Ballenger

Who were all court of appeals judges...

Bob LaBrant

...unanimously ruled that this was in fact a general revision of the Michigan Constitution, ineligible for placement on the ballot. Interestingly enough it went to the state Supreme Court. I didn't think they'd accept jurisdiction but they did and they heard an appeal. Three of the judges were prepared to accept the ruling of the court of appeals. Three other judges, Kavanagh, Markman and Betty Weaver didn't like all the references in the court of appeals ruling to kind of California case law. And they said that you can't explain this in 100 words. And said that's why they'd keep it off the ballot. Only Marilyn Jean Kelly dissented.

Bill Ballenger

So, six-to-one.

Bob LaBrant

So, a six-to-one decision but the reasoning of the court was kind of split. So it didn't qualify for the ballot. Now Mark Brewer didn't go off into the sunset in disgrace like he deserved to at the time, but he came back and did the sleeping judge ad that fall against Cliff Taylor and Diane Hathaway defeated Cliff Taylor that November. And so the court changed to a Democratic majority with Betty Weaver voting with the Democrats to elect Marilyn Jean Kelley as the chief justice.

Bill Ballenger

Right. Okay we get to the year 2010, two years later, 33 years after you arrived from Wisconsin. What's significant about the year 2010?

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- Bob LaBrant In 2010 all of the races that were contested on the ballot that year pretty much went to Republicans. Rick Snyder won in a landslide over Virg Bernero. That had an impact on Democratic turnout farther down the ballot. All of the statewide constitutional officers were Republican, Bill Schuette and Ruth Johnson; Attorney General and Secretary of State. Bob Young was re-elected and joining him on the Court was Mary Beth Kelly. So the Republicans now had a four-three majority come January 1 of 2011. Mary Beth Kelly and Bob Young edged out the democratic nominees. One of which, Alton Davis, had succeeded Betty Weaver when she resigned in July of...
- Bill Ballenger Alton Davis, a Democrat appointed by Jennifer Granholm.
- Bob LaBrant That's correct.
- Bill Ballenger ...which had given the Democrats a temporary majority on the Court for about five months.
- Bob LaBrant Yeah.
- Bill Ballenger And then the state House and Senate?
- Bob LaBrant Yeah.
- Bill Ballenger The congressional delegation?
- Bob LaBrant The state House I think had 63 seats. That was kind of a high water mark for Republicans. And Democrats, two years previously in 2008, I think had in the high 60s...
- Bill Ballenger Yeah, it was 67-43 going into the election. The Republicans picked up 20 seats.
- Bob LaBrant Yeah.
- Bill Ballenger And they got a 63-47 majority.
- Bob LaBrant Yeah. And then the Republicans in the Senate actually had a super majority. They picked up 26 seats, and had an automatic two-thirds majority there. So Supreme Court, statewide constitutional officers, and the House and the Senate. And that probably led the way to a number of legislative initiatives in the 2011-2012, legislative session. The MEA tried to do a recall and succeeded with a state representative. Do you recall his name? The chairman of the House Education Committee?
- Bill Ballenger Oh, are you talking about Paul Scott?
- Bob LaBrant Yeah, Paul Scott.

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- Bill Ballenger State representative from Genesee County.
- Bob LaBrant And Republicans retaliated for that recall with a change in the Public Employment Relations Act and prohibited public bodies from deducting union dues for school teachers. And then the 2012 election saw all sorts of labor union-inspired initiatives put on the statewide ballot. They all failed, all of the constitutional amendments failed. And then the state Legislature, in the lame-duck session, did enact "Right to Work", something that I think no one had ever foreseen going into...
- Bill Ballenger Did the Chamber and or you personally have that much to do with enacting Right to Work in Michigan?
- Bob LaBrant The Chamber did. I was retired by that time, but the Chamber was very active in the campaign on not only Proposal 2...
- Bill Ballenger Which was collective bargaining...
- Bob LaBrant ...that was collective bargaining. Then there was the one...
- Bill Ballenger That organized labor had put on the ballot.
- Bob LaBrant Yeah, and then I think there were like two other kind of union-inspired ballot question proposals that they were opposed to. And I know they ran some very effective TV spots: "just vote no" on all of these things. And I didn't get involved in anything until, in the lame-duck session I did get involved in making changes to the recall law. And in doing so, those changes which I think were long-overdue were really inspired by the Wisconsin recall election law with some modifications to it. But nonetheless, no one was subject to recall due to their vote for or against Right To Work, in the 2012 election cycle.
- Bill Ballenger Well in essence the changes you had made to the recall law made it harder to recall public officials. Now some people might criticize that new law saying we shouldn't make it harder to recall them, but it was almost ridiculously easy to recall public officials, particularly for specific folks.
- Bob LaBrant I think with the model that Michigan had adopted for recall, first of all, if you were recalled or subject to a recall you were on the ballot all by yourself and the question was yes or no. And so it was like a scarlet letter put around your chest, and it was more a public humiliation than a political contest. And then if in fact you were successfully recalled you were ineligible to fill the vacancy in a special election. And the changes that were made basically allow the incumbent to appear on the ballot. There can be challengers and whoever gets the most votes finishes out the term, but now it becomes more of a political contest than a political humiliation. Also we took a provision from the Wisconsin law that reduced the time period from 90 days to collect signatures, to 60. Wisconsin had the 60-day requirement along with six other states that have recall. And so that shortened that process as well.

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Bill Ballenger You know we could go on and on and there're so many other things I want to ask you, but I think we've got to bring this interview to an end. There were ten Bob LaBrant principles, pristine principles of political success that I wanted you to go through. But it would take too long to go through them, so I'm just going to urge everybody, read this book: PAC Man: A Memoir. Because you read this book, you are not only going to see, and read, and hear in Bob's voice now that you've seen this video, everything that he's been talking about today. But he's going to talk about his principles in there and it's something you don't want to miss if you're the ultimate political junky. So Bob LaBrant, thank you very much for a splendid interview.

Bob LaBrant Well Bill, thank you.

Bill Ballenger It's been a great pleasure.

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