

INSIDE MICHIGAN POLITICS

Inside: **Voters Lukewarm to New Con-Con Switch Method of Taxing Gasoline? Voters Suspicious Correcting a Judicial Election Injustice They Said It**

March 30, 2009

Vol. XII, No. 10

ON CAPITOL HILL: WE'RE STILL A PRIME-TIME PLAYER!

Michigan has lost three seats in the U.S. House of Representatives and a couple of centuries of seniority during the past two decades, yet the state still ranks high on the "clout" list in the nation's capitol.

So claims *Roll Call*, "The Newspaper of Capitol Hill," published in Washington, D.C., which rates Michigan's 17-member delegation (15 Reps., two Senators) as the fourth-strongest in the 111th Congress.

Back in the 1990s — between the 102nd and the 104th Congresses — Michigan's House delegation shrank from 18 to 16 and hemorrhaged a combined 198 years in seniority, plunging from third most powerful to eighth in *Roll Call*'s ratings. Still, that eighth-place finish was as low as we've ever fallen since *Roll Call* began its biennial assessment with the 101st Congress back in 1989-90.

Michigan was fifth in the 101st, third in the 102nd, fourth in the 103rd, eighth in the 104th, and back up to sixth in the 105th and 106th. In the 107th (in 2001-2002), the state hovered between fourth and sixth in clout depending on whether Democrats were in control (for a year and half) or Republicans (for six months).

In the 108th Congress, we slumped to seventh, but in the 109th we edged back up to sixth and then surged to fourth in the 110th, where we remain as the 111th convened two months ago.

Roll Call says that, like New York, Michigan's clout derives mainly from its Democrats, who are among the most senior and powerful in the country. **Carl Levin** is still chairman of Senate Armed Services, as is **John Conyers** (D-MI 14) at House Judiciary. Yes, **John Dingell** (D-MI 15) was defrocked as chairman of House Energy & Commerce, but he's still the longest-serving House Member in U.S. history and boasts *emeritus* status on the panel. On the Republican side, Rep. **Pete Hoekstra** is still the ranking Republican on the Select Committee on Intelligence after two terms as chairman.

Interestingly, Michigan has been able to rank near the top of *Roll Call*'s chart despite receiving less federal money per capita than most other states in the Top 10 of the "clout index." Indeed, when it comes to "clout per member," *RC* places Michigan only 33rd out of the 50 states. That shouldn't make us feel too badly, though, since almost all the large-population states rank lower. Small states do comparatively better with less — for example, North Dakota and Alaska (even with the demise of Senator **Ted Stevens**) hold down the top two spots on *Roll Call*'s "clout per member" roster.

Michigan took a "big hit" in the 1992 and '94 elections, according to *Roll Call*, due to the loss of a couple of House seats after the 1990 census (we lost another after 2000), a number of retirements, and the loss of some powerful chairmanships. Even Michigan's saving grace for half a dozen years — former Whip **David Bonior** (D-MI 10) — garnered the delegation fewer points because his party lost the majority in 1994 and never won it back while Bonior was still a Member. In the 2008 election, the defeat of eight-term incumbent U.S. Rep. **Joe Knollenberg** (R-MI 9) took its toll, but his replacement by a member of the House's current majority party (Democrat **Gary Peters**) and the addition of **Mark Schauer** (D-MI 7) in place of Republican **Tim Walberg** more than made up for it.

Fact is, "The Great Lakes State" boasts more than its share of powerful senior members, whether they're in the majority or not, including not only Dingell, Conyers, and the brothers Carl and **Sander Levin** (D-MI 12), but also **Dale Kildee** (D-MI 5), **Fred Upton** (R-MI 6), and **Dave Camp** (R-MI 4). In fact, Michigan's House contingent includes 11 members, spanning both parties, who have won at least five terms.

RC's clout rankings are based on a complicated formula that awards points to each state based on the following factors: size of the delegation (we're still the eighth largest); number of full committee chairmanships and ranking memberships; number of members on the House Ways & Means, House Energy & Commerce, Senate Finance, and Senate and House Appropriations Committees; top leadership posts; the per capita amount of federal spending each state receives; number of members in the majority party (Democrats now hold an 8-7 edge in the delegation after last fall's election); and seniority.

Population correlates strongly with clout, says *Roll Call*, but the relationship is not exact. True, California's 33 million residents and 53 House seats helped it retain its status as #1 which it has held in all 11 surveys. But, even with **Nancy Pelosi** ensconced as the House Speaker, the Golden State ranks a lowly 46th in "clout per member."

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ROLL CALL'S MOST POWERFUL STATES

Rank	State	Rank	State	Rank	State
1	California	18	Missouri	35	Vermont
2	New York		North Carolina	36	Arkansas
3	Texas	20	Georgia		Colorado
4	Michigan	21	Tennessee	38	S. Dakota
5	Florida	22	Alabama	39	Maine
6	Massachusetts	23	Mississippi		Oregon
7	Pennsylvania	24	North Dakota	41	Montana
8	Virginia	25	Alaska	42	Kansas
9	Maryland	26	Kentucky	43	Rhode Island
10	Illinois	27	Iowa	44	Utah
11	New Jersey	28	Connecticut	45	Nevada
12	West Virginia	29	New Mexico	46	Wyoming
13	Wisconsin	30	Arizona	47	Nebraska
14	Washington		Minnesota	48	New Hmpshr
15	Ohio	32	S. Carolina	49	Delaware
16	Hawaii	33	Oklahoma	50	Idaho
17	Indiana	34	Louisiana		

VOTERS SAY 'NO' TO NEW CONSTITUTIONAL CONVENTION, ESPECIALLY IF IT COSTS LOTS OF MONEY: POLL

Does Michigan need a new Constitution?

That's the question **IMP** posed to subscribers back on Feb. 9 (see Vol. XII, No. 7).

Fact is, all of the state's voters will have a chance to decide the answer next year, when Proposal 10-1 will be on the ballot. Prop 1 will ask the electorate whether Michigan should convene another Constitutional Convention for the purpose of fly-specking our current document — and perhaps decide that we need to start all over again.

The issue has been on the ballot twice before, in 1978 and 1994. Both times voters turned down the idea of a new Con-Con by resounding margins of roughly 3-1.

But last year, Michigan Democratic Party Chairman **Mark Brewer** and organized labor mounted a petition drive to place a single question on the ballot that, if approved by the state's voters, would have effected some three dozen changes — many of them major — to the Constitution. In effect, the "Reform Michigan Government Now" (RMGN) proposal concocted by Brewer & Co. was a 'Subway on a toothpick' that voters would have been asked to swallow whole.

Early polls indicated that, if it had qualified for the ballot, it would have passed. However, voters never got a chance to vote on it — the courts denied RMGN ballot access on the grounds that so many sweeping, multi-section changes to the state's basic document should not be accomplished via approval of a single question. A Con-Con, the jurists implied, was the only proper way to address such an overhaul.

So, what would a poll reveal now? Prop 10-1 looks like it will have tough sledding — especially if voters are

told how costly the process of electing delegates and running a Con-Con will be.

Without being reminded how much a Con-Con would cost, roughly two voters in five say they could support holding such a conclave, with about an equal percentage opposed and the remainder undecided, refusing to answer, or saying they don't know. Then, when respondents to the survey are told how much such a Convention would cost, opposition skyrockets.

Those are the conclusions reached by the statewide poll commissioned by **Inside Michigan Politics** and conducted by Lansing-based Marketing Resource Group, Inc., between March 4 and 10.

The **IMP**/MRG poll sampled 600 registered voters stratified by city and/or township, based on past voting history. Some 31% of the respondents were self-identified Democrats; 25% self-identified Republicans; 42% said they were Independents; and about 2% refused to characterize their voting habits or had never voted before. Statistical margin of error was $\pm 4.1\%$.

The survey consisted of half-hour interviews conducted by survey staff from East Lansing. The poll's cross-tabs broke responses down into more than a dozen categories, i.e., gender, geography, income level, marital and housing status, education, ideology, union affiliation, age, religion, etc.

Here are the **IMP**/MRG questions, followed by the responses:

SIZE DOESN'T MATTER THAT MUCH

According to *Roll Call's* analysis and the U.S. Census Bureau, smaller states have comparatively greater clout-per-Member in Congress than do larger ones (Michigan ranks 33rd, according to this index):

State	Clout Per Member	Pop. Rank	State	Clout Per Member	Pop. Rank
North Dakota	115.51	47	Wisconsin	43.38	18
Alaska	114.4	48	Kentucky	42.01	25
Hawaii	102.03	42	Alabama	39.61	23
Vermont	100.53	49	S. Carolina	39.23	26
South Dakota	92.33	46	Oregon	39.1	28
Montana	88.14	44	Virginia	38.8	12
West Virginia	87.14	37	Washington	38.59	15
Wyoming	78.28	50	Michigan	35.94	8
Maine	68.48	40	Indiana	35.28	14
Delaware	66.39	45	Missouri	35.08	17
New Mexico	65.32	36	Louisiana	33.82	22
Rhode Island	63.65	43	Tennessee	33.11	16
Mississippi	58.3	31	Arizona	31.9	20
New Hampshire	52.1	41	Minnesota	31.87	21
Utah	49.28	34	Colorado	31.62	24
Maryland	49.19	19	New Jersey	29.24	9
Idaho	48.25	39	N. Carolina	25.71	11
Nevada	48.19	35	New York	25.01	3
Iowa	47.7	30	Georgia	24.81	10
Arkansas	47.57	33	Pennsylvania	24.67	6
Connecticut	47.27	29	California	24.42	1
Massachusetts	45.52	13	Texas	22.65	2
Nebraska	43.73	38	Illinois	22.03	5
Kansas	43.63	32	Ohio	21.08	7
Oklahoma	43.52	27	Florida	20.45	4

The state Constitution mandates that an election will be held every 16 years to decide whether or not to call a Constitutional Convention to revise the Michigan Constitution of 1963. Voters will next make that decision in the general election of Nov. 2, 2010. The constitutional convention question may appear on that ballot as follows:

Shall a convention of elected delegates be convened to draft a general revision of the state constitution for presentation to the state's voters for their approval or rejection?

If the election were being held today, would you vote YES, in favor of a convention, or NO, to oppose it? (IF UNDECIDED/REFUSED TO ANSWER, DON'T KNOW, ASK: Would you say you are leaning toward voting Yes, or No?)

38% Vote Yes
3% Lean Yes **41% Total Yes**

37% Vote No
3% Lean No **40% Total No**

..... **19% Undecided/Refused to Answer/Don't Know**

State officials estimate that holding a Constitutional Convention would cost Michigan taxpayers \$45 million. Knowing this, and ...

If the election were being held today, would you vote Yes, in favor of a constitutional convention, or No, to oppose it? (IF U/RtA/DK, ASK): Would you say you are leaning toward voting Yes, or No?)

16% Vote Yes
2% Lean Yes **18% Total Yes**

67% Vote No
8% Lean No **75% Total No**

..... **7% U/RtA/DK**

STATE VOTERS NOT KEEN ON NEW OR DIFFERENT GAS TAXES: POLL

What to do about a state that seems to expect a top-flight road system but doesn't want to pay for it?

While Michigan's transportation infrastructure crumbles, gasoline tax revenues have fallen by \$100 million in the past five years while maintenance costs have skyrocketed. Between 2002 and 2006, for example, the price of concrete jumped by 21% and asphalt by 32%.

True, Michigan motorists already pay about 31 cents per gallon in total taxes, which ranks us 11th highest nationally among the 50 states, according to calculations by the Tax Foundation,

Yet, even though the recently-enacted federal economic stimulus package is giving the state some \$847 million in road money this year, the Michigan Transportation Commission has projected that the 31-cent levy we're now paying is not enough. Unless a new source of revenue is found soon, says the panel, the state won't have enough cash to match an available \$2

SENIORITY IN MICHIGAN'S CONGRESSIONAL DELEGATION

Seniority Rank	Member	First Sworn In	Current Term (Full or Partial)
U.S. Senate			
10	Carl Levin (D-MI)	Jan. 3, 1979	6th
57	Debbie Stabenow (D-MI)	Jan. 3, 2001	2nd
U.S. House			
1	John Dingell (D-MI 15)	Dec. 13, 1955*	28th*
2	John Conyers (D-MI 14)	Jan. 3, 1965	23rd
14	Dale Kildee (D-MI 5)	Jan. 3, 1977	17th
31	Sander Levin (D-MI 12)	Jan. 3, 1983	14th
48	Fred Upton (R-MI 6)	Jan. 3, 1987	12th
67	Dave Camp (R-MI 4)	Jan. 3, 1991	10th
95	Pete Hoekstra (R-MI 2)	Jan. 3, 1993	9th
111	Bart Stupak (D-MI 1)	Jan. 3, 1993	9th
117	Vern Ehlers (R-MI-3)	Dec. 3, 1993*	9th*
157	C.C. Kilpatrick (D-MI 13)	Jan. 3, 1997	7th
228	Mike Rogers (R-MI 8)	Jan. 3, 2001	5th
265	Thaddeus McCotter (R-MI 11)	Jan. 3, 2003	4th
269	Candice Miller (R-MI 10)	Jan. 3, 2003	4th
422	Gary Peters (D-MI 9)	Jan. 3, 2009	1st
428	Mark Schauer (D-MI 7)	Jan. 3, 2009	1st

* Sworn in after winning special election

billion in federal aid starting in the 2010-2011 fiscal year.

Here's the problem: when asked by pollsters whether it would support a hike in gas taxes, the electorate is balking. A Denno-Noor survey conducted between March 9 and 14 found that nearly 60% of Michigan voters oppose hiking the state's gas tax by three cents per annum over three years (a total of nine cents), while only 36% supported the idea.

So an *ad hoc* Michigan Transportation Team has begun looking at other ways to try to raise revenue, including **1)** A plan that would tax motorists on the number of miles they drive, not on the amount of fuel they burn; **2)** Toll roads; **3)** Toll lanes on established freeways; **4)** Raising registration fees; and **5)** Changing the tax from a tax-per-gallon to a percentage-per-gallon basis.

The latest brainstorm by the MTT and Gov. **Jennifer Granholm** is a gas tax that's set as a percentage of the wholesale price of gasoline — one that would initially bring in the same amount of money as the current system (while gas prices are comparatively low) but which would bring in more revenue as the price of gas increases (remember when it was more than \$4 per gallon just last year?).

Well, the results are in, and Michiganders don't like the Granholm/MTT proposal any better, according to another **IMP/MRG** poll question posed to the same 600 respondents as answered the questions on whether to hold another state Constitutional Convention.

Here is the **IMP/MRG** question, followed by the responses:

A state transportation funding task force recently recommended a proposal to Gov. **Jennifer**

Granholtz that would eliminate the 19-cent state tax on gasoline and replace it with an equal tax on the wholesale price of gas. They say that swapping the taxes would let revenues rise or fall with changing fuel prices, which could ultimately boost transportation funding for Michigan's deteriorating roads. Would you support or oppose such a proposal? (IF SUPPORT/OPPOSE, ASK: Do you strongly (support/oppose) or just somewhat (support/oppose) it?)

15% Strongly support
 21% Somewhat support **36% Total Support**

31% Strongly Oppose
 13% Somewhat Oppose **44% Total Oppose**

..... **20% U/RtA/DK**

STATE SENATE TRIES TO RECTIFY MASSIVE BLUNDER BY ELECTION BUREAUCRATS & SUPREME COURT

On March 4, the state Senate passed and sent to the state House of Representatives a four-bill package (SB 21-24) aimed at assuring ballot access for judicial candidates who have been given faulty information by state election officials as to the number of signatures required on qualifying petitions.

The bills were sponsored by state Senator **Tony Stamas** (R-Midland), who represents the four-county 23rd Circuit Court jurisdiction (Alcona, Arenac, Iosco, and Oscoda) where attorney **Chris Martin** of East Tawas was booted off the ballot last year because of a widely decried 4-3 decision by the **Cliff Taylor**-led state Supreme Court.

Martin had appealed the Secretary of State's Bureau of Elections decision to prevent his name from being printed on the ballot in his challenge to two incumbent judges. The BOE admitted its error and didn't even contest his appeals, which Martin won at both the circuit court and Court of Appeals levels before running afoul of the 'Gang of Four,' which insisted that, even though there was no 'equity' in its decision, it was bound by law to scuttle Martin's candidacy.

Martin ran, anyway — as a write-in — and secured 11,011 votes, the highest number for a write-in in modern Michigan judicial election history. Nevertheless, he fell less than 3% short of defeating the unpopular sitting judge (**Ronald Bergeron** of Standish) who had filed suit against Martin's right to oppose him. Martin actually carried a county (Iosco, the circuit's largest) — believed to be the only time under the present Constitution a write-in candidate has accomplished such a feat.

Meanwhile, Chief Justice Taylor was smoked by Democratic challenger **Diane Hathaway** in Taylor's own re-election bid; predictably, Taylor lost to Hathaway by a wide margin in the 23rd Circuit even though nobody knew who she was.

State Senator **Bruce Patterson** (R-Canton), a member of the Senate's judicial panel, commented that the injustice to Martin was so egregious that the senator plans to take things a step further by introducing a con-

stitutional amendment to strip justices and judges of their "incumbency" designation on the ballot, an advantage that makes sitting jurists almost impossible to defeat.

ERRATA

- State Rep. **Robert B. Jones** is (D-Kalamazoo), not (D-Grand Rapids), which is the designation for his fellow sophomore lawmaker, **Robert Dean** (see **IMP**, Vol. XII, No. 6).
- It's State Rep. **Tom McMillin** (R-Rochester Hills), not McMillan (**IMP**, Vol. XII, No. 8).
- Maybe former Congressman **David Bonior** (D-MI 10) doesn't deserve the credit for being the first gubernatorial aspirant "in recent history" to name a Lieutenant Gov. runningmate before an August primary (see 1/28/09 **IMP**, Vol. XII, No. 6). Sharp-eyed reader **Dennis Denno**, a devotee of former president **Lyndon B. Johnson** and LBJ biographer **Robert Caro**, points out that, in 1998 (four years earlier than Bonior), erstwhile Democratic candidate **Larry Owen** promised that Wayne Co. Clerk **Teola Hunter** would be his Lt. Gov. sidekick if he won his party's nomination. In neither case, however, did the strategy work — Owen lost his primary to trial lawyer **Geoffrey Fieger**, while Bonior finished runnerup to then-Attorney General **Jennifer Granholm** in 2002.

THEY SAID IT

■ "Ultimately, it's akin to the fact that everyone wants to go to heaven, but nobody wants to die." — **Mike Nystrom**, vice-president of the Michigan Infrastructure and Transportation Association (MITA), trying to explain why Michigan voters refuse to embrace any new scheme to raise gasoline revenues as a way to resuscitate the state's collapsing transportation infrastructure (MIRS, 3/16/09).

■ "I have no doubt what the result would have been if he'd been on the ballot." — State Senator **Tony Stamas** (R-Midland), referring to attorney **Chris Martin** of East Tawas, who was denied access to the ballot in a 23rd Circuit Court race last fall after the Secretary of State's Bureau of Elections gave him faulty information on the number of petition signatures needed to qualify (MIRS, 2/17).

■ "It appears to me this guy got railroaded by the good ol' boys network." — State Senator **Alan Sanborn** (R-Richmond), as the Senate Judiciary Committee considered legislation on how to prevent recurrences of the injustice to Martin, same date, same place.

■ "You are disgraced professional losers. And, by the way, give us our money back." — U.S. Rep. **Earl Pomeroy** (D-North Dakota), on the A.I.G. executives who were paid bonuses after a federal bailout, in a Congressional hearing two weeks ago (The New York Times, 3/20).