

# MI Citizens Take Emergency Manager Law to Court, Citing Unconstitutional Power Grab

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*June 22, 2011, Lansing, MI* - Citizens from across Michigan today announced they are taking Michigan's controversial emergency manager law to court, filing a lawsuit that charges Gov. Rick Snyder and the Legislature with implementing an unconstitutional power grab that effectively silences citizens.

"The emergency manager law is a shameless power grab by Lansing politicians and their cronies who want to take away the will of the people," said **Kym Spring, Grand Rapids plaintiff**. "The only people who benefit from this dangerous law are those who want to wage vendettas against their political enemies so they can pursue their own narrow political agendas, not the needs of the people. Michigan deserves leaders who can come together to fix our problems. Instead, we have an unconstitutional law that takes away people's rights and local decision-making."

In March 2011, the Legislature approved and Gov. Rick Snyder signed Michigan Public Act 4 (PA-4), a new law that gives the Governor's office the power to appoint so-called "emergency managers" for any of a broad, vague set of criteria. These emergency managers can then take over the entire operations of local communities or school districts, replacing elected officials.

Emergency managers have nearly unlimited, unilateral and unchecked authority, from making and changing all local laws to selling off public assets and saddling local taxpayers with debt without their approval to laying off workers and repealing collective bargaining contracts. Local taxpayers must pay for these emergency managers, ranging from \$11,000 a month for the manager in Benton Harbor to around \$33,000 a month for the manager of the Detroit Public Schools.

The citizens' lawsuit, filed against the State of Michigan in Ingham County Circuit Court, says the emergency manager law violates the Michigan Constitution by:

- Suspending home rule, by giving managers power to repeal local laws, ordinances, charters and contracts;
- Effectively eliminating citizens' rights to vote for and petition local government on matters of local concern;
- Violating the separation of powers, by allowing the executive branch and its agencies to exercise legislative duties; and
- Allowing the Legislature to enact unfunded mandates, by using local taxpayer dollars for such purposes as managers' salaries and staff.

The Sugar Law Center for Economic and Social Justice is serving as the lead counsel for the 28 citizens. Sugar Law is joined by attorneys with the Center for Constitutional Rights, The Sanders Law Firm, Miller Cohen PLC, and Goodman & Hurwitz PC on behalf of the Michigan National Lawyers Guild.

"This unfair, unconstitutional and unnecessary law takes away the rights of hardworking people who

play by the rules,” said **John Philo, Legal Director for the Sugar Law Center**. “PA-4 establishes a new form of local government, unknown anywhere in the United States, where the people in local municipalities are governed by an unelected official who establishes local law by decree. It’s a backdoor way to end collective bargaining and effectively silence local firefighters, police, teachers, nurses and anyone who serves the public and provides essential local services.”

“The emergency manager law is abuse of executive power at the state, as opposed to federal, level. It’s another example of how, throughout the country, working people and communities of color are being blamed for, and forced to bear the burden of the economic downturn that was caused by Wall Street and corporate interests,” said **Darius Charney, staff attorney with the Center for Constitutional Rights**. “We’re talking about depriving what are already politically and economically disenfranchised communities of some pretty fundamental political rights, including the right to a democratically-elected government.”

“Lansing politicians, along party lines, rammed through a law that gives politically motivated managers unprecedented powers to silence local communities and citizens,” said **Edith Lee-Payne, Detroit plaintiff**. “This law is not about fiscal responsibility. It’s a power grab that robs taxpayers of their money and freedom.”

*The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change.*