

Lucas Co. native leads new breed of law writer

Conservative group turns to electorate

By JIM PROVANCE
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‘Sometimes you need to circumvent the legislature when they’re not going to do what you want, which is almost all of the time,’ says Maurice Thompson, executive director of the 1851 Center for Constitutional Law in Columbus.

COLUMBUS — Maurice Thompson has never been elected to office, but his words are a part of the Ohio Constitution — the 21st right in the Bill of Rights.

Raised on a western Lucas County farm, he heads the 1851 Center for Constitutional Law, a new breed of conservative group. It leaves the policy research paper writing and advocacy to the think tanks and directly writes laws and uses the courts to challenge others.

“Sometimes you need to circumvent the legislature when they’re not going to do what you want, which is almost all of the time,” Mr. Thompson said. “You use litigation. You use the initiative. You use other forms of public education. You take a survey of all of the tools in the tool shed to advance your agenda, not just the think-tank model.”

And Ohio has plenty of tools in the shed when it comes to direct democracy, as citizens increasingly turn to the ballot to undo the laws lawmakers pass or to write the laws they won’t.

Mr. Thompson wrote Issue 3, the constitutional amendment overwhelmingly approved by voters in November that attempts to hamstring government when it comes to making health-care decisions affecting individuals and businesses.

Its primary target is President Obama’s signature health-care law, although any impact the Ohio Constitution can have on federal law remains in doubt.

Next on Mr. Thompson's agenda is an amendment that would make Ohio a right-to-work state: workers who decline to join a labor union in the private or public sectors could not constitutionally be required to pay "fair share" or other fees in lieu of dues.

Draft language

He plans to submit draft language for such an amendment for Attorney General Mike DeWine's review, a first step toward circulating petitions to put the question on the state ballot.

Even Gov. John Kasich and Republican legislative leaders who strongly backed Senate Bill 5, the ill-fated crackdown on public employee unions, haven't embraced that one.

Mr. Thompson and the 1851 Center also are providing free legal assistance to bars that have directly challenged Ohio's strict ban on smoking in indoor public places as a constitutional property rights issue. A case awaiting a decision by the Ohio Supreme Court could cripple enforcement of, if not kill, the law.

On its radar screen for the future: A taxpayer "bill of rights" written into the Ohio Constitution that would, among other things, require a super-majority vote before lawmakers could raise taxes.

A left-leaning think tank doesn't agree with Mr. Thompson's approach.

"We have a legislature to pass laws. That's how it should be," said Dale Butland, spokesman for Innovation Ohio. The group, headed by former Democratic Gov. Ted Strickland's chief of staff, issues policy papers and played a large role in challenging Senate Bill 5 and the Issue 3 health-care amendment written by Mr. Thompson and championed by the conservative Tea Party.

But unlike the 1851 Center, Innovation Ohio stops short of writing laws.

"California is a case in point," he said. "The super majority idea on taxation is a terrible idea. If the founding fathers of the U.S. government and Ohio government thought requiring a super majority was a good idea, they would have put it in the constitution. They didn't. They believe in something called majority rule, something Mr. Thompson is not very familiar with."

The 1851 Center

The 1851 Center sees itself as a defender of individual and business rights, but approaches from the opposite end of the spectrum compared with the likes of the American Civil Liberties Union.

"We are a special-interest group against special-interest groups," Mr. Thompson said. "Our special interest is for people to be left alone by special interests. It's for every Ohioan who doesn't have a union or another special-interest group to protect them."

The 1851 Center takes its name from that year's wholesale rewrite of the Ohio Constitution, a backlash against what was seen as a corrupt state government too intertwined with private corporations and taking on too much debt.

A voter-approved constitutional convention inserted more checks and balances into government, including the ability of citizens to amend the Ohio Constitution. The ability for voters to pass and challenge laws through initiative and referendum came in 1912.

The 1851 Center started as a subsidiary of the conservative Buckeye Institute for Public Policy Solutions, but was eventually spun off on its own.

Outgoing Buckeye Institute President Matt A. Mayer was not leading the think tank when it took in the 1851 Center, but he made the move to separate the two as part of a broader plan to re-emphasize the institute's policy role.

“Legal litigation centers are all over the country,” he said. “Some think tanks have them. Some don't. It is really pushing advocacy, gets beyond policy, and gets into danger zones that could expose the Buckeye Institute to downsides. I felt it would be better as a stand-alone, so that it wasn't constrained by policy and we weren't impacted by the legal end.”

He compared the 1851 Center to Progress Ohio, a liberal advocacy group that has used litigation to challenge primarily Republican government, although typically as the plaintiff instead of the lawyer.

“There is definitely a need for a free-market litigation center that represents entities as they fight back against government overreach,” Mr. Mayer said.

Career path

Mr. Thompson, 32, was raised on a farm in the Holland area. His family moved to Rossford, where he attended high school. He earned a bachelor's degree in philosophy and economics from Miami University in Oxford, Ohio, then participated in the Charles G. Koch Summer Fellow Program in Washington, founded by one half of the libertarian Koch Brothers behind conservative groups such as Americans for Prosperity.

“The Koch Brothers are infamous for funding extreme right-wing causes,” Mr. Butland said.

Connections

The fellowship program connected Mr. Thompson with the conservative National Taxpayers Union and the Cato Institute, a free-market think tank. From there, he obtained his law degree from Case Western Reserve University in Cleveland, and picked up a client in private practice that led him to the nonprofit Sam Adams Alliance in Chicago.

With the Sam Adams Alliance providing initial funding, the 1851 Center was founded and married to the Buckeye Institute, with Mr. Thompson as the center's executive director.

Mr. Thompson divulges little about the 1851 Center's sources of funding beyond mentioning the Adolph Coors Foundation of Colorado as one. He said current funding is now almost evenly divided between Ohio and non-Ohio sources, with an emphasis going forward on boosting in-state support.

“People who think we're on the take or the hook [to donors] should just look at our office and the ratty carpet, the bars on the windows, and everything else,” he said. “We pay \$485 a month plus utilities for our offices. We live very low on the hog — no waterfalls or fountains out front. That's not where we should be spending our donors' money.”

He personally considers himself a free-market libertarian and says the only Republican among the current crop of presidential contenders that he could support would be U.S. Rep. Ron Paul of Texas. But the 1851 Center has developed what he called a “uniquely symbiotic” relationship with the Tea Party movement, largely Republican, in Ohio.

“Many of the things that they want to do, they couldn’t do without the 1851 Center,” he said.

“Then again, my initiative agenda would be very difficult without their hard work on the ground gathering the signatures. I’m able to do things I wouldn’t otherwise be able to do without working with them. They wouldn’t have the access to the process without our free help.”

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