

INDEPENDENT

# Inking

FALL | 2024

A publication of



INDEPENDENCE  
INSTITUTE.ORG

Our 22nd Annual ATF Party - PAGE 10



# THINK FREEDOM

## WE ARE AN ACTION TANK AND A PUBLIC RELATIONS FIRM FOR LIBERTY.

A central role of an effective think tank is to produce quality research and analysis. Since 1985, we have provided research resulting in changes in law and policy. But we have never been content with just research. We are more than a think tank. We are an “action tank.” We put our ideas into action through groundbreaking litigation, coalition building, work on ballot initiatives, new media and investigative reporting. We don’t just fight on paper. We fight for freedom on the streets, in the statehouse, in the media, on the ballot, and in the courts.

The mission of the Independence Institute is to empower individuals and to educate citizens, legislators and opinion makers about public policies that enhance personal and economic freedom.

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# Bad Time for Ballot Initiatives

By Jon Caldara, President

I'm trying to come up with the right analogy. I'm sure you can do much better.

I'm thinking of a bunch of little kids playing king of the hill. In their minds, they think the pile of dirt is Mount Everest, when, in fact, it's just a pitching mound. Or maybe one of those Japanese soldiers who was left on a small, isolated island for decades not knowing World War II had ended and his side lost. He's still fighting. Or, perhaps, medieval lords battling over territory the size of a postage stamp. It's like two lifeguards wrestling over who gets to save someone who has drowned.

I'm talking about the remarkably entertaining drama that is the battle to control the feckless Colorado GOP, like toddlers fighting over a broken toy.

At this point, it is nothing but comical. Two separate factions claim to be the legitimate leaders of a fictional country, I mean fictional state political party. Former state GOP Chairman Dave Williams refuses to accept the vote of the party's Central Committee to remove him, along with the other officers, and replace him with Eli Bremer and his team.

Does this operation sound familiar to you? Let me see here. So, what we have is somebody who lost an election but doesn't want to give up power. He's putting out communications the election was illegitimate and, instead of working to get Republicans elected, is working to destroy the elections of fellow Republicans.

In the meantime, Republicans continue to lose offices in Colorado without a functional party to help them. There are real-world problems because Williams will not give up his throne. Quite literally, Bremer and gang can't get the keys to the office, can't check the bank balance, can't get the passwords to the website or email system.

So, we'll have to wait until a judge weighs in and see if the warring parties accept the decision. But for the purpose of the 2024 elections, it just doesn't matter. The state GOP is basically worthless, no matter who wins this spitting contest, the party is broke, broken, and discredited. Even if a functional administration were properly installed today, it wouldn't have the time or money to make any impact as ballots are a month from being dropped.

The problem is bigger than one dysfunctional organization. The conservative movement in Colorado is largely ineffective. Republicans are the minority party in Colorado. Unaffiliated voters are the majority, and they are growing. Colorado could become the first truly unaffiliated state. Trump and abortion keep moderates out of the Republican Party, as wokeness and a war on business is chasing them out of the Democratic Party.

The future of Colorado belongs to those who can communicate policy ideas, not personalities, to the unaffiliated. Fortunately, that's what we do at Independence. Our messages resonate with unaffiliated voters, those who have had enough of politics. Williams' call to burn gay pride flags won't do that. The Democrats' indoctrination of pre-pubescent kids into the opposite gender won't do that.

Conservatives in the state need to accept some harsh realities that go against their strongest-held beliefs. And I know this can be hard, but here is the reality: For the foreseeable future, Colorado will not become an anti-abortion state. The reality is for the foreseeable future we will not become an anti-gay, anti-lesbian, anti-bisexual state. For the foreseeable future, we will not be an anti-cannabis state. We will be a pro-environmental state.

But it doesn't mean we are a pro-tax, pro-regulation, pro-crime, pro-woke state. There are clear paths to create large victories during the next decade in these policy areas. But that will only happen if we invest in voter registration, voter outreach, community organizing, local government recruitment, investigative reporting and vote harvesting operations for a decade.

And none of that has anything to do with a political party. Until then, enjoy the show.

Think Freedom,



# Lakewood Voters to Decide End to TABOR Protections in November Election

By Savana Kascak

The Lakewood City Council in August referred a measure to the November 5 ballot asking voters to permanently eliminate revenue limitations in place under the Colorado Taxpayer's Bill of Rights (TABOR). Despite some complicated ballot wording, a yes vote on the measure boils down to an end to refunds of taxes over-collected by the city for good starting in 2026.

TABOR is a constitutional amendment that, among other things, limits the growth of local government spending to a reasonable annual rate based on inflation and local economic growth. Excess revenue must be returned to taxpayers unless voters give permission to exceed those limits. The Lakewood measure would allow the city government to keep and spend revenue that would otherwise be refunded in perpetuity.

But according to Lakewood resident Natalie Menten, the city has paid \$65,000 to a political strategy firm in an effort to word the ballot question in an intentionally misleading way.

Menten, who is also running for a Jefferson County Commissioner seat, has a long history advocating for taxpayers, having previously led the repeal of the grocery tax in Lakewood, as well as the defeat of two previous attempts by Jefferson County to eliminate TABOR limits.

"When I say I'm a taxpayer's government watchdog, that is true, I have saved taxpayers millions," notes Menten, who questions the true motives of the Lakewood City Council in asking for a permanent end to the revenue limits.

"They are ignoring TABOR and presenting it to the voters in a fraudulent type of way and that shows very little respect to the voters" Menten said, "What it really does is eliminate the consent of future voters, forever."

Menten says that the council is also pitting homeowners against renters, claiming the only way they can give a TABOR refund is if homeowners get it and renters don't.

Lakewood residents have previously received TABOR rebates in the form of a property tax reduction, as well as a temporarily reduced fee charged to property owners.

But, according to Menten, the city could also refund overpaid taxes through things such as a temporary sales tax reduction, or lower vehicle registration fees.

"The city could easily give refunds that include all taxpaying Lakewood residents, renters as well as property owners, but instead they wanted to present inaccurate and misleading information," Menten said, noting that there should be another TABOR rebate coming to Lakewood taxpayers starting in 2025 should voters reject the November ballot measure.



*Savana Kascak*

Savana Kascak attends Hastings College in Nebraska and is a graduate of the Future Leaders program at Independence Institute.

# Californian of the Year and Colorado Gives Day

Once known for its majestic peaks and laissez-faire spirit, Colorado continues to take cues from California’s playbook—turning our wild west into the over-regulated west. Each regulation and tax hike is a step closer to California’s nanny state, complete with a side of avocado toast priced like a mortgage payment. Colorado’s transformation isn’t just a trend; it’s becoming a tradition. It’s as if there’s a competition to outdo California in turning our free-wheeling frontier into an HOA meeting that never ends.



Enter the “Californian of the Year” award, a dubious honor given by us to those who excel in turning our once free-spirited state into a mirror image of California. This is our way of giving a little shoutout—okay, a big, sarcastic shoutout—to those who seem hellbent on making Colorado a top destination for those fleeing California, only to recreate the very place they escaped from.

For Colorado Gives Day, we award prizes to those most (un)deserving when we reach our fund-raising goals. Join us in our mission of securing life, liberty, and the pursuit of happiness for all of Colorado.

If we reach our first goal of **\$20,000**

**Reps. Stephanie Vigil and Brianna Titone, and Sens. Faith Winter and Janice Marchman** will receive 1000 “My Name Is \_\_\_\_\_” stickers (with a few pre-filled by Jon Caldara) for sponsoring the bill paving the way for students to change their names at school without parent notification. We hope teenage boys are having fun with this one.



If we reach our second goal of **\$40,000**

**Representative Julie McCluskie and Senator Steve Fenberg** will receive the cheapest self-tanning spray we could find off Temu.com for their tireless work of skirting Open Meetings Laws and preventing sunshine from being the best disinfectant.



If we reach our fourth goal of **\$80,000**

**Jefferson County Commissioners, US Representative Brittany Pettersen, and her husband, Ian Silverii** will receive a \$340,000 gift certificate to the Daniels College of Business at the University of Denver for ethics classes for their totally above-the-board, and definitely not a sweetheart deal, consultation contract to kill TABOR in JeffCo.



If we reach our third goal of **\$60,000**

**The Colorado Press Association** will receive the board game “Clue” (with a few missing pieces) for awarding the very same legislators who shield their activity from public oversight a “Defender of the Free Press” award. The irony isn’t missed on us.



If we reach our fifth goal of **\$100,000**

**Dave Williams** will receive a copy of the Colorado GOP bylaws (personally autographed by Kyle Clark) for purporting to be a “law and order” Republican while breaking every party bylaw to reign over the ashes of the Colorado GOP.



# Independence Institute

The following excerpts are Independence Institute's voting recommendations based on our review of ballot measures. For our full guide, visit our website.

## Amendment G - Modify Property Tax Exemption for Veterans with Disabilities

**Our Recommendation: YES**

This amendment would increase the number of disabled veterans (by about 3,400) who qualify for a property tax exemption. Currently, the homestead exemption is limited to veterans with service-related disability rated 100 percent permanent. Upon voter approval, the exemption would be expanded to those classified as having "individual unemployability" status.

Our veterans have put their lives and limbs on the line to secure our freedom. We support expanding property tax exemptions to those veterans who are unemployable due to service-related disabilities.

## Amendment H - Judicial Discipline Procedures and Confidentiality

**Our Recommendation: YES**

This measure would create a new administrative board to preside over ethical misconduct hearings involving state court judges.

The amendment was brought forward due to a string of scandals in the judicial branch and has the potential to be a positive first step in rectifying existing issues and regaining public trust in the judiciary.

## Amendment I - Constitutional Bail Exception for First-Degree Murder

**Our Recommendation: NEUTRAL**

This amendment would make persons arrested and charged with first-degree murder ineligible for bail if prosecutors could prove they had a strong enough case. The state constitution currently says only those who have committed "capital offenses" can be denied bail.

This has been deemed a problem since the repeal of the death penalty in 2020 because first-degree murder no longer meets the "cap-

ital offense" criteria without execution as a potential punishment.

## Amendment J - Repealing the Definition of Marriage in the Constitution

**Our Recommendation: YES**

It is generally our policy not to weigh in on social issues, however, this amendment would simply remove a section of the Colorado Constitution that defines marriage exclusively as a union between a man and a woman—language that is no longer valid law—to align the state with rulings issued by the U.S. Supreme Court, the Colorado Supreme Court, and legislation enacted by the federal government.

## Amendment K - Modify Constitutional Election Deadlines

**Our Recommendation: NO**

This amendment would move the deadline up by one week for citizen initiatives to file their petition signatures. The changes would give the Secretary of State and county clerks extra time to finalize content of ballots before they must be printed and sent to voters.

While extra time to finalize content of ballots might be beneficial to the Secretary of State and county clerks, those benefits should not come at the expense of citizens wishing to make their voices heard at the ballot.

## Amendment 79 - Constitutional Right to Abortion

**Our Recommendation: NO**

It is generally our policy not to weigh in on social issues, however, this amendment goes beyond questions of morality surrounding abortion to include the potential for future taxpayer-funded mandates for public health insurance plans.

This amendment would explicitly protect access to legal abortion via the constitution. It also would remove Colorado's 40-year-old

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ban on the use of public funds for abortion services.

Abortion is already legal without any gestational limits in Colorado. The failure of this measure at the ballot would not change that. It would, however, prevent the Colorado General Assembly and local governments from creating new public health insurance coverage mandates, keeping taxpayers off the hook for funding procedures that may or may not violate their conscience.

## Amendment 80 - Constitutional Right to School Choice

**Our Recommendation: YES**

This amendment would establish the right to school choice for K-12 children and create the right for parents to direct the education of their children.

Voters should note that this amendment does NOT create a new school choice program or expand existing options for parents.

## Proposition JJ - Retain Additional Sports Betting Tax Revenue

**Our Recommendation: NO**

This proposition would ask voters to allow retention of all revenues collected from sports betting. The additional money would be used for water conservation and protection projects.

Propositions like this seem appealing to many because they only affect a small proportion of the populace and because sports betting is often considered a vice. But what happens when the government wants to tax you on one of your hobbies?

## Proposition KK - Firearms and Ammunition Excise Tax

**Our Recommendation: NO**

This proposition would ask voters to impose a new 6.5 percent excise tax on gun and ammunition sales. The tax would be paid by gun dealers, manufacturers, and ammunition ven-

dors, who would then pass the cost on to consumers. Although Colorado state government spending is at a record high, the legislature cut funding for behavioral health support for veterans and youth, school safety and gun crime prevention programs, and services for victims of domestic violence and other violent crimes; the new tax would replace the funds the legislature cut.

To quote Governor Jared Polis, "In effect, when you tax something, you penalize it." Coloradans have a state and federal constitutional right to keep and bear arms. Those exercising that fundamental right should not be "penalized" in order to compensate for crimes they did not commit.

## Proposition 127 - Prohibit Bobcat, Lynx, and Mountain Lion Hunting

**Our Recommendation: NO**

This initiative would permanently end hunting seasons for mountain lions and bobcats in Colorado. It would also bar the state from allowing lynx hunting should the species ever be delisted by the Feds as "endangered." The animals could still be killed by state or federal employees for population management, or, with state permission, by ranchers to prevent livestock depredation.

This measure is about using the force of law to take away long-cherished practices of certain residents that offend the sensibilities of urban Colorado, the latest instance of waging culture war at the ballot box.

## Proposition 128 - Parole Eligibility for Crimes of Violence

**Our Recommendation: YES**

Proposition 128 would require persons convicted of certain violent crimes to serve at least 85 percent of their sentence in prison before being eligible for parole. It would also make a person convicted for the third or more times of certain violent offenses ineligible for parole.

We agree with the idea that violent offenders, particularly those who repeatedly victimize others through violent criminal acts, should

# Independence Institute

remain incapacitated and removed from our communities until they have paid their debts to society.

Voters should temper their expectations about the impact of this measure, in that judges will likely just reduce their sentencing to account for the new requirement. The measure also risks taking away a potential tool for encouraging good behavior behind bars.

On balance, however, it is the duty of a well-governed state to remove violent offenders from polite society to preserve public order and enable human flourishing.

## Proposition 129 - Establishing Veterinary Professional Associates

**Our Recommendation: YES**

This initiative would create a new mid-level position between a vet technician (2-year associates degree) and a veterinarian (8 or more years of education).

Colorado is facing a shortage of veterinarians, particularly in rural Colorado. Creating a VPA position would help ease this problem.

## Proposition 130 - Funding for Law Enforcement

**Our Recommendation: YES**

Proposition 130 would direct the Colorado General Assembly to make a one-time \$350 million appropriation from the General Fund to a newly created "Peace Officer Training and Support Fund".

The money would be distributed in grants to local law enforcement agencies to improve officer recruitment, training, and retention. It would also require the state to provide a one-time \$1 million death benefit to the family of each state and local law enforcement officer killed in the line of duty.

## Proposition 131 - Establishing All-Candidate Primary and Ranked Choice Voting General Elections

**Our Recommendation: Neutral**

This initiative would end party primaries in favor of jungle primaries for candidates running for certain offices. All qualified candidates, regardless of party affiliation, would be put on the same primary ballot to be voted on by all registered voters. The top four vote getters would then move on to the general election, where a winner would be selected by voters rank-ordering candidates by preference. The winner is then determined by tabulating the ranked votes using a method called instant runoff voting, whereby the candidate with the least number of first-choice votes is eliminated in rounds until a candidate secures more than half of the active remaining votes.

Overall, we like the measure's innovative approach to shaking up a stale system. A jungle primary could force candidates to campaign on issues that appeal to a broader cross-section of voters.

However, ranked-choice voting could add complexity and expense to conducting elections, especially in the short-run.

## SELECT LOCAL MEASURES

### Initiated Ordinance 309 - Denver Slaughterhouse Ban

**Our Recommendation: NO**

This measure would outlaw existing slaughterhouses and the future construction, maintenance, and use of slaughterhouses in Denver. The measure targets a single factory which is employee-owned and employs over 150 Coloradans. The Denver facility accounts for 15-20% of lamb processing capacity in the US.

The measure would likely cut thousands of industry-related jobs, cut hundreds of millions of dollars in Colorado's economic activity, and disrupt meat supply chains.

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*The following measures are all attempts to circumvent or remove the Taxpayer's Bill of Rights (TABOR). TABOR is a key provision in Colorado's constitution to protect taxpayers from government growth and overreach. Once exempt from*

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*TABOR, local governments will likely never again ask citizens to restrict their revenues, growth, or spending.*

*Rather than constantly collecting more taxes from taxpayers, local governments should be more effective in how they spend our money. We strongly recommend NO votes on the following measures:*

## Ballot Issue 1A - Adams County Water District De-TABOR

**Our Recommendation: NO**

This measure would ask Adams County voters to exempt future tax revenue for the South Adams County Water and Sanitation District from TABOR limits. Those additional funds would ostensibly go toward improving the community's water quality.

## Ballot Issue 1A - Arapahoe County De-TABOR

**Our Recommendation: NO**

This measure would ask voters in Arapahoe County to permanently exempt future tax revenue from TABOR limits. Arapahoe is one of thirteen counties still working within TABOR limits. Proponents claim that demand for services has outpaced revenues, and essential services could be cut in 2025 without "deTABORing."

Arapahoe County is above average in total assessment evaluation and mills levied on properties compared to other counties, suggesting the need for more efficient resource allocation.

## Ballot Issue 1A - Jefferson County De-TABOR

**Our Recommendation: NO**

This measure would ask voters if Jefferson County would be allowed to collect, retain, and spend the full revenues from authorized revenue sources beginning in Fiscal Year 2024. The funds would be used for transportation, infrastructure, and public safety.

Jefferson County is above average in total assessment evaluation and mills levied on properties compared to other counties, sug-

gesting the need for more efficient resource allocation. In 2023, Jefferson County over-collected almost \$40 million that was then returned to taxpayers.

## RTD De-TABOR (Name TBD)

**Our Recommendation: NO**

This measure would ask voters to permanently spare RTD's entire budget from TABOR limits. The agency currently has two different TABOR exemptions for its budget, with one expiring this year and the other in 2050.

Rather than being allowed to keep all revenue for its massive budget of approximately \$1 billion, RTD should prove to voters that it can be run effectively and efficiently. Use of RTD is falling, as is its approval rating. People feel unsafe on light rails and buses. Existing service lines are inconsistent. Long-awaited projects for which tax money has already been devoted remain non-existent. Of course, RTD will argue that if only it had more money, then it could improve its safety and services. But where is the track record of success to prove that? We recommend a no vote to help restore RTD TABOR refunds to taxpayers so they can choose to spend their dollars as they see fit.

## JUDICIAL RETENTION

Three members of the Colorado Supreme Court are up for retention on the 2024 state-wide ballot. This election marks the first time we have weighed in on judges, and we are not endorsing any position. However, we have decided to link to two important views:

The recommendations of Colorado Legislative Council in their role as drafters of the Blue Book.



The views of former Chief Justice of the District Court in Pueblo, Judge Dennis Maes from his article on CompleteColorado.com.



# Thank You for Supporting

More than 120 freedom-loving folks celebrated their right to drink, smoke and shoot at our 22nd Annual ATF Party at Kiowa Creek on Saturday, September 14! Guest speaker, radio talk show host and former Under Secretary of Homeland Security for Emergency Preparedness & Response, Michael Brown entertained the crowd with his sharp wit and election insights.



Our sold-out crowd enjoys lunch, cigars, cocktails, and our speakers



Keynote speaker, Michael Brown



L to R: Jon, Nick, Jared, Jacob, and Rob



Tom Bliss from Smoker Friendly



Second Amendment defender, Dave Kopel



Fancher family



Jon Caldara and worst male shooter, Dennis Flaherty



Jon Caldara and best female shooter, Anne Draper



Aaron Samuels and Stephanie Meis

# Our 22nd Annual ATF Party!

By Julie Mallon



L to R: Heath Reingardt, Rob Williams, Jeff Warner, Katie Williams, Greg Bybee, and Jennifer Bybee



Jim Marnin and Andrew Diederich



Allison Schoenberger



Amanda Hardin and Bonnie Meyer



Danielle Samuels and Norman Meis



L to R: Ben Beatty, Todd Beatty, Chris Beatty, Kevin Wozny, and Buddy Knox



Our awesome bartenders serving up beer, wine, and cocktails.

# Colorado's Special Session

By Nash Herman

Colorado's Special Session was a modest win for property owners and TABOR. After multiple years of spiking property taxes and patchwork fixes, Colorado legislators finally came to an acceptable solution in yet another special session.

HB24B-1001, the deal bill passed last month, will do more to cut taxes and restrict revenue growth than SB-233, the legislature's previous attempt at a property tax measure. It also avoids some of the potential pitfalls contained in a pair of well-intentioned citizen initiatives that were set to appear on the ballot in November. While by no means a perfect bill, it represents a considerable win for advocates of property tax reform given the political makeup of the state legislature.

Perhaps the most vital addition to the deal bill is that the new state assessment rate is TABOR-protected. That means any future change to assessment rates must be approved by a vote of the people, a safeguard lawmakers failed to include in SB-233. And so, the state's property tax wars seem to finally be put to rest — at least for the time being — after a tumultuous stretch of half-measures and policy standoffs.

At the end of the regular session in May, legislators passed SB-233, a new bipartisan property tax bill to address the property tax crisis. While SB-233 would have been better than nothing, many were unconvinced that it would do enough to offer property tax relief to most Coloradans. To combat the bill, citizen Initiatives 50 and 108 were created to implement greater tax cuts and tighter revenue limits. If either or both initiatives passed, SB-233 would have been repealed.

Independence Institute was somewhat critical of all three measures. While SB-233 did not do enough to reduce tax bills and limit future spikes, Initiative 50 was far too vague. 50 would have likely given too much power to the progressive legislature and courts to control taxes that the state government does not actually collect. Though 108 was likely the best option of the three for actually cutting taxes, it passing on its own would have resulted in no mechanism for restraining future revenue growth.

Governor Jared Polis ultimately called a special session due to fears in the legislature and the governor's office that the initiatives would devastate the state's budget if they passed. As such, Coloradans are left without a choice, but with the best solution that 2024 had to offer.

We have been on top of the property tax saga the whole time. Since July, the Fiscal Policy Center has issued three major publications on the debate surrounding Colorado property taxes and the various reform efforts. The first paper analyzed and compared the Senate bill and two initiatives. The second piece analyzed the "deal bill" and explained why it is the best solution to the property tax crisis in 2024. The most recent report is an issue paper written by our senior fellow Joshua Sharf on the history of property taxes in Colorado. Importantly, it also includes Independence Institute's model policy for property taxes.

Together, the publications offer a perfect one-stop-shop for understanding everything one might need to know about Colorado property taxes and how Colorado might improve the property tax solution long-term. They can be accessed on the Fiscal Policy page of our website.



Scan to read: *Review of Colorado's Property Taxes and Model Policy*



Scan to read: *Another Special Session on Property Taxes: What Changed?*



Scan to read: *2024 Property Tax Reform: The Choices Before Colorado Voters*



*Nash Herman*

Nash Herman is a policy analyst at Independence Institute. He graduated from the University of Denver with a bachelor's degree in International Studies and Political Science, and a master's degree in Global Economic Affairs.

# A New Resource for School Board Members

By Pam Benigno

Well-meaning individuals who want to make a difference in public education sometimes choose to run for election to their local school board. However, once elected, they frequently face bureaucratic obstacles that can stifle their enthusiasm and motivation to make meaningful improvements that benefit students. In addition, they may not always know how to bring about positive changes, but they recognize the need for them. This is where we can help.

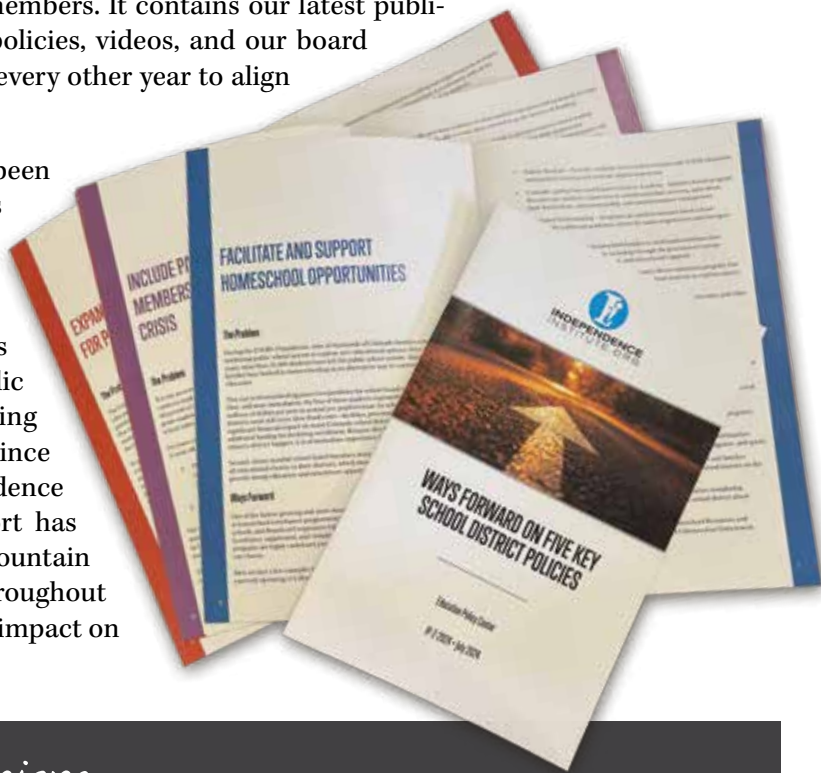
Our latest publication, *Ways Forward on Five Key School District Policies*, is a first-of-its-kind resource designed to give board members a comprehensive starting point when considering five impactful policy changes. Unlike other publications, it recognizes the unique nature of each school district and provides numerous policy variations. The five key areas covered include fostering new charter schools, supporting homeschool opportunities, ensuring curriculum transparency, involving parents and the community in solving the literacy crisis, and revising collective bargaining agreements. Four of the five policy issues we have previously covered in our longer publications are referenced to provide readers with a deeper dive into the issues.

At Independence Institute, we are constantly refining our communication tools. This particular publication is in a format different from our standard issue papers. Most sections are only two pages separated by different colors, making the publication less intimidating than a full-length paper. As I meet with school board members, I continue to receive highly positive feedback about the format and content, which reassures us that we are on the right track in providing information that is accessible and easily digestible.

Since 2005, we have promoted impactful education reforms to Colorado's school board members through written and oral communication. That year, we organized our first school board candidate policy briefing, launched our Innovative School District Series of issue papers, and began sending our issue papers to every board member and superintendent in the state. Additionally, we have hosted various events and other policy briefings over the years.

On [IndependenceInstitute.org](https://IndependenceInstitute.org), the Education Policy Center webpage offers a section designed specifically for school board members. It contains our latest publications, model school board policies, videos, and our board member handbook—updated every other year to align with school board elections.

Our financial partners have been instrumental in enabling us to consistently focus on developing new resources to inspire and provide policy guidance to individuals committed to improving public education, including expanding school choice for families. Since the founding of the Independence Institute in 1985, their support has allowed us to disseminate a fountain of education policy ideas throughout the state, making a significant impact on public education.



*Pam Benigno*

Pamela Benigno is Director of the Education Policy Center. A tireless advocate for both public and private school choice, she works with education organizations, policymakers, and community leaders to expand school choice opportunities.

# Warning Signs of Failure in Colorado's Energy Policy

By Amy Oliver Cooke and Jake Fogleman

The warning signs are flashing. Colorado is on the verge of an epic power policy failure. Elected officials, bureaucrats, and regulators' myopic view of energy policy through the narrow lens of carbon emissions is to blame.

Democrats control all levers of power and have forced upon Coloradans an emissions-only energy policy that will be insanely expensive, will lead to reliability issues, and will exacerbate the most significant threat to public health – no power at all.

During the 2018 gubernatorial campaign, Democrat candidates Jared Polis and Mike Johnston promised to move the state to 100 percent wind and solar by 2040. Both ignored cost and reliability issues, and the media did, too.

Now, in his second term, Governor Jared Polis and the Colorado legislature are moving ahead with Polis's "bold idea." None of them will be in office when Coloradans feel the full impact.

## Costly free resources

During the 2018 gubernatorial campaign, when no one challenged Polis or Johnston about the cost of shutting down Colorado's baseload coal and natural gas and replacing them with wind, solar, and batteries, the Independence Institute did. Since then, we followed up with additional analysis, finding each Coloradan will pay \$115,000 (more than \$460,00 for a family of four) for weather-dependent resources to power the state.

Polis's Colorado Energy Office (CEO) finally acknowledged the high cost when it released its Ascend Analytics report earlier this year. The results are damning: The wind, solar, and battery-only scenario "requires the largest buildout of capacity at over 69,000 MW installed in 2040 and barely meets reliability targets...it is also the most expensive scenario." Readers need to add billions of dollars more for the transmission lines Ascend failed to include, and it's still a lowball price.

There's more. In July, Xcel Energy confessed it probably won't meet Colorado elected officials' emissions target for the \$12 billion cost it promised. The state's largest utility needs more time and money from ratepayers.

## Reliability

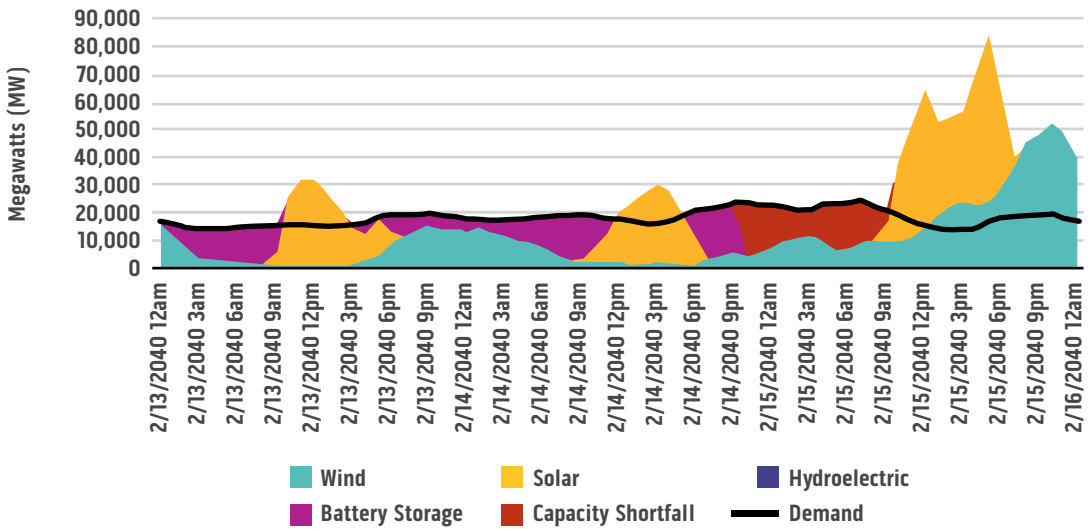
Texas's Winter Storm Uri, in which 246 people died, reminds us how quickly cold can kill when we're without power.

Our analysis shows that a portfolio of wind, solar, and batteries will leave Coloradans in the dark for 24 hours or more during the winter months when temperatures plummet and weather-dependent sources aren't available.

The Colorado Department of Health Care Policy and Financing (HCPF) doesn't want to be the next Texas. As the state continues to shut down reliable baseload in favor of weather-dependent, unreliable wind and solar, HCPF is giving "free" battery backups to Medicaid recipients to ensure their life-saving medical devices won't die during blackouts. Without power, people die.

There's more. Consider Demand Side Management (DSM). Instead of meeting customers' needs to utilize air conditioning on hot days, the legislature allows Xcel to profit by depriving customers of the energy they need to reduce emissions. An example is Xcel's recent "Energy Action Days," which the utility defines in an email as "hot summer days," when "your community may be using more energy to cool their homes than usual. This means Xcel Energy may need to tap into non-renewable energy sources to meet demand which often produce higher carbon emissions." [emphasis mine]

## 2040 Electricity Generation from 2/13 - 2/15 Using 2021 Demand and Weather



The legislature also allows Xcel to charge residential customers higher rates during the hottest time of day, and the utility plans to ask the Public Utilities Commission to expand those hours from four to six, 3 p.m. to 9 p.m.

The financial costs of blackouts are also real. An April blackout cost impacted business \$12,212 per megawatt hour.

We are resource-rich but policy-bankrupt. There’s nothing virtuous about starving our way of life. Energy usage, educational attainment, and economic prosperity go together.

The solution? Colorado’s energy policy must stop considering emissions as the only policy outcome. Instead, we should embrace our abundance and use it for good, advancing innovation. Colorado could learn from its western neighbor, Utah, which leads the way with an energy policy strategic framework that embraces human flourishing.

Cheap, abundant, reliable power has afforded us the ability to reduce emissions and produce power more efficiently. According to the Energy Information Association, U.S. energy production has tripled since 1950. In the second week of December 2023, the United States set a production record of 13.3 million barrels of oil per day despite a 69 percent decline in oil rigs. At the same time, we’ve cleaned up the planet. The Environmental Protection Agency reports that between “1970 and 2020, the combined emissions of the six common pollutants dropped by 78%.”

Despite all the evidence, Colorado’s leadership is still emotionally and politically invested in wind, solar, and batteries. It’s up to voters to force the governor and legislature to correct the course. If that doesn’t work, buy a generator. You’ll need it to avoid failure.



### Amy Oliver Cooke

Amy Oliver Cooke is the Director of the Energy and Environmental Policy Center for Independence Institute. She began working in energy policy in 2010. She is proud to be one of the original state-level, free market energy policy advocates.



### Jake Fogleman

Jake Fogleman is Director of Policy at Independence Institute. He is a cum laude graduate of Metropolitan State University of Denver, where he studied political science and economics. Jake is a Colorado native.

# Second Amendment Textbook

By Dave Kopel

I'm pleased to announce the publication of the 2024 Annual Supplement for the textbook *Firearms Law and the Second Amendment: Regulation, Rights, and Policy*. The base textbook was published in October 2021, and is coauthored by Nicholas J. Johnson (Fordham), George A. Mocsary (Wyoming), E. Gregory Wallace (Campbell), Donald Kilmer (Lincoln), and me.

While the 2024 Supplement discusses a large variety of cases, including state court cases involving state constitutional law, here are some of the major items:

- A long excerpt of *Bruen*, with many Notes and Questions, which point readers to leading pro/con scholarship about the case.
- A long excerpt of the Supreme Court's 2024 *United States v. Rahimi*.
- Updates on the latest social science and data.
- A long excerpt of the Supreme Court's 2024 *Cargill v. Garland*, on bump stocks, as well as updates on everything else about the National Firearms Act.
- A detailed essay by George Mason Prof. Robert Leider explaining the complexities of the new 2022 federal gun control statute.
- Analysis by attorney Johanna Reeves of ATF's "Frame or Receiver Rule."
- Case summaries and excerpts on all the major issues being litigated under the *Bruen* framework, including prohibited persons, right to carry, bans on types of arms, and many other types of restrictions. And lots more!



The base textbook is available in print, and as an e-book. There are also seven free supplemental chapters available online. Among the things you will find in the online chapters are 25 pages of in-depth research on the role of gun control and armed resistance in the Turkish genocide of Armenians and other Christians in the early twentieth century, a hundred pages about gun control and armed resistance in Communist China and Tibet; ancient Greek, Roman, and Chinese law and philosophy about arms; United Nations gun control; modern law about arms on Native American reservations; and many other topics.

We hope that in the 2024 Supplement and in the online chapters, students writing Notes and professors writing Articles may find interesting issues for further exploration. We also hope that judges, clerks, and litigators will find the 2024 Supplement to be a helpful guide to the post-*Bruen* legal environment, and that the two online chapters about firearms mechanics (how modern firearms operate; and the history of firearms development) may also be useful.

We also hope that regular citizens, including laymen who are interested in civil rights, will find reading these materials profitable. Given that they are free, how could they not be?



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mental chapters



*Dave Kopel*

Dave Kopel is Director of our Second Amendment Project and our Research Director. He is also an adjunct scholar with the Cato Institute in Washington; and adjunct professor of advanced constitutional law at University of Denver's Sturm College of Law.

# Constitution Week in Grand Lake

By Rob Natelson

Responding to the invasion at the Southern border was my topic this year at Constitution Week in Grand Lake, Colorado.

The idea of expanding Constitution Day, September 17, into a full week of celebration has been spreading to other communities in other states, but Grand Lake was the first. You may be familiar with Grand Lake as the unspoiled western portal to Rocky Mountain National Park.

Grand Lake's "premier Constitution Week in America" dates back to early 2012, when Tom Goodfellow—a Grand Lake businessman and subsequently town council member—asked me to help implement his plan for a week-long celebration of the Constitution. I recommended speakers and events, and served as his sounding board. When Constitution Week arrived, I was one of his initial speakers. My topic was "What You Never Knew About the Constitution and the American Founding."

Since that time, I've participated in Grand Lake Constitution Week every year except 2020.

My topics have included the contributions of Magna Carta, how we can use the Constitution's amendment process to rein in the runaway federal government, a survey of how the Constitution was adopted, and a biography of John Dickinson—a highly important but little-known Founder.

On September 16th of this year, I was the first speaker, kicking off the events with my talk on "Reserved State Powers Over War and Immigration." I pointed out that the flood of illegal immigrants over the Southern border meets the Constitution's definition of an "invasion." As such, it triggers powers the Constitution left in the states to respond militarily—irrespective of what the Biden Administration might think or do about it.

There were about a hundred in the audience, and has been true of all my Constitution Week talks—they responded enthusiastically.

Grand Lake's celebration includes more than speeches. Past events have included games, trivia contests, concerts, BBQs, and fireworks. This year the festivities wrapped up with an appearance by Ron Paul, the famous former Texas Congressman who for decades has been a spokesman for the Constitution and for freedom.

Tom Goodfellow has moved to Lake Havasu City, Arizona, where he founded Constitution Week in that town. The Grand Lake events are now coordinated by Mike Tompkins, a former patent lawyer who now runs the Western Riviera, a Grand Lake resort.

If you are interested in the Constitution and in the American Founding, make plans to visit Grand Lake for the September 2025 festivities—and see what we at Independence Institute have helped create!



# Homeschooling, Public Schooling, and the Ballot

By Ari Armstrong

I'm perhaps the only op-ed columnist in Colorado who regularly covers education. I'm the only columnist who covers homeschooling, something I can do well because I'm also a homeschool dad. Although a small fraction of Colorado families homeschool, my reflections on homeschooling often shed light on education more generally.

A good example of my work on education policy is my recent critique of Initiative 138. Although this ballot measure purports to protect school choice, I argue that it actually may create an opening for the state to more harshly regulate homeschooling and to expand government control of education in other ways. I write, "By establishing a positive 'right' for 'all children' to access a 'quality' education, Initiative 138 seems to demand that state government intervene to impose the state's vision of 'quality.' For homeschoolers, that is a disaster waiting to happen. . . . My family needs freedom, not bureaucratic controls."

My article on how homeschoolers can prep for college offers some insights to homeschoolers and to students generally. It also helps to dispel some of the public misperceptions about homeschooling. For this article, I contacted various Colorado colleges as well as the high school charter system Colorado Early Colleges. This illustrates my aim to bring substantial original research to bear in my columns. I conclude, "Homeschoolers, and students in homeschool-like and other alternative environments, need not fear college admissions. Nor do they need to fear moving on with life without college, if that course better suits them. To adapt a line from John Denver, non-traditional students have found a key for every door."

I also comment on the state of public schools. For example, my recent column on the Colorado Measures of Academic Success tests reveals the following: "In English, while 64.2% of eighth grade Asian students and 55.2% of White students met or exceeded expectations, only 28.8% of Black students and 25.4% of Hispanic students did. In math, while 57.3% of eighth grade Asian students and 45.3% of White students met or exceeded expectations, only 16.7% of Black students and 15.1% of Hispanic students did. The schools are catastrophically failing most Black and Hispanic kids."

Education is one of the most important political and cultural issues. Obviously. Thankfully, I am well-positioned to comment on a variety of issues pertaining to education. I've covered related topics for many years, I was a professional tutor for a decade, and I am involved daily in the education of my nine-year-old. Right now the core of my family's academic program involves Dimensions Math, published by Singapore, and Fix It Grammar. (My son also recently finished reading the Harry Potter novels.) In covering education, I strive to maintain an independent streak, bringing a critical eye to the public schools as well as to claims made by various "school choice" advocates. I think I've done pretty well with that approach.



Scan to read story about Initiative 138, the school choice measure



Scan to read story about homeschoolers prepping for college



Scan to read story about how public schools are catastrophically failing our kids



*Ari Armstrong*

Ari Armstrong writes for Complete Colorado and at AriArmstrong.com. He is also the author of books on Ayn Rand, liberalism, Harry Potter, and religion.



## CITIZEN'S GUIDE TO CIVIC INVOLVEMENT

**Date:** Tuesday, October 29, 2024

**Time:** 6:00 pm to 8:00 pm

**Location:** Online via Zoom

**Cost:** \$10

**Register:** [i2i.org/local-gov](https://i2i.org/local-gov)



### Join our next Citizen Involvement Project Class!

Our **Citizen's Guide to Civic Involvement** class will help you understand how, by volunteering a few hours a month, you can help reduce government overreach in your local community and even in the state of Colorado. Boards and commissions have power and influence over you. Instead of complaining, be part of the solution and take back your local government.

Learn the how, the what, and the why as you engage with your local government. Citizenship requires us to participate more than just voting every two years; citizenship involves action. Become part of the solution!

This class is taught by Kathleen Chandler, the director of our Citizen Involvement Project. You will be sent an email with the Zoom link upon registration. We hope to see you on October 29 at 6pm.





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# Colorado Gives Day



Since our first year of participating in Colorado Gives Day in 2013, hundreds of supporters have made more than 2,000 contributions totaling more than \$700,000! Last year was the best yet reaching a whopping \$132,564. THANK YOU!

With your continued support of Independence through Colorado Gives, we hope to surpass last year with a goal of \$150,000. If you can stretch your gift this year, we can present Dave Williams with the Californian of the Year award! See page 5 for all the nominations.

