

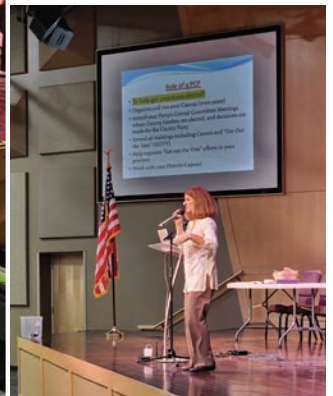
INDEPENDENT

Inking

SUMMER | 2024

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Announcing the Citizen Involvement Project - PAGE 12



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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SENIOR FELLOWS

Rob Natelson - Constitutional Jurisprudence

Joshua Sharf - Fiscal Policy

Bad Time for Ballot Initiatives

By Jon Caldara, President

Many of Colorado's right-leaning donors are understandably fatigued of putting money into losing election efforts. By contrast, the left's deep-pockets have seen incredible political returns on their investments. There're two reasons for this. First, they just spend a lot more than do their conservative counterparts.

They have reason to give. Special interests like the teacher's union and the environmental industrial complex get financial windfalls when their team wins. The left's individual patrons are motivated by their personal social causes. Tim Gill, Patricia Stryker, Rutte Bridges and Jared Polis have collectively given hundreds of millions.

And second, the deep pockets on the left use their money much differently, with a much more long-term perspective. They give far less to consultants and far more to build infrastructure that works between election cycles. While conservative donors often get excited about shiny things, like candidates or ballot measures, the left spent 15 years investing in the really boring but important stuff like voter outreach, communication, community organizing, ballot harvesting operations, think tanks, news reporting, recruitment, etc.

In other words, they saw what Independence Institute does, copied it, but added a couple zeroes to their budgets

As a generalization, most conservative funders just don't want to eat their vegetables. That is what makes you very different. You see your political giving as an investment, not an expense. You want to see dividends toward policy change. It's why you invest in us.

Wasting resources on efforts that are likely to lose is malfeasance against good and generous donors. This is why we're not going to put any citizen initiatives on the ballot this year. (And I hate that.) This year we brought forward a slate of good government initiatives and got them through the process up to the point of collecting signatures, which can cost up to \$1,000,000 per ballot question.

I've learned the hard way never to put something on the ballot without carefully polling voters on the exact language that's going to appear on their ballot. I did so again this year. I am sad to report the left's long-term investments in non-shiny things have worked. They've changed our political culture. Our reform initiatives likely won't pass this year.

Here's an example. We have an initiative to cut the state's legislative session from 120 days to 90 days. I considered this initiative a slam-dunk. Many states have much shorter legislative sessions than Colorado and many have it every other year. I was wrong. Coloradans seem happy to keep their crazed legislature in session. Polling showed this "slam-dunk" measure only had 20% support, only 20%! Needless to say, I'm not moving forward with the idea.

We also brought forward another income tax rate reduction. The last two that we ran won with about 66% voting "yes." The legislature did not like that, so they passed a law requiring future tax cut questions have "poison pill" language on the ballot. Instead of asking a voter if they wanted to "reduce the income tax rate from X to Y," the new law requires a blatant falsehood be put in the ballot question saying this tax cut "will," not "may," reduce funding for heartstring issues like education, healthcare, public safety.

The poison pill language is doing what it was intended. Our polling shows that a tax cut which usually comes in with 66% support has only 47% support after this legislative tampering.

We never close our eyes to reality when spending our donor's money. Funders of all political causes should always be asking, in the long term what are we getting for our money.

Think Freedom,



Our New Policy Analyst

By Nash Herman

My name is Nash Herman, I am Independence Institute's new Policy Analyst. I was born and raised in the Littleton/Centennial area of Colorado. I love playing soccer, reading, and spending time with my girlfriend and family.

I received my undergraduate degree in International Studies and Political Science with minors in History, Computer Science, and Psychology at the University of Denver. I recently graduated from the University of Denver's Josef Korbel School of International Studies with a master's degree in Global Economic Affairs.

While a student at DU, I completed internships with an economic consulting firm when studying abroad in Jordan and with the US Department of Commerce as an International Trade Assistant in Denver.

I am passionate about learning and about liberty, so I could not be more excited to be a part of such an impactful organization. I am eager to learn from all the experts at the Independence Institute and refine my own skills and knowledge while supporting the freedom movement.

Because of my economics education and experience, I will primarily focus on fiscal policy. I am working closely with the Director of Policy Jake Fogelman on several new and exciting projects to look out for soon.

I am also looking forward to working with Jake to publish an updated edition of Colorado Tax Expenditure Modifications for the 2024 legislative session. The issue paper will explain how the new bills that were passed in 2024 will affect TABOR refunds.

Aside from the big projects I will be regularly writing op-eds for Complete Colorado and blog posts for the Independence Institute website. Although my focus is mostly on fiscal and economic policy, I hope to contribute to the other policy centers as needed.

There are a few other big projects in the pipeline that I am looking forward to working on and presenting to our readers. I am very excited to be a part of the Independence Institute family, and I thank our loyal donors and readers for supporting our research. Think freedom!



Why a 2021 Law Will Raise Your Energy Bills this Year

By Jake Fogleman

The Colorado Public Utilities Commission (PUC) has once again given Xcel Energy the green light to spend and recoup enormous sums of money on the backs of captive ratepayers in order to meet climate goals established by the state legislature.

It's been the go-to dynamic governing Colorado energy policy over the last several years, as reflected in our rising utility bills, but last month's decision in the proceeding over Xcel's Clean Heat Plan was a quintessential example.

It all started with a bill passed by the Colorado General Assembly in 2021, Senate Bill 264, which marked a first-in-the-nation endeavor to force gas utilities to slash their greenhouse gas emissions.

The bill directed Colorado's gas utilities with more than 90,000 customers to begin filing plans with the PUC to demonstrate how they will use "clean heat resources" to reduce emissions 4 percent by 2025 and 22 percent by 2030, using 2015 as a baseline. In other words, the state used its authority to mandate that gas utilities spend money to force their customers to use less of their product.

Importantly, the measure also set a 2.5 percent cost cap on any rate increases caused by implementation of a given clean heat plan to help shield consumers.

Fast-forward three years, and the PUC has now given the state's largest gas utility, Xcel, final approval to spend \$440.5 million on energy efficiency programs, ratepayer-funded rebates for all-electric appliances like heat pumps, pilot projects to retrofit the Pearl Street Mall in Boulder and a select group of residential homes from gas to electricity, and a fund to support all-electric new construction projects.

That investment will now be recovered under a new surcharge on ratepayers' monthly bills through at least 2027. The commission expects it will increase gas rates by 7 percent and electric rates by 1.1 percent, with "significantly larger increases likely on gas rates over the longer-term," according to its decision.

The commissioners further added that blowing past the legislature's statutory 2.5 percent cost cap is "in the public interest."

"Simply put, it is evident that it will be necessary to exceed the cost cap in order for the Company to be on a realistic path to meeting the statutory 2030 emission reduction target," the commissioners wrote in their decision order.

So much for legislative guardrails.

And so you have the latest iteration of Colorado's favorite policy dynamic:

1. The legislature orders utilities like Xcel to be a vessel for enacting climate policy;
2. Xcel says, "okay, but only if we get to hike rates even higher than anticipated";
3. The PUC agrees because it cares more about green goals than costs;
4. Captive ratepayers remain an afterthought as they're ultimately left to shoulder the economic burden.



Jake Fogleman

Jake Fogleman is the 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.

Social Studies Resources Teach Young Children About Sexuality

By Pam Benigno

A new LGBTQ social studies resource bank is posted on the Colorado Department of Education's website. The educational materials are available for teachers to meet the state's 2022 history and civics academic standards. Public schools, which includes charter schools, must implement the revised standards by this fall, but using the state's resources is optional.



An examination of some of the LGBTQ resources for first-

grade teachers includes a photo of a man clad in a rainbow costume during a Gay Pride parade, an article about Governor Polis being the country's first openly gay elected governor, a video of a teacher reading a book about Harvey Milk's creation of the Gay Pride Flag, and a book about Pete Buttigieg, the first openly gay Democratic presidential candidate.

First-grade students are expected to explain how diverse perspectives and traditions of families from many cultures have shaped the U.S. In addition, they are to identify and explain how the significance of notable people and places, holidays, and civic symbols reflect the origins and values of the government and its citizens. Students demonstrate their knowledge through several outcomes, including:

- Discuss common and unique characteristics of different cultures, including African American, Latino, Asian American, Hawaiian/Pacific Islanders, Indigenous Peoples, LGBTQ, and religious minorities, using multiple sources of information.
- Identify and explain the relevance of notable civic leaders from different community groups, including African American, Latino, Asian American, Hawaiian/Pacific Islander, Indigenous Peoples, LGBTQ, and religious minorities.
- Identify and explain the meaning of various civic symbols important to diverse community groups. For example: The American flag, the National Anthem, Statue of Liberty, Mount Rushmore, Crazy Horse Memorial, Liberty Bell, Emancipation Proclamation, a yellow sash (i.e., for women's rights), tribal flags of Native Nations whose ancestral homelands include present-day Colorado, LGBTQ Pride Flag, and the Colorado Flag.

Independence Institute has a diverse and inclusive team of professionals who differ in gender, race, religious beliefs, sexual orientation, and political party affiliation. Yet, we all agree parents are responsible for raising their children and that government schools should focus on academics, not political agendas.

Parents are the best judges of when their children are mature enough to learn about sexuality, not the state. However, there is no legal obligation for public schools to inform parents when LGBTQ individuals or communities will be discussed, and no legal provision gives parents the right to opt their children out of the lessons.

Colorado House Bill 19-1192 required a change in state history and civics academic standards to include the history, culture, and social contributions of minority groups. For decades, state law has required teaching minority history, but it was not within the state's academic standards. During the 2019 legislative process, a Republican legislator who received contributions from

Continued on page 7

Education Policy Center Websites



Empowering Families with Knowledge
to Know their Educational Options

Find:

- Public Schools
- Private Schools
- School District Maps
- Enrichment Activities

Learn about:

- Charter Schools
- Homeschooling
- Open Enrollment



**Independent
Teachers.org**

Information for Independent-
Minded Teachers

- School District and Union Agreements
- Revoking Union Membership
- Membership Options
- EMO Refunds

Social Studies cont......

One Colorado, the state's leading LGBTQ advocacy organization, pushed for including LGBTQ individuals in HB 19-1192.

Before the Colorado State Board of Education could adopt the new proposed standards, they underwent the typical public feedback process. Never had the Colorado Department of Education dealt with thousands of statements from the public about proposed academic standards. Emotions ran high from both those in support and against the recommendations.

In the state board's final action, the Democratic majority voted to disregard parents' pleas to at least hold off until fourth grade to introduce classroom discussions about LGBTQ individuals.

The Colorado Department of Education, in its introduction to the social studies standards, states, "The requirement to teach about the history, culture and social contributions of lesbian, gay, bisexual, and transgender individuals is not an obligation to teach comprehensive human sexuality education which is optional under state law (C.R.S. 22-1-128)."

The state of Colorado prohibits the teaching of comprehensive human sexuality education in public schools before the fourth grade. Yet, all Colorado public school first-grade students are required to learn about the unique characteristics of the LGBTQ community and the relevance of notable LGBTQ civic leaders, which raises the question: Why are some people so insistent on introducing sexuality to young children?



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.

The Misuse of Chief Justice John Marshall

By Rob Natelson

In college and law school they told me that John Marshall, the greatest Chief Justice in U.S. history, was a sort of early liberal judicial activist—that he judged cases politically to promote federal power at the expense of the states.

Our professors and text book authors sometimes held him up as a model for the liberal judicial activism that dominated the Supreme Court during most of the 20th century. This narrative is convenient for the Left. It suggests that liberal activist justices are merely following the path of the revered Marshall. But as we learned from research performed at II, the narrative is false.

In 2011 and 2012, when the Supreme Court was considering the constitutionality of Obamacare, I investigated the “Marshall-as-liberal-activist” narrative. Obamacare featured a mandate that everyone purchase government-approved health insurance. The mandate’s defenders proclaimed it “clearly constitutional” under Marshall’s Necessary and Proper Clause decision in *McCulloch v. Maryland* (1819) and his Commerce Clause decision in *Gibbons v. Ogden* (1824). Both Dave Kopel, our Research Director, and I were pretty certain that this “clearly constitutional” claim was propaganda.

I started reading everything I could about Marshall, his views, and his decisions in *McCulloch*, *Gibbons*, and other cases. We learned that the prevailing narrative about Marshall was another of the Left’s self-serving rewrites of history. According to the propaganda, Marshall’s *McCulloch* decision said the Necessary and Proper Clause conveyed vast power to Congress. We learned that the truth was precisely the opposite: As Marshall implied in *McCulloch*—and wrote explicitly in other places—the Necessary and Proper Clause *actually conveyed no power at all!* It was merely a guideline for reading the Constitution.

Our professors never told us that.

We also learned that Marshall’s opinion in *Gibbons v. Ogden*—far from justifying the Obamacare mandate—said specifically that “health laws of every description” are matters *for the states and the states alone!* Marshall wrote that the federal government has no constitutional authority in health care within state boundaries.

We presented our findings to the Supreme Court through a “friend of the court” brief. Although Chief Justice Roberts’ opinion for the court upheld the Obamacare mandate as a “tax” (a subject we had not briefed), this still turned out to be one of our most successful efforts. The Supreme Court found that the insurance mandate was *not* justified by the Commerce Clause or the Necessary and Proper Clause. And the portion of Chief Justice Roberts’ opinion addressing the Necessary and Proper Clause followed the findings in our brief.

Congress has since repealed the Obamacare insurance mandate. So the surviving part of the Obamacare opinion dealing with the Necessary and Proper Clause (II’s contribution) may now be the most important part of that case.

In part, Marshall’s “big government” and judicial activist reputation is due to unfair treatment from his political opponents. But his opponents’ message has endured because it serves the propaganda purposes of the Left.

The actual record shows that the “great Chief Justice” would have been horrified at the unlimited leviathan the federal government has become.



Rob Natelson

Rob Natelson is Senior Fellow in Constitutional Jurisprudence at the Independence Institute and a former constitutional law professor at the University of Montana. He is the author of “*The Original Constitution: What It Actually Said and Meant*” (3rd ed., 2015).

Independence Institute Scholars at the Supreme Court

By Dave Kopel

Once again, the Independence Institute team is helping the U.S. Supreme Court apply the law. On June 14, the Court decided *Garland v. Cargill*, a challenge to the Trump-Biden administrative ban on bump stocks. Correctly, the Court ruled 6-3 that a bump stock is not covered by the machine gun statute enacted by Congress in 1934. That statute, the National Firearms Act, defines a “machinegun” as something that “automatically” fires more than one shot by “a single function of the trigger.”

A bump stock *does* make a semiautomatic rifle shoot more rapidly. But it does so by speeding up trigger function. Even with a bump stock, a firearm shoots only one bullet with each function of the trigger.

Independence Institute staff were involved in two amicus briefs in the case. One of the briefs was coauthored by me, by University of Wyoming law professor George Mocsary, and by Wyoming Senator Cynthia Lummis’ staffer Chris Land. Ten more Republican Senators joined that brief. Our brief focused on high-level constitutional issues, such as *Chevron* deference and the rule of lenity. Those issues did not come into play in the Court’s decision.

A second amicus brief was written by Independence Institute Research Associate Joseph Greenlee, on behalf of his then-employer, the Firearms Policy Coalition. (This Spring, Joe moved to the NRA, where he is now Director of Litigation.)

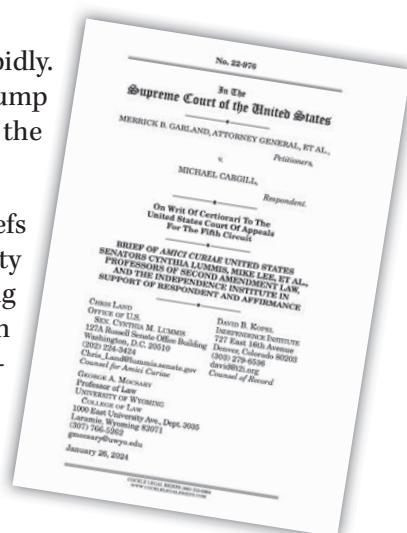
Joe’s brief addressed the precise technical issues of how firearms triggers work. The brief included original diagrams to illustrate the mechanics. Justice Thomas’s opinion for the Court included six of these diagrams. This was Joe’s second citation in a Supreme Court opinion. He has also been cited in more than a hundred opinions by lower courts.

As was predictable, the *Cargill* opinion left gun ban advocates in hysterics. Even though the case involved administrative law, not the Second Amendment. The Court has already said in the 2008 *Heller* opinion that machine guns are not part of the Second Amendment right. In the recent *Cargill* case, Justice Alito wrote a concurring opinion stating that Congress has the power to outlaw bump stocks; but such a law must be enacted by Congress, not fabricated out of thin air by an administrative agency.

One of the best-known and most dishonest legal affairs “journalists” of the illiberal left is Mark Joseph Stern, who writes for *Slate*. He was furious that the Supreme Court, when deciding a case that involved the technical mechanics of how a tool operates, used diagrams to explain the tool’s operation. In Stern’s view, Justice Thomas’s opinion read like the work of a “gun fetishist.” The gun ban lobbies likewise complained about the Court using diagrams from the Firearms Policy Coalition. Notably, not one of the complaints said that there was any inaccuracy in the diagrams.

Of course any of the billionaire gun ban lobbies, such as Michael Bloomberg’s “Everytown” could have put diagrams in their own briefs, and those diagrams would have looked just the same as the diagrams in Joseph Greenlee’s brief. But the gun ban lobbies self-select their staffs for ignorance. They all hate guns so much they can’t bear to be around anyone with a sophisticated understanding of firearms mechanics.

Once again, hard-working smart people have defeated the willfully ignorant. Such victories are a core competence of Independence Institute staff.



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.

Our Summer Interns for the Future Leaders Program



Joseph Buff

Joseph Buff, a native New Yorker, is a rising junior at Hillsdale College double majoring in Philosophy & Religion and Psychology; he also has a minor in music and participates in Hillsdale's prelaw track. At college, he plays rugby and works as a student ambassador for Hillsdale's admissions program. He serves as an intern working with Kathleen Chandler and David Kopel, contributing to both the Citizen Involvement Project and Second Amendment Project. After graduation, Joseph hopes to use the experience he has gained from these programs to aid him in law studies.

Katherine Doyle

I am an intern with the Citizen Involvement project. I attended Colorado University in Colorado Springs as a Sociology major. I live in Littleton, Colorado and one of my dreams is to become a competitive track and field runner in the 1500 meter. I also plan to start my own conservative organization as a grassroots movement in the beautiful city of Denver. I am also spearheading a faith-based volunteer project to bring coffee to the homeless in downtown Denver.



Savana Kascak

I am a rising senior at Hastings College in Nebraska studying to earn my degree in Political Science. I am a Colorado native and have a passion for political writing and analysis. I hope to improve my wonderful state by equipping the electorate to make intentional voting choices. At my university, I play collegiate women's basketball, I have earned the membership of multiple academic honors societies, and I am the recipient of the Hastings College Outstanding Political Science award. In Hastings Nebraska, I work as a News Reporter/Journalist for the *Hastings Tribune*, the local newspaper in the area. After graduation, I plan to pursue a career as a Political Journalist in hopes to be a part of making a difference in informing people to take action and embrace their freedoms and rights as democratic voters. For Independence Institute, I am interning for David Kopel, working on the Second Amendment Project while also completing the Koch Internship Program through Stand Together Fellowships throughout the course of the summer.

Liam McCollum

I am a student at the University of Montana's Blewett School of Law. He is from Laurel, Montana and received a BA in Philosophy with a Minor in Journalism and a Certificate in Philosophy, Politics, and Law from the University of Montana. He is collaborating with Rob Natelson as a Constitutional Studies Center Intern. Prior to working with the Independence Institute, he gained experience as a part-time lobbyist in the Montana legislature and as an intern with a private law firm. He also assisted Rob Natelson with citations on an issue paper about the Montana Constitution and the Montana Supreme Court.



Michael Moore



I'm excited to be an intern at the Independence Institute this summer, working in the Transportation Policy Center for Randal O'Toole, doing research on affordable housing projects in the Denver area. I am originally from Michigan and am a rising senior at CU Boulder with a major in history and minor in business. I currently plan to attend law school after graduation. Outside of work, I enjoy skiing, golf, fishing, and the outdoors in general, as well as reading and keeping up with politics and current events. I am grateful for the opportunity to contribute to the institute's work and hope to carry lessons I learn from this experience forward in my life and career.

Del Schlagen

I am currently pursuing a Juris Doctor part time at the University of Denver, Sturm College of Law. I hold a Master of Public Policy from American Military University and a Bachelor of Science in Public Administration from George Mason University.



My professional experience spans over 16 years, including significant roles in both the private sector and the U.S. military. In my current role at Google, I am a foresight practitioner and program manager, spearheading security risk research into emerging technologies. Previous roles include cyber threat analyst, and various intelligence positions in the U.S. Army, Coast Guard and DoD. My rich background in intelligence analysis and cyber threat research informs my legal studies, with a focus on addressing emerging legal challenges in security and technology.

Joelle Webb



I am an upcoming junior at Drake University in Des Moines, Iowa, studying Law, Politics, and Society, and Rhetoric and Media Studies in the accelerated law program. I will take my LSAT this summer and apply to Drake Law School in the winter of 2024. My conviction of faith has propelled me into politics where I can shine light into a dark world. Frequently, I find myself curled up with a book on legal jurisprudence and conservative philosophy; and am currently writing a book that seeks to define and analyze the historical presence and importance of conservative thought in Western society.

Announcing the Premiere of the Citizen Involvement Project

By Kathleen Chandler



We are proud to announce the premiere of the Citizen Involvement Project (CIP). The CIP encompasses many exciting components. It is a platform based on the roots of our constitutional republic, uniting citizens toward the common goals of freedom and self-determination. We connect neighbors with opportunities in their community as we fight for freedom in Colorado.

The CIP works at the grassroots level, helping people talk to their neighbors about issues and teaching citizens how to get involved in their local community. For people who are tired of complaining and want to do something about it, our classes educate and show how all of us can be the solution to the overreach of government. We need good people to work toward principled freedom-orientated ideas that allow for better decision-making, not government intervention. Get the government out of the way and let people flourish!

The Citizen Involvement Project continues a 30-year tradition as a catalyst for change. It empowers citizens to actively engage in their communities and advocate for principles of liberty and freedom. CIP focuses on empowerment, activism, and community engagement.

We accomplish this mission with our courses, “Speaking Up and Speaking Out” and “Citizen’s Guide to Civic Involvement”. Our courses encourage citizens to proactively shape local policies and political culture. They provide tools and resources for citizens to advocate for freedom within their local governments.

We focus on training and equipping individuals to serve on local boards and commissions, fostering a culture of liberty. We take a grassroots approach to governance, where citizens play active roles in shaping policies and decisions.

Our next class offering is Speaking Up and Speaking Out. This class will be held on Thursday, August 1. For more information and to register go to our website. If you are tired of hearing complaints about the state of our community and want to do something about it, then this is the class for you. Come learn how to take back your country by taking back your community!



Kathleen Chandler

Kathleen Chandler is the Citizen Involvement Project Director and Future Leaders Program Manager for Independence Institute. She has a degree in Political Science from the University of Colorado and has been involved in politics since she was 18 years old.



REAL COST OF RENEWABLES

Amy Cooke and Jake Fogleman are joined by "The Energy Bad Boys", Mitch Rolling and Issac Orr, to discuss the real cost of renewable energy...and they inform viewers it is more costly than promised.



COMPARING COLORADO

ENERGY TO OTHER STATES

In this episode, Amy and Jake have an honest discussion how Colorado measures up to our neighbors when it comes to energy prices and policy.



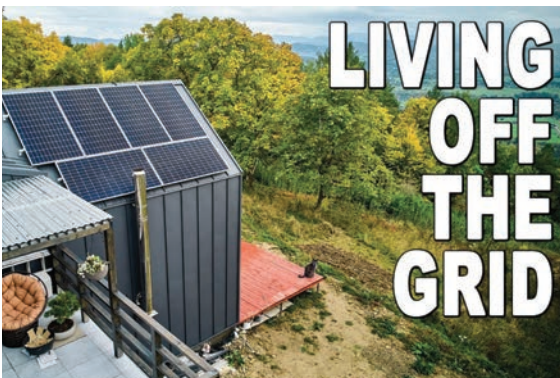
THE FASTEST DRIVER OF ELECTRIC COSTS

What drives the costs of electricity? Amy and Jake take viewers on a granular examination of what really hikes up the price of electricity.



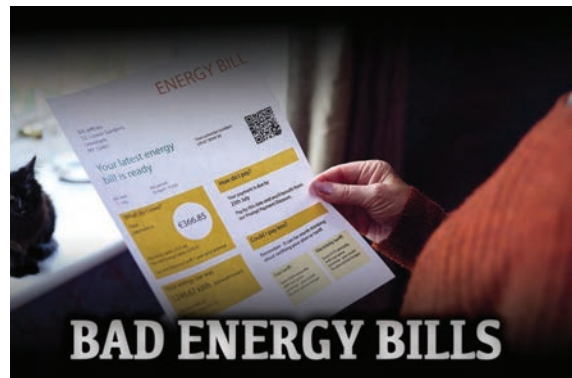
OIL AND GAS BALANCE THE BUDGET

Some in our legislature want to end all oil and gas leases. What would that mean? Amy and Jake lay out how oil and gas balance our state's budget.



LIVING OFF THE GRID

Want to get off the grid? Amy and Jake are joined by former Colorado Senator Kevin Lundberg, who cut the cord before it was cool.



BAD ENERGY BILLS

Amy and Jake break down energy bills in the 2024 legislative session that would negatively impact Colorado.



Voter Voices Project Smacks into Liberal Media Bubble

By Cory Gaines

When I first read about the Voter Voices project, where Colorado news outlets tailor their coverage of the elections to what voters want to know, my first thought was to wonder whose voices would be heard. After all, the outlets I saw touting this project are tilted so far to the left I marvel at how they stay upright.

A deeper look at the group running things, Colorado News Collaborative (COLab), doesn't inspire much faith. Its funders are a roster of left-leaning, socially progressive charitable organizations. They claim their funding doesn't dictate their content, but it would be foolish to ignore the incentive structures here.

Here's what I've learned about how this project works: If you take the survey, your answers are put into a searchable spreadsheet by COLab, which in turn shares it with the news outlets that signed on to the project. Any outlet can see the entirety of the spreadsheet, but results are also broken down by tabs specific to news sources. For example, my own results became available to media along the Front Range, but they're also separated into a tab specifically for my local newspaper, the Sterling Journal Advocate. It's up to the individual news outlets how they adapt their coverage.

From the beginning the limitations are obvious. For one, this is (as COLab readily and publicly admits) not a representative sample of Coloradans' views. It can't be, as people self-select into the survey after having learned about it in whatever participating news outlet they happened to have read. Additionally, the format of the survey itself necessarily limits the kinds of things that people could ask. There is a free response portion you could fill in, but the remainder of the questions are multiple choice, and with thousands of responses, there is no way to wrangle that many disparate opinions into a cohesive whole.

In speaking with Tina Griego from COLab, they are forthright about their limitations and, to their credit, actively working to recruit a more representative group into their survey.

So, it's natural to wonder what happens once the data leaves COLab's hands. I'd like to give you an answer, but (and this is not due to a lack of effort on my part) I can't. My arms are sore from reaching out to my own local paper, as well as reporters at places like Colorado Public Radio (CPR) and The Colorado Sun, in both emails and on social media, with no responses of note.

The only avenue open is to look at the results that the local outlets are publishing. For example, COLab's summary of results shows that concerns about personal liberty ranked strongly among conservatives and decently among independents. But when the Colorado Sun asked questions of 3rd Congressional District GOP candidates (a pretty solidly-conservative area) you didn't see much asked about their take on individual liberties and government overreach. You did, however, see the same hackneyed questions about who won the 2020 election.

COLab's project is not perfect, and I credit them for wanting to improve, but the real question is what patterns and narratives will be laid on top of the raw survey data. After all, the patterns we put on data guide what we see in it, and what we don't.

I have doubts about whether this survey will prove a sharp enough tool to pierce the thick hide of the liberal bubble surrounding both the news outlets and their mainly liberal audiences. I think we'll largely see more of the same coverage we have seen up till now. It'll just carry the (partly) false imprimatur of being your voice doing the asking.



Cory Gaines

Cory Gaines is a Regular Contributor to Complete Colorado. He lives in Sterling on Colorado's Eastern Plains and also writes at the Colorado Accountability Project substack.

YOU ARE INVITED TO ATTEND THE MOST POLITICALLY INCORRECT EVENT OF THE YEAR

THE 22ND ANNUAL ALCOHOL, TOBACCO & FIREARMS PARTY

JOIN US!

Enjoy the perks of adulthood — including drinking, smoking, and shooting; the same kind of fundamental rights the left works to take away from us every day. While not everyone who attends actually shoots our PETA-friendly clay pigeons, drinks, or smokes, they value the individual right to do so; and they value the mission of **Independence Institute**.

WHEN

Saturday, September 14, 2024
7:30 am: Breakfast
8:30 am: Shotgun Start
11:30 am: Lunch

WHERE

KIOWA CREEK SPORTING CLUB
46700 East County Road 30
Bennett, Colorado 80102



FEATURING MICHAEL BROWN

Michael was elected as a city councilman in Edmond, Oklahoma, became General Counsel at FEMA, later served as Deputy Director, then Director, and was the first Under Secretary of Homeland Security for Emergency Preparedness & Response. He started on KOA News Radio in 2006 doing a Saturday show for free. Eighteen years later he's still on air, still having a blast, and is currently heard on 630 KHOW.

TICKETS

Full Course Shooter: \$500
5-Stand Only Shooter: \$200
Partygoer*: \$100

** does not include breakfast or shooting*

SPONSORSHIPS

Title: \$15,000 - Admission for 12
High Brass: \$7,000 - Admission for 8
Ballistic: \$4,000 - Admission for 6
Magnum: \$2,000 - Admission for 4
Black Powder: \$1,000 - Admission for 2

All sponsorships include: breakfast, 10-station course shooting, lunch, cocktails, cigar bar, event signage, and digital marketing.

REGISTER
i2i.org/atf



For more information,
contact Julie Mallon:
- julie@i2i.org
- 303.279.6536 x111
- 720.934.0655 mobile



Registration includes a collectible 2024 ATF Party T-shirt!

We refer to our building as the Freedom Embassy because we have the unique ability to welcome groups from all sides of the political spectrum to work together for liberty. If you would like to help us keep the Freedom Embassy welcoming and in great shape, please consider something from our current wish list:

Interior Building:

- New dishwasher
- Front-loading washer and dryer with steam
- Office furniture

Exterior Building:

- Entrance mats with logo
- Security Window Film installed on all windows
- Refurbish windows: glass, cranks, and hardware
- Re-pave parking lot

Video Equipment:

- Ceiling Mount Motorized Projection Screen
- Videography Gear Slide Dolly
- Videography Camera Jib



Julie Mallon

Julie Mallon is our Donor Relations Manager. She's rejoined Independence Institute's development team after working in the event planning world, where most recently she managed guest experiences at an upland hunting ranch in Northeast Wyoming.



Bat Shit Crazy

While the news media is enthralled with national politics, governors and big city mayors, the real power over our lives comes from the over 5000 local governments here in Colorado.



Can Colorado Legislature Cancel Your Access?

If you can't trust the media who can you trust? Perhaps it will be citizen journalists who bring the real story. Cory Gaines is becoming the trusted source on Colorado politics.



Will They Come After You?

If Trump is convicted of a crime, can he still serve as president? Can they still prosecute him if he becomes president again? How is the judicial system being weaponized? What legal precedents are being set?



Progressives Derail Tracks Nightclub

Andrew Feinstein is the owner of Tracks, Denver's most popular and longest-lasting gay nightclub. He is trying to survive under the new political realities created by Colorado's progressives.



Colorado's Future in Jeopardy?

Businessman and philanthropist Steve Schuck has made it his life's mission to free working families of the shackles created by government run education. His charity, Parents Challenge, provides funding and training to empower families to send their kids to a school of their choice.



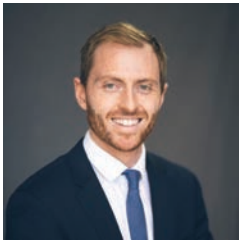
RTD Siphons Colorado Funds?

RTD is one of the largest governments in the state of Colorado, so of course the state legislature wants to rip away its elected board so they can place their minions in control. This doesn't sit well with Kathleen Chandler, who runs the Citizen Involvement Project at Independence.

Previous Interns – Where are They Now?

By Shayne Madsen

Each year the Independence Institute welcomes a class of interns to spend a summer with us. This group of 20-plus young folks come to us from schools and universities across the country, and sometimes internationally, from a broad variety of backgrounds and experiences. We thought that we would give you an update on three of these talented young people.



Clayton Calvin had already graduated from Georgetown University and Pepperdine Law School when he interned in the summer of 2021. Coming from New Mexico he was somewhat familiar with the politics of the Mountain West, and he cites his experience with the Institute as “an exciting welcome into the movement”. He worked on environmental regulation and related constitutional issues during his time with us and that taste

of issues inspired him to join the Texas Public Policy Institute as a constitutional litigator focusing on bringing lawsuits to narrow the scope of the administrative state. Clayton is now attending the Claremont Institute’s John Marshall Fellowship program, where he will further focus his talents on studying Founding Era jurisprudence.



Julia Bickley interned with Independence Institute between her junior and senior years in high school, coming to us from New Zealand by way of Boulder. She has just completed her freshman year at Colorado School of Mines,

where she will no doubt excel. Julia credits her internship with building her confidence to apply and enroll at Mines. It was also an educational experience in teaching the importance of personal economic freedom and limited government.



Brit Naas joined our internship program several years ago after serving as an aide to State Senator John Cooke (R Weld County). Brit worked as an energy policy intern, then attending law school at Washington University in St. Louis, Missouri. He graduated and completed a federal district court clerkship. He is now on his way back to Denver to start his law career at a prestigious Denver law firm.

We are very proud of our interns, and the professionals that they have become. Each year they bring us renewed enthusiasm and perspective. This year’s class is no exception. Counting several budding lawyers in the group, they have already attended oral arguments before the Colorado Court of Appeals and had the opportunity to interact informally with the Judges after the arguments. We expect this group to soar as high as their predecessors. Keeps us all on our toes.

Future Leaders: Where do I go from here?

Please join us for a conversation (via zoom) with former Independence Institute Interns, Clayton Calvin and Jake Fogleman. Clayton will share his journey from the Future Leaders Program to becoming an attorney with the Texas Public Policy Foundation’s litigation arm, the Center for the American Future. Jake will share how his internship led him back to Independence Institute as the Director of Public Policy. Clayton and Jake will provide tips and insights into employment opportunities for constitutional litigation and free-market public policy. The meeting will be on July 29th at 11 am MST. Email Julie Mallon at Julie@i2i.org for zoom details.



Shayne Madsen

Shayne M. Madsen is the Director of our Political Law Center, where she is a leading voice on donor privacy issues. She previously led the Public Policy and Regulatory Affairs Practice Group in the Denver office of law firm Jackson Kelly PLLC.

Complete Colorado Partially Reimbursed in Legal Victory Against State Agency

By Sherrie Peif

After more than a year of negotiations with a state agency, along with an expensive but ultimately victorious lawsuit, *Complete Colorado* has finally received a check from the Colorado Department of Health Care Policy and Financing (HCPF) for a partial reimbursement of legal costs related to the agency's unlawfully withholding of documents in response to a Colorado Open Records Act (CORA) request.

That legal battle cost *Complete Colorado* more than \$46,000 just to get HCPF to abide by state law. The records were finally turned over in March, a full year after the initial CORA request was made, after a Denver District Court judge ruled that HCPF wrongly withheld dozens of emails based on a vague and often abused exception in the law.

The legal victory meant the state was on the hook for *Complete Colorado's* legal fees. However, just as they tied up the open records process to avoid public scrutiny, the agency, along with its legal counsel, the Attorney General's office, stalled in reimbursement and tried to avoid payment.

"It's no wonder so many governments in Colorado are so comfortable with arbitrarily denying records requests. The stakes are prohibitively high for most news operations to bring a lawsuit," said *Complete Colorado* editor Mike Krause.

The emails initially withheld confirmed suspicions that (HCPF) staffers coordinated with various legislators and progressive activists to change the narrative about hospital revenues — pushing for more regulation and fees on Colorado hospitals despite knowing that their profits were actually declining.

Instead, staffers, legislators and lobbyists began conspiring to convince the public that profits were increasing just a few days after the Colorado Sun published an article showing that most of Colorado's hospitals lost hundreds of millions in revenue in 2022 because of inflation and wage increases.

The emails were initially denied after HCPF claimed they met "attorney-client privilege or deliberative process privilege" under CORA exclusions.

Deliberative process is an often-abused exception to open records that alleges a document is "so candid or personal that public disclosure is likely to stifle honest and frank discussion," thus allowing information to be withheld.

Initially, HCPF—through Attorney General Phil Weiser's office—offered to reimburse just \$5,000 of the nearly \$50,000 spent. After weeks of negotiations, *Complete Colorado* settled out of court for \$16,000 to stop the bleed of taxpayer money being spent by the state to circumvent transparency.

The Attorney General's office did not return requests for information on the total cost to state taxpayers to defend HCPF.

Complete Colorado's attorneys spent many hours answering multiple motions and objections from Weiser's office, meaning even at just the average hourly cost for an attorney in Colorado—which according to LawPay.com is \$261--the cost to taxpayers to lose in court was significant.

"State agencies have a small army of taxpayer-funded lawyers at their disposal," Krause added. "We took a financial risk for sure, and it worked out for us, but just imagine how many times the state has thumbed its nose at transparency, knowing the odds of being challenged in court are slim to none."



Sherrie Peif

Sherrie Peif is an Investigative Reporter for Complete Colorado. Sherrie has won numerous awards for her work over the years from top journalism associations including the Society of Professional Journalists, Colorado Associated Press Editors and Reporters, and the Colorado Press Association.



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Our Next Class



SPEAKING UP & SPEAKING OUT

Wednesday, August 28, 2024

5:00pm - 7:30pm

Koelbel Library
5955 South Holly Street
Denver, CO 80121

FOR MORE INFORMATION
OR TO REGISTER:
i2i.org/local-gov



Does it seem like slowly but surely our freedoms are being eroded? If you are alarmed, discouraged or troubled about what is taking place in Colorado and around the country, YOU can be part of the solution. We want to help you feel like it's okay to fight for the freedoms our country was founded on. Register to attend Independence Institute's newest seminar, Speaking Up and Speaking Out!

Learn how to sharpen your communication skills and use them to help preserve liberty. Find out why our country's founders made the First Amendment number one in our constitution and what that means if we are to continue to be a free society. Gather with others to learn how to use your voice to stand up for what you believe in. Learn how to be courageous in the face of today's cancel culture.

You'll learn practical tips that can be put to work immediately. Use them next time you find yourself in a conversation with someone with a differing point of view. Find out how to best state your case when writing your local blogger or elected representative. You will learn new skills, get a chance to practice them, and gain valuable insights on how to best put them to use.

Our two-hour seminar is facilitated by Kathleen Chandler and Sheri Tuffield. With their expertise to guide you, you will leave this seminar feeling emboldened and ready to Speak Up and Speak Out—in the name of Liberty!

Independence Institute | 727 East 16th Avenue | Denver, CO 80203
303.279.6536 | IndependenceInstitute.org