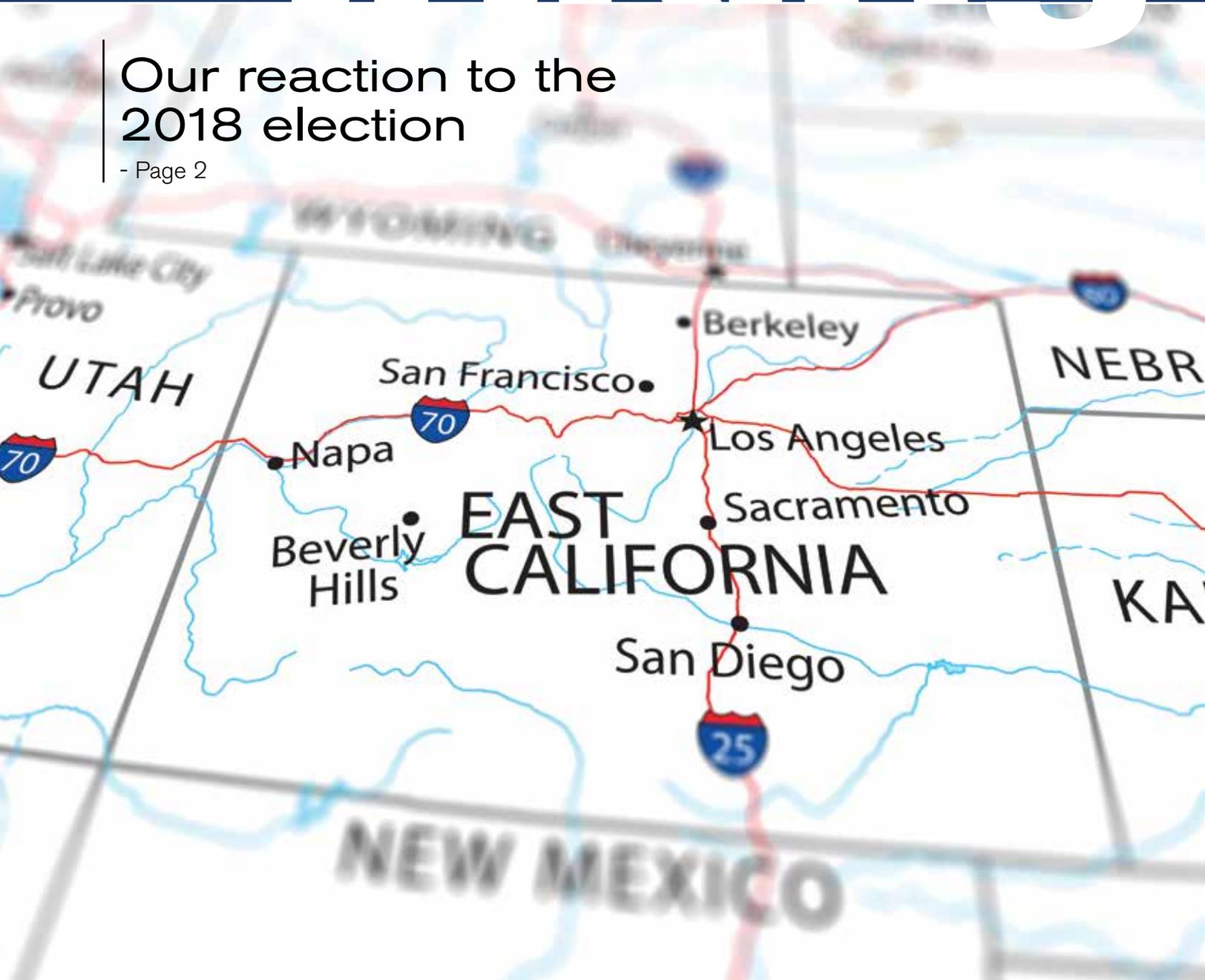




Independent Inking

Our reaction to the
2018 election

- Page 2



Letter from the President



We have been warning that Colorado is being transformed into California for years. November's elections will only speed the Californication of our once liberty-loving state.

Colorado has for generations been a magnet for those who wish to write their own biography, to risk their wealth and talents, and to work in free association with others

to make their dreams reality.

At the Independence Institute, we call this the "Colorado Culture." It's the craving to be free to make our own decisions.

But our Colorado is being replaced by a California culture of control – the demand to make decisions for other people. It's something those of us who were raised here cannot fathom.

The progressives who were swept into every corner of state government are not like the Democrats who have on occasion controlled the governor's office and the legislature in the past. No, those old-school Democrats helped create the first-in-the-nation charter school laws, the flat tax, and forced competitive contracting at RTD.

Today's progressives want us to be California. Hell, our presidential hopeful, John Hickenlooper, has already made California our lord and master by signing an executive order that ties our electric vehicles mandates to whatever California law makers decide. California will have us on a leash.

Will the Left's plan's to take over Colorado's health-care system, drive up energy costs, attack our Second Amendment rights, and continue to starve our roads succeed? Well, not without us doing all we can to stop it.

Destroying their plan for a 21% sales tax increase and creating a centralized transit planning authority was foiled by our Fix Our Damn Roads initiative. It's how we play smart. And while our Prop 109 went down, it achieved its primary goal – killing Prop 110. Thanks to all of you who made that a reality.

What will it take to stop us from becoming New California? How do we bring back our Colorado Culture? We must build on what we've been screaming to those few who dare to listen. We at Independence know that focusing on funding politicians before principle is what got us into this mess. We must think in terms of years, not just the next election cycle. We must build a foundation, a Permanent Freedom Infrastructure that leads to victory and keeps those in office pointing in the right direction.

Given the growth of the California culture of control in Colorado, it is time for the way we do politics to radically change. And that will require some uncomfortable changes.

But Colorado, and Freedom is worth it.

Stay tuned.



Equipping Small School District Boards to Govern Well

By Pamela Benigno

In October, I spent an evening in Limon, Colorado with six school board members from five different rural school districts. The drive to Limon reminded me of my West Texas roots, where there are vast amounts of land speckled with cattle, small towns trying to survive, and the ever-present serenity of wooden windmills.

The reason for the visit was to attend our training for rural school district board members in the Limon area. Roger Good, a former school board member, and I saw the need to help sitting school board members govern well. The Education Policy Center launched the Independence Institute's new school board member training project in January with a focus on rural school districts.

Before retiring from a career at Storage Tech, Roger put together teams designed to support the needs of this high-tech company across 14 countries. He has also worn several different education-related hats, including serving as a past chairman of the Steamboat School District Board of Education. Roger knows that teamwork is essential to success in both the private and public sectors. To be effective, school board members must be team players as well as leaders. Roger's years of experience give him credibility and insight when speaking with school board members.

During the meeting in Limon, one member stated that his board spends too much time on "adult" issues rather than "student" issues. As a strategic thinker, Roger

addressed this concern by suggesting school board directors evaluate the time they spend on their statutory duties compared to the time they spend on issues that are not their responsibility. Academic achievement should be a primary focus of school board members. In rural districts, most school and administrative staff are your friends and neighbors. Because of this reality, holding them accountable for educational outcomes can be uncomfortable for elected board members.

Board members who attended the trainings were extremely engaged in the four-hour long conversations. Many of them asked Roger how he would handle particular scenarios and then fervently wrote down his suggestions.

While attending a training in another town, a superintendent explained that he normally didn't share the details of state assessment data with his board. But after hearing Roger explain why it is important for board members to have a comprehensive understanding of student performance in their district, he changed his mind.

Often, board members express frustration because they rarely talk with other school boards. Some members appear to be eager to hear what works well in other districts for both students and board members. Since our training sessions include several neighboring school boards, each one gives them the

..... *Continued on page 7*



II's Leading Scholar on the Constitution's Amendment Procedure

By Staff

Rob Natelson, II's Senior Fellow in Constitutional Jurisprudence, is now "senior" in another way: He has been named a Senior Advisor to the Convention of States movement in recognition of his status as the nation's leading scholar on the Constitution's amendment procedure. The "Convention of States" project is a national organization dedicated to reining in the federal government by adopting constitutional amendments designed to return the political system to our nation's founding principles.

"Most Americans are deeply dissatisfied with the federal government," Rob observes. "They see it as overly large, dysfunctional, and sometimes abusive. We've learned that electing good candidates will not cure the problem, choosing better Supreme Court justices will not cure it, and state resistance alone will not cure it."

"But the constitutional amendment process has proved to be a great way to reform the political system," he adds. "We've used amendments to reverse bad Supreme Court decisions, abolish slavery, give women the vote, and term-limit the president. We can use them to address our current problems, too."

Rob's path toward national recognition was an unusual one. In 2001, while serving as a law professor at the University of Montana, he began to apply his legal and historical training to research and explain little-understood parts of the Constitution. "It's amazing how after more than 200 years, so much of the Constitution has been misunderstood," he says. "The meaning of some of the language has been lost, and legal scholars simply had not done the research needed to keep our knowledge up to date. The reason isn't hard to find: Constitutional law professors were more interested in promoting a left-wing political agenda than pushing the frontiers of human knowledge. As a result, there was very little published material on some constitutional clauses and a great deal of pure junk published on others."

In the ensuing years, Rob published pieces on the original meaning of the Commerce Clause, the Coinage Clause, the Privileges and Immunities Clause, the Necessary and Proper Clause, and other constitutional provisions. His findings on the Necessary and Proper

Clause later became a book published by Cambridge University Press. He also became the only member of the University of Montana law faculty regularly published in top law journals.

In 2009, he became curious about Article V—the part of the Constitution that allows constitutional amendments. "There is that little phrase in there that reads 'Convention for proposing Amendments,'" he says. "That's the assembly that can propose amendments for state ratification that Congress refuses to propose. We've never had a convention for proposing amendments, but everything I'd read claimed that it was a sort of mass gathering like the Democratic or Republican national conventions. Most writers also claimed the convention could propose anything it wanted to. But when I got into the legal and historical record, I found it wasn't like that at all."

Among his findings was a long-lost 1831 Supreme Court case (*Smith v. Union Bank*) that described the convention for proposing amendments as a "convention of the states." "What in world is a convention of the states?" he asked.

Further digging revealed that conventions of states are formal diplomatic meetings among commissioners from state legislatures. The Constitution's framers were very familiar with them. The Constitutional Convention of 1787 itself was the latest in a long line of conventions of states held over the previous century. Moreover, many of the framers had attended such meetings. So, they made the "convention of states" their model for the process of proposing amendments.

"All these liberal academics—professors at places like Yale, Harvard, and Georgetown—were claiming the 1787 convention was the only gathering of its kind ever held," he says. "Unfortunately, they never bothered to check the historical record."

"I also learned that there have been more conventions of states since the Founding," he adds. "They were held in 1814, 1850, twice in 1861, in 1889, in 1922 and several other times during the 20th century. The latest was held last year in Phoenix, Arizona."

Continued on page 6

II Fights Against Religious Discrimination

By Staff

According to the Declaration of Independence, “all men are created equal.” Accordingly, everyone has the civil right to be treated equally by the law, which is one of the ways that Research Director Dave Kopel of the Independence Institute promotes civil rights is his work for the U.S. Commission on Civil Rights.

Congress established the Commission in 1957 when it passed the first federal civil rights legislation since Reconstruction. The Commission is an independent, bipartisan, fact-finding federal agency. To carry out its work, the Commission relies on Special Advisory Committees that have been established in every state. Here in Colorado, Kopel is vice chair of our state’s Special Advisory Committee (SAC). The U.S. Commission appointed him to a four-year term in October 2016, and he was elected vice chair last January.

The Colorado State Advisory Committee recently finished a report on religious discrimination in Colorado, for which Kopel was the lead author. The topic was the Colorado Constitution clause that forbids state aid to any “sectarian” school. Aggressively applying the clause, the Colorado Supreme Court in 2015 struck down Douglas County School District’s voucher program because the program allowed religious schools to participate.

In 2017, the U.S. Supreme Court summarily ruled that the Colorado court’s absolutist interpretation of the clause violated the First Amendment’s protection of free exercise of the religion. However, the high court did not address the question of whether the No Sectarian Aid Clause itself is unconstitutional.

The Colorado Special Advisory Committee began investigating the No Aid Clause in July 2017, with a public hearing at Denver University where it heard from invited experts on all sides of the issue and from diverse members of the public. The Committee continued to receive public and expert input over the next several months.

Kopel’s report for the Colorado SAC was published by the U.S. Commission this September. In October, he presented a summary of the report at a meeting of the U.S. Commissioners.

As the report explains, the No Aid Clause is and always has been a vehicle for religious discrimination. In 1876,

when the Colorado Constitution was adopted, “sectarian” was an epithet for someone who was “heretical” or “fanatical.” In the context of the times, the “sectarian” language was aimed at Catholics, especially the Mexican-American population in southern Colorado.

He also discovered that the clause was used to promote a generic version of Protestantism in public schools—such as through daily readings from the King James Bible. This obviously discriminated against students from other faiths—including Catholics, Jews, and the non-Christian members of Colorado’s communities of immigrants from China and Japan.

Starting in the 1970s, though, the religious discrimination took another form. As the Colorado legislature enacted more and more scholarship programs for higher education, schools that were “pervasively sectarian” were forbidden to participate. According to Colorado government edu-crats, schools with liberal religious views—such as Regis University (Jesuit) or the Naropa Institute (Buddhist)—were fine. But schools that were too theologically conservative were unacceptable. In particular, Colorado Christian University was excluded because it taught students that the Bible is authoritative scripture.

Although the Colorado Supreme Court upheld the discrimination, the federal Tenth Circuit Court of Appeals put a stop to it in a 2008 case. In response, the Colorado General Assembly modified its scholarship laws to comply with the U.S. First Amendment and end the discrimination against “sectarian” schools.

Just as Colorado students can now use state scholarships at religious colleges, students in the Denver Preschool Program, a voucher program for students living in Denver, can choose to attend religious schools.

Yet in 2015, the Douglas County voucher program was struck down by a closely-divided Colorado Supreme Court. The Justices said the program violated the No Aid Clause but did not explain how the Douglas County program was different from the other current programs that allow families and students to choose religious schools.

Thus, as the Special Advisory Committee’s report concludes, “There does not appear to be any equitable reason why Douglas County families have been treated

..... *Continued on page 6*

FASTER Training for Armed School Staff Adds Classes

By Laura Carno

FASTER stands for Faculty/Administrator Safety Training and Emergency Response. FASTER training enables teachers, administrators and other school employees to stop school violence quickly and administer medical aid immediately. After three successful classes this summer for school staff members who are armed on their K-12 campuses, we added an additional class for Thanksgiving week due to the overwhelming demand for the training.

We are so grateful for the opportunity to meet this demand through the partnership of our initial continuing sponsor, 1776 Roofing. You may remember seeing James Webb from 1776 Roofing in his July interview on *Devil's Advocate with Jon Caldara*. By providing a donation to FASTER Colorado for every roof completed by 1776 Roofing, James is helping to make sure we can provide free or low-cost training to all of the armed school staff members who need it.

We are also excited to announce two new FASTER sponsors: Bullets Both Ways and DangerLee Industries.

Aaron Boyd founded BulletsBothWays.com to “help expand protection of our nation’s schools, churches and communities.” He is donating a generous portion of the proceeds from Bullets Both Ways merchandise sales to FASTER. He also successfully completed a FASTER training class so he could experience for himself the value of the training. Aaron said, “It was surreal to meet the actual teachers, to look them in the eyes and realize the commitment they are making to be an added layer of protection in their schools.” He appreciates the new friendships with FASTER classmates and their shared

mission for being an added layer of protection in our schools, churches, and communities.

Tim Hackmeyer owns Elizabeth-based DangerLee Industries. DangerLee Industries is a custom gun store that specializes in firearm and silencer sales, custom rifle builds from their full machine shop, Cerakote, gunsmithing and more. Tim also attended a FASTER class and was so moved by it that he built a precision custom AR-15 for us to auction off at the August ATF Party. That auction raised enough money to sponsor three additional teachers for FASTER training! Tim said he has always felt the calling to help those who aren’t in a position to help themselves. “When I met the teachers at FASTER, I knew I had to find a way to help with the training. Their desire to protect their kids is inspiring,” Tim said. DangerLee Industries is donating 5 percent of every Cerakote job to FASTER Colorado.

We expect our spring and summer 2019 training schedule to be even more robust, as more school boards take up the topic of school safety and armed school staff. You can join our team of supporters and sponsors through a one-time donation, a long-term sponsorship, or by buying tickets in our upcoming raffles.

For more information on becoming a sponsor, please contact Carrie Newton at Carrie@i2i.org. For program information, please visit FASTERColorado.com.



Laura Carno is the Director of FASTER Colorado.

Religious Discrimination continued from page 5

differently pursuant to the No Sectarian Aid Clause, compared to other families that receive voucher-like aid in various other Colorado educational programs.”

The Colorado report is available on the website of the U.S. Commission on Civil Rights, at <https://www.usccr.gov/pubs/2018/09-27-CO-Sectarian.pdf>

Amendment Procedure continued from page 4

According to Rob, it is far from the truth that such assemblies are “uncontrollable.” In fact, the commissioners to these conventions are subject to specific instructions from their respective state legislatures. “All the nonsense that has been written about this being a wild and uncontrollable assembly was just that—nonsense,” he adds.

Since 2009, Rob has published numerous articles on the convention process for both the scholarly and popular press, as well as a legal treatise on the subject. To find his articles, visit ArticleVinfoCenter.com, an Independence Institute website.

Stop Complaining and Do Something

By Kathleen Chandler

We all want to turn our country around. But the reality is not all of us can run for office or donate as much as we'd like to the people and causes we support. This doesn't mean YOU can't do anything, though. Local governments need individuals willing to invest a few hours a month by serving on boards and commissions, and the Independence Institute's Local Government Project is here to help.

The Local Government Project's mission is to help citizens apply for and participate on boards and commissions in local communities. There are thousands of various boards up and down the Front Range. Although these positions are appointed rather than elected, many have rulemaking authority or make policy decisions. All have budgetary implications. Us center-right, liberty loving individuals have essentially given up our seat at the table while watching these commissions increase their authority and power.

After years of left-leaning local government officials ignoring our concerns, the Independence Institute decided it was time to stop complaining and get involved through appointments to boards and commissions.

The Local Government Project is three years old, and we have already hosted five training classes. In total, we

have placed more than 25 people on commissions up and down the Front Range. And while some of those who attended the training may not have been appointed to a board yet, they are certainly more aware of the power and influence boards and commissions have in their communities.

Whether you're a millennial or a retiree, we need your help! If you volunteer your time on a board or commission, you will make a difference. These commissions have much more impact than most citizens realize.

The next training class is at the Independence Institute on Saturday, January 12, 2019. For more information on the training and on how you can be part of the solution, check out our website at www.i2i.org/local-gov.

Sign up for the training today or call Kathleen Chandler (720-621-3602) for more information.

We can't all be governors and congressmen, and the best part is we don't have to be because change can occur at the local level. Don't waste your time and breath talking to like-minded friends. Make a real difference one local community at a time!



Kathleen Chandler is the coordinator of the Independence Institute's local government project. She is actively recruiting citizens as volunteers. You can contact Kathleen at Kathleen@i2i.org.

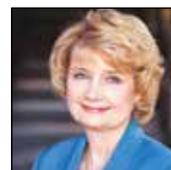
Rural School Boards continued from page 3

opportunity to not only learn from us but also from each other. Additionally, the board members make new friends that could reside as close as the next highway exit.

The next morning, on my home back to Denver, I exited I-70 three times in order to drive through some of the communities represented at our meeting. I was especially curious about Agate School District, Colorado's smallest district. In recent years, the former school board supported closing the district not only because enrollment was low but because they could not offer their students the same opportunities of larger districts. This year, however, new board members rallied with their

community to bring students to the school, and they proudly opened with an enrollment of 47 this fall.

The Independence Institute's Education Policy Center does some of its best work in the trenches. Sometimes those trenches are many miles away from Denver. All kids matter, and we work every day to make a difference in the life of each Colorado child—even in the smallest districts.



Pam Benigno is the Director of the Independence Institute's Education Policy Center.

Complete Colorado Election Coverage Hits New High in 2018

By Mike Krause

Election cycles are busy times for most media outlets. The Independence Institute's online journalism project, Complete Colorado, is no exception. Throughout the 2018 election, we stayed busy updating the front page (our Drudge-style aggregator) three times a day with headlines and links to the most important and compelling election stories from around the state. We also ramped up our original reporting and commentary, which is published on Complete Colorado's Page Two. In fact, Page Two saw a more than 100-percent spike in traffic during the election-crazy month of October!

Complete Colorado's investigative reporters, Sherrie Peif and Scott Weiser, stayed plenty busy during that time. Between the two of them, they wrote over 25 election-related stories covering everything from policy differences between candidates for statewide office to deceptive advertisements in state senate races, and even about the potential impacts of ballot measures such as Proposition 112. In addition to governor, attorney general, and state treasurer races, Complete Colorado's reporters covered contentious legislative races like Senate District 22 in Jefferson County, Senate District 24 in north metro Denver, House District 50 in Weld County, House District 18 in El Paso County, and House District 26 in Eagle/Routt Counties.

Beyond the original reporting, Complete Colorado also published a significant amount of commentary by Independence Institute writers and guest authors on many of the ballot measures, including Propositions 109, 110, and 112, and Amendments 73 and 74. Of particular note, Complete Colorado was the first to publish Larimer County Assessor Steve Miller's excellent analysis of the negative impact to non-school district property taxing entities buried deep in Amendment 73, the massive tax increase for schools. Steve's work is credited with sounding the alarm bells over the dangerous property tax implications of this lengthy and complex measure.

Also of particular note, Complete Colorado columnist Mike Rosen wrote a piece discussing his ballot picks. Over 30,000 online readers saw the column.

The Independence Institute's Fiscal Policy Analyst Joshua Sharf's explanation of how Proposition 109 forces the legislature to reprioritize roads in the state budget was shared on social media more than 2,200 times, as well as being re-published by traditional media outlets such as the *Colorado Springs Gazette*, *Pueblo Chieftain*, and *Sterling Journal-Advocate*.

That's the kind of readership and impact that used to be reserved for the mainstream media. Not anymore. In the decade since Independence Institute took on Complete Colorado as a project, our traffic and readership has grown to rival that of most mid-sized daily newspapers.

Joshua was also one of the few people to take a hard look at the four sales tax measures on Denver's local ballot, which appeared exclusively in Complete Colorado, as did guest author Karl Honegger's critique of the eight-county flood district property tax increase, Measure 7G.

Complete Colorado was also pleased to republish Independence Institute president Jon Caldara's regular Denver Post column. It's an excellent way for those unwilling to pay for an online Post subscription to instead read Jon's work for free at Complete Colorado. In the 2018 election, Jon took on topics such as Golden's silly local measure to give 16-year-olds the ability vote, Proposition 111's effort to limit payday lending interest rates for high-risk borrowers, and how Colorado's mail-in voting system favors the political left.

In all, the 2018 election was a tremendous time for Complete Colorado, and we couldn't be more grateful to our loyal readers. And to those who just found us this year, welcome! We hope you keep coming back.



Mike Krause is the Director of Public Affairs at the Independence Institute.

ATF 2018 Final Report

By Josh Williams

Every year, the Independence Institute kicks fall off with a bang by throwing our annual Alcohol, Tobacco, and Firearms Party (ATF). This year, we hosted over 100 people at Kiowa Creek Sporting Club on August 18th for a day of booze, cigars, and (of course) guns.

Tom Gresham, the host of the nationally syndicated radio show *Tom Gresham's Gun Talk*, was this year's keynote speaker. His knowledge of the history of the "Gun Ban Lobby" and their efforts to subvert the Second Amendment is unparalleled. Additionally, he discussed how guns empower women to stand up for themselves, refuting the gun-grabber narrative.

We were also thrilled to present Gary Autrey with the Liberty Leader Award for his constant and generous support in upholding the Independence Institute's mission to defend freedom in Colorado.

To conclude the day, we auctioned off an incredible custom AR-15 rifle, tactical binoculars (because if you put the tactical in front of an item, it automatically makes it cooler), concealed carry purses, jewelry, cigars, wine, and more. The auction's proceeds all went to **FASTER**, a signature program at the Independence Institute that trains teachers how to react in active-shooter situations and protect the lives of their students.

If you had fun at this year's ATF party, we hope to see you next year on August 24th, 2019, for an even bigger and better party. Trust me when I say that if you haven't attended yet, you're missing out!



Josh Williams is the Manager of Donor Relations at Independence Institute.



Bringing Liberty and Free Market Ideas to High School Students

By Brit Naas

The Independence Institute offers internships to both college and high school students. We pride ourselves on giving them unparalleled opportunities to work under nationally recognized scholars and learn about free-market policy solutions.

In years past, the majority of applicants have been college students, with our high school program receiving little attention. However, this could be changing.

By visiting several high schools within the Denver Metro Area, I've been able to gin up interest into the program. Students wanting to pursue a career in politics jumped at the opportunity to work at a political think tank for a semester.

Currently, seven high-schoolers have expressed interest in working at Independence this upcoming summer. If accepted into the program, they will work the front desk and research a variety of topics ranging from Supreme Court cases to Colorado's independent power producers.

As academia continues to veer left, the Future Leaders Program gives students a chance to learn about classically liberal ideas that are not being discussed in the classroom anymore. Thomas Jefferson was and still is correct, the price of freedom is eternal vigilance. That's why the Independence Institute has decided to mentor students and prepare them to continue the work of Jon Caldara, Amy Cooke, Mike Krause, Shayne Madsen, Pam Benigno, David Kopel, and Rob Natelson.



Brit Naas is the Future Leaders Coordinator, Operations and E2P Center Assistant at Independence Institute.



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By Josh Williams

It's not just another day in Colorado! Tuesday, December 4th, is Colorado Gives Day! For the last two years, your contributions to the Independence Institute through Colorado Gives Day were RECORD BREAKING. Let's do it again!

If you admire the work of the Independence Institute and want to stand tall with the rebels who believe in and fight for your freedom openly in the streets, then December 4th is YOUR day. YOU (YES YOU) can direct your Colorado Gives Day contribution to your favorite 501(c)(3), the Independence Institute. Unlike the many groups you'll see asking for money on Dec. 4, the Independence Institute is asking for your support to advance the agenda of freedom FOR YOU—freedom to choose the best education possible for your children,

freedom to say yes or no to higher taxes, and freedom to own and shoot your gun without fear of confiscation or harassment.

You can make your contribution now and defer payment to December 4 or give on December 4. Whichever option you choose, know that freedom—YOUR FREEDOM—wins when you decide to lend your support. Go to ColoradoGives.ORG and search for the Independence Institute, or call Josh Williams at 303-279-6536 ext. 124 with questions. Stand up and join us in the fight!



Josh Williams is the Manager of Donor Relations at Independence Institute.

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Introducing the iOverheard Podcast

By Tracy Kimball Smith

Many years ago, before iPods and smartphones, the Independence Institute had a website called ivoices.org, where we posted audio interviews and conversations with our senior fellows, policy center directors, and others. We did podcasting before podcasting was cool.

following year. He handles communications, is part of the Creative Labs team, and is the editor of our news website, CompleteColorado.com. Justin has degrees in business and economics from George Mason University. His humor, quick wit, and knowledge on a wide variety of subjects are the secret sauce in iOverheard.



In fact, we were so far ahead of the curve that not many people could listen to them, and we abandoned the project. However, with the advent of mobile devices, more and more people are listening to long-form audio podcasts. The next time you are on the light rail, take a look around, you will notice that most of the under-40 crowd has earbuds in their ears.

The Independence Institute has officially jumped back into podcasting and is excited to announce the launch of our new podcast, iOverheard, hosted by Justin Longo. The goal of iOverheard is to excite listeners about how the free market improves our lives. We believe great things happen when people are unleashed and freed to innovate, and iOverheard will be a vehicle to spread this message. We will accomplish this task by entertaining listeners rather than by focusing on policy, hosting one-on-one chats with compelling guests, and discussing the benefits of the free market while pointing out government roadblocks to innovation.

In our first episode, Justin chats with Jonathan Perkins, producer of the reality television show, Drone Wars. Justin and Jonathan talk about the amazing potential of drones for both saving and improving lives.

Is it possible to catch fish using a drone? Listen on iOverheard.org, iTunes, Spotify or Stitcher and find out!

Host Justin Longo started as an intern at the Independence Institute in 2007, and became a full-time staff member the



Tracy Kimball Smith works for Independence Institute Creative Labs.