

INDEPENDENT

# Inking

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INSTITUTE.ORG



**New Studio, New Videocast - PAGE 11**



# 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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# Jack Paul, My Friend

By Jon Caldara, President

We at Independence work in a bizarre space between philosophy and politics. It's a place where if we were just ideologues, we'd only be publishing white papers about what others should do. And if we were just political hacks, we could lose our north star. There is a saying: the man who has a foot on both sides of the fence gets a hurt crotch. True enough. But working to bring Freedom back to Colorado is the most meaningful work in the world.

It also means we draw into our fold amazing people who understand saving Liberty takes a commitment to ideology seasoned with the political reality to get it done.

The people I'm blessed to work with are some of the most loving, charitable, and caring people I have ever known. As I always say, Freedom is a team sport, and I'm always impressed who signs up to play. It shows particularly when people are in crisis or others need help. When I lost my daughter, Parker, to cancer the team here at Independence kept me going with purpose.

Tracy Kimball Smith formed Team Parker to raise money for the Children's Hospital Foundation so other parents might have a different experience and see their children survive cancer. Over the years we've raised over \$150,000 for this cause by riding bikes over the Rockies in the Courage Classic. That doesn't mean young people don't still die of cancer, even within our very close Independence Institute family.

Harry Paul is one of the younger folks on our team. He was an easy hire for me. You could even consider it nepotism. Back in middle school, Harry's younger brother Jack befriended my son Chance who has Down syndrome. The school had an exceptional program for special needs kids like Chance, where fellow students could donate time working with them.

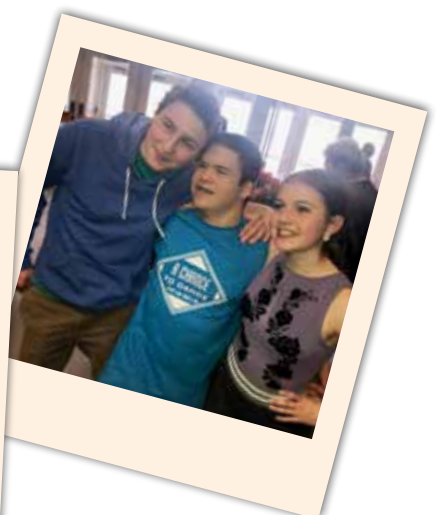
Chance never called his great pal just "Jack." He gave Jack the full title of "Jack-Paul-my-friend" like it was all one word. While several kids took time out for Chance in middle school many did it just to get out of class, leaving Chance mostly on his own. Jack was different. Jack genuinely loved being Chance's friend and helped him become the wonderful young man he is today.

Jack then went on to volunteer with the city of Boulder's Expand program to work with Chance and his friends in all sorts of camps and activities. Jack's younger sister Gracie took on that role of mentoring Chance at many city programs and camps when Jack went to college. So of course, Jack's brother Harry had to come work with us at Independence. The Pauls are an amazing family with three amazing kids.

Five years ago, Jack began to battle leukemia and I'd like to think some of the money we've raised went to help him at Children's Hospital. Fighting this cancer became a fulltime job. Jack lost his battle on February 16th. He was 21 years old. He was one of the happiest, most gleeful kids I know. Even knowing he was going to die, he had a positive attitude, pleading with his family that they should find happiness when he was gone.

If this heroic young man could happily battle cancer and help others while he was doing it, then we who are facing the socialist takeover of our once liberty-loving state, can happily fight to return Freedom here, even when it looks bleak.

That's how Jack-Paul-my-friend would do it.





# Protecting TABOR & Advancing Path to Zero

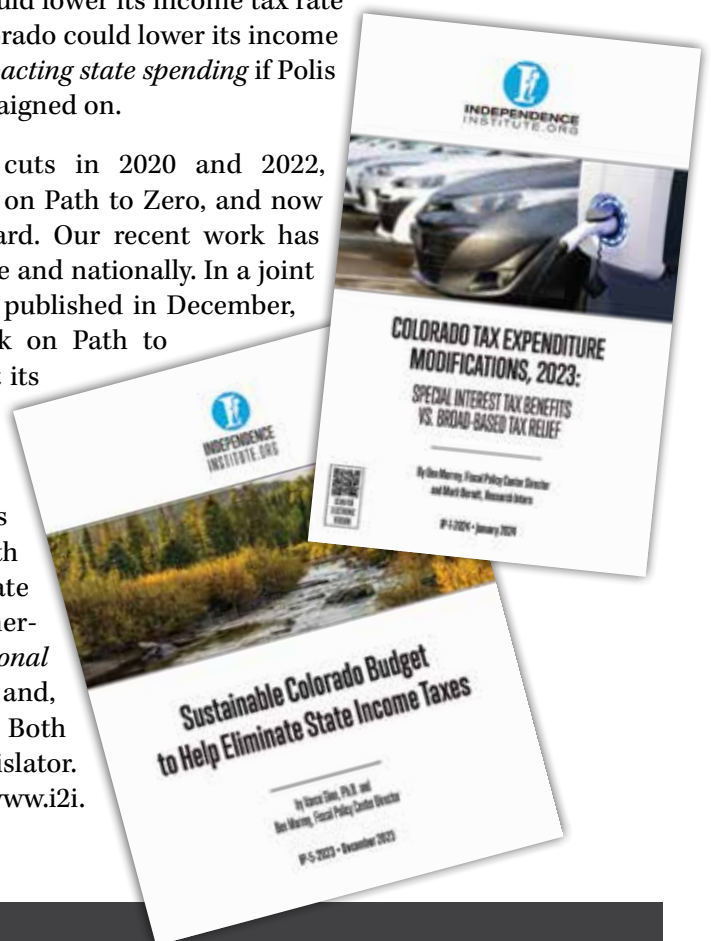
By Ben Murrey

After the defeat of Proposition HH last November, the Fiscal Policy Center got to work on two major reports aimed at protecting the Taxpayer's Bill of Rights (TABOR) and advancing Independence Institute's Path to Zero initiative, a plan to eliminate Colorado's state income tax. We have protected taxpayers over the decades by taking a resilient long-term perspective and by playing both offense and defense as necessary. While Colorado has turned deep blue politically, our taxes have stayed low relative to other states. That's thanks in large part to Independence Institute. In 2020 and 2022, we cut the income tax rate to 4.55% and then to 4.40% as part of our Path to Zero initiative. In 2023, we led the defeat of Proposition HH, a measure designed to upend TABOR's limit on government growth and end TABOR refunds. Our most recent reports build on those victories, laying the groundwork for the next victory.

The first report, *Sustainable Colorado Budget to Help Eliminate State Income Taxes*, explores the change in state spending over time. When the people of Colorado adopted TABOR in 1992, 67% of the state budget was subject to its constitutional spending limit. Today, thanks to loopholes carved out by lawmakers and the courts, only 46% of the state budget is subject to the limit. Published in January, our next report, *Colorado Tax Expenditure Modifications, 2023: Special Interest Tax Benefits vs. Broad-based Tax Relief*, investigates Governor Polis's performance on key tax reform promises, particularly eliminating special interest tax breaks and lowering the income tax rate for all.

Both reports point to the central role TABOR's spending limits play in keeping taxes low and eventually phasing out Colorado's income tax altogether. With the current \$1.8 billion state surplus, we could lower the income tax rate to 3.82% today without impacting state spending. By putting more state spending under the TABOR limit and cutting out tax breaks for special interests, as our reports suggest, Colorado could lower its income tax rate even more. Our research found that Colorado could lower its income tax rate from 4.40% to 3.25% *without impacting state spending* if Polis followed the tax reform agenda he campaigned on.

With our successful citizen-led tax cuts in 2020 and 2022, Independence Institute has led the way on Path to Zero, and now we're highlighting the next steps forward. Our recent work has garnered attention from around the state and nationally. In a joint op-ed with famed economist Art Laffer published in December, Governor Polis responded to our work on Path to Zero, agreeing that Colorado should cut its income tax while criticizing TABOR's spending restraints. Following the publication of our first report, the governor in his State of the State Address pressed Democrat legislators to work with Republicans to cut the income tax rate this session. Our reports generated numerous media hits, including in *Forbes*, *National Review*, *Colorado Politics*, *Denver Gazette*, and, of course, our own *Complete Colorado*. Both reports were delivered to every state legislator. They can be found on our website at [www.ii.org/fiscal](http://www.ii.org/fiscal).



*Ben Murrey*

Ben Murrey serves as Director of Fiscal Policy, working to promote fiscal responsibility in Colorado government and to defend the Taxpayer's Bill of Rights.

# Saluting Fred Holden

By John Andrews

Fred Holden of Arvada is truly one of the Independence Institute's founding fathers. I hope all the friends of freedom here in Colorado will join me in saluting him as the Institute now enters its 40th year.

In 1985 when I, along with David Evelyn and Mike Rosen, set out to establish a "baby Heritage Foundation" to impact public policy in our state, we needed someone to put the "think" in our tank. Fred was the first person we turned to.

Generalities like "curb spending" or "streamline government" weren't going to be enough. It was going to take unassailable facts, figures, analysis and recommendations. The answer: a Holden analysis of how smarter management of sick leave for public employees could save taxpayers millions. It became the very first Independence Institute Issue Paper we ever published, and policymakers began to take notice of this feisty little startup.

Fred has been a stalwart soldier in the legions of liberty all these years, fearless in the fight, and always of good cheer. He was spirited and shrewd in helping pass TABOR, ever vigilant in defending it against all enemies, and energetic and tireless in the Colorado Union of Taxpayers.

His remarkable book, *Total Power of One in America: How to Become a More Powerful Person and Citizen*, belongs on every freedom fighter's bookshelf. Leafing through my prized copy, I'm reminded of such classic Fred-isms as, "The law is where the government tells the people what to do, but the constitution is where the people tell the government what to do." Tucked inside I find a clipping from the *Rocky Mountain News*, June 4, 1991, saying it was number two in sales that week.

Another of my favorite Fred-isms, typical of his selfless dry wit, was the offer, "Tell me how I can help and I'll do it, even if that just means me not helping for now." Fred Holden will never know how valuable his help has been, materially and spiritually, to so many of us for so long.

"Carry high the torch of freedom," he wrote when signing *Total Power of One* for me. No one in Colorado in our era has exemplified that better than yourself, Brother Fred. Onward in your noble cause!



Fred with Jon Caldara after winning the Vern Bickel Award for Grassroots Leadership

Fred and Dottie Holden with daughters Tami DePalma (left), and Lori Holden (right)

Fred with his book "Total Power of One in America"

Fred and Dottie Holden



*John Andrews*

John Andrews founded Independence Institute and later served as Republican nominee for Governor of Colorado, President of the Colorado Senate, and chairman of the Western Conservative Summit.

# RINO Watch Wins Colorado's Version of Biggest Loser

By Sherrie Peif

“While Caldara is the titular head of the Institute, he is not the ugliest or even most unpleasant member of its staff. That honor goes to Sherrie Peif, the investigative reporter for Page 2 of the Institute’s *Complete Colorado* who is highly active in Weld County and CD 8 politics,” the write-up on me reads. “The beefy and highly belligerent Peif is known to yell and try to bully the individuals who she is reporting on or political opponents in the Republican Party. She is said to be a walking anti advertisement for the Institute, although no one can assert that she is either weak or ineffectual. She is a type of real RINO for better or worse.”

That single paragraph will probably go down as the greatest moment of my life. Why? Because I love living rent free in other people’s heads, especially those who eat with the same mouth they puke this garbage out of.

Every week, a group calling themselves “RINO Watch Colorado” selects one Republican to feature as RINO of the Week. RINO is short for Republican in Name Only. It’s supposed to imply you are a Republican acting like a Democrat. But in Colorado it means anyone who won’t support and regurgitate the divisive views of a small handful of “grassroots” activists.

In February, the top RINO honor went to the Independence Institute—well actually, President Jon Caldara and me.

How ironic that one of the earliest reality shows, “The Biggest Loser,” a contest to see who could shed the most weight over a period of a few weeks, is now playing out in Colorado politics. This time, the Biggest Loser is a handful of men who think weight-shaming and name-calling will save this state.

While no one knows with certainty who is leading RINO Watch, it is likely former talk radio host Chuck Bonniwell, who in 2019 lost his show on 710 KNUS after making an on-air “wish for a nice school shooting to interrupt,” while moaning incessantly about the impeachment trial of President Donald Trump. The group focuses on whining about people who don’t pass their purity test rather than actually winning seats.

He now co-hosts a video podcast, spending the hour beating down anyone who won’t bend a knee. That person is now me because over the past year this Weld County native not only went into the heart of Adams County and knocked Anil Mathai—whose only claim to fame is calling the past state GOP leadership “asshats and whores”—out of his position as chairman of Congressional District 8, but I also teamed up with Republican county party leaders across the state to kill his self-named “Bonniwell Amendment” and the subsequent ridiculous “opt-out” movement.

They also don’t like that I separate my reporting from my politics, making sure that everyone is treated equally when they do or say stupid things, even other Republicans. That’s what journalists do, hold government officials accountable for their actions.

Since Bonniwell and his pals Mathai and state party chair Dave Williams can’t seem to beat me with the truth, they have resorted to beating me with weight-shaming and name-calling. They cowardly post anonymously to keep their names “clean.” However, there is a lot of evidence to suggest if Bonniwell is not leading the group, he knows who is, and he and the others are contributing to it.

In the end, I am so proud to be among their list of previous “winners” that I’ve asked Jon Caldara to buy lapel pins proudly displaying our pick as a RINO of the Week.



*Sherrie Peif*

Sherrie Peif joined *Complete Colorado* as an Investigative Reporter in November 2014 after spending the previous 13 years at the *Greeley Tribune*.



# Why *Complete Colorado* Matters: The Jefferson County Edition

By Mike Krause

One of *Complete Colorado's* sweet spots is finding a gem of a story that the mainstream left-of-center media either plain misses or ignores because it doesn't fit their preferred narrative. In early January, we uncovered a doozy of just such a story in Jefferson County (Jeffco). Fair warning, what our investigative reporter Sherrie Peif found is an infuriating tale of political arrogance and the blatant exercise of favoritism.

In November 2023, Jeffco signed a \$340,000 deal with the political consulting firm, The Bighorn Company, to soften up voters for a ballot measure, either to raise taxes or de-TABOR current county revenues. Jeffco is one of the few remaining large counties where residents still enjoy the full protections of the Taxpayer's Bill of Rights (TABOR). Naturally, the Democrat-controlled county commission hates this. Twice in the past four years they have put forward a de-TABOR measure, and twice the voters have said no. So they are coming back for a third bite at the apple.

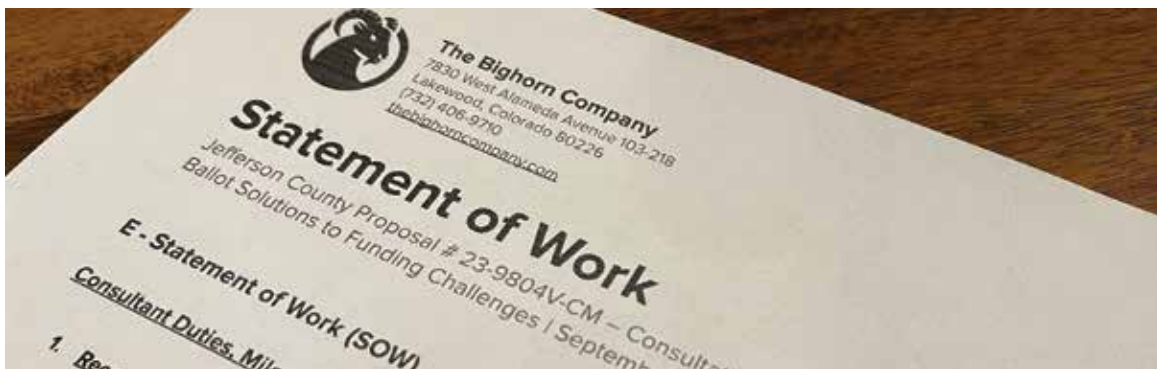
The Bighorn Company just happens to be co-led by Ian Silverii, the former executive director of ProgressNow Colorado, which claims to be the "largest and most effective multi-issue progressive organization" in the state, meaning they despise TABOR and its requirement for voter consent on new or increased taxes. Silverii's "consulting fee" from that contract is \$180,000.

Not only did Silverii donate to the campaigns of all three of the Democrat county commissioners who approved the contract, but he is also married to Congresswoman Brittany Pettersen, whose 7th Congressional District includes Jeffco. Prior to being elected to Congress, Pettersen served closely in the state legislature with two of the county commissioners, Andy Kerr and Tracy Kraft-Tharp. And her relationship with the third commissioner, Lesley Dahlkemper, dates to Dahlkemper's time on the Jeffco school board, with the two women donating to each other's political campaigns over the years.

Smells fishy, right? But wait, it gets worse.

Peif also dug deep into the bidding process for the contract and found more questions than answers. It turns out Jeffco coded the request for proposal (RFP) under generic "consulting" and several "miscellaneous" categories in the BidNet system used by both governments and consulting firms, ensuring that firms who subscribe under more specialized codes would never even know the contract was available. Several Colorado political consultants told Peif they would likely have applied had they known about it and that the coding was suspicious. Those same firms also requested anonymity out of fear of reprisal from Jeffco.

Thanks to Sherrie's relentless reporting, and the generosity of our donors who keep the wheels turning, Jeffco voters can now better judge the motives of the county commission and the merits of the ballot measures that may end up in front of them come November. It's yet another reason that *Complete Colorado* matters.



*Mike Krause*

Mike Krause is Editor-in-Chief of *Complete Colorado*. A former ski instructor and construction carpenter, Mike was a Senior Fellow and editorial writer at II before heading up *Complete Colorado*.

# Supplemental Educational Support Needed for Foster/Kinship Families

By Ross Izard

The Education Policy Center published a new issue paper focused on increasing educational opportunity for some of Colorado's most underserved populations of students—and taking a step toward expanded educational choice and freedom in the process. The paper, *An Upstream Intervention for Colorado Foster and Kinship Children: Supplemental Educational Support Accounts*, has already generated considerable interest among policymakers on both sides of the aisle.

Colorado lags many other states in providing K-12 educational support for families outside the services they receive during the school day. This lack of support can leave particularly underserved and at-risk student populations in difficult situations—situations in which society, government agencies, and Colorado taxpayers must bear the significant downstream costs of problems better solved far earlier in a student's educational journey.

Few populations of students face a harder road to success than those involved in the child-welfare system. These students face tremendous challenges due to their home and family experiences, which often involve abuse, neglect, separation, and both residential and academic instability.

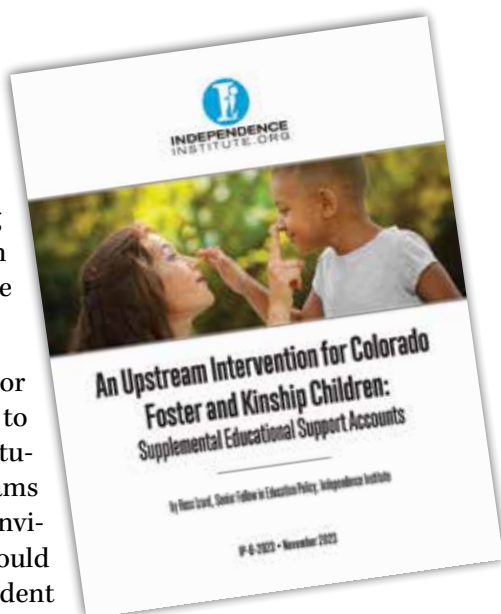
Nearly 40 percent of these Colorado students attended at least two schools in a single school year, and some attended four or more. More than twice as many of them will drop out of school than the general student population. Only one in three will receive a high school diploma, compared to 84 percent of other Colorado students. Fewer than one in ten of these students will go on to obtain a four-year postsecondary degree. Many will face housing issues, incarceration, and other challenges.

The Colorado legislature has, in recent years, passed several major bills providing assistance to former foster youth who cannot afford to attend college or who are facing the risk of homelessness. However, this legislation attempts to address life outcomes rather than providing opportunities to better support these children earlier in their K-12 career—early enough to meaningfully change the trajectory of a student's life.

Simultaneously, states across America are adopting or expanding new student-account programs designed to provide private school tuition and other support to students who most need help. While many of these programs are incompatible with Colorado's current political environment, they do contain a number of features that would better support Colorado's out-of-home placement student populations.

A new breed of program, called a supplemental educational support account (SESA), combines the best aspects of other policies and holds promise for children who too often miss out on supplemental services and activities. An SESA program would provide a set amount of annual funding for each student that can be used for services such as tutoring, therapies, music lessons, specialized programs, transportation, and a wide variety of other goods and services. This account-based system would provide much needed K-12 help to Colorado students placed in out-of-home care either through the foster system or kinship care.

The Education Policy Center's paper builds a case for the use of upstream supports rather than downstream solutions and explains how this innovative policy could work in Colorado.



Ross Izard

Ross Izard is Independence Institute's Education Senior Fellow. He is also the founder and president of Xiphos Strategies, a national government affairs consulting firm.



# Freedom to Explore, Challenge & Research

By Ari Armstrong

I appreciate writing a column for *Complete Colorado* because I have the freedom to explore diverse issues, challenge the “party line,” and research issues in depth. A good example of this is my January 29 article on the century-old eugenics movement in Colorado. Had you learned about this history prior to reading my article? The material was new to me.

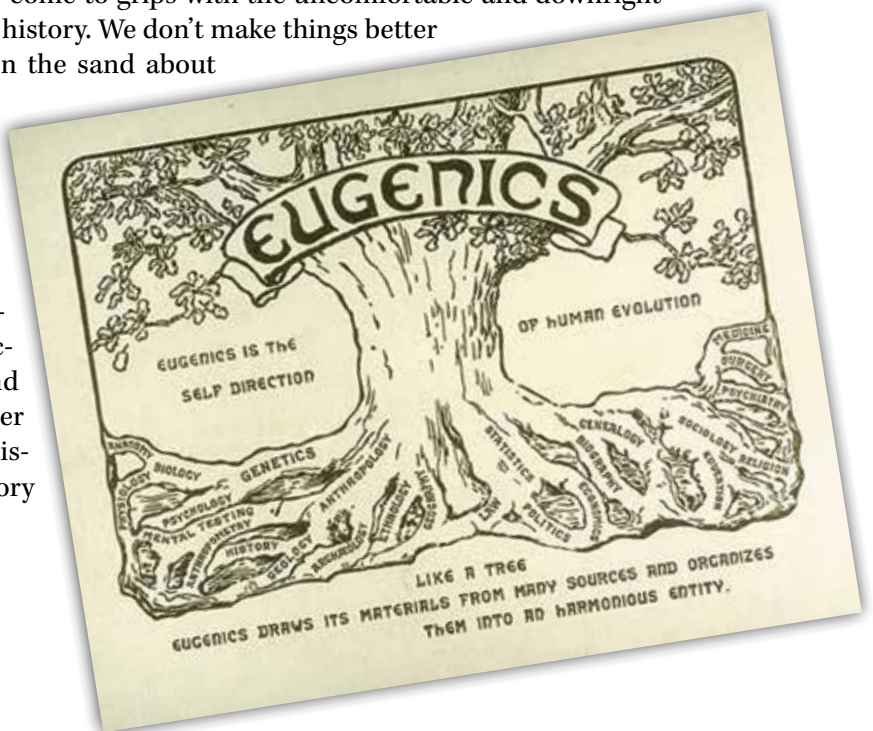
I learned, for example, that a eugenics organization used to sponsor a “Champion Baby” contest at the stock show. It shouldn’t surprise you that the 1915 “Champion Baby,” described as “the perfect specimen of the 100 per cent [quality] baby,” was “a sturdy youngster with light hair, blue eyes and ruddy red cheeks.” The racism of the movement often welled to the surface.

The founder of the Colorado State Hospital once advocated “the breeding of the highest type of humanity by eliminating the unfit.” At that same hospital, another doctor forced women to undergo sterilization surgeries. One woman later said of those who sterilized her, “They took out my heart and left a stone.” Multiple times, legislators tried to pass a strong sterilization law.

A Pueblo business leader called for “improving the human stock.” A Boulder biologist said that “society. . . may well put forth a restraining hand” in human breeding. The president of the teachers college in Greeley said, “It is just as easy to breed brains as beef.” The eugenics movement was widely promoted and embraced in Colorado.

In uncovering these facts, I looked through archived newspaper records, papers written by University of Colorado students, and other sources. The resulting article, nearly two-thousand words long, paints a vivid picture of this little-known movement. If I were restricted to the standard 750-word op-ed, I probably would not even have tried to tackle such a complex matter.

I think it’s important to come to grips with the uncomfortable and downright scary parts of Colorado history. We don’t make things better by burying our heads in the sand about past problems. I agree with a CU student who, when researching the issue as an undergrad, said, “The U.S. history and role that it played in eugenics is important to recognize and understand in order to take proper action to correct our mistakes and prevent history from repeating itself.”



*Ari Armstrong*

Ari Armstrong writes for *Complete Colorado* and at [AriArmstrong.com](http://AriArmstrong.com). He is also the author of books on Ayn Rand, liberalism, Harry Potter, and religion.

# The State of Social Media at Independence

Independence Institute has been ramping up its social media activity in a big way over the past six months. Here are some of the changes and achievements:



## *Constitutional Comments* podcast

Rob Natelson, Senior Fellow in Constitutional Jurisprudence, has added many episodes of his podcast *Constitutional Comments*. Covering a wide range of topics including radicalization on college campuses, the Insurrection Act, and illegal immigration, it is a must-listen for those interested in shoring up their constitutional bonafides.



## *Devil's Advocate*

Jon Caldara—beloved by many and hated by some—enjoys a robust viewership of his TV and YouTube show, *Devil's Advocate*. In 2023, the show saw a nearly 2,000% growth in hours of watch time. Our YouTube “Shorts” showed massive growth in only a few months, making these “Shorts” our newest and hottest thing on YouTube.



## Amy's “Insta” Reel

Independence Institute has another viral video—1.4 million views on Instagram and counting! Amy Oliver Cooke, Director of our Energy and Environmental Policy Center, was interviewed on *Devil's Advocate*. While grim, she gave an honest assessment on Colorado's energy future. The “Short” for the episode resonated with viewers and has generated over 900 comments.





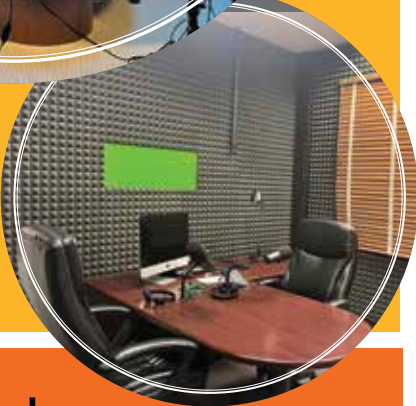
### Power Gab podcast

Independence Institute has a new podcast, *Power Gab*, which focuses on the unique challenges facing Colorado’s energy sector and affecting all Coloradans. Energy is often overlooked, but it plays a hand in everything from housing prices to food costs to the price to fill your gas tank. Power Gab can be found on your favorite podcasting platform.



### New Studios

Built by our talented VP of Operations, Damon Sasso, Independence Institute now has a second video studio with three state-of-the-art cameras capable of hosting multiple remote guests. Our podcast studio has been upgraded to a world-class 4K video/recording studio. Be on the lookout for new, informative, and exciting videos and podcasts from your friends at Independence Institute.



### Hi, I’m Vanessa Rutledge

I am the new Communications and Marketing Manager at Independence Institute. While I am new to Independence Institute, I am not new to the ideas of free market economics and limited government. I worked in tech for many years but always kept the ideas of Friedman, Sowell, and Smith close to my heart. When the position of Communications and Marketing Manager became available at II, I jumped at the chance to become one of the II family. I am delighted to fill this role and look forward to strengthening II’s presence on social media.



# Mill Levies & Government Accountability

By Kathleen Chandler and Natalie Menten

Property taxes are determined by three factors: the value of your home, the state assessment rate of your home, and the local special district mill levy rate.

In June 2023, Governor Polis claimed Proposition HH was necessary because local governments didn't act to lower the mill levy rate. The mill levy is one component of your property taxes. Proposition HH sought to change the state assessment rate and lift the Taxpayer's Bill of Rights (TABOR) cap to pay for the lowering of the assessment rate. The reduction of the state's assessment rate proposed in HH was so small, and the cap level hike so large, that this could by no means be considered a tax reduction.

The time to ask for mill levy reductions at the local level was in November 2023 during the election cycle when Proposition HH was proposed, not in June 2023 as Polis claimed. The appropriate time to reduce the local mill levy rate was in the fourth quarter of 2023 after the assessments were set by each local county assessor. The governor was right that local governments didn't act to the magnitude needed. But his conclusion was way too early for counties to truly act.

Colorado Counties, Inc., a non-profit focused on the administration of county governments, correctly stated in 2023 that property tax rates are most appropriately lowered at the local level. The defeat of Proposition HH allowed all special districts to do so by extending the deadline for mill levy reductions. Unfortunately, even with the extended 2024 deadline proposed, most local governments chose not to reduce property tax rates.

Giving credit where it is due, there were several districts (of the thousands statewide) that did take corrective action. These districts took it upon themselves to do the right thing for their members and lowered their mill levy rates: Upper South Platte Water Conservancy District, Tallgrass Metro District, Elbert County, Douglas County, Town of Alma, Park County School District Re-2, Elk Creek Fire, Park County, and more. We should celebrate these successes!

While these mill levy reductions couldn't adequately take the place of a statewide rate assessment decrease, the good faith effort from local officials should be applauded.

The lesson to be learned: all levels of government need to be held accountable. The factors determining your property tax are driven by different levels of government: the actual value (market and your elected county assessor), the state assessment rate (state government), and your mill levy (local special district). And you, the citizen, have the opportunity and responsibility to engage at each of these levels.

Do you know which districts have taxing authority over your property? Did you engage with them over the mill levy rate? Are you ready to get involved now and demand lower rates? The state has made this more complicated than it needed to be, but has also exposed the process to many who simply took our relatively low property taxes for granted.

The 2024 budget period for special districts will be here before you know it. This will set the mill levy for your property taxes for 2024 as taxes are assessed in arrears. So be on the lookout for your special district's budget process in late summer 2024.



*Kathleen Chandler*

Kathleen Chandler is the Coalition and Future Leaders Program Manager for Independence Institute. She also runs our Local Government Project. She has a degree in Political Science from the University of Colorado and has been involved in politics since she was 18 years old.



*Natalie Menten*

Natalie Menten is a Jefferson County grassroots activist who has worked on government transparency projects, property rights, limited government and protecting TABOR. She has served as an RTD Board Director and is the TABOR Foundation Board Director.

# Colorado Oil & Gas Wars Heat Back Up

By Jake Fogleman

Upon the passage of Senate Bill 181, Governor Jared Polis infamously declared an “end to the state’s oil and gas wars” in 2019. The saber-rattling state General Assembly has a different idea in mind for 2024.

As first reported by the *Denver Business Journal*, Democratic Senators Kevin Priola and Sonya Jaquez-Lewis are preparing to introduce new legislation that would ban all new oil and gas drilling in the state by 2030.

It would accomplish this goal by directing the state Energy and Carbon Management Commission to begin phasing down permits for new wells in 2028 and completely halt any new permit issuance on January 1, 2030. Furthermore, the proposed legislation would automatically terminate any permit issued before the cut-off date if operators don’t begin drilling by 2032.

The legislation represents the most blatant attack on one of Colorado’s most prolific industries since the state assembly disregarded the express will of Colorado voters in 2018 by passing restrictive local setback rules for oil and gas operations.

If passed, the measure would all but kill a \$48 billion industry that currently supports more than 300,000 Colorado jobs.

Colorado ranks as the fifth-largest crude oil-producing and the eighth-largest natural gas-producing state in the country, according to federal data, with enough exploitable reserves of each to maintain its stature for the foreseeable future. That’s important because federal estimates project that U.S. oil and gas production will continue to grow through 2050, driven by stable domestic demand and growing international demand for American hydrocarbons.

In other words, a ban on new oil and gas production in Colorado would do nothing to stem the overall production of fossil fuels in the medium term—the apparent goal of the climate-conscious Senators Priola and Jaquez-Lewis. Instead, it would simply ensure that Colorado producers miss the boat and that the state does not get to reap the economic benefits of allowing our local industry to contribute to an energy-rich future. It’s a government-imposed suicide for little material gain.

Even more troubling is that the bill is not being proposed in a vacuum. A separate draft environmental bill, co-sponsored by Priola, would have much more drastic and immediate impacts on energy producers and consumers alike. The soon-to-be-introduced companion bill would, among other things:

Ban fracking and other oil and gas production activities from May through September each year.

Direct CDOT to craft rules to reduce vehicle miles traveled for private citizens.

Enact a California-style ban on the sale of new gas-powered vehicles by 2035.

It’s safe to say Colorado lawmakers have officially declared the energy détente to be over.

You can count on the Energy and Environmental Policy Center to stand firm against heavy-handed government mandates that seek to cripple Colorado’s key industries, harm our state’s competitive advantages on the world’s stage, and intentionally increase consumer costs for something as vital as reliable energy.



*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.

# Cutting the Federal Government Down to Size

By Jon Caldara

Protecting our rights against overreaching federal politicians and bureaucrats is one of the things we do at Independence Institute. A great example of this is our defense of the U.S. Constitution's limits on the federal government. Rob Natelson, our Senior Fellow in Constitutional Jurisprudence, works constantly on this project. Part of his job is writing for the popular market. For example, he is a regular columnist for *The Epoch Times*. But he contributes copiously to scholarly literature as well.

Among his scholarly projects is a series of research articles on the Constitution's Commerce Clause. That's the provision that gives Congress power to "regulate Commerce with foreign Nations, among the several States, and with the Indian Tribes."

For decades now, federal politicians, bureaucrats, and judges have abused the Commerce Clause, pretending it gives the feds power it really doesn't give them. They are assisted by leftist law professors who have flooded the academic literature with bogus arguments justifying federal government omnipotence.

As a result, the feds now regulate all sorts of activities not mentioned in the Constitution: the environment and other land use, healthcare, local businesses, farming—even what electric light bulbs and toilets you can use.

This has been going on for so long that most people have forgotten that the Constitution actually does not give the federal government such wide authority. State governments, not the feds, are supposed to have the last word on most of those subjects.

That's where Rob's scholarly work comes in. While at Oxford University in 2005, he investigated what "commerce" really meant when the Constitution was adopted. He found that the word encompassed only trade among merchants and a few related activities, such as cargo insurance. It certainly didn't include muscling into your healthcare or telling you whether you can demonstrate in front of an abortion clinic! Rob published his findings the following year.

His recent research has focused specifically on how the Constitution's phrase "regulate Commerce" was used during the period the document was conceived, written, and ratified.

This innovative project confirmed his earlier findings. It also showed that "regulate Commerce" meant to apply a body of law called the "law merchant." The law merchant was limited to governing trade and a few associated activities across political boundaries. It did not authorize the federal government to do most of what it now does.

What is the point of this work? Some U.S. Supreme Court justices have relied on Rob's research already. But there is a wider end game, too. We often become frustrated with day-to-day political events. But as the recent election of a libertarian president in Argentina illustrates, long-term global trends actually are in favor of decentralization. The United States has been bucking the trend, but it cannot do so forever.

When decentralization finally returns to America, lawyers and judges will want material they can use to cut the federal government down to constitutional size. Rob's thoroughly researched and scrupulously accurate findings will give them some of the ammunition they'll need.



*Rob Natelson*

Robert G. Natelson, a former constitutional law professor who is Senior Fellow in Constitutional Jurisprudence at Independence Institute, authored *The Original Constitution: What It Actually Said and Meant* [3rd ed., 2015]. He is a contributor to the Heritage Foundation's *Heritage Guide to the Constitution*.





4 Future Leaders funded through the Liberty Scholarship

1.4 Million Views of Amy Cooke's Energy Policy YouTube video

593,106 Visits to CompleteColorado.com

213 TV and radio appearances by II staff

75 DA interviews

5,923 Clay pigeons shot at our ATF Party

10,580 Attendance at speaking engagements

110 Podcast episodes

306 CompleteColorado.com Articles

1 Million dollar scholarship program created

642 cans of Diet Coke consumed by Local Government Project's Kathleen Chandler

643 Packages received by Damon

3 Issues of our Inking magazine

1 Number of times we lowered the income tax (again!)

72 School board candidates trained by Pam Benigno

100% Funded by our donors  
0% Funded by government handouts

16 Piles of human poop cleaned up around the building

1 New video studios built

3,000+ Number of people with whom Kathleen Chandler spoke

2 Nominations to RINO Hall of Shame

40% Amount by which Prop HH was defeated

15 Invitations to testify before the legislature

23,000 Users of the school choice for kids website

49 Number of Rob Natelson's articles in Epoch Times

17.5 Number of hair follicles left on Jon's head

226,055 Visits to i2i.org

16 policy reports & briefs published

103 Op-eds placed in major media

11 Rob Natelson U.S. Supreme Court citations  
41 Dave Kopel federal court citations

1.12 Terrabytes of video and audio files of Jon bloviating

100+ Local Government Project class attendees

14 Presentations to future teachers

69% YES  
31% NO  
What our permanent income tax cut passed by

24 Times attacked by the Left  
24 Times attacked by the Right

189 Coalition meetings held at II

# Our Interns for Spring 2024

## Jingwei Mao

Originally from Shaoguan, China, Jingwei is a recent college graduate from Denison University, where she studied philosophy, politics, and economics. She currently serves as a Second Amendment Project Intern, collaborating closely with David Kopel. Additionally, she is a participant in the Koch Internship Program. Prior to joining Independence Institute, she gained experience as a legal assistant at a private law firm.



## Chance Curtis

Chance is a senior at Brigham Young University - Idaho and plans on graduating in April with a BA in Political Science and a minor in French. He was born and raised in Phoenix, Arizona and moved to Idaho for school. He has been married for almost two years to his wonderful wife, Meagan. Chance spent two years abroad in France as a volunteer for his church, where he gained a deep interest in politics and language thanks to the people he met there. Chance has enjoyed his time with Independence Institute and is grateful to be able to deepen his knowledge in and understanding of the world of public policy.

## INDEPENDENCE INSTITUTE CLASSES

Did you know that Independence Institute offers classes? Our Local Government Project offers classes to teach you the skills for fight for liberty.

FOR MORE INFORMATION  
OR TO REGISTER:  
[i2i.org/local-gov](https://i2i.org/local-gov)



**Thursday, April 25th**  
**6:30 pm to 8 pm**  
**Zoom format**  
**Cost: \$10**

Learn where and how you can make a difference in your community.

Do you know there are over 4,000 governments up and down the front range? We will discuss how to get appointed to these board and commissions.

Come join us as we explore how you can take the initiative and curtail the maddening overreach of government.



**Saturday, April 27th**  
**9:30 am to noon**  
**Independence Inst.**  
**727 E. 16th Ave**  
**Cost: \$20**

Learn how to sharpen your communication skills and use your voice to stand up to cancel culture and articulate what you believe in.

You'll learn practical tips to have a productive, civil conversation with someone with a differing point of view.

You will learn new skills and get a chance to practice them one-on-one with your classmates.

# Celebrate! There Has Been Much Progress in 32 Years

By Dave Kopel

Having recently turned 64 years old, I have now spent half my life as a full-time employee of Independence Institute. I had begun writing for the Independence Institute, which was founded and led by John Andrews, in 1989, and became the full-time Research Director in November 1992.

As then, I was the only think tank employee in the world whose work focused on the right to arms. While the American public and academic experts recognized the Second Amendment as an important individual right, the federal courts ignored it. In 1992, I could count on my fingers the number of lawyers, on both sides, with genuine expertise in the Second Amendment, and I would still have fingers left over.

All that has changed dramatically, thanks in no small part to Independence Institute. In 2004, John Fund, at the time a *Wall Street Journal* columnist, stated that I had “single-handedly... changed the gun debate in the United States.”

In the 1990s, I spent lots of time writing op-eds, magazine articles, law journal articles, and issue papers. Often, if I didn't address a particular controversy, no one else would. Today, a large group of younger writers has come to the fore. Some of them have explained how their reading of my work influenced them in high school or college.

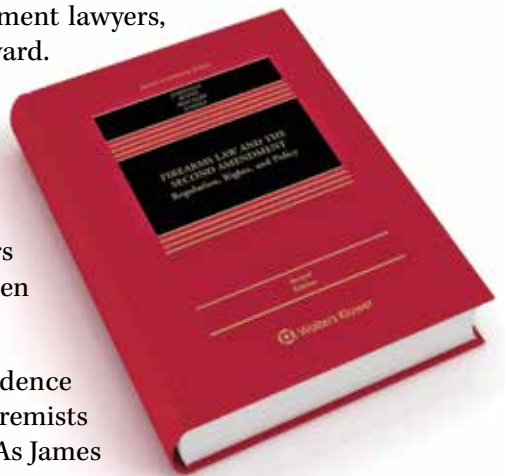
In the courts, our progress has been tremendous. My first U.S. Supreme Court amicus brief, in 1997, was on behalf of Colorado Attorney General Gale Norton and seven other Attorneys General. In *Printz v. United States*, we argued successfully on behalf of States' Rights—that Congress could not dragoon local sheriffs into carrying out federal background checks on handgun buyers.

My most recent Supreme Court brief, filed in January 2024, was on behalf of Wyoming Senator Cynthia Lummis and eight others, in *Garland v. Cargill*. We argue that only Congress, and not the executive branch, has the power to criminalize possession of particular firearms. I have been cited in seven cases by the U.S. Supreme Court, and over a hundred by other courts.

These days, I spend much more time on amicus briefs than I used to because there are so many more cases and because the courts now treat the Second Amendment as a meaningful right. Now, there is a large cadre of Second Amendment lawyers, and they make use of my legal research from the 1990s onward.

Much of the rest of my time is dedicated to one of my law school textbooks, *Firearms Law and the Second Amendment*, now in its third edition. Unlike in 1992, the Second Amendment is now a part of the standard curriculum in many law schools, and the textbook helps professors who want to teach a new subject. The textbook too is often cited by the court.

So don't despair about the current situation. Independence Institute and I have been fighting the gun confiscation extremists since the 1980s, and our advances far exceed the setbacks. As James Madison wrote in *Federalist 51*, because the Constitution divides the people's sovereignty between the federal and state governments, “a double security arises to the rights of the people.” So when state legislatures dominated by anti-rights nuts infringe the rights of the people, we will be in federal courts, fighting their dangerous and malicious enactments.



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.



# The Best of *Devil's Advocate*



Colorado's energy prices are going up and reliability is going down. **Amy Cooke**, Independence Institute's Energy & Environmental Policy Director explains why.



Filmmaker, author, and business executive **Jennifer Sey** talks about Covid Generation, her documentary about the harms caused by prolonged school closures.



**Rich Guggenheim**, of Gays Against Groomers, discusses his frustrations with the trans community indoctrinating children.



Why would Colorado choose to dump wolves in counties that overwhelmingly opposed it? **Sherrie Peif**, Investigative Reporter with Complete Colorado discusses this and more.



Retired **Chief Judge Dennis Maes** talks about the ongoing scandal at the Colorado Supreme Court which seriously questions the integrity, impartiality and transparency of Colorado's highest court.



Political activist **Tom Tancredo** talks about his time in office, immigration, and his case for Donald Trump.

# Political Law Center: Watchdog for our Free Speech Rights

By Shayne Madsen

The Political Law Center (PLC) has been involved with a number of federal issues in the last quarter.

We are continuing our alliance with the Washington, DC-based Committee for Justice, a non-profit group founded by former White House counsel C. Bowden Gray to educate and advocate its mission to advance a vision of a federal judiciary governed by the rule of law dedicated to an independent judiciary as envisioned by the framers. Yes it's a mouthful, but a very important mission.

Within that lofty goal, the PLC has been most involved in the Committee's focus on federal anti-trust law and free speech implications. Even a casual media observer is now aware that the anti-trust laws and Big Tech are in the center of an intense First Amendment debate. Simply stated, the Left wants to hold platforms libel for not censoring enough speech—especially speech that is unpopular with the Left, whether it is pro-Israel comments or writings that are critical of the Left's chosen minorities. The Right, led by the states of Florida and Texas, is critical of Big Tech for not censoring enough speech offensive to conservative causes or messaging and wants Big Tech to censor more speech.

Make no mistake, the core of these battles is the concept of free speech in our current generation. The Political Law Center regularly participates in public commentary with the Committee for Justice, affiliates of the State Policy Network (SPN) and other conservative groups in the form of media pieces taking a deep dive into these issues. The PLC also participates in the development and filing of amicus briefs filed with the United States Supreme Court (USSCT). These communications concerning antitrust laws have been focused on Liberal efforts to revamp the federal antitrust laws more to their liking. State level efforts, such as here in Colorado have focused on forcing Big Tech platforms to further censor content.

The federal litigation that we have participated in has been limited to the filing of amicus briefs with other aligned groups including the Utah based Center for Growth and Opportunity, and other SPN groups which support free speech principles.

Recently, we participated as amici in two landmarked cases: *NetChoice v. Paxton* and *Moody v. NetChoice* which are currently pending before the USSCT. It was a particularly satisfying moment during oral argument on February 26, 2024 when counsel for NetChoice Paul Clement, and Justice Neil Gorsuch cited our amicus brief by name. Our very own *Paper Chase* moment. We expect a ruling at any time and will post the decision.



*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.



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# Save the Date!

Clear your calendar for the most politically incorrect event of the year. Join us for shooting, drinking and smoking on **SATURDAY, SEPTEMBER 14.**



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