

# QPR

*A Quarterly Performance Report*

THE HEARTLAND INSTITUTE  *First Quarter, 2012*



## TEN BOLD NEW PROJECTS FOR 2012

BY JOSEPH L. BAST, PRESIDENT

This election year gives millions of people a reason to pay closer attention than usual to what governments are doing with their money and their liberties. The large ideological divide between President Barack Obama and his Republican

challengers offers a framework in which basic questions of the proper role of government can be debated.

We are planning 10 bold projects in 2012 designed to change public policies now and in the

CONTINUED FROM PAGE 1

next few years. These are in addition to our six public policy newspapers and other on-going projects. The projects are briefly described here.



Joseph L. Bast  
President

### Operation Angry Badger

Recall campaigns are taking place this year against Wisconsin Gov. Scott Walker, Lt. Gov. Rebecca Kleefisch, and three Republican senators who voted for Act 10, the landmark collective bargaining reform legislation adopted

in 2011. The elections amount to a referendum on collective bargaining reform at the state level, making them of *national* interest. Successful recalls would be a major setback for the national effort to rein in public-sector compensation and union power.

We are contemplating a series of educational projects in Wisconsin built around objective research on the benefits of Act 10 and the shortcomings of public schools in Wisconsin. Senior Fellow Maureen Martin, Heartland's legal counsel (and a resident of Wisconsin), will be our chief researcher and writer for this project.

### Free To Choose Medicine

Every year, thousands of people die and millions suffer needlessly because the Food and Drug Administration (FDA) maintains a monopoly on approval of new drugs. Free To Choose Medicine (FTCM) is Heartland's plan to give patients the right to choose such drugs years before they otherwise would be available to the public.

Reforming FDA has been on the "wish list" of conservatives and libertarians since shortly after the agency was given its current authority to veto new drugs in 1962. Yet repeated efforts to break FDA's monopoly or even to speed up drug approval times have failed. We believe we have a new and better plan to achieve success.

To read more about this effort, go to page 7 of this issue of *QPR* or contact Vincent Galbiati, managing director of the FTCM. project, at 312/377-4000 or by email at [vgalbiati@heartland.org](mailto:vgalbiati@heartland.org).

### Four Projects on Global Warming

Researchers at The Heartland Institute recognized, earlier than most, that scientific uncertainty about the true causes and consequences of climate change makes costly efforts to reduce human greenhouse gas emissions unnecessary. In 2012 we are pursuing four projects on global warming.

The first is sponsoring and promoting the work of the Nongovernmental International Panel on Climate Change (NIPCC), an international network of scientists who write and speak out on climate change. With Heartland's support, this team of scientists produced *Climate Change Reconsidered: 2009 Report of the NIPCC*, and more recently *Climate Change Reconsidered: 2011 Interim Report*. Each volume is a comprehensive and authoritative rebuttal of the United Nations' IPCC reports.

We are currently working on promoting these volumes and preparing for publication of a third volume for release in 2013.

The second project is creation of a global warming curriculum for K-12 schools. Many people lament the absence of educational material that isn't alarmist or overtly political.

Late last year, we found a curriculum expert who is also an expert on the global warming controversy. We think he can finally break the code on getting sound science and economics into classrooms.

The third global warming project is publication of a great new book by Rael Isaac, titled *Roosters of the Apocalypse*. Rael, a sociologist who has studied the origins and motivation of apocalyptic movements, examines the global warming movement and finds it is rooted in irrational fears and beliefs that have no scientific justifications.

The fourth global warming project will change how weathermen report new temperature records, and in the process help wean some of them from the alarmist point of view. We are working to create a Web site that will access newly available temperature data from a set of high-quality temperature stations created by the National Aeronautics and Atmospheric Administration (NOAA).

Our new Web site will convert the data into easy-to-understand graphs that can be

easily found and understood by weathermen and the general interested public. The result: fewer weathermen bamboozled into reporting fake temperature records, and one fewer tool in the toolbox of global warming alarmists.

### Hydraulic Fracturing

Hydraulic fracturing, popularly known as “fracking,” is a process whereby water, sand, and small amounts of chemicals (surfactants) are injected into oil and natural gas formations to make the energy resources easier to extract. Fracking has been used safely for more than 50 years.

Fracking became controversial in 2010 and 2011 because environmentalists, hoping to prevent the development of large reserves of oil and natural gas, invented charges that fracking poses environmental and safety risks.

Heartland has been one of the most outspoken defenders of fracking in the U.S. We expect to ramp up that effort and move to the front lines of the battle.

### Center for Transforming Education

Transforming the nation’s public school system from a stagnant government monopoly into a thriving competitive marketplace would boost the nation’s international competitiveness, creating more jobs and new wealth. It would rescue the American Dream for countless children currently trapped in high-spending but low-performing public schools.

The Center for Transforming Education at The Heartland Institute produces *School Reform News*, the national outreach publication for school choice; leads the national effort to implement “Parent Triggers” at the

state level outside California; and conducts a full-scale communications and government relations campaign for “transformational” school reform.

### Cook County Public Debt Project

Municipalities and other taxing districts in Cook County, Illinois are much deeper in debt than is widely understood. We have documented a looming financial crisis, driven largely by employee pension and health care promises, that could have catastrophic results for residents and businesses in the county.

Heartland has agreed to work with allies on a research and publishing effort that results in one or more *Heartland Policy Studies* and a national communications campaign.

### Remembering Dave Padden

David Padden, Heartland’s founder and long-time chairman and then chairman emeritus, passed away on October 2, 2011. One way we plan to memorialize Dave’s contributions to the freedom movement is to establish the David H. Padden Internship Program.

The Padden Internship Program will be a close fit with what we think Dave would have wanted and would benefit the freedom movement he loved. Up to 10 interns a year would work in Heartland’s Chicago office, conducting research, writing, and assisting with event planning.

\* \* \*

I hope you agree these are exciting projects. Please contact us if you want to get involved, either as a donor or in some other way. We need your help!

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## THE HEARTLAND INSTITUTE

The Heartland Institute is an independent source of research and commentary founded in Chicago, Illinois in 1984. It is not affiliated with any political party, business, or foundation. Its activities are tax-exempt under Section 501(c)(3) of the Internal Revenue Code.

Heartland’s mission is to discover, develop, and promote free-market solutions to social and economic problems. Such solutions include parental choice in education, market-based approaches to environmental protection and health care finance, tax and spending limitation, and deregulation in areas where property rights and markets do a better job than government bureaucracies.

For more information, call 312/377-4000 or visit our Web site at [www.heartland.org](http://www.heartland.org).

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## Executive Summary

### By the Numbers

During the fourth quarter of 2011, The Heartland Institute ...

- published issues of *Budget & Tax News*, *Environment & Climate News*, *Finance*, *Insurance*, and *Real Estate (FIRE) Policy News*, *Health Care News*, *InfoTech & Telecom News*, and *School Reform News*.
- produced 33 *Research & Commentaries* that were sent to elected officials.
- contacted elected officials 202,903 times with educational material on a wide range of public policy issues.
- submitted 563 op-eds, media releases, and letters to media outlets, generating at least 142 hits reaching more than 29.1 million subscribers.
- recorded at least 68 radio and television hits and at least 620 online media hits.
- added 57 interviews to podcasts, attracting 100,743 listeners.
- spoke at 20 events reaching at least 2,856 people.

#### Center on Climate and Environmental Policy

- *Climate Change Reconsidered*, our comprehensive rebuttal of the IPCC's reports, has been cited at least 18 times in scholarly journals.
- We produced weekly issues of two e-newsletters on climate change policy, *Climate Change Weekly* (reaching 857 subscribers) and *NIPCC Update* (1,254 subscribers). Heartland Senior Fellow James M. Taylor writes a weekly column for Forbes.com.
- Six *Research & Commentary* collections were released, addressing hydraulic fracturing (two), chemicals of concern lists (two), oil spill liability caps, and the FutureGen Project.

#### Consumers for Health Care Choices

- Vincent H. Galbiati has been named managing director of Heartland's Free To Choose Medicine project.
- Heartland helped bring an end to the

taxpayer-funded tenure of Dr. Donald Berwick, head of the Centers for Medicare & Medicaid Services.

- On December 7, the Drudge Report featured a story by *Health Care News* Managing Editor Benjamin Domenech, leading nearly 150,000 visitors to the *Heartlander* digital magazine. The story was mentioned at scores of prominent blogs.
- Four *Research & Commentary* collections were released, addressing health insurance exchanges (three) and accountable care organizations.
- We produced weekly issues of *Consumer Power Report*, an email newsletter that reaches 3,559 people.

#### Center for Transforming Education

- Heartland worked with legislators across the country to draft versions of the Parent Trigger. We released a new *Policy Brief*, "The 'Parent Trigger' in California: Some Lessons from the Experience So Far."
- We also released a new *Policy Brief*, "Regulating For-Profit Colleges in Ohio," making the case against imposing new regulations on for-profit colleges.
- Ten *Research & Commentary* collections were produced, addressing school reforms in Iowa, Michigan, and Tennessee (four), NCLB (two), charter schools, student loans, anti-bullying measures, and the Parent Trigger.

#### Center on Budgets and Taxes

- Heartland continued efforts with the Green Scissors campaign to call attention to wasteful government spending.
- We continue to speak out against state economic development schemes that rely on selective tax abatement. The California Supreme Court upheld a law dismantling the state's 400 development authorities, which have steered billions of tax dollars to the pet projects of local government

officials and developers with political connections.

- There was good news regarding crony capitalism at the federal level, too. Congress adjourned in December without extending the \$6 billion tax subsidy for blending ethanol into gasoline.
- Three *Research & Commentary* collections were released, addressing Oklahoma income tax elimination, U.S. Postal Service reform, and the economic impact of casino development.
- Heartland Senior Fellow Peter Ferrara writes a weekly column for Forbes.com.

### Center on Finance, Insurance, and Real Estate

- Seven *Research & Commentaries* were produced, addressing terrorism risk insurance (two); buy here, pay here auto dealerships; Michigan auto insurance (two); the CROP Insurance Act; and the 30-year fixed-rate mortgage.
- Important online publications including *The Hill*, *Property Casualty 360*, *Bloomberg BusinessWeek*, *National Underwriter P&C*, and *Washington Investment* carried Heartland-produced articles on FIRE topics.
- The U.S. House of Representatives

passed a tax bill that includes important flood insurance reforms supported by Heartland.

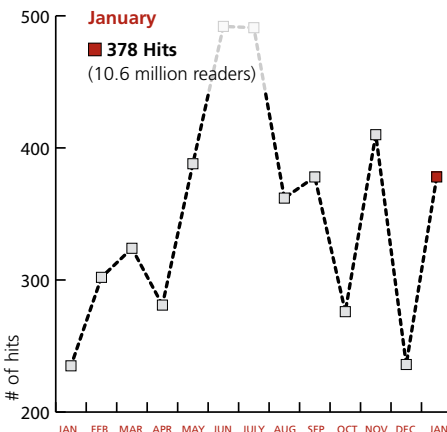
- Auto insurance will be one of the key issues Michigan legislators will face in the upcoming legislative session, and Heartland will be actively engaged in informing policymakers on the topic.

### Center on the Digital Economy

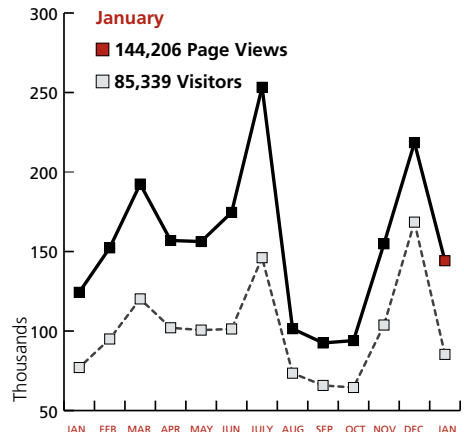
- Three *Research & Commentary* collections were released, addressing Section 652 and cable-CLEC mergers, Florida's online travel agent tax, and Amazon taxes.
- We continue to speak out against the FCC's network neutrality regulations and mission creep at the Universal Service Fund.
- Heartland is among the leading organizations opposing the Stop Online Piracy Act and Protect IP Act, both of which aim to curtail copyright infringement but grant unacceptably wide-ranging powers to U.S. law enforcement agencies.
- The Department of Justice and FCC moved to block the acquisition of wireless carrier T-Mobile by AT&T, claiming, among other things, the proposed merger would reduce market competition. Heartland has aggressively defended the merger.

## Heartland Vital Signs

### Media Exposure



### On The Web



## Consumers for Health Care Choices

# Dr. Berwick Goes Home



**Benjamin Domenech**  
Research Fellow  
Managing Editor  
*Health Care News*

December saw the departure from public service of Dr. Donald Berwick, head of the Centers for Medicare & Medicaid Services. None too soon, we say.

Berwick's support for government rationing and his distaste for free markets were apparent long before he was nominated by President Barack Obama to head up Medicare and Medicaid. But after Heartland tracked down and posted exclusive video footage of Berwick denouncing American health care and praising Britain's system of socialized medicine, the footage (and the story of his radical views) went viral.

Clips from our video appeared on national TV networks, creating a firestorm that ultimately forced Obama to make a recess appointment of Berwick in order to avoid Senate hearings. We subsequently created a Web site, [www.donberwick.com](http://www.donberwick.com), designed to track down news and public gaffes (in this case, known as "honest expressions of opinion") from Berwick. We published opeds in the *Washington Examiner* and *Investor's Business Daily* concerning his record, and compiled a *Research & Commentary*, which we shared with key Senate staffers, collecting and debunking his past quotes.

Obama renominated him for the position, but as Berwick's views became widely known, opposition in the Senate grew. Senate Republicans circulated a letter opposing Berwick's renomination and promising to vote against him, which garnered 42 signatures from Senators—enough to block him permanently.

Obama could have recess-appointed Berwick again, but in December, not wanting the battle over bureaucratic health care rationing to carry into another year, the White House gave in. Berwick stepped down, heading back to the academy to continue arguing for rationing, wealth redistribution, and central planning of health care.

## Health Insurance Exchanges

Heartland's Benjamin Domenech and Kendall Antekier engaged state legislators across the country on the topic of whether to implement state health insurance exchanges. The Patient Protection and Affordable Care Act – aka "Obamacare" – says states must create such exchanges or else the federal government will create its own.

In Massachusetts, a similar exchange + subsidy + mandate program resulted in the most expensive health insurance premiums in the country. Under Obama's law, the exchange

## Performance Highlights

- Two issues of *Health Care News* were each distributed by mail to more than 11,400 readers and by email to 11,197 subscribers.
- Four *Research & Commentary* collections were released, addressing Massachusetts and Utah health insurance exchanges, "second chance" health insurance exchange partnerships, accountable care organizations, and a Minnesota health insurance exchange.
- The Communications Department scored at least 13 print hits in publications around the country with a combined circulation of 1.8 million.
- Heartland recorded at least 10 radio and television appearances on budget and tax issues, and at least 71 online hits.
- The Government Relations team logged 1,095 personal and 33,360 group contacts for a total of 34,455 contacts with legislators on health care issues.
- Nine interviews were added to the *Health Care News* podcast series, attracting 9,507 listeners.

“marketplace” model is perverted even further, functioning instead as a delivery mechanism for bureaucratic regulations and costly taxpayer-funded subsidies from Washington.

Benjamin and Kendall contacted more than 9,000 state legislators with information about the insurance exchanges, distributing Heartland’s *Policy Brief* on “State Health Insurance Exchanges: The Case Against Implementation” and writing and distributing a *Policy Tip Sheet* and numerous state-specific *Research & Commentaries* on the issue.



**Kendall Antekeier**  
Legislative Specialist

Several prominent governors, including Rick Scott of Florida and Bobby Jindal of Louisiana, have taken stands against implementing the exchanges at all, as have a dozen other states. But Heartland became concerned because one prominent governor, Virginia’s Bob McDonnell, head of the Republican Governors Association, had yet to express any opposition to the idea in the Old Dominion. His allies in the legislature had begun assembling language to implement the law to put Obama’s exchange in place.

Through a series of meetings and email contact with legislators and senior Virginia officials as well as an op-ed in Virginia’s largest-circulation newspaper (and shared via email with key Old Dominion legislators), Heartland made the case for Virginia’s leadership to refrain from providing any support for Obama’s unpopular law or to waste any taxpayer dollars implementing it. In December, that effort paid off as McDonnell let it be known he opposes any attempts to implement an exchange prior to the Supreme Court ruling on the individual mandate, expected in 2012.

### Free To Choose Medicine

Free To Choose Medicine (FTCM) is a plan developed by Heartland Policy Advisor Bart Madden that would create a second track *around* the Food and Drug Administration (FDA) for access to promising new drugs.



Patients under the care and guidance of their doctors, having full and fair disclosure of the efficacy and risks of drugs pending FDA approval, would have the right to choose such drugs years before they otherwise would be available to the public.

In December, Vincent H. Galbiati was named managing director of FTCM. Vincent has held senior management and executive positions with Fortune 500, middle-market, privately held, and not-for-profit corporations as well as government agencies. Most recently Vincent served as president and CEO of the Northwest Indiana Forum, a business leadership association.



**Vincent H. Galbiati**  
Managing Director  
Free To Choose  
Medicine

Vincent is already hard at work to make FTCM a reality. He has exciting ideas about marketing the idea to venture capitalists who already support drug companies and who are frustrated by the long delays caused by FDA’s drug approval process. And he is exploring the idea of having states partner with universities and drug companies to operate pilot FTCM programs.

For more information about this exciting project, contact Vincent at 312/377-4000 or by email at [vgalbiati@heartland.org](mailto:vgalbiati@heartland.org).

## Climategate 2



**James M. Taylor**  
Senior Fellow  
Managing Editor  
*Environment &  
Climate News*

Two years after the first “Climategate” scandal provided clear and embarrassing evidence of scientific fraud and misconduct among the world’s most prominent and influential global warming alarmists, an anonymous source released another 5,000 emails showing similar and additional fraud and misconduct. Heartland once again played the lead role in informing the public about these blows to alarmist credibility.

The initial Climategate scandal (Climategate 1) was a public relations nightmare for global warming alarmists. Public opinion polls show the U.S. public became substantially more skeptical of alarmist warming claims in the wake of the revelations of scientific misconduct. The Old Media initially attempted to ignore Climategate 1, but dogged efforts by climate realists—with Heartland playing a key role—brought the scandal front and center before the U.S. public.

The Old Media similarly attempted to ignore Climategate 2, claiming the emails added nothing new to an inconsequential news story. Several days after the emails were released, the story received little attention outside climate skeptic Web sites. But that all changed when Heartland Senior Fellow James M. Taylor, managing editor of *Environment & Climate News*, brought the story into the public spotlight with an article on Forbes.com.

James’ story was read by more than 330,000 people, making it the most-read article on the site for several days running. The Drudge Report linked to James’ article. Within days, the national media began paying serious attention to the Climategate 2 scandal.

As a result of the attention his article attracted, James discussed Climategate 2 and related global warming topics during the morning rush hour on KOA radio in Denver and WFLA in Tampa. He also discussed Cli-



*“... new finds of bountiful shale gas fields, have unleashed a natural gas revolution...”*

mategate 2 on the nationally syndicated Cari and Rob radio show.

### Natural Gas Revolution

New technologies to unlock natural gas from shale rock formations, together with several new finds of bountiful shale gas fields, have unleashed a natural gas revolution during the past half-dozen years. The wellhead price of natural gas has been cut by more than half since 2005, with natural gas-fired electricity rapidly approaching the affordability of coal power.

The shale gas revolution has added centuries to the nation’s stock of recoverable natural gas resources, according to the U.S. Department of Energy. While producers and consumers alike have many reasons to celebrate this newfound energy abundance, environmental activist groups are in a blind panic, frantically searching for ways to keep their “energy crisis” and “global warming” rhetoric from becoming obsolete.

Environmentalists now allege hydraulic fracturing techniques (“fracking”), safely utilized for decades to unlock shale gas, are

polluting groundwater. Heartland has taken the lead countering these unsupported allegations, which are soundly refuted by multiple scientific studies.

Legislative Specialist John Monaghan wrote a *Research & Commentary* on fracking in Ohio and sent it to every member of the Ohio legislature, which is debating proposals to severely restrict the practice. John also wrote a *Research & Commentary* documenting the benign nature of the chemicals used in fracking and discussing federal and state efforts to regulate the chemicals.



**John Monaghan**  
Legislative Specialist

*Environment & Climate News* published four articles on hydraulic fracturing in the past quarter. James personally discussed the economic benefits and environmental safety of fracking with Texas Gov. Rick Perry's top staff.

### **A Primer on Climate Realism**

*Forbes* magazine asked James to write an article for its print magazine explaining how sound science refutes global warming alarmism. His article was published in *Forbes'* December 5 issue.

James explained, "The central issues in the global warming debate have little to do with whether or not temperatures have warmed during the past century. Nearly all scientists agree that temperatures have indeed warmed during the past 100 years, just as temperatures have warmed (and cooled) many times in previous centuries. The more important issues are whether current temperatures are abnormally warm in a longer-term perspective and whether present warming trends threaten disaster in the foreseeable future."

James noted global temperatures for the vast majority of the past 10,000 years have been significantly warmer than today. He also documented how warmer temperatures always have benefited human welfare. "During the past century, as global temperatures

have risen, forests have expanded, deserts have retreated, soil moisture has improved, crops have flourished and extreme weather events such as hurricanes and tornadoes have become less frequent," he wrote.

"Proponents of an imminent global warming crisis may present interesting theories about catastrophes that may occur if the Earth returns to the warmer temperatures that predominated during most of the past 10,000 years, but such theories are strongly contradicted by thousands of years of real-world data and real-world climate observations. The Scientific Method dictates that real-world observations trump speculative theory, not the other way around," James concluded.

### **Performance Highlights**

- Two issues of *Environment & Climate News* were distributed by mail to 18,143 local, state, and federal elected officials. Each issue also was sent by email to approximately 3,950 subscribers.
- Heartland's Government Relations Department logged 63,418 contacts with legislators on environment and climate issues.
- The Communications Department submitted to media outlets 102 op-eds, media releases, and letters to the editor on environment and climate policy, generating at least 45 hits reaching more than 9.35 million subscribers.
- News articles referencing Heartland or quoting Heartland policy experts reached at least 9.35 million subscribers.
- Heartland recorded at least four radio and television hits on environmental issues and at least 354 online hits.
- Ten interviews were added to the *Environment & Climate News* podcast series, attracting 23,856 listeners.

## Center for Transforming Education

## Voucher Battles Increase



Joy Pullmann  
Research Fellow  
Managing Editor  
*School Reform News*

Legislators ended the “Year of School Choice” still battling for reform legislation in several states. Michigan removed the state cap on charter schools, while Ohio, Pennsylvania, and Utah introduced voucher plans.

Heartland staff worked with legislators on these proposals. Legislative Specialist Marc Oestreich generated several conversations with Pennsylvania state senators through a group email about the state’s proposed school voucher bill. Marc’s email included text from two of his *Research & Commentaries*, on vouchers and economic prosperity and the positive effects of parental empowerment. Two days after he sent the email, the bill passed the state Senate.

In October, Pennsylvania legislators introduced a Parent Trigger, vouchers for poor students in the state’s worst 5 percent of schools, and an expansion of the state’s education scholarship tax credits. The *Pittsburgh Tribune Review* published an op-ed by Research Fellow Joy Pullmann, managing editor of *School Reform News*, soon after. She wrote, “Sick and twisted systems don’t deserve taxpayer support, especially systems that cannot get more than a third of their students performing at grade level for \$20,000 a year. Taxes belong to taxpayers and most taxpayers informed of this situation would reasonably conclude it’s time to change.”

Heartland also continued to explain the benefits of school choice in Tennessee, another state where reform legislation is pending. The *Tennessean* published Joy’s op-ed on November 6. “A voucher program would give poor families choices previously available only to the rich and the middle class, and it would require all schools to earn their funding and their students,” she wrote. Marc sent a *Research & Commentary*, “Tennessee School Vouchers,” to state legislators on November 17.

An Ohio legislator introduced a bill in No-

vember to grant vouchers to families earning up to \$95,000 a year. Legislation announced in Utah in October would replace state education funding with savings accounts of up to \$6,000 for parents of high school students to spend on their choice among a variety of public school options including online classes, courses outside their school district, and charter schools.

### Educating Legislators

At Heartland’s Sixth Emerging Issues Forum on October 13, Marc spoke to legislators and policymakers about school choice trends. He discussed taxpayer savings grants and the Parent Trigger as emerging models of market principles in education. On November 3, Marc sent a Heartland *Policy Brief*, “The Parent Trigger in California: Some Lessons from the Experience So Far,” to all state and local elected officials in the nation.

Government Relations Director John Nothdurft attended the American Legislative Exchange Council’s States & Nation Policy Summit in Scottsdale, Arizona on November 29. Heartland is a voting member of the Education Policy Task Force.

The *Wall Street Journal* highlighted Heartland’s extensive groundwork on Parent Trigger legislation in a November “Opinion Journal” video. The Parent Trigger has received coverage in the *New York Times*, *Wall Street Journal*, *Los Angeles Times*, and other outlets. The legislation allows a majority of parents at a failing public school to require dramatic changes to improve learning outcomes. Bill drafts including a Parent Trigger provision are under review by Florida lawmakers.

### Charter Schools Advance

On October 28, Marc sent all Michigan legislators Joy’s *Research & Commentaries* about the state’s proposed school reforms. In December, Michigan Gov. Snyder (R) signed one of the bills, removing the state’s cap on the number of charter schools.

Charters not only won increased access in Michigan, but are growing across the country. *School Reform News* reported in December that 200,000 more students enrolled in charters in 2011, bringing the nation's total charter student population to 2 million. Indianapolis will open an "incubator" to nearly double the city's 23 charter schools in the next five years, after recent Indiana legislation streamlined approval and accountability. On November 30, Joy sent an R&C titled "Charter Schools and Incentives for Academic Success" to more than 9,000 legislators as the lead story in *The Leaflet*.

On November 27, the *Gainesville Sun* published Joy's letter to the editor. "A recent University of Washington research review of the best and most recent 41 charter school studies reveals that charter students indisputably perform better than students in traditional public elementary and middle schools," she wrote. "That's reason enough to allow them to expand."

### For-Profits and the College Bubble

President Barack Obama's October executive order restructuring the federal student loan program brought a flurry of media requests to Heartland for comment. Bruno Behrend, director of Heartland's Center for Transforming Education, was a guest on NBC Chicago Nonstop on TV on October 29 to discuss Obama's plan.

The Maine Public Broadcasting Network quoted Bruno on its Web site in an article titled, "Obama Initiative: How Much Will it Help Maine's Loan-Burdened Students?" Joy joined the nationally syndicated Cari and Rob radio show on October 27 to discuss the same topic.

The *Weekly Standard* online posted an article by Joy: "Obama Administration 'Can't Wait' to Further Inflate Student Loans." In the October 28 article, she wrote, "President

Obama announced Wednesday he will issue an executive order for the federal government to reduce student loan payments with measures that almost surely will have taxpayers picking up the tab."

On November 9, Marc sent lawmakers in Ohio the *Policy Brief* titled "Regulating For-Profit Colleges in Ohio." The *Policy Brief* explains we should not over-regulate for-profit colleges.

### Performance Highlights

- Three issues of *School Reform News* were distributed by mail to 17,493 readers, and by email to 11,141 subscribers.
- We released two new *Policy Briefs*, "The 'Parent Trigger' in California: Some Lessons from the Experience So Far" and "Regulating For-Profit Colleges in Ohio."
- Ten *Research & Commentaries* were produced, addressing Michigan's 'Right to Teach' legislation, Michigan school reforms, strings-attached NCLB waivers, Tennessee school vouchers, charter schools and incentives for academic success, Obama's student loan executive order, Harkin-Enzi NCLB reauthorization, Iowa education overhaul, anti-bullying measures, and the Parent Trigger.
- Heartland's Government Relations Department logged 208 personal and 26,500 group contacts for a total of 26,708 contacts with legislators on education issues.
- Op-eds, media releases, and letters on school reform issues were sent to 123 media outlets, generating at least 28 hits reaching more than 2.7 million subscribers.
- Ten interviews were added to the *School Reform News* podcast, attracting 10,292 listeners.



**Bruno Behrend**  
Director  
Center for  
Transforming  
Education

## Crony Capitalism



**Steve Stanek**  
Research Fellow  
Managing Editor  
*Budget & Tax News*

The global financial crisis that began in 2008 introduced many Americans to the term “crony capitalism” as financial firms, insurers, and auto companies that should have failed or been broken into smaller companies were bailed out by the federal government.

But it certainly doesn’t end there. For decades, the states and local governments have been major contributors to crony capitalism, doling out billions of taxpayer dollars annually for privately owned sports stadiums, shopping centers, industrial parks, hotels, car dealerships, and other businesses.

Heartland has been calling for the end of these subsidies for many years, most recently in articles in *Budget & Tax News* and *FIRE Policy News*. Over the years we’ve beaten back many proposals to subsidize sports stadiums and corporate headquarter relocations and helped expose the abuses of tax increment financing.

Now there is a rare bit of good legislative news out of California. Development agencies in the Golden State had been collecting

approximately \$5.7 billion a year in revenues, about \$3 billion of which was being spent on repaying bonds. Nearly the first thing California Gov. Jerry Brown (D) did on taking office in 2011 was to propose an end to these local development agencies, to free up money for schools. Lawmakers faced with a dire budget situation passed a bill ending the development authorities, and Brown signed it on June 29.

The local development authorities challenged the law, and near the end of 2011 the California Supreme Court upheld it. This allows the state to immediately free up \$2.7 billion, and the other \$3 billion will become available as the bonds are paid off.

### End to Ethanol Subsidy

There was good news regarding crony capitalism at the federal level, too. Congress adjourned in December without extending the \$6 billion annual tax subsidy for blending ethanol into gasoline. A requirement to blend ethanol into gasoline remains, so federal regulations will continue to distort the market for ethanol, but at least the subsidy for blending it into gasoline is ending.

For years, ethanol subsidies were a virtually untouchable sop to farm states and agribusiness conglomerates. But with the federal government’s trillion-dollar budget deficits and soaring national debt, as well as criticism from budget watchdog groups and from environmental groups that see environmental harm caused by the production of ethanol and use of marginal farm lands to grow corn for it, things finally came together to end the subsidy.

Articles by Heartland’s experts calling for an end to ethanol subsidies have appeared in *Environment & Climate News* and *Budget & Tax News*, in booklets in our *Legislative Principles* series, and in countless opeds and letters to the editor published over the years.

### Emerging Issues Forum

On October 13, Heartland hosted its Sixth



Emerging Issues Forum in Chicago. Some 120 people, including 65 lawmakers from 26 states, attended. Budget and tax issues were featured on the program, along with panels on energy and environment, school reform, and health care.

Panelists included Wisconsin State Sen. Frank Lasee (R) on legislative oversight of regulation; Ted Dabrowski, vice president of public policy at the Illinois Policy Institute, on transparency; and Heartland Institute Senior Fellow Peter Ferrara on his new book, *America's Ticking Bankruptcy Bomb*.

David Boaz, executive vice president of the Cato Institute, was the featured luncheon speaker. His presentation was titled "Bridging the Gap between Philosophy and Public Policy."

## Welfare Reform

In October, Heartland Policy Advisor Gary MacDougal met with Kansas Gov. Sam Brownback (R), state legislative leaders, and Department of Social and Rehabilitation Services officials to discuss welfare reform. He delivered copies of *Heartland Policy Study* No. 119, "Welfare Reform after Ten Years: A State by State Analysis."

Gary reports the officials expressed interest in his idea for setting up a task force to improve the state's #49 ranking by better integrating welfare, drug and alcohol rehabilitation, and job training services. The state lawmaker who had found our report on the Internet and set up the meeting said it could not possibly have gone better. Gary spoke the next morning to 80 House members, a presentation that also went very well.

## Eliminating Income Taxes

On November 7, Government Relations Director John Nothdurft conducted outreach with lawmakers and allies in Oklahoma on the possible elimination of the state's income tax. He sent his *Research & Commentary* on the subject, which explains that eliminating the state's income tax would put "the state on a path toward fully eliminating one of

the most economically destructive taxes and make the state a more attractive place for jobs and high-quality workers."



**John Nothdurft**  
Director of  
Government  
Relations

Interest in abolishing income taxes is spreading among the states, due to recent evidence that people and jobs are migrating to the states that currently do not tax incomes as well as the significant declines in receipts from income taxes during the Great Recession.

Heartland singles out income taxes as the worst job-killers in *The Patriot's Toolbox*, in *Budget & Tax News*, and in other publications.

## Performance Highlights

- Two issues of *Budget & Tax News* were produced; each was sent to 18,334 readers and by email to 10,811 readers.
- Three *Research & Commentary* collections were released, addressing Oklahoma income tax elimination, U.S. Postal Service reform, and the economic impact of casino development.
- Heartland's Government Relations Department logged 802 personal and 35,483 group contacts for a total of 36,285 contacts with elected officials on budget, tax, and tobacco issues.
- The Communications Department scored at least 127 print hits in publications around the country with a combined circulation of 6.9 million.
- Heartland recorded at least 35 radio and television appearances on budget and tax issues, and at least seven (102 total) major online hits.
- Eleven interviews were added to the *Budget & Tax News* podcast series, attracting 17,923 listeners.

## Universal Service Fund



**Bruce Edward Walker**  
Managing Editor  
*InfoTech & Telecom News*

Heartland has long called for reform of the Universal Service Fund (USF), a government fee added to customers' wireless and land-line phone bills, which currently takes \$8 billion from phone users each year. So we were extremely disappointed when the FCC voted unanimously on October 27 to redirect the mission of the USF from subsidizing rural phone service in areas where service would otherwise be unaffordable, to subsidizing rural high-speed broadband.

Bruce Edward Walker, managing editor of *InfoTech & Telecom News*, released a press statement noting U.S. consumers are "already paying through the nose to subsidize rural deployment of phone and Internet services." "The USF currently represents a 15.3 percent surcharge on the interstate long-distance portion of consumers' monthly phone bills," he wrote, "and administrative costs account for up to 78 percent of every USF dollar directed to rural programs. As much as reforming the USF is highly laudable, eliminating it completely makes more sense for consumers."

Legislative Specialist Marc Oestreich filed a comment with the Federal Communications Commission about its proposed USF changes.

Bruce also produced two podcasts on the subject and an October 20 op-ed, "Time to End USF Tax," for the *Heartlander* digital magazine. *InfoTech & Telecom News* warned about the coming changes to the USF, including "FCC Looks to Spend \$850 Mil in 2010 E-Rate Funds" (November 2011) and "Kansas Independent Telcos Seek FCC Answers on USF Reforms" (October 2011).

### Stop Online Piracy Act/ Protect IP Act

Part of Heartland's mission when addressing information technology and telecom issues is to watch out for threats to intellectual

property rights as well as privacy and private property rights. During the past several months, these issues took on some urgency as Congress debated two bills aimed at curtailing copyright infringement of films, recorded music, and books.

The two bills – Stop Online Piracy Act and Protect IP Act, or SOPA and PIPA – would grant wide-ranging powers to U.S. law enforcement agencies, including the authority to shut down entire Internet service providers and Web sites such as YouTube for a single violation.

On November 17, Heartland issued a media advisory, "Heartland Institute Tech Expert Responds to SOPA Bill Debate," quoting Marc as saying SOPA and PIPA "are illustrations of government power—the power to cause problems when trying to fix them. The acts task private businesses and local Internet service providers (among others) with enforcing piracy law at the whim of those who feel victimized."

Bruce conducted a podcast with Larry Downes, a senior adjunct fellow of Tech-Freedom, on the shortcomings of SOPA and PIPA. In January, the two bills were withdrawn by their sponsors.

### Network Neutrality

The Obama administration continues its efforts to impose restrictions on Internet service providers in the name of "network neutrality," a campaign to put into regulations a series of principles concerning the rights of consumers to have access to content on the Internet.

Although the FCC's network neutrality rules went into effect in November and the Senate rejected a Republican bid to repeal them, Rep. Marsha Blackburn (R-TN) continued to battle the regulations by adding language to a House bill that would restrict the imposition of net neutrality conditions on wireless companies that purchase spectrum leases at auction.

In a speech at the National Press Club on October 12, Blackburn stated the Obama administration is regulating communications (and other sectors) with an “act first and think later” approach, and she criticized the FCC for excessive intrusion in the marketplace. The House Energy and Commerce Subcommittee on Communications and Technology adopted Blackburn’s amendment to the spectrum bill on a voice vote.

Bruce contributed to the pre-vote deliberations by discussing judicial and legislative efforts to overturn the FCC’s net neutrality rules in a podcast interview with Seton Motley, president of Less Government and editor-in-chief of StopNet-Regulation.org. The December issue of *InfoTech & Telecom News* featured the stories “Hard Slog Ahead for FCC’s Net Neutrality Rules” and John Stephenson’s commentary, “Net Neutrality: Prevention Worse than Cure.”

### AT&T/T-Mobile Merger

The Department of Justice and FCC moved to block the acquisition of wireless carrier T-Mobile by AT&T in November, claiming, among other things, the proposed merger of the fourth- and second-largest national cell phone companies would reduce significantly market competition.

This assertion by the Obama administration was challenged by an *InfoTech & Telecom News* commentary by John Stephenson, director of the Telecommunications and Information Technology Task Force at the American Legislative Exchange Council, titled “Doesn’t the Government Know There Is Competition and Innovation in Wireless?” Stephenson wrote, “The U.S. wireless industry continues to grow and is the source of much of the recent spectacular innovations and investment in the high-tech sector. Since 1999, the wireless industry has invested more than \$213 billion. AT&T and Verizon are investing in their next generation, 4G,

long-term evolution networks, which are expected to deliver true broadband speeds to mobile devices.”

Bruce wrote an op-ed for the *Daily Caller* countering the anti-competitive claims of the FCC and DoJ. “The wireless market is fiercely competitive and will be so for the foreseeable future,” he wrote. “Nobody knows what other competition is on the horizon, as the telecommunications industry is well-stocked with sharp innovators and entrepreneurs—as long as meddlesome government regulators stay out of their way.” Bruce’s op-ed led to his appearance on Mario Armstrong’s daily technology talk show on SiriusXM radio.

### Performance Highlights

- Three issues of *InfoTech & Telecom News* were each distributed electronically to 10,960 state, local, and federal elected officials.
- Three *Research & Commentary* collections were released, addressing Section 652 and cable-CLEC mergers, Florida’s online travel agent tax, and Amazon taxes.
- Heartland’s Government Relations Department logged 208 personal and 9,670 group contacts for a total of 9,878 contacts with legislators on technology and telecommunications issues.
- The Communications Department scored at least 80 print hits in publications around the country with a combined circulation of 3.9 million.
- Heartland recorded at least one radio and television appearance on infotech and telecom issues, and at least 23 online hits.
- Ten interviews were added to the *InfoTech & Telecom News* podcast, attracting 20,341 listeners.

## Federal Insurance Reform



**Eli Lehrer**  
Vice President  
Washington, DC  
Operations  
National Director  
CFIRE

For believers in free enterprise, not much good comes out of Washington, DC, where government seems continually to grow in size and power and those who have power go to acquire more of it.

Yet even here there sometimes is good news to report.

During the fourth quarter of 2011, the U.S. House of Representatives passed a tax bill that includes flood insurance reforms, including a phasing-in of more actuarially appropriate insurance premiums and penalties for lenders that fail to enforce coverage requirements on mortgages.

The National Flood Insurance Program has an \$18 billion deficit and has come under attack from Heartland and other organizations, including some environmental groups. The NFIP charges below-market insurance rates, distorts housing and commercial real estate markets, encourages building in high-risk areas, subsidizes wealthy property owners, and encourages construction in environmentally sensitive areas.

The bill still has a long way to go before it becomes law, but it is encouraging that the House has a majority of members who apparently have come around to recognizing and acting on the many problems that afflict the program.

Related to this was a Green Scissors presentation in Austin, Texas. At the event, representatives from Heartland, Taxpayers for Common Sense, and Friends of the Earth, in addition to local political leaders, discussed the findings of *Green Scissors 2011*. The report provides a roadmap for saving up to \$380 billion over five years by ending wasteful spending that harms the environment. This includes reform of the NFIP.

### SarbOx Rollback in Works

A bill was introduced in the U.S. Senate



to reduce the regulatory burden of the Sarbanes-Oxley Act on small public companies. Heartland has long been a sharp critic of SarbOx, as the law is often called, running frequent articles in *FIRE Policy News* and producing op-eds and letters to the editors.

SarbOx has imposed significant accounting and other paperwork costs on stockholder companies since its enactment in the wake of the Enron scandal nearly 10 years ago. The burden is especially heavy on smaller public companies, which lack the resources of larger enterprises and cannot spread costs the way larger companies can. Many experts blame SarbOx for reducing the number of initial public offerings in the United States and causing some public companies to be taken private.

### Oil Spill Liability

A new *Research & Commentary* by Legislative Specialist Matthew Glans discusses the Oil Pollution Act and the oil spill liability cap, which currently sets a limit on the damages an energy company is required to pay after an oil spill.

Matthew's *R&C* outlines the viewpoints of environmental and free-market groups who argue the cap acts as a subsidy for private companies, and supporters of the current cap who argue raising the liability amount would make insuring for new drilling impossible for all but the biggest companies, thus driving out smaller competitors. The *R&C* was sent to legislators on the Center on Finance, Insurance, and Real Estate lists, targeted legislators in coastal states, and lawmakers nationwide as part of the government relations team's *Leaflet* newsletter.



**Matthew Glans**  
Legislative Specialist  
Midwest Director,  
CFIRE

### Michigan Auto Insurance Reform

Heartland has taken the lead in arguing for auto insurance reform in Michigan. Residents of Detroit pay annual bills averaging \$5,100, the nation's highest by far. Reform will be one of the key issues Michigan legislators face in the upcoming legislative session.

Michigan's unique auto insurance system provides limitless coverage for injuries that occur during auto accidents, leading to high rates and extensive fraud. Eli Lehrer, vice president of Washington, DC operations for Heartland, wrote a *Policy Brief* outlining the case for Michigan to create an auto insurance fraud prevention authority, similar to one operating in Pennsylvania, to crack down on automobile insurance fraud.

Copies of the *Policy Brief* were sent to all legislators in Michigan and the CFIRE list. Eli also wrote a column for the *Detroit News* discussing the upcoming debate over auto insurance reform and examining several of the factors creating problems for policyholders.

### And Much More

Heartland also released two digital issues of *FIRE Policy News*, the only monthly publication devoted to reporting on finance, insurance, and real estate policy news from a free-market perspective.

Heartland's government relations team produced seven *Research & Commentaries* on FIRE topics, including terrorism risk insurance, Michigan auto insurance, crop insurance, and the futility of government policies design to preserve the 30-year fixed-rate mortgage.

Heartland's communications team weighed in with news releases, opeds, and articles in *FIRE Policy News* and other publications on a wide range of issues including earthquake insurance, Green Scissors coalition efforts with environmental groups to fight government spending programs that waste money and cause environmental harm, the Texas Windstorm Insurance Association, controlling medical costs, Florida gaming opportunities, new mandates on credit insurance, and crop insurance.

### Performance Highlights

- Released two issues of *FIRE Policy News* digitally, each to 9,000 state and federal elected officials, civic and business leaders, and allies.
- Produced seven *Research & Commentaries* on terrorism risk insurance (two); buy here, pay here auto dealerships; Michigan auto insurance (two); the CROP Insurance Act; and the 30-year fixed-rate mortgage.
- The Media Relations team produced news releases, opeds, and letters on FIRE policy issues that generated at least 18 hits in major print publications across the nation with a combined circulation of 2.3 million readers.
- Important online publications including *The Hill*, *Property Casualty 360*, *Bloomberg BusinessWeek*, *National Underwriter P&C*, and *Washington Investment* also carried Heartland-produced articles on FIRE topics.
- Seven interviews were added to the *FIRE Policy News* podcast.

## State Directors' Reports

# Florida, Texas, and Ohio



**Christian Cámara**  
Florida Director, CFIRE

### Tallahassee, Florida

During the months of October-December, Florida Director Christian Cámara attended monthly Center-Right Coalition meetings in Tallahassee to discuss insurance-related issues to address in the Florida legislature's upcoming session. Center-Right Coalition meetings are held in 42 states, in addition to weekly Wednesday meetings in Washington, DC. Their purpose, according to originator Grover Norquist, is to maintain and strengthen the modern Center-Right movement. Christian's participation supports Heartland's forward-looking efforts to educate legislators about insurance reform.

During intervening weeks, Christian set up meetings with individual state legislators to present them with Heartland's findings on reforming the Florida Citizens Property Insurance Corporation, Florida Hurricane Catastrophe Fund, and auto insurance in the state. Outside of the regular Center-Right Coalition meetings, Christian also regularly coordinated with coalition partners in the environmental community, grassroots mobilizers such as Americans for Prosperity, and industry stakeholders to map out a strategy for the legislative session.

In November, Christian attended the Florida Chamber of Commerce's fifth annual Insurance Summit as a guest of the chamber. At the summit, which convened in Orlando, Christian networked with legislators, their staff, and industry lobbyists. A key issue at this year's summit was personal injury protection (PIP) coverage. Christian, along with Heartland's other Florida staffer, Senior Fellow Don Brown, urged policymakers to reform Florida's no-fault auto insurance system and tackle the high litigation costs associated with the program.

In addition to its offices in Chicago and Washington, DC, Heartland has staff in Tallahassee, Florida; Austin, Texas; and Columbus, Ohio. They focus on finance and insurance issues as part of Heartland's Center on Finance, Insurance, and Real Estate but also address a wider range of state issues.

### Austin, Texas

Working with environmental and taxpayer protection groups, Texas Director Julie Drenner arranged a press conference for the release of the *Green Scissors Report 2011* at the Texas Capitol.



**Julie Drenner**  
Texas Director, CFIRE

The report identifies government programs both costly to taxpayers and harmful to the environment and recommends cutting them.

Julie networked regularly throughout the quarter with individuals key to insurance reform in Texas. She met with Texas's new insurance commissioner, Eleanor Kitzman, and industry representatives to discuss studies on homeowners' insurance ordered by the Speaker of Texas's House of Representatives and to track the implementation of legislation passed last session. She spoke to the Central Texas Republican Liberty Caucus and the Travis County Republican Club regarding the reinsurance tax, legislator accountability, and taxpayer liability in relation to the Texas Windstorm Insurance Association. Throughout the quarter, Julie monitored and gave feedback to the Senate's Business and Commerce Committee on insurance reform.

Texas will almost certainly face another budget shortfall in the upcoming session. In identifying one of the problematic areas of the state tax code, the margins tax, Julie began an effort to drastically reform the tax on busi-

nesses in the state. She began identifying individuals, organizations, and officials to form a coalition to alter the margins tax. She co-wrote a *Policy Brief* with Eli Lehrer to explain the current problems with the tax and general principles of reform.

Julie met individually with numerous elected officials and candidates to introduce them to the vast array of Heartland resources and answer their specific questions on policy. Some of those officials included Railroad Commissioner Barry Smitherman, state Rep. Paul Workman, and House Speaker Joe Straus. She initiated a mailing to all candidates on the ballot informing them of the presence of the Texas office and the research of The Heartland Institute.

### Columbus, Ohio

National Liaison Alan Smith represented Heartland at a variety of conferences and events in Ohio and throughout the country. He appeared on the program at the 2011 annual meeting of the State Insurance Trade Associations in Napa, California in November. Also in November, he attend-



Alan Smith  
National Liaison, CFIRE

ed the Council of State Governments 2011 annual meeting in Bellevue, Washington and, in October, the 2011 annual meeting of the National Conference of Insurance Legislators in Santa Fe, New Mexico.

Along with Eli and Chicago-based staff, Alan helped cover all of the key task forces at the American Legislative Exchange Council's (ALEC) States & Nation Summit in Phoenix, Arizona in December, where Alan hosted dinner for the new ALEC national chairman and his state (Indiana) delegation, including the chair of the Energy & Natural Resources task force.

In addition to addressing a wide range of insurance-related issues in Ohio, Alan and Eli hosted a successful and well-attended seminar on competitive bidding for durable medical devices in Columbus in October.

Alan also was active in calling Texas contacts on the margins tax project, and North Carolina contacts on auto insurance rating reform.



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