



Oklahoma COMMON CAUSE

Holding Power Accountable

Common-tary

*Newsletter of Common Cause Oklahoma
Volume 17, Issue 2, July 2014*

Mark Your Calendar

The Annual Meeting of Oklahoma Common Cause will be held on October 25, 2014, in Oklahoma City. The event will take place in the Faculty House at 14th and Lincoln (near the State Capitol) and will begin at 6:00pm. with informal mingling, followed by dinner at 6:30 and a talk by our scheduled speaker, attorney Lee Slater, Executive Director of the State Ethics Commission. Slater recently replaced Marilyn Hughes and shortly thereafter convened a committee to revise the rules of the Commission. The new Director is uniquely qualified to direct this agency. He was formerly Director of the Oklahoma Election Board and was responsible for installing the excellent voting system which Oklahoma now has in every county of the state. We have asked that he address questions regarding the future of the Ethics Commission, given the revised rules.

The cost to attend is \$15 for members and \$20 for non-members. Feel free to bring friends, family members, or anyone interested in CCOK. RSVP to lois9@cox.net or to 405-321-4592.

In Memoriam

The Board of Common Cause Oklahoma has lost a valuable member in O. Gail Poole. Poole died on April 13, 2013 at his home in Norman. He served on the Board for several decades and was the editor of numerous volumes

of the CCOK newsletter. For a number of years prior to his death he was involved, with Edwin Kessler, in the effort to save Oklahoma City's Union Station as a hub for possible rail service to surrounding towns and cities.

Poole, 77, was born in Marlow and held a Bachelor's degree in art from the University of Oklahoma. He painted for more than half a century, and many of his works depict the landscape and the subtle features of the untamed Southwestern Plains. Prior to making the decision to become a full-time painter, Poole worked as an award-winning advertising artist and illustrator for almost two decades. He created and served as chairman of the Oklahoma City Art Directors Guild and opened an advertising art studio in OKC, Poole-Hobbes Inc.

In 1972, Poole was invited to participate in an international exhibition of Western art in Düsseldorf, West Germany. He was honored with a professional advancement award in 1992 from the OKC Museum of Art. He participated in countless solo, group, juried group, and special exhibitions in museums and galleries across the USA, and his works hang in numerous national and international private collections.

Poole ran unsuccessfully for mayor of Norman in 2004, and he was a frequent contributor to the town newspaper's letters columns. He will be missed by all who knew him.

--REH

For the Record

Two members of the CCOK Board, Lynn Howell and John Wood, resigned effective December 31, 2013. Howell, who had served on the Board for several decades, was Chair for thirteen years prior to his resignation. A lawyer by profession, he made significant contributions to our understanding of the legal issues surrounding our efforts to promote open and honest government in Oklahoma. During his years of service he regularly monitored the affairs of the Oklahoma State Ethics Commission, and shortly before he resigned, Marilyn Hughes, former Executive Director of the Commission, sent him a letter commending him for his service in this regard. Howell was asked by the new Executive Director to help with an effort to revise the rules of the Commission. His work as Chair was outstanding, and for this reason alone he will be greatly missed. Because of his commitment to CCOK and its mission, there is reason to believe that one day, when his work as an attorney is less demanding, he will rejoin the Board. We look forward to that day.

John Wood also will be greatly missed. By trade, John is a professor at Rose State College; but equally important, he is a political activist. Like Lynn, he found that the demands of his professional life made it difficult for him to continue as a member of the Board. Also like Lynn, he regularly monitored the work of the State Ethics Commission and participated in the effort to revise its rules. He made a unique contribution to the electoral process by establishing what came to be known as the “no gifts list,” a list of politicians who were committed to a practice of not accepting gifts from lobbyists or special interests. There is reason to believe that one day, when his work as a professor is less demanding, John too will rejoin the Board.

The emphasis in this edition of the CCOK newsletter is on exposing the structure and functional significance of the American Legislative Exchange Council (ALEC), with particular focus on its activities in Oklahoma. The piece by Chadwick Cox is an overview of ALEC as an organization and its strategy for influencing the content of legislation. The article by Dr. Victor Hutchison deals with the efforts by ALEC to privatize the system of public education in Oklahoma and to affect the content of what is being taught. My contribution is another attempt to expose the part played by ALEC in promoting supply-side economics as a solution to a lagging economy and its impact on the environment. The piece by Arn Pearson is an update of actions under way by Common Cause USA with respect to ALEC. The Pearson article is preceded by a list of current and former Oklahoma state legislators with ties to ALEC. This issue of *Common-tary* was prepared and edited by William Riggan.

--REH

ALEC Controlling Oklahoma Legislation

By Chadwick Cox

On August 6, 2013, the American Legislative Exchange Council (ALEC) held its 40th Annual Meeting in Chicago. The Center for Media and Democracy (CMD) obtained materials from the meeting, including an agenda and various reports. These materials provide the best up-to-date information about ALEC, which maintains a secrecy that is remarkable given its large size. Most of what is known about ALEC has been obtained through investigations by CMD and is accessible online at alecexposed.com.

The findings reveal that ALEC’s mission is “To advance free markets, limited government and federalism,” and that its Strategic Overriding Objective is to “Support state legislators to be more effective in their role to advance public policy initiatives consistent with ALEC’s principles.” One of these principles is the admonition that an ALEC State Chair “will act with care and loyalty and put the interests of the organization first.”

ALEC is sponsored by a collection of businesses, industries, and other corporations, but includes legislators as well. The sponsors lobby the legislative members, even providing them with “model legislation” written by these same sponsors. Legislators join ALEC for several reasons: one is that they share the politically conservative views of the corporate sponsors, but another is that the sponsors are a source of campaign contributions to legislators when the latter show an interest in the model legislation. Upon examination, it is clear that the model legislation is often designed to recoup for the sponsors many times more than their campaign contributions to legislative members. How? By reducing corporate taxes and eliminating costly environmental regulations, etc. This arrangement shows why ALEC is regarded as a dangerous threat to America’s democratic institutions. Legislators are, in effect, being bought by corporations.

For many years ALEC’s tax status was that of a 501(c)3, which meant that it was tax-exempt but also that its activities were to be primarily nonpolitical. Because this was obviously not true, its tax status was challenged. The upshot of this was the addition of a divisional 501(c)4 called the Jeffersonian Project. This tax code status permits more rigorous lobbying than does that of the 501(c)3, but of course it is no longer tax-exempt. Common Cause, along with CMD, registered a complaint with the IRS about the abuse of ALEC’s 501(c)3 status, which led to the creation of the Jeffersonian Project.

It is important to note that neither of these tax categories requires an organization to disclose the identity of its sponsors, which ALEC does not do willingly. In fact, ALEC does not willingly release much of anything about the organization to the general public. A recent exception: ALEC listed its model legislation on its website. Included is legislation that has already been proposed or passed, but there is no way of telling if the list is complete.

Although ALEC states that it is a nonpartisan organization, it has very few legislative members who are not Republicans. Not surprisingly, states whose legislatures are controlled by the GOP--and Oklahoma is one of them--tend to favor and often pass a great many ALEC model bills.

Recognizing ALEC legislation is not always easy. The titles are frequently misleading and seemingly can be unrelated to a particular industry. For example, the Stand

Your Ground bill might not bring to mind the gun-manufacturing industry, but it was the NRA, with ties to gun manufacturers, that authored ALEC's model bill on the subject.

A related fact: while popular in GOP-controlled states, the Stand Your Ground law has not been kind to ALEC. During the trial of George Zimmerman for killing Trayvon Martin, when it became known that ALEC had sponsored Florida's Stand Your Ground law, a number of corporations dropped their membership in ALEC. Others left after receiving petitions, signed by thousands of people who expressed dissatisfaction with ALEC's sponsorship of the law. Since 2012, over 70 corporate sponsors have declined to be members, and ALEC's corporate support has been reduced by one-third. In addition, from 2012 to early 2014, 77 legislative members, almost half of whom were Democrats, resigned. Both the legislative members and the corporate decision makers reacted with some mixture of personal distaste at ALEC's complicity in this affair and fear of possible harm to their reputations. At the same time, it appears that all this has not hurt the NRA and its gun-industry sponsors.

ALEC in Oklahoma. At the 40th Annual Meeting of ALEC (2013), 47% of Oklahoma's legislators were reported to be ALEC members, for a total of 70. The number of members that CMD has identified is 36, so some 34 members have not been identified. The division of these members between the House and the Senate, as well as that between the two political parties, is also unknown. According to the same Annual Report, Oklahoma has the fourth highest rate in the U.S., behind Iowa and South Dakota (100%) and Arizona (49%). During the 2013 Annual Meeting, Gov. Mary Fallin, a former ALEC "Legislator of the Year," was a featured speaker at a luncheon. Finally, there is reason to believe that other state officials are members of ALEC but not identified as such.

Of the known legislative members, 26 Representatives and 10 Senators, none is a Democrat. Jabar Shumate, a Democrat who was once a member, quit in 2012, during the rout of members mentioned earlier in connection with the Trayvon Martin case. The ALEC website identifies its Oklahoma state chairs as Gary Banz in the House and Cliff Aldridge in the Senate.

With such a high percentage of ALEC members in our legislature, one would expect a high rate of ALEC legislation to be passed. An investigative report for 2011-12 revealed that Oklahoma tied Mississippi for second place with 9 bills passed, behind West Virginia's 10.

ALEC follows the progress of its model bills in all the states. This was confirmed by material obtained by CMD through an FOI request directed to a Texas legislator. However, we were not able to obtain material on this subject in Oklahoma because, unlike the situation in Texas,

our Open Records Act exempts legislators from its provisions. This was confirmed in a legal opinion issued recently by the Oklahoma Attorney General.

ALEC members in Oklahoma received one of the largest sums of "scholarship money," a total of \$104,165, during 2007-08, the period in which amounts were known. This is money supplied by corporations to pay for a legislator's travel expenses--e.g., transportation to and from an ALEC conference. As such, "scholarship money" is not treated as a campaign contribution and does not appear on a legislator's list of such contributions, as it perhaps should. This is a point that might be taken up with the Oklahoma State Ethics Commission, if it has not already been tested elsewhere.

Not only does our Oklahoma Legislature include a sizable group of ALEC members, but the private sector does as well. Many of the corporate members do business here. Some are closely connected to Oklahoma. For example, at the 2013 Annual Meeting Jim Dunlap, of Jim Dunlap Consultants LLC, was referred to as a major contributor to ALEC along with Rep. Gary Banz. Dunlap was an Oklahoma Representative and Senator for eight years each and is a former ALEC National Chairman. He now represents several businesses here.

The Oklahoma Council of Public Affairs (OCPA), self-described as a "free-market think tank," claims many of its people are members of ALEC. Jonathan Small is described as a high-ranking officer for ALEC as well as for OCPA. OCPA regularly promotes ALEC model legislation. For example, when the validity of the ALEC-sponsored Laffer economic theory was questioned by the Iowa Policy Project and Good Jobs First, OCPA attacked both groups, listing their affiliates as bad organizations. The OCPA "think tank" could not supply a sound rebuttal to what the Iowa Policy Project argued, and so it used the tactic of guilt by association.

Our view: Those of us who are aware of what is happening in Oklahoma, of how our legislators are being influenced by ALEC and its corporate sponsors, need to rise up against it. But how? In general, by exposing all aspects of ALEC to the general public, but with an emphasis on its structure and functional significance in Oklahoma, which is what we are attempting to do in this issue of *Common-tary*. In simpler terms, shed as much light as possible on ALEC's operation.

It is clear that, as a strategy, this can work. For example, after the killing of Trayvon Martin, the exposure of ALEC as the organization responsible for the Stand Your Ground law led to a rout of corporations and legislators as members. It would appear that all were repulsed by the possibility that ALEC was implicated in this tragic death. But again, more specifically, how do we do this?

We could start by publicizing the fact that a substantial number of Oklahoma legislators are doing the bidding of ALEC and its corporate sponsors, in part because they share ALEC's conservative values, but also because of the contributions to their campaigns. We could then expose what each legislator has done. More specifically, to the extent that it is available, we could compile information on which legislators introduced ALEC's model legislation and whether the corporations that would benefit from this legislation contributed to the legislators' campaigns. The information could be included in letters to the editors of newspapers in the legislators' home districts. Obviously, this would be a costly process in terms of time and money, but no less costly than the consequences of not acting at all.

The same approach could be applied to officials other than legislators. For example, we could publicize the fact that Mary Fallin was identified as an ALEC "Legislator of the Year," and the fact that she has regularly signed ALEC's model legislation into law. We could then determine whether she receives campaign contributions from corporations that benefit from this legislation. For another, Dunlap Consultants could be exposed for the corporations they represent. The possibilities are endless.

Chadwick Cox is a former biochemistry professor at the University of Oklahoma Health Sciences Center

ALEC Influence on Education in Oklahoma

By Victor Hutchison

The American Legislative Exchange Council (ALEC) is a far-right, neoconservative, overwhelmingly Republican, tax-exempt, secretive, corporation-dominated "think tank" that is not well known by the American public. The Koch brothers were founders and major contributors. ALEC aims to change much of American culture by initiating and pushing legislation, especially in the states, and is known by critics as the "corporate bill mill." The nine task forces within ALEC meet in secret to draft model templates for legislative bills to push their cause. More than 2,000 state legislators pay \$100 for a two-year membership; corporations pay up to \$25,000 yearly dues and \$3,000 to \$10,000 for a task-force seat.

ALEC does not report that corporations were heavily involved as task-force members in writing and voting for the "model" bills for members in state legislatures. Americans are likely to be surprised at the number and size of the major U.S. corporations that are members of ALEC. The wording of ALEC bills is almost the same in various states--evidence of their common origin. Detailed information on ALEC can be found at http://www.alecexposed.org/wiki/ALEC_Exposed.

Perhaps the most important factor in developing the U.S. as a major successful nation has been its free public education. ALEC pushes to demolish public schools and replace them with private charter schools, voucher systems, and virtual schools, which would result in profit-making entities for corporations and at the same time receive taxpayer funding. Corporate interests that support such measures include the Pearson PLC publishing firm, Rupert Murdoch, and McKinsey & Co., all of which would gain economic advantages if ALEC were to succeed.

Model bills promoted by ALEC in state legislatures include the "Family Education Tax Credit Program" (tax credits for individuals and corporations for giving to private schools), the "Parent Choice Scholarship Program" (a voucher program using public funds), the "Education Enterprise Zone Act" (a voucher program to subsidize private schools with taxpayer funds), the "Charter Schools Act" (which would exempt charter schools from state laws governing public schools), the "Virtual Schools Act" (requiring online education companies to receive the same per-pupil funding as public schools), the "Parent Trigger Act" (allowing small groups of parents to close public schools and organize charter schools that would receive taxpayer vouchers for the students), and other acts that would diminish or destroy public education. ALEC also pushes for changes in tenure rules for teachers, weakened certification rules for teachers, strong support for Federal programs such as No Child Left Behind, etc. Details on these and other ALEC attacks on public education are available at http://www.alecexposed.org/wiki/ALEC_%26_Education.

ALEC has been especially active on educational bills introduced in the Oklahoma Legislature. Members of ALEC on the House Common Education Committee include Reps. Gus Blackwell (R, Dist.61), Ann Coody (R, Dist.64), Doug Cox (R, Dist.5), Lee Denney (R, Dist.33), and Sally Kern (R, Dist.84). Coody and Denney are members of the ALEC Education Task Force, and Kern is an alternate. Coody is Chair of the Committee. Members of ALEC on the Senate Education Committee include the Chair, John Ford (R, Dist.29) and David Holt (R, Dist.30). Ford is also a former State Chairman of ALEC.

ALEC members in the Oklahoma Legislature not only follow the organization's suggestions, but sometimes openly cite ALEC as a sponsor during committee hearings. In 2013 I attended the House Common Education Committee's consideration of one of the "academic freedom" bills (HB 1674) authored by Reps. Blackwell and Kern. I testified against the bill along with Dr. Richard Broughton. Speaking in support of the bill was Rev. Steve Kern, Sally's spouse. During the discussion Rep. Kern, in arguing for the bill, stated that it was supported and encouraged by ALEC. Apparently this carried some weight with her fellow Republicans. The vote was 9-8 for the bill. However, it was not placed on the House floor for a vote. In 2014 the bill was resurrected, then sent to the Rules Committee instead of the Common Education Committee where it should have gone, possibly because it would receive less support in the Common Education Committee. The bill passed the House floor overwhelmingly (as such bills usually do), but was then not heard in the Senate Education Committee. It has become clear that ALEC-supported bills and others of the same type must be stopped in committees. Almost always, such bills pass on House or Senate floor votes; the supermajority of Republicans in both houses now almost guarantees passage.

Another example of an ALEC model "mis-education" bill, the "Environmental Literacy Improvement Act," was introduced in January 2013 in Colorado and Arizona and later in other states as well. Desmoblog.com reported that the bill was introduced in Oklahoma, but climate-change language was included with other subjects in the "academic freedom act" bills and not as separate legislation. The bill mandated a "balanced" teaching of climate science in K-12 classrooms--meaning, of course, coverage of climate-change denial. ALEC envisions this bill as being pro-corporate, especially since several major oil companies are members and donors.

Many of the education bills--so-called "academic freedom acts" that challenge science and promote creationism, anti-climate-change, etc. and are promoted by ALEC--were actually initiated by the creationist Discovery Institute in Seattle. Another bill, the "Religious Viewpoints Antidiscrimination Act" (HB 2422 in 2014), has been introduced each session for several years and would allow religion to be included in many public-schools courses. The record shows that ALEC members are often authors or co-authors. In 2014 four other similar bills were filed and defeated: SB 1765 ("Oklahoma Science Education Act"), HB 1674 (another "academic freedom act"), and HJR 1099 (a joint resolution that would have stopped the New Generation Science Standards). Although the Senate did not agree to

hear SJR 1099 in committee, an amendment on the Senate floor restored it on the session's last day and sent it to the House floor for a vote during the final hour; the House did not vote on it before adjourning *sine die*. In the last 14 years there have been more than 35 such bills promoted by ALEC, but they have all failed, often by narrow margins in committee or by the Senate Education Committee's deciding not to hear them. Rep. Sally Kern and Gus Blackwell are often the authors or co-authors of these bills, as is, more recently, Sen. Josh Breechen. The demise of these bills has been due to extensive opposition by local and national organizations and by individuals who sent messages to legislators at every step in the legislative process. Serving as an "umbrella" group to mobilize opposition to those bills that would have harmed education, especially those that attacked science, was Oklahomans for Excellence in Science Education, supported by the Oklahoma Science Teachers Association, but other groups have been very helpful and engaged as well.

We need to educate the public about ALEC and how it is aimed at important aspects of the system of public education and the American Way of Life. The overarching goal of ALEC is to increase the profits of corporations through the transfer of taxpayer funds, while at the same time altering, even destroying, some of our most cherished institutions.

Victor Hutchison is George Lynn Cross Professor Emeritus of Biology at OU and a founder of Oklahomans for Excellence in Science Foundation.

ALEC & Supply-Side Economics

By R. E. Hilbert

For years now, ALEC has been promoting an economic theory called Supply-Side Economics. Its author, Arthur Laffer, is a well-known economist and former member of Pres. Reagan's Economic Policy Advisory Board. The implication of the theory is that the redistribution of income upward, to the rich--e.g., through tax cuts for this class of citizens--will stimulate the economy by providing the capital necessary for investment in equipment and jobs. The stimulus will then produce enough tax revenue to offset the tax cuts. The problem with the theory is that entrepreneurs are inclined to invest when there are profit possibilities, and the latter depend on the demand for the products to be produced.

Here is where demand-side economists enter the picture as critics. They argue that a redistribution of in-

Oklahoma Legislators **with ALEC Ties**

come downward is more likely to stimulate the economy. Evidence in support of their argument is expressed in the generalization that the “marginal propensity to consume” varies inversely with class status--that is, the tendency to spend the last dollar earned goes up as one goes down in class. Thus supply-side economics is a theory with little support, logically or empirically.

Paul Krugman, an obvious demand-side economist, points out that the history of supply-side policies--for example, in Kansas under Gov. Sam Brownback--has failed to produce the predicted result. (See his *NY Times* column of June 29, 2014.) He also raises the question, “Given these facts, why has supply-side economics not been discredited?” The answer is simple: it is consistent with the interests of those in power, primarily Republicans and their upper-income constituents. It is more comforting to believe that a redistribution of income upward is the more desirable solution to a lagging economy when one is the beneficiary of the redistribution.

In addition, there is a tendency, apparently, for upper-income people to put their money into the market for securities when there are few profit possibilities for productive enterprise. For the most part, these “investments” are simply transfer payments from one investor to another, driving up the price of securities and the value of the investors’ portfolios. This is obviously also in their economic interest, in the short run at least, until the next recession.

So, more specifically, where does ALEC come in? As a representative of upper-income members of society, ALEC has supported model bills which redistribute income upward, proposed tax breaks for the wealthy, and favored the elimination of regulatory measures that are costly to business and industry but address practices which are harmful to citizens generally--e.g., air and water pollution. Such costs are referred to by economists as “externalities,” meaning not borne by the producers.

For those of us who are interested in stimulating the economy, in reducing the percentage of people in poverty, and in protecting the environment, demand-side economics makes a great deal of sense; but short-term economic interests in combination with the current distribution of political power seem to hold sway at the moment, and ALEC is on the side of those politico-economic interests.

R. E. Hilbert is a Professor Emeritus of Sociology at OU and a former Chair of the Dept. of Sociology. He is a longtime member of CCOK's Board of Directors and currently serves as the organization's Treasurer.

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Sue Tibbs (R-23)

Former Senate Members:

Howard Hendrick (R), Director of OK Department of
Human Services 2002-12
David F. Myers (R-20)
Jonathan Nichols (R-15)

*This information is dated August 2013 and is taken from
http://www.sourceswatch.org/index.php/Oklahoma_ALEC_Politicians.*



Common Cause U.S. Update on ALEC, June 2014

Common Cause is continuing its efforts to expose ALEC's secretive corporate influence over state legislation through targeted research, whistle-blower complaints filed with the IRS about ALEC's inappropriate use of tax-exempt funds, and watchdogging ALEC's compliance with laws governing lobbying, disclosure, gifts, and open records. Common Cause is also working to persuade corporations to disclose their funding for ALEC and drop their ALEC memberships through public pressure and shareholder resolutions. In 2014, 48 lobbying disclosure resolutions are being put to shareholder votes at companies such as AT&T, Chevron, Comcast, Facebook, Google, Sallie Mae, Time Warner, and Verizon. At the state level, we are exposing ALEC's assault on clean and renewable energy, and its support for fracking and fossil fuels, as part of our effort to watchdog the fracking industry in North Carolina and Ohio.

Since documents leaked to the *Guardian* newspaper last November revealed ALEC's plan to create a C4 lobbying arm called the Jeffersonian Project, we have been monitoring its activities. To date, the issue on which the Jeffersonian Project has been lobbying most aggressively is a balanced-budget amendment. Common Cause has had a longstanding position against a balanced-budget amendment (BBA). BBA proponents have passed convention calls in 23 states since the 1970s (not counting those that have since rescinded) and have picked up seven of those states in the last three years, including Michigan and Tennessee this year.

--Arn Pearson, Common Cause National Staffer

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