

LIBERTY IN ACTION

2019

REMEMBERING THE FALL OF THE BERLIN WALL

SOCIALISM

HOW QUICKLY WE FORGET



REMEMBER

WHEN THE WALL

BY VICTOR RICHES, PRESIDENT AND CEO OF THE GOLDWATER INSTITUTE

Surrounded by thousands of cheering Berliners, a man crouches atop the Berlin Wall with a hammer and chisel. He strikes blow after blow with all his might and begins to break apart the concrete partition that for too long had imprisoned East Germans under an oppressive socialist regime depriving them of the unalienable freedoms we hold so dear.

That day was November 9, 1989—thirty years ago. Together, the world watched as the light of freedom pierced the Iron Curtain and the Berlin Wall crumbled. But three decades after that momentous event, the tide of socialism is rising again—on our very own shores. Rest assured that the Goldwater Institute is standing firm in defense of liberty to ensure our free society remains strong, and we are achieving great success all across the country.

A piece of the Berlin Wall sits on my desk as a tangible, ever-present reminder of socialism's harsh reality. When I hold that fragment of concrete, I think of the story of Peter Fechter. As a 17-year-old, Peter was living in East Berlin. On August 13, 1961, the East German authorities closed the border and began construction of that notorious wall, separating Peter and his family from his sister in the West. One year later, after the construction of the Wall, Peter tried to escape from East Germany through a daring act of defiance that would lead to his death. As Peter climbed toward freedom, East German border guards took aim and fired, leaving Peter to die at the foot of the Berlin Wall, just outside of liberty's reach.

Peter was not alone in yearning for freedom. Before

the Berlin Wall was constructed, nearly 3.5 million East Germans escaped to the West. They were fleeing a socialist system that promised equality, but it was equality at the hand of the state, which meant all were equally enslaved and dehumanized—and denied the opportunity to live their lives on their own terms. East Germany's leaders knew the only way to keep people from fleeing to freedom was to imprison them with concrete and barbed wire in the depressingly gray state. Not surprisingly, the socialist dream ended in deprivation: crumbling infrastructure, useless factories, painful food shortages, rationing and price controls, stifling censorship, religious persecution, political imprisonment, and no private enterprise.

Today, the movement toward socialism in the United States is advancing from the liberal left in cities and states, in the halls of Congress, and on the presidential campaign trail. Populist politicians demonize capitalism, call for trillions of dollars in new taxpayer spending, insist on government-run healthcare, advocate untenable and unaffordable energy, and even promise economic security for all who are “unwilling to work.” Though socialism's American advocates attempt to disavow the heavy hand of authoritarianism, they seek to achieve their



“We do not seek to lead anyone’s life for him. We seek only to secure his rights and to guarantee him opportunity to strive.”

Barry Goldwater, 1964

goals through a bigger government that ultimately demands it. The historic anniversary of the fall of the Berlin Wall reminds us how that story ends.

We at the Goldwater Institute know there is a better way. We work each day to advance the principles of limited government, economic freedom, and individual liberty, empowering all Americans to live freer, happier lives. And we’re winning real victories for liberty by working in state courts, legislatures, and communities nationwide to advance, defend, and strengthen the freedoms guaranteed by the constitutions of the United States and the 50 states.

Thanks to your passionate and generous support, we have accomplished great things for freedom over the last year. In the following pages, you will learn how

Goldwater’s Right to Try law is already providing hope for terminally ill Americans, how our litigators are defending the freedom to speak and associate freely, and how we’re restoring free speech on college campuses, preserving property rights from coast to coast, expanding the ability to tailor an education to a student’s unique needs, and making an incredible impact across America.

Just as Senator Barry Goldwater dedicated his career to standing strong in defense of freedom, we at the Goldwater Institute know that liberty isn’t a talking point. It’s action—and we’re living it out in everything we do and fight for. Together, we’re achieving incredible results, and we could not do it without your support. ●

UNSER WEG DES SOZIALISTISCHEN AUFBAUS GEHT WEITER

“We have to support the Goldwater Institute. We have to support it with our time, and our talent, and our treasure. And if we do that, we’ll be voting for a better America.”

ARTHUR BROOKS

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GOLDWATER ACR



CROSS THE NATION

The Goldwater Institute's success in spreading and strengthening liberty across the country has put us at the forefront of state-based think tanks for over 30 years. And it's also earned us the respect of prominent political figures, writers, thinkers, and business leaders. We've been fortunate to welcome many of them for Goldwater Institute events over the past year—to talk about their own personal experiences in defending their rights, and to discuss the important policy issues that affect us all.

We've also been sharing the Goldwater's Institute's mission and work far beyond our Phoenix home. Goldwater's deep bench of experts traveled around the country to speak directly with audiences, taking part in 80 speaking engagements in 20 states and the District of Columbia.

Syndicated columnist, commentator, and author Jonah Goldberg discussed his latest *New York Times* bestseller, *Suicide of the West: How the Rebirth of Tribalism, Populism, Nationalism, and Identity Politics is Destroying American Democracy*, with Goldwater Institute President and CEO Victor Riches.

At two Arizona events, Goldwater Institute Senior Attorney Matt Miller and *National Review* Senior Writer David French talked about free speech and the importance of protecting nonprofit donors' privacy.

We welcomed former Vascular Solutions CEO Howard Root to speak about his harrowing legal fight against the Food and Drug Administration (FDA). Root nearly went to prison because a few of his company's salespeople communicated with doctors about an "off-label" use for one of the company's products.

Root was the subject of a Goldwater Institute report written by National Investigative Journalist Mark Flatten, and he joined Goldwater Institute supporters in Phoenix for a discussion about his ordeal.

After nearly 30 years in the classroom, Rebecca Friedrichs began writing editorials and letters to the editor to expose issues with her teachers union to the wider community. Before she knew it, she was the lead plaintiff in a case challenging her union that was argued before the U.S. Supreme Court. Friedrichs shared her story at a Goldwater Institute event.

Goldwater Institute Executive Vice President Christina Sandefur was honored with America's Future Foundation's Buckley Award in 2018. Sandefur has been a driving force behind the creation and passage of Right to Try legislation. "I'm fortunate to have been involved in that project from its inception, from conducting the legal and policy research; to crafting the model legislation; to working with our allies, doctors, patients, policymakers, advocates, and supporters nationwide to pass the law in 41 states; to seeing Right to Try become the law of the land when it was signed by the President earlier this year," she told America's Future Foundation. "It was a tremendous accomplishment for freedom and for federalism."

Our 2018 Annual Dinner in Scottsdale, Arizona, was a fitting end to a landmark year in which we celebrated the Goldwater Institute's 30th anniversary. "The Constitution is under attack," said keynote speaker and renowned radio talk show host Hugh Hewitt. "Our country is at a crossroads. And the Goldwater Institute is fighting to defend our freedoms." ●

BREAKING BARRIERS TO WORK

**GOLDWATER INSTITUTE LEADS THE NATION IN
DEFENDING THE RIGHT TO EARN A LIVING**



Arizona Governor Doug Ducey signs Goldwater Institute law that makes it easier for new residents to practice their profession without government permission.

Though most Americans can only faintly imagine the crushing weight of socialism, we are increasingly feeling the effects of local, state, and federal policies that are placing limits on how we earn a living. The Goldwater Institute is leading the nation in breaking down barriers so all Americans are free to work no matter where they live.

In April 2019, Arizona adopted a groundbreaking Goldwater Institute policy and became the first state in the nation to eliminate an illogical requirement that has for too long held workers back. A worker who holds a professional license in one state and then moves to another is forced to get permission from the government to earn a living. That requires more study and training to do the same job in their new home. That's costly, time-consuming, and irrational—and it's no longer the law in Arizona, thanks to the Goldwater Institute.

Our work, though, isn't done. Incredibly, those who put their lives on the line in defense of our freedoms are not free themselves when it comes to earning a living. Members of America's military and their families move every two to three years while on active duty. As they make their home in a new state, military spouses and other family members are forced to go through the government permission slip process over and over again, making it harder for them to find stable employment and work their way up the career ladder. As a result, while the unemployment rate in this country is at historic lows, military spouses face an unemployment rate of 24 percent. And many more work only part-time jobs when they would prefer full-

time employment. This year, the Goldwater Institute is continuing our effort to break down barriers to work for members of the military and their families.

The Goldwater Institute has a long record of leadership in defending the freedom to work. In April 2017, we developed and passed into law the Right to Earn a Living Act in Arizona. The goal was to put an end to the unneeded, overly bureaucratic restraints that rob people of economic opportunity, often inflicting their greatest burdens on people with little wealth or political clout, thereby cutting off the bottom rungs of the economic ladder. The law puts the onus on government to show that any regulation limiting participation in a job or profession is necessary to protect public health or safety. Right to Earn a Living has also passed in Tennessee, and several other states' legislatures are considering the measure. Also, in 2019, we helped Arizona become the second state in the country to free blow-dry salon professionals from the onerous requirement to spend thousands of hours and thousands of dollars to get a license to do their job. Now they can earn a living without needing government permission.

Today, Arizona is leading the nation in making needed reforms that expand opportunity for entrepreneurs and workers across the economic spectrum in what the *Wall Street Journal* called "Arizona's Licensing Liberation." More and more states will now follow the Goldwater Institute's roadmap to opportunity by passing Right to Earn a Living and other model legislation—and our country's entire workforce will be much better off because of it. ●



Nowhere is the left's push toward socialism more evident than in their call for a single-payer, government-run, Medicare-for-all healthcare system. Apart from the financial cost to taxpayers—which would be trillions of dollars per year—the human cost of wait lists and rationed care is incalculable. To be sure, Americans suffering from high healthcare costs and limited access are crying out for reform, but Congress is not delivering —except when it came to Right to Try.

R

VICTORY



RIGHT TO TRY

Last year marked a turning point for Americans searching for hope in healthcare, with the Goldwater Institute's Right to Try—a landmark law that protects terminally ill patients' right to access investigational treatments that have yet to receive final FDA approval. Prior to the passage of this law, dying patients had to beg the federal government for permission to gain access to potentially lifesaving experimental treatments.

Right to Try Becomes the Law of the Land

As Christina Sandefur, the Goldwater Institute's Executive Vice President, explained on Fox Business's *Varney & Co.* earlier this year, only about 3 percent of the sickest patients are admitted into clinical trials, and the paperwork that goes into requesting expanded access from the FDA is "insurmountable" for doctors. Right to Try overcomes that hurdle and puts healthcare decisions back in the hands of patients and their families—without the need to wait for government consent.

Ultimately, the Goldwater Institute successfully passed Right to Try laws with strong bipartisan support in 41 states. In May 2018, President Trump, surrounded by patients and their families, signed the Right to Try Act into federal law, marking the first significant change to

the FDA's drug approval process in more than 50 years. In his 2019 State of the Union address, the President cited this landmark law "to give critically ill patients access to lifesaving cures" as one of his administration's proudest accomplishments.

U.S. Navy Pilot: "I Have Been Given A Gift"

Matt Bellina is one of the patients who looked on as President Trump signed Right to Try into law last year. A father of three and a former U.S. Navy pilot, Matt was diagnosed with amyotrophic lateral sclerosis (ALS, or Lou Gehrig's disease) in 2014, and he had exhausted all treatment options available to him. But Right to Try gave him renewed hope—and additional options. In the months that have passed since the federal law was signed, Matt has gained access to a treatment for ALS that's currently in Phase 3 clinical trials.

And the results to date have been remarkable. One month after his treatment began, Bellina posted on his Facebook page that since starting treatment, he had begun to experience "increased core strength and coordination," which allowed him to pull himself up to standing from his wheelchair. Additionally, he had seen "subjective improvement" in his speech and swallowing. "I have been given a gift," Bellina wrote of his treatment. "Because this is an investigational therapy, we don't know what tomorrow will bring, but for now we are feeling incredibly blessed," he continued.

Patient stories like these are why the fight for Right to Try is so important. No patient facing a terminal illness should have to beg the federal government for permission to save their own life, and the success of Right to Try shows that our country's commitment to life, liberty, and the pursuit of happiness—the right to hope—is still present. As we have shown the nation, healthcare can be improved with more freedom, not more government control. ●

**I HAVE BEEN
GIVEN A GIFT.**

Matt Bellina
Right To Try Patient



Goldwater Institute President and CEO Victor Riches with Right to Try champion Jordan McLinn



Matt Bellina with friends and family



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IMAGINE A U.S.
GOVERNMENT
RESPONSIBLE
FOR PROTECTING
THE PUBLIC
HEALTH – BUT
HARMING PEOPLE
IN THE PROCESS.

HOW GOVERNMENT IS GETTING
IN THE WAY OF HEALTHCARE

Overcaution at the FDA is Costing Lives

That's exactly what's happening at the FDA, as Goldwater Institute National Investigative Journalist Mark Flatten uncovered in his report *Studied to Death: FDA Overcaution Brings Deadly Consequences*.

"The FDA exists to approve safe and effective treatments as quickly and efficiently as possible," Flatten wrote in his report, explaining that in actuality the FDA is harming people. "This is true for lifesaving treatments that can cure deadly diseases, as well as for new medications to treat chronic conditions like heart disease and diabetes that could save millions of lives and billions of dollars."

One of the simplest examples of how the FDA's bureaucracy is harming people is one of the most common drugs: aspirin. In his report, Flatten details the long history of FDA unwillingness to recognize the heart benefits of aspirin, continuing through the present. The death toll is real. It took five years for the FDA to accept aspirin's benefits in preventing a second heart attack, despite overwhelming evidence. That delay alone accounted for a quarter-million deaths, if the agency's own estimates are accurate. Even today, the FDA refuses to recognize the benefits of aspirin in preventing a first heart attack, despite organizations like the American Heart Association supporting this finding.

But times may be changing when it comes to approving potentially lifesaving treatments, Flatten reported. The passage of Goldwater's Right to Try legislation is ushering in a new era, one in which the public and politicians recognize that the quest for absolute certainty carries deadly consequences. "Right to Try makes it easier for terminally ill patients to seek treatments that were otherwise unavailable to them," Flatten said. ●

Improving Healthcare *Restore Free Speech in Medicine*

We trust doctors to treat our illnesses and help save our lives. But government harms the ability of doctors to do their jobs by restricting freedom of speech.

The Goldwater Institute's Free Speech in Medicine initiative is a state-based policy that ensures drugmakers can share important information about their products with doctors.

That includes communication about "off-label" treatments for drugs that can dramatically benefit patients in ways not originally approved by the FDA.

The Goldwater Institute has already passed this legislation in Arizona and Tennessee, thus ensuring that doctors and patients are fully informed about the latest treatments. We're now working in several other states to pass the law and improve healthcare for all Americans. ●

FIGHTING UNIONS AT THE SUPREME COURT

Free societies cherish the freedoms of speech and association. But sadly in America, the freedom to speak one's mind is under constant attack, whether it's on college campuses, on street corners, or in the workplace. But there's an even more nefarious affront to the First Amendment that cuts to our country's core: The left is forcing workers to fund speech that advances their extreme agenda. Following the U.S. Supreme Court victory in *Janus v. American Federation of State, County, and Municipal Employees (AFSCME)*, the Goldwater Institute is taking the next steps in defending workers' freedoms—and we're taking that fight back to the Supreme Court.





Workers Shouldn't Be Forced into Funding Speech They Don't Support

Just like labor unions, bar associations are notorious for supporting left-wing causes, and they use member dues to lobby for such policies. That's why we took the case of Arnold Fleck, a North Dakota attorney who was forced to join a state bar association and pay dues that funded political speech he disagreed with—all as a condition of practicing law.

Fleck had publicly supported and contributed money to a state ballot measure relating to child custody cases. But then he discovered that the state bar association used his member dues to help fund a \$50,000 campaign against the same measure. As in a majority of other states, North Dakota required its attorneys to join bar associations to practice law. In short, Fleck was being forced to subsidize political activities he opposed.

So he teamed up with the Goldwater Institute to take a stand for his free speech rights and challenge North Dakota's bar association requirement. After an adverse lower court ruling, Fleck and the Goldwater Institute petitioned the U.S. Supreme Court to consider the case.

In the months and years after Fleck filed his lawsuit, there had been a critical development in the fight to defund the left and protect workers' rights. In June 2018, the Supreme Court ruled in *Janus* that government employees could not be forced to belong and pay dues to a union. The landmark ruling was immediately apparent in Fleck's case: In December 2018, the Court ruled in favor of Fleck and ordered the Eighth Circuit to reconsider the case in light of the First Amendment. Following *Janus*, we hope to be

back at the Supreme Court to argue Fleck's case.

But we weren't done. Just days after the Supreme Court's ruling in Fleck's case, our attorneys filed a new lawsuit in Oregon to protect lawyers' free speech rights. Two Oregon attorneys, Daniel Crowe and Lawrence Peterson, mounted the legal challenge after the Oregon State Bar used their mandatory member dues to publish an article harshly critical of President Trump's supporters in an issue of the bar association's magazine. Our clients objected to their money being used to fund political speech, and we're proud to help them in their First Amendment fight.

Goldwater's Leadership Gets National Attention

The Goldwater Institute's leadership on preserving workers' right to speak freely hasn't gone unnoticed. In December, the *Wall Street Journal* featured an op-ed from Goldwater's Jacob Huebert and Timothy Sandefur—the attorneys litigating the North Dakota and Oregon cases—making the case for lawyers' freedom from mandatory bar association membership and fees. “Every American has a constitutional right not only to freedom of speech, but also to freedom of association, meaning that the government can't force people to join groups they don't want to join. Mandatory bar membership violates that right,” they wrote. “Because bar associations wield massive political influence on everything from tort reform to judicial appointments, it distorts American democracy, too.”

Workers shouldn't be forced into funding speech they don't support. The U.S. Supreme Court's *Janus* decision opened the door to greater protection of workers' free speech rights, and we're keeping that fight alive. ●





ON THE FRONT LINES OF THE FREEDOM FIGHT

At the end of June 2018, the U.S. Supreme Court handed down a monumental ruling in favor of workers' rights. The Court's decision in *Janus v. AFSCME* put an end to the unfair requirement that government workers pay fees to a union.

Jacob Huebert was on the front lines of that fight.

Huebert, now a Senior Attorney at the Goldwater Institute, was part of the team that successfully litigated the *Janus* case before the nation's highest court. It's definitely a highlight in a career spent working to expand freedom for all Americans—a calling that Huebert truly loves. “Public interest law is the most fun you can have as a lawyer,” he says. “You have interesting issues, you have the opportunity to increase people's liberty, and you get to fight bad guys on the other side. It's the perfect combination.”

An Ohio native, Huebert has been working in the liberty movement for years. Prior to joining Goldwater last August, he served as the Director of Litigation at the Liberty Justice Center. Throughout his time there, he worked on cases that helped average Americans cut through the red tape that plagues so much of their everyday lives.

The Goldwater Institute is the perfect home for Huebert—and he feels the same way. Even before joining Goldwater last year, he was a big admirer of Goldwater's legal work. “I saw the Goldwater

Institute's litigation center as the leader among state-based litigation groups and among groups using state constitutions to advance liberty,” he says. “For as long as I've done this kind of work, the Goldwater Institute has been my inspiration, so when I had the opportunity to work there, of course I wanted to take it.”

Following his Supreme Court victory, Huebert is litigating a case on behalf of two Oregon attorneys whose mandatory bar association dues were used to publish political speech unrelated to regulating the practice of law. It's a natural follow-up to his *Janus* work: As with government employees, lawyers' right to speak—or not to speak—should be respected.

Look for Huebert to continue fighting for people's rights as a Goldwater Institute attorney, because protecting those rights is what means the most to him as a public interest lawyer. “You can beat the local officials, the bureaucrats, you can help the would-be entrepreneur and actually make a difference in somebody's life.” ●

Goldwater's

**A★M★E★R★I★C★A★N
FREEDOM
NETWORK**



320+ ATTORNEYS IN 50 STATES FIGHTING FOR YOU

The fight for freedom is truly a never-ending one, fought on multiple fronts. And success in this ongoing battle requires all hands on deck: When more people give their time and talent to this cause, our individual rights have a greater chance of surviving and thriving. That's where the Goldwater Institute's American Freedom Network comes in.

Formally established in 2017, the American Freedom Network (AFN) is a pro bono network of attorneys spanning coast to coast who lend their skills, expertise, and interests to the Goldwater Institute's dedicated effort to defend freedom. AFN attorneys come from a wide variety of legal backgrounds and experience, including partners and associates in small, medium, and large law firms, solo practitioners, and public interest litigators. Attorneys who join AFN litigate cases, assist with legal research, write amicus briefs, represent clients at the administrative level, and serve as local counsel. They work alongside Goldwater's legal experts to take the Institute's work to more people and change lives for the better.

Take, for example, the case of Lauren Boice. Boice is a cancer survivor and former hospice nurse's assistant who founded "Angels on Earth," a business that dispatched licensed cosmetologists to homes of elderly or infirm people to provide haircuts, manicures, or massages. But the state of Arizona demanded

that Boice obtain a cosmetology license, costing thousands of dollars and hundreds of unnecessary hours in training. Thanks to the intervention of the Goldwater Institute, the state backed down and "Angels on Earth" continued to connect providers with the homebound. Boice is a perfect example of someone who could not have succeeded without pro bono representation, and the American Freedom Network is helping connect clients like her to pro bono attorneys who can provide the legal assistance they need to continue with their lives and livelihoods.

At present, more than 320 attorneys are a part of the American Freedom Network, with a presence in 50 states and the District of Columbia. Since June 2017, AFN attorneys have helped develop, litigate, and complete 31 cases and projects in 19 states. The Network currently has 23 active cases and projects in administrative law, free speech, property rights, and taxpayer protection measures, among other issues. And since the Network's inception, the Goldwater Institute received nearly \$2 million in pro bono in-kind contributions through AFN, an amount nearly equal to the litigation budget of the Institute.

In the months and years ahead, we look forward to building an even more expansive network that will protect the rights and preserve the freedoms of more Americans. ●



DEFENDING CAMPUS FREEDOM

Far too many of today's college students have an alarmingly poor understanding of the U.S. Constitution. This is particularly true of the First Amendment. Rather than appreciate the inherent beauty and value of free speech, including speech they find disagreeable, many students think they should be perennially shielded from dissenting opinions. Some go so far as to shout down speakers and even resort to violence to avoid being subjected to new ideas. However, all is not lost. There is still hope in the effort to defend the First Amendment.

FREE SPEECH

Across the country, the storyline has largely been the same. A right-leaning speaker is invited to a college campus. Student protesters shout the speaker down, depriving that person of their freedom of speech. University administrators cower. Student protesters face no consequences. Ideas are not heard, public debate is squelched, and the First Amendment is weakened.

One of the most egregious examples occurred in March 2017 at Vermont's Middlebury College. Charles Murray, a well-known political scientist, was invited by a conservative student group to speak on campus. Rather than listening to his lecture and then forming an opinion, more than 100 students instead opted to shout down Murray, pull fire alarms to stop his speech, and violently push him and his faculty interviewer, causing her to suffer a concussion. The consequences for this violent silencing of speech? A slap on the wrist for 67 students. At the University of Michigan, a debate on Black Lives Matter was effectively shut down when 100 protesters forced their way into an already-at-capacity room, shouting obscenity-laced tirades.

Kowtowing to the mob and denying free speech is never the appropriate course of action. After all, universities exist in large part to prepare young adults for the "real world"—a world of work, bills, responsibilities, and, of course, disagreements. When university administrators and faculty cater to the juvenile desire to avoid hearing words one disagrees with, they are doing a monumental disservice to the students themselves as well as the taxpayers who will

soon be employing those very same students.

Fortunately, common sense can still prevail on campus. The Goldwater Institute developed campus free speech legislation that ensures free expression at public universities and establishes consequences for those individuals who forcibly inhibit the free speech rights of others. Just like in the real world.

Public colleges and universities should take responsibility for the culture of fear and restriction created by shoutdowns, and they can start by holding accountable those involved. Several states have now passed our campus free speech legislation, and this year, President Trump issued a federal order to promote additional free speech protections as well.

These are tremendous victories in the battle for free speech. Most importantly, the Goldwater model is already working. For example, protesters initially wanted to shout down Second Amendment supporter and conservative author Katie Pavlich when she spoke at University of Wisconsin-Madison, but they decided against it because our free speech policy had been adopted in the state.

State officials and public university administrators can take action to turn back the tide in favor of preserving First Amendment freedoms on college campuses. But if universities continue to cave to the whims of anti-free speech zealots, the value of our universities as institutions of higher learning will surely die a slow death. And the constitutional rights we all hold so dear will diminish with them. ●





PROPERTY RIGHTS ARE THE CORNERSTONE OF LIBERTY

"The theory of the communists may be summed up in the single sentence: Abolition of private property," Karl Marx wrote in *The Communist Manifesto*. Conversely, in a free society, our right to own and use property is the cornerstone of liberty. Yet cities, towns, and states are trampling on private property rights, whether by seizing private homes through eminent domain to make way for private redevelopment projects or by dictating how homeowners can use their land.

The Goldwater Institute is taking a stand. We're using state law to protect our rights by ensuring that government cannot take land directly or take away owners' rights to rent, improve, sell, or otherwise use their property, unless it pays them just compensation.

A Powerful Tool to Fight for Property Rights

In 2005, the Supreme Court's decision in *Kelo v. City of New London* shocked the nation when it rubber-stamped a decision by state officials to seize private homes by eminent domain to make way for private redevelopment projects. Most federal and state courts still do little to protect landowners when government declares their property "blighted" or takes away the right to use property as one wishes.

The Goldwater Institute developed the Property Ownership Fairness Act to protect property owners by ensuring that when the government takes a citizen's property, it should pay just compensation—whether the taking is explicit, as through eminent domain, or indirect, as through regulatory takings. Arizona enacted a version of the law, and we have used it in court to win victories on behalf of property owners.

The Home-Sharing Fight

For centuries, property owners have let people stay in their homes in exchange for money or doing chores. Today, thanks to online home-sharing platforms like

Airbnb and HomeAway, it's easier than ever before for homeowners and travelers to connect. Home-sharing enables property owners to rent their homes to visitors to make money and help pay their mortgages, it gives consumers more choice at lower prices, and it helps communities attract visitors who support local businesses.

But cities are cracking down on home-sharing, depriving homeowners of this right through astronomical fines, cumbersome processes, and outright bans. In Chicago, homeowners must open their homes to government searches "at any time and in any manner." In Miami Beach, the city imposes fines of up to \$100,000 *per violation* on home-sharers who rent outside of a zone where rentals are allowed. At the Goldwater Institute, we're defending people's right to use their property, while also ensuring that cities can still enforce nuisance rules that protect quiet, clean, and safe neighborhoods. We're taking this fight to communities and courtrooms across the country on behalf of homeowners whose rights are being taken away.

Government should never seize individuals' property for others' use without just compensation. Whether it's a home or a business, owning property allows us to benefit from the fruits of our labor and is a fundamental part of what it means to be free. That right must be defended. ●



STRENGTHENING SCHOOL CHOICE

Goldwater Leads America in Improving Education

Improving the state of education in the United States requires striking a delicate balance. From students and parents to teachers and taxpayers, many groups need to be taken into consideration as reform is discussed and debated.

Identifying ways to improve education for students while controlling costs for taxpayers has been a central focus of Goldwater Institute research and analysis, and our work in this area has made us a go-to for policy peers and media organizations seeking insight into how education can work better, inside and outside the classroom.

When it comes to creating a more cost-effective education system, wiping out misspending is a good place to start. In 2018, the Goldwater Institute released a set of reports by Senior Fellow Jonathan Butcher about public school spending in Arizona, which provided telling insight into the district fraud and abuse that occurs across the Grand Canyon State. Butcher examined Arizona Auditor General reports to show where districts have misused taxpayer funds meant for students and teacher pay—and fraud has really added up. Over the past two decades, just 10 percent of Arizona’s school districts accumulated almost \$26 million in documented fraud—enough to pay 540 Arizona educators the state’s average teacher salary in 2017.

Furthermore, Butcher’s research found that “some districts already have money to increase teacher salaries if they eliminate wasteful spending practices” in areas including administration, transportation,

and food service. In his review of school district audits throughout Arizona, he found several districts in which teachers could benefit from the reallocation of funds. If Yuma Union High School District, for example, brought down its administrative spending to the level of comparable districts, it could offer the district’s 426 teachers a raise of \$3,300 each.

Innovation and creativity are necessary in building an education system that works in the long term. A Goldwater Institute report released by Director of Education Policy Matt Beienburg and Arizona Chamber Foundation Senior Research Strategist Matthew Ladner took a look at one strategy that would yield benefits for students and taxpayers: charter-district co-location, or operating charter schools and traditional public schools on the same campuses.

Co-location pairs district schools that have unused space on their campuses with charter schools—which often struggle to find suitable or affordable classroom facilities. States that have embraced the practice of co-location, including California and New York, have saved taxpayers millions of dollars. Arizona, with more than 1.4 million square feet of school district buildings currently sitting vacant or underutilized, would be wise to do the same.

Making education better isn’t just an Arizona challenge—it’s an American challenge. But through its expert research and analysis, the Goldwater Institute is helping to outline a bright future for education reform from sea to shining sea. ●



STOPPING ARIZONA'S GREEN NEW DEAL

NO on 127

Before there was the “Green New Deal,” there was Arizona’s Proposition 127—a so-called “clean energy” initiative on the 2018 statewide ballot that would have significantly increased energy costs for Arizonans while having little benefit for the state’s environment. Backed by California progressive cronyist Tom Steyer, it was an out-of-control big-government gambit that only a liberal could love.

Fearing the dire consequences for its home state—and the dangerous precedent it would set for the country—the Goldwater Institute leapt into action to inform Arizona voters about the true costs of the reckless proposition. Armed with the truth, Arizona voters said “NO” to the very bad “green” deal and sent a message that rang loud and clear across the country.

In October, we released a study by economist Stephen Moore about the damage the proposition would wreak on families and businesses throughout Arizona. Using information from states that have enacted policies similar to those in Arizona’s proposed clean energy initiative, Moore’s study found that the proposition would result in higher energy costs and would fall disproportionately hard on low-income families, with no obvious improvement in air quality or greenhouse gas emissions.

“Voters’ rejection of Proposition 127 is a sign that the people of Arizona don’t want their state to become like California or New York—states with extremely stringent energy mandates and, as a result, very high residential energy costs,” said Goldwater Institute President and CEO Victor Riches. “Arizona already derives about half of its power from green sources like natural gas and nuclear energy, so Proposition 127 would have only raised energy costs for families and businesses without delivering cleaner air.”

As the new wave of leftist leaders in Washington try to foist their devastating and ineffective energy policies on all Americans, the Goldwater Institute will continue its fight for limited government in Arizona and across the United States. ●

CON JOB

STATE LAWS ARE LIMITING
MENTAL HEALTH OPTIONS



LIBERTY IN ACTION



NOWHERE TO GO FOR MENTAL HEALTH CARE COMPETITION ELIMINATED

Jared was violent and dangerous.

But he was not a criminal.

He was sick.

Not the kind of sick that can be treated in a hospital emergency room. His was a mental illness. And because of that, there was no place to take him for the crisis care he needed.

So begins a special report by Goldwater Institute National Investigative Journalist Mark Flatten, who uncovered how mental health patients and those suffering from opioid addictions are not getting the care they need because of so-called certificate of need (CON) laws, which hospitals and other healthcare providers use to eliminate their competition.

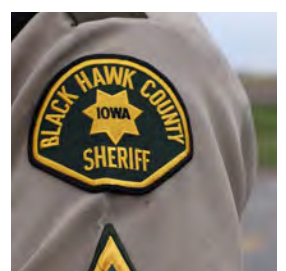
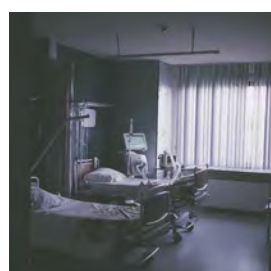
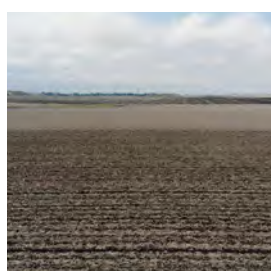
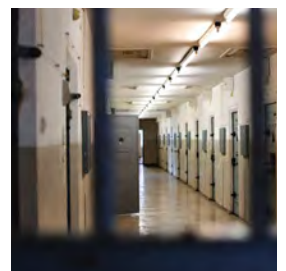
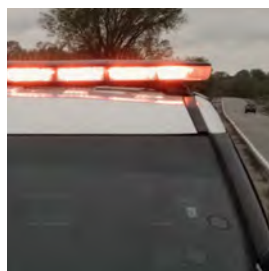
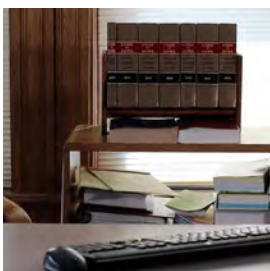
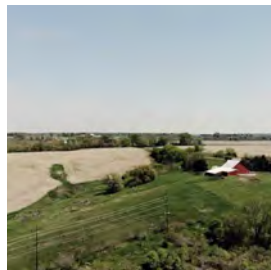
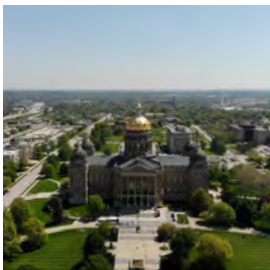
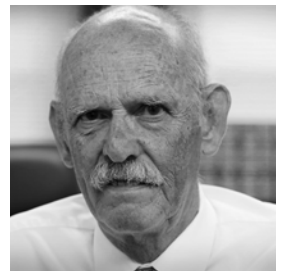
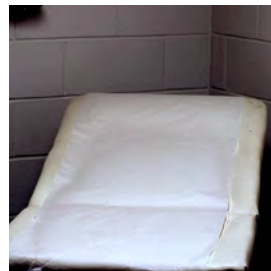
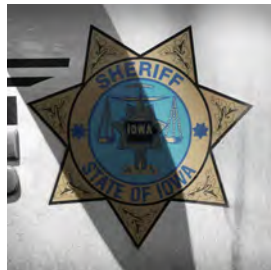
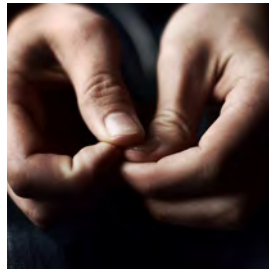
In *CON Job: Certificate of Need Laws Used to Delay, Deny Expansion of Mental Health Options*, Flatten uncovered how CON laws are negatively affecting Americans who require mental health care. The anti-competitive laws—which are on the books in 38 states—allow existing hospitals and healthcare companies to prevent new providers from entering

the marketplace. The idea behind these laws was that they would control costs. But because they stifle competition, they actually limit the availability of needed services and drive up costs, all to the benefit of existing providers and the detriment to those in need.

Flatten reported on stories from Iowa, Oregon, and Tennessee, illustrating the damage that CON laws can do to mental health patients in areas where there is a demonstrated need for care that is going unfulfilled.

Flatten's report shows that CON law reform is needed to ensure that mental health patients have access to higher quality, more cost-effective treatment. "Many academic studies, the U.S. Federal Trade Commission and Department of Justice, and even the American Medical Association agree that CON laws are a failed public policy," Flatten said. "These laws restrict would-be healthcare providers from helping to solve public health crises, and reform would allow those who require mental health treatment to have better access to the care they need."

You can read the full story at GoldwaterInstitute.org/CONJob. ●



LIBERTY IN ACTION

F



EQUAL

FIGHTING FOR

Texas Judge Rules in Favor of Native American Children

The U.S. Constitution guarantees equal protection to all Americans—irrespective of race or ancestry. But one federal law denies Native American children this essential constitutional right.

The Indian Child Welfare Act (ICWA) turned 40 in 2018, but it wasn't an auspicious milestone for the children the law is supposed to protect. While ICWA was passed in 1978 to help keep Indian families together, the law subjects Native American children to a separate and substandard set of rules regarding their custody. These rules make it more difficult to protect vulnerable kids from abuse and neglect—and virtually impossible to find them loving, permanent adoptive homes.

Relegating Native American children to second-class status is both unconstitutional and morally wrong. That's why at the Goldwater Institute, we're fighting in courtrooms across the country—from Arizona and California to Ohio and Minnesota—to ensure that Native American children have the same constitutional protections afforded their peers of other races.

And now, we may be closer than ever before to giving Native American children the equal protection they're entitled to.

In Texas, the foster parents of a 2-year-old boy of Navajo and Cherokee ancestry wanted to adopt him,

but a trial judge allowed Navajo tribal officials to block the adoption. Within hours, Texas officials began a process to instead send the boy to live in New Mexico with race-matched strangers he had never met, on an Indian reservation he had never even visited.

The couple appealed, and the Goldwater Institute filed a friend of the court brief on their behalf in the Texas Court of Appeals. While the adoption was ultimately allowed to proceed, state attorneys general from Texas, Louisiana, and Indiana filed a new lawsuit in the meantime on behalf of the Texas boy and other children whose right to equal treatment before the law is violated by ICWA.

For the first time, the court ruled in those kids' favor: A Texas federal judge found that ICWA violates Native American children's equal protection rights, and the law was declared unconstitutional. That decision, unfortunately, was overturned by the Fifth Circuit Court of Appeals, but the families' and states' lawyers have pledged to appeal, and the Goldwater Institute will be at their side—to challenge a law that subjects Native American kids to inferior treatment.

All Native American children are citizens of the United States and entitled to the same protections that apply to children of all other races. The Goldwater Institute will continue to work to ensure that our laws reflect this. ●

PROTECTION

STANDING UP TO THE LIBERAL MEDIA

Last year, *USA Today* and the *Arizona Republic* launched a 5,400-word assault on the work we do at the Goldwater Institute. This attack, done in conjunction with a hard-left activist organization funded by George Soros, came as no surprise to us.

The gist of their hit piece was that since the Goldwater Institute is successful in passing significant legislation across the country, we must be part of a nefarious conspiracy. Incredibly, the centerpiece of this nonsense was an attack on the Goldwater Institute's nationwide, grassroots, bipartisan effort to protect your Right to Try as the law of the land. The story pointed to our legislation as "the most successful copycat bill in history."

Rather than intending this as a compliment, however, the reporters inexplicably pointed to it as proof of some insidious effort to spread a secret political agenda.

Even when the work of conservatives and libertarians benefits everyone, that work is going to be pillaged by today's media elite—a sad reality of the modern press. This latest assault demonstrates the depths they will sink to in the race to destroy those who believe in free markets and individual liberty.

But given the impact the Goldwater Institute is having across America, it's no wonder the liberal media has taken notice, is on the attack, and is running scared.

GOLDWATER'S IMPACT ACROSS AMERICA

The Goldwater Institute's voice is being heard all across America—and it's only getting louder. From traditional media to social media, radio to television, email reach to internet presence, we're making our mark for liberty and having an impact.

Here are some of our biggest successes in getting our message out in 2018:

Established in January 2018, the Goldwater Institute's blog *In Defense of Liberty* is the home for unique insights from the Institute's analysts and attorneys, garnering the attention of media, policymakers, and other Institute followers.

News outlets from coast to coast turned to the Goldwater Institute for insight on a wide variety of policy and litigation issues, including the passage of Right to Try and school choice. Our work received regular coverage in top print and broadcast outlets, including the *New York Times*, National Public Radio, *Washington Post*, and *Arizona Republic*—with many stories featuring interviews with our attorneys and policy experts.

Mentions of the Goldwater Institute weren't limited to the news pages. We frequently shared our views in opinion pieces: Goldwater's Jacob Huebert and Timothy Sandefur took to the *Wall Street Journal's* opinion pages in December 2018 to make the case for attorneys' free speech rights. Op-eds from Goldwater experts and clients appeared in many other highly read publications as well, such as National Review Online, Daily Caller, *The Oregonian*, *San Francisco Chronicle*, *Washington Examiner*, and *Detroit News*. ●



Arthur Brooks

WE HAVE TO SUPPORT THE GOLDWATER INSTITUTE

“The United States’ greatest contribution to world prosperity has been the cultural innovation of embracing competition in economics and politics. In my lifetime, democratic capitalism has made a world that was mostly poor into one that is mostly not,” American Enterprise Institute president Arthur Brooks writes in his bestselling book *Love Your Enemies: How Decent People Can Save America from Our Culture of Contempt*. “I am deeply proud to be part of a society that helped to lift up billions of people all around the world.”

But in an era in which Americans, especially younger ones, are finding socialism more appealing, there seems to be a lack of understanding about where our prosperity has come from. Lifting people up demands that people have greater control over how they live their own lives, so they can more freely seek the happiness of which our Founding Fathers spoke. That truth is what drives our work at the Goldwater Institute: It’s why we’re leading the charge for liberty in Arizona and across the country. And policymakers and prominent scholars alike are taking note.

At a Goldwater event earlier this year, Brooks said that in this era dominated by partisan polarization and gridlock, there is still reason for optimism about the future of a public policy that gives people the freedom they need to live happier lives. “It is so frustrating in Washington, D.C., with the polarization and the bitterness, the hatred, the disrespect ... But when people say there’s no hope for America, I say ‘You’re looking in the wrong place!’ Don’t look at Washington, D.C., don’t look at the reality show. Look at places where things are working to lift people up. Look to Arizona!”

When it comes to creating and implementing policy that truly lifts people up, Arizona has indeed set a great example. In the past three years alone, the Grand Canyon State has adopted new laws to protect

free speech on public college campuses, to safeguard property owners’ ability to share their homes with overnight guests, and to allow drug manufacturers to communicate with doctors about off-label uses for their FDA-approved treatments.

Arizonans can thank the Goldwater Institute for each of these reforms. These ideas came from policy proposals written by the Institute’s experts. Our successes in capitols and courtrooms have garnered the admiration of thought leaders like Brooks. “The Goldwater Institute is my favorite state think tank. I wish we had it where I live, too,” he told the Phoenix audience. “It’s easy for me to stand up here and say how lucky you are, but it’s true.”

And our wins on behalf of freedom are why Brooks urges all liberty-lovers to support Goldwater’s work.

“We have to support the Goldwater Institute. We have to support it with our time, and our talent, and our treasure,” he said. “If we do that, then we’ll be voting for a better America and basically taking our values, and our careers, and our resources and saying, ‘I dedicate these things to making a better America in my name and for the good of my kids and grandkids.’ If people really want a better America, support the Goldwater Institute. You’re serving your country.” ●

THANK YOU

You Make All the Difference

Right to Try is the law of the land. The U.S. Supreme Court has handed down significant wins for workers' free speech rights. Unfair, unnecessary barriers that make it more difficult for many Americans to earn a living are falling.

These important victories for personal freedom—all of which the Goldwater Institute has been an instrumental part—would not have been possible without the support of friends like you. At a time when socialist tendencies are ascendant in the United States, the Goldwater Institute is proud to stand as a stronghold for the protection of liberty. As we turn the page on our first 30 years and look toward the horizon, we are grateful for your partnership in our mission and eager to continue our work to secure freedoms in the years ahead.

The greatest tribute to the importance of that mission is hearing the stories of lives that have been changed for the better by our efforts. At the Goldwater Institute's 2018 Annual Dinner, held in Scottsdale, Arizona, attendees had the opportunity to hear one of those stories firsthand—the story of Jordan and Laura McLinn.

When Jordan McLinn was 3 years old, he was diagnosed with a fatal form of muscular dystrophy called Duchenne. His family left the children's hospital in their hometown of Indianapolis with no options, but then they heard about a new experimental drug that could help Jordan. Unfortunately, Jordan didn't qualify for the clinical trial that would allow him to use the drug, and his family was left searching for hope.

Ultimately, Jordan was able to participate in a clinical trial, and six years later, he's doing great and isn't showing any signs of decline. But Jordan and his mom, Laura, wanted to ensure that those who don't have the chance to participate in such a trial could still have hope, too. They became outspoken advocates for Right to Try, serving as a public face for the movement to help terminally ill patients gain access to investigational treatments. In May 2018, when President Trump signed Right to Try into federal law, the McLinns were right there. Perhaps the most poignant image from that day is of young Jordan getting a hug and a kiss from the President.

Jordan and Laura McLinn were the deserving recipients of the Freedom Award at the Goldwater Institute's Annual Dinner, in recognition of their tireless efforts to make Right to Try a reality for all Americans with terminal illnesses. People like Jordan and Laura are why we do what we do. We at the Goldwater Institute are honored to stand beside them and others like them to help protect the rights to life, liberty, and the pursuit of happiness.

The successes the Goldwater Institute has experienced over the last 30 years embolden us to redouble our efforts on behalf of freedom as we start our next chapter. "I want to assure everyone that whether it's the next 10 years, 20 years, or 30 years, the Goldwater Institute will never rest on our laurels, will never be satisfied or complacent with past accomplishments," Goldwater President and CEO Victor Riches told the Annual Dinner audience. "We will always stand on principle, and I can guarantee you that we will never ever, no matter the odds, back down in the face of opposition." ●

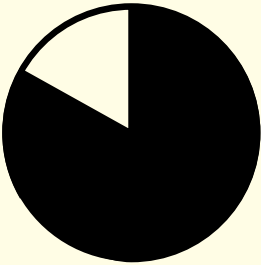
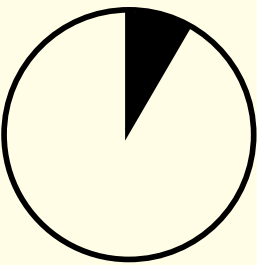
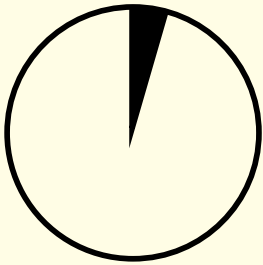
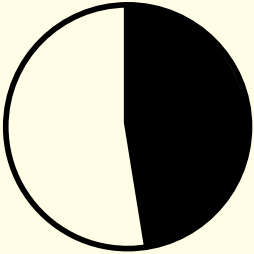
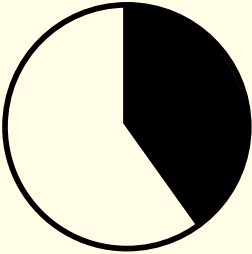
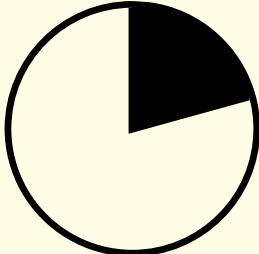



An Evening to Celebrate



30 years

FINANCIALS

EXPENSES \$5,659,600	PROGRAM SERVICES	FUNDRAISING	MANAGEMENT & GENERAL
			
	\$4,671,274	\$611,031	\$377,295
REVENUE \$6,397,745	INDIVIDUALS	FOUNDATIONS	OTHER
			
	\$3,079,432	\$2,072,100	\$1,246,213
CASH & EQUIVALENTS	NET FIXED ASSETS	OTHER ASSETS	LIABILITIES
\$2,777,489	\$1,674,778	\$2,440,323	\$922,106
NET ASSETS 			
\$5,970,404			

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The Goldwater Institute is a leading free-market public policy research and litigation organization that is dedicated to empowering all Americans to live freer, happier lives. We accomplish real results for liberty by working in state courts, legislatures, and communities nationwide to advance, defend, and strengthen the freedom guaranteed by the constitutions of the United States and the fifty states.

Founded in 1988 in Arizona with Senator Barry Goldwater's blessing, the Institute focuses on advancing the principles of limited government, economic freedom, and individual liberty, with a focus on education, free speech, healthcare, equal protection, property rights, occupational licensing, and constitutional limits.

The U.S. Constitution provides a basic minimum of protection for individual rights, while leaving states free to enact laws that protect those rights more broadly. That's why we direct our efforts at the states, the "laboratories of democracy," to introduce innovative ideas that expand freedom. And that's why we litigate in state courts to defend individual liberty.

