

RICHARD J. DURBIN

ILLINOIS

ASSISTANT MAJORITY LEADER

COMMITTEE ON APPROPRIATIONS

COMMITTEE ON FOREIGN RELATIONS

COMMITTEE ON THE JUDICIARY

COMMITTEE ON RULES
AND ADMINISTRATION

United States Senate

Washington, DC 20510-1304

August 6, 2013

Talmadge Heflin
Director
Texas Public Policy Foundation

900 Congress Ave, Ste. 400
Austin, TX 78701

Dear The Honorable Heflin,

I write to seek information regarding your organization's position on "stand your ground" legislation that was adopted as a national model by the American Legislative Exchange Council (ALEC).

ALEC describes itself as a think tank that develops model bills for state legislators. In 2005, ALEC approved the adoption of model "stand your ground" legislation entitled the "Castle Doctrine Act."ⁱ This model legislation was based on Florida's "stand your ground" lawⁱⁱ, and it changes the criminal law regarding self-defense and provides immunity for certain uses of deadly force.

In years subsequent to 2005, ALEC cited the introduction and enactment of state bills based on its model "stand your ground" legislation as "ALEC's successes."ⁱⁱⁱ As recently as March 2012, ALEC issued a statement defending its model "stand your ground" legislation from criticism after the killing of Trayvon Martin in Florida.^{iv} On April 17, 2012, ALEC issued a press release stating that it was eliminating the task force that had initially approved the model "stand your ground" legislation.^v However, ALEC has never issued a statement retracting the organization's approval of its model "stand your ground" legislation, nor has ALEC ever issued a statement calling for any state laws based on ALEC's model "stand your ground" legislation to be repealed.^{vi}

Although ALEC does not maintain a public list of corporate members or donors, other public documents indicate that your organization funded ALEC at some point during the period between ALEC's adoption of model "stand your ground" legislation in 2005 and the present day. I acknowledge your organization's right to actively participate in the debate of important political issues, regardless of your position, and I recognize that an organization's involvement with ALEC does not necessarily mean that the organization endorses all positions taken by ALEC. Therefore I am seeking clarification whether organizations that have funded ALEC's operations in the past currently support ALEC and the model "stand your ground" legislation.

I ask that you please reply to this letter by answering yes or no in response to the two questions below. Please feel free to provide additional information explaining your yes or no response.

1. Has Texas Public Policy Foundation served as a member of ALEC or provided any funding to ALEC in 2013?
2. Does Texas Public Policy Foundation support the “stand your ground” legislation that was adopted as a national model and promoted by ALEC?

Please provide a response to this letter by September 1, 2013. Note that I am sending similar letters to other organizations that have been identified as ALEC funders at some point between 2005 and today. In September, I plan to convene a hearing of the Senate Judiciary Committee Subcommittee on the Constitution, Civil Rights and Human Rights to examine “stand your ground” laws, and I intend to include the responses to my letters in the hearing record. Therefore, please know that your response will be publicly available.

Thank you for your attention to this request. Please feel free to contact Dan Swanson or Stephanie Trifone on my staff at 202-224-2152 if you have any questions. I look forward to receiving your response.

Sincerely,



Richard J. Durbin
United States Senator

ⁱ See National Rifle Association Institute for Legislative Action, “NRA Presents ALEC Model Legislation in Grapevine, Texas,” August 12, 2005, available at http://www.prwatch.org/files/NRA_2005.png. The text of the ALEC “Castle Doctrine Act” is attached.

ⁱⁱ See “ALEC Statement on ‘Stand Your Ground’ Legislation” – 3/26/12 (stating that “Florida’s ‘Stand Your Ground’ law was the basis for the American Legislative Exchange Council’s model legislation”), available at <http://www.alec.org/alec-statement-on-stand-your-ground-legislation-32612/>.

ⁱⁱⁱ See “Model Bill Highlights for 2007” stating that “The ALEC Legislation Scorecard tracks ALEC’s successes in the states by its model bills that were introduced and those that were enacted.” The Scorecard listed among its “legislative highlights” that Maine, North Dakota and Tennessee had introduced or adopted ALEC’s model Castle Doctrine Act which “Protects citizens from prosecution or liability if they use a firearm in self defense inside or outside their homes.” Available at http://web.archive.org/web/20081106040540/http://www.alec.org/AM/Template.cfm?Section=Legislative_Scorecard

^{iv} See “ALEC Statement on ‘Stand Your Ground’ Legislation – 3/26/12”, *supra* note ii.

^v See “ALEC Sharpens Focus on Jobs, Free Markets and Growth — Announces the End of the Task Force that Dealt with Non-Economic Issues,” April 17, 2012 press release, available at <http://www.alec.org/alec-sharpens-focus-on-jobs-free-markets-and-growth-announces-the-end-of-the-task-force-that-dealt-with-non-economic-issues/>.

^{vi} In contrast, ALEC has issued statements announcing that it had reevaluated its policies and repudiated its involvement on other issues. For example, on March 27, 2012, ALEC issued a press release saying that “[ALEC] today is no longer involved with the private prison industry.” This press release stated “ALEC legislators are committed to finding and sharing solutions for the most critical issues facing their states. Sometimes that commitment will require us to reevaluate policies and change course. We are not afraid to do so when the facts demand it.” See “Response to Krugman’s Erroneous Claims” -3/27/12, available at <http://www.alec.org/alec-response-krugman%e2%80%99s-erroneous-claims/>