

DECEMBER 2019

# Veritas

A PUBLICATION OF THE TEXAS PUBLIC POLICY FOUNDATION



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TEXAS PUBLIC POLICY  
FOUNDATION

# Veritas

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## BOARD OF DIRECTORS

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## EXECUTIVE DIRECTOR'S MESSAGE

As 2019 comes to an end, I want to thank you for helping to make this year's legislative victories possible. One of the most frequent questions I am asked is, "What do y'all do between legislative sessions?" The short answer is "A lot." TPPF's Vice President for Legislative Affairs Stephanie Matthews has prepared for you a longer, more detailed answer to that question, informed by her many years of experience at the state capitol.



As TPPF prepares for the 87th Session of the Texas Legislature to convene in January 2021, we are delighted to do so under the leadership of a new Chairman of the Board. A few months ago, our long-serving Board Chair, Dr. Wendy Gramm, confided in me that she was ready to step down, and, frankly, to enjoy life and more time with her many young grandchildren. Dr. Gramm has become a dear friend in my time here at TPPF, and she assures me that she and former Senator Phil Gramm will continue to be a part of our TPPF family events as often as possible. Stepping in as new Chairman is Thomas "Tim" Lyles, Jr., who has served on our board almost since our founding. Tim has a wealth of strategic vision and relevant experience that will help to grow the influence and reach of the foundation.

Whether we're in session or not, the TPPF Center for the American Future litigation team continues to fight against government overreach at all levels throughout America. In this issue of *Veritas*, you can learn about two of our important cases. Over the summer, the litigation center and our Center for Families and Children served as amicus counsel for the Pardo family in a case of egregious overreach when the Texas Department of Family and Protective Services removed 4 year-old Drake Pardo from his family. Little Drake was returned to his loving parents in October, but this important parental rights case continues to develop. To the north in Michigan, TPPF is representing well-respected businessmen Gary and Matt Percy of Canton Township in a lawsuit that stands to establish important precedents in defense of property rights for all Americans.

As we wait for a ruling from the Fifth Circuit Court of Appeals on our lawsuit in connection with the Affordable Care Act, TPPF has been hard at work through its Right on Healthcare initiative to identify patient-centered solutions to our nation's health care problems no matter the outcome of the lawsuit. You can read about some of our proposals in "Healthcare: A Problem That American Ingenuity Can Solve."

In addition to celebrating many victories this year on your behalf, the Texas Public Policy Foundation also celebrated its 30th anniversary. On October 5th, nearly 400 friends and supporters from all across the nation gathered at the Bullock Texas State History Museum here in Austin for a grand gala, and I hope you enjoy some of the photos from the festivities.

While new Lone Star Legacy Society member Linda Rainey Filippone was not able to join us at the Gala, she celebrated our anniversary in her own way by including TPPF in her estate plans and helping to secure a future of freedom and prosperity for her children and grandchildren. I hope you will read her story, and also consider including the foundation in your own estate plans.

In closing, I want to thank you again for all you did to make this year so successful and memorable and extend to you our warm wishes for a joyous holiday season!

For Texas,

Kevin D. Roberts, Ph.D.  
Executive Director

Cover photo: The Pardo family welcomed 4 year-old Drake (4th from left) home on October 24. (See Page 19 for the full story.) Photo courtesy of Krista McIntyre with Family Rights Advocacy, who worked tirelessly on behalf of the family.

# Veritas

Veritas is a publication of the Texas Public Policy Foundation, a 501(c)(3) nonprofit, nonpartisan research institute. The Foundation's mission is to promote and defend liberty, personal responsibility, and free enterprise in Texas and the nation by educating and affecting policymakers and the Texas public

policy debate with academically sound research and outreach. Our goal is to lead the nation in public policy issues by using Texas as a model for reform.

# TPPF ANNOUNCES NEW BOARD CHAIRMAN



Tim Lyles, Jr., TPPF Chairman of the Board

The Texas Public Policy Foundation is delighted to announce the appointment of Thomas “Tim” Lyles, Jr. as chairman of the board. He succeeds long-time chairman Dr. Wendy Lee Gramm.

“We extend our most sincere gratitude to Dr. Gramm for her many years of dedication and service,” said TPPF Executive Director Kevin Roberts, Ph.D. “Tim brings with him a wealth of strategic vision and experience, which will help to grow the influence and reach of the Texas Public Policy Foundation.”

Tim Lyles advised and assisted the founding team and formative years of the Texas Public Policy Foundation. He is a lawyer and CPA and a former briefing attorney for the Chief Justice of the Supreme Court of Texas. Tim is a manager with MedCare Holdings GP, LLC, a general partner of Medicare Holdings, Ltd., and has more than 20 years of experience establishing health care companies. He is a graduate of Texas A&M and the SMU School of Law.

Tim and wife Laura are the proud parents of nine and grandparents to five. Beyond family, he can best be described as a “builder”—of people, of companies, and of freedom. He is a man of faith who tries to always remain focused on the priorities of God and others. As a father, Tim offers that he often feels more like a life coach and pastor guiding his children in their faith and toward a productive calling on their own life journey.

He is similarly passionate about building companies and mentoring others to do the same. And, appropriately for his new role with TPPF, Tim has a passion for identifying public policy that promotes common sense, liberty-focused solutions to the real-life issues that impact our livelihoods, our families, and our children.

“Without TPPF, the state of Texas—perhaps even America—would be a different place,” he observes, “and I look forward to working with my fellow board members to advance the Foundation’s mission of promoting liberty, personal responsibility, and opportunity for people throughout our state and nation.” ★

# WHAT DOES TPPF DO BETWEEN LEGISLATIVE SESSIONS?

By Stephanie Matthews

There’s a joke among Texas politicians that suggests the writers of the Texas Constitution made a slight drafting error when determining how often the Legislature should meet. “The Legislature meets for 140 days every two years,” the joke goes. “What they meant to write was for the Legislature to meet for two days every 140 years!” And as such is this old tradition in Texas—that we can govern ourselves quite contentedly without the watchful eye of the state constantly interfering in our business. As U.S. President Thomas Jefferson put it, “the government that governs best is that which governs least.”

Regardless, when outside observers of Texas politics hear that the Legislature meets only once every two years, they scratch their heads in wonder and ask, “what do Texas elected officials do for the rest of the time?”

Indeed, the fact that Texas has a citizen legislature, rather than full-time elected officials, is one of the major items that sets us apart from other states and keeps Texas politicians in the mindset of the average citizen. Texas legislators receive a whopping salary of \$600 a month, so if they want to pay the bills, most have to keep a full-time job that they must attend to—oftentimes throughout the legislative session—and especially the time in between sessions. So what does TPPF do during all that time?

It’s that “time in between sessions” that this article is about. Colloquially deemed “the interim,” the time in

between regular legislative sessions in Texas amounts to roughly 19 1/2 months, or 590 days. Although our bread-and-butter consists of helping affect the passage of legislation that furthers our three tenets of liberty, personal responsibility, and free enterprise during the legislative session, you can imagine that extensive planning goes into that endeavor. I’d like to highlight for you some of the more notable aspects of that process below.

## The Post-Session Phase

After the legislative session concludes, usually at the end of May or the very first few days of June, folks around the Texas politics sphere are simply exhausted. They’ve gone through 140 days of grueling hard work; when I worked in the Legislature I oftentimes described session as cramming two year’s worth of work into a little under five months.

This sentiment is no different at TPPF. We spend most of the session being “on call” through most of the evening and night, and as the House and Senate meet later into the night (sometimes well past midnight), we’re right there following along with them.

Many people understandably take a few days out of the office after the session concludes just to recharge their batteries. But as policy folks begin to take a rest, that’s when state agencies begin to digest the plethora of rules and regulations they’ve been tasked with implementing. TPPF monitors these rule implementations closely because it is not uncommon to see

continued >>

“Among all of this monitoring, researching, and testifying, one of the most important things done by the Foundation during the interim is working with various legislative offices to draft legislation for the next legislative session.”

agencies completely misinterpret laws and implement them in ways far and away from the original legislative intent behind them. So, if anyone wants to see the laws they worked so hard to pass be implemented in the way they intended, they must participate in the agency rule-making process.

As they say, there's no rest for the weary.

### Interim Committee Charges

At the same time agencies are beginning to analyze new laws and implement the regulations necessary to enforce those laws, the Legislature gets back to work on what are called “interim charges.” These instructions, traditionally handed to the House by the Speaker and to the Senate by the Lieutenant Governor, task committees with studying different issues during the interim, whether it be further monitoring the implementation of passed legislation or studying options for future legislation. These committees oftentimes meet in different areas of the state during the interim in order to gain different perspectives from individuals living outside of the Austin bubble.

TPPF works closely with these committees, the Speaker's office, and the Lieutenant Governor's office not only to help draft charges, but to study their progress. These charges are usually received by the Legislature in the later part of odd-numbered session years, and committees work on and study these charges for the next calendar year. TPPF follows committees' progress and helps advise on different research perspectives. Oftentimes committees will invite staff members from the Foundation to provide expert testimony on various issues. In fact, most of the hearings operate on an “invitation only” schedule during the interim (as opposed to testimony open the public, which is the norm during the legislative session), so we recognize it as a great honor to be invited to testify in front of in-

terim committees. Being on an invited testimony list is a tribute to the solid work done at the Foundation that would not be possible without the generosity of friends like you.

Toward the last few months remaining of the interim, before the next session begins, these committees issue individual “interim committee reports.” These reports often suggest legislative changes for the incoming legislature based on the various testimonies, research, and individual Texans the committee interacted with during the interim. They are usually quite lengthy and contain many of the exhibits presented to committees. On occasion, TPPF's own research makes it into these reports. Legislators and committees often refer back to these committee reports when determining which bills to file and what legislation to focus on in the next session, but the reports themselves are not controlling—they are merely suggestive.

### Working with Legislative Offices to Draft Bills

Among all of this monitoring, researching, and testifying, one of the most important things done by the Foundation during the interim is working with various legislative offices to draft legislation for the next legislative session. As with all bill drafting, this can be a long, drawn out, and complicated process, but it all starts with relationships. After all, TPPF can research all of the issues that matter to you to the greatest extent possible, but none of it would matter if legislative offices paid no attention. We work with like-minded legislators, their staff, and bill-drafting attorneys at Texas Legislative Counsel to craft bills in such a way that reduces the possibility of misinterpretation—one of the problems referenced above.

The work doesn't stop there, though. Once we have an initial product, we meet with wider groups of legisla-



Left photo: The Honorable Talmadge Heflin (second from right), Director of TPPF Center for Fiscal Policy, testifies before the Senate Committee on Finance during the 86th Session of the Texas Legislature. Right photo: James Quintero, Director of Think Local Liberty, celebrates the passage of Annexation Reform for all Texans with colleague The Honorable Jason Isaac, Senior Manager and Distinguished Fellow Life: Powered.

tive offices for their input. It's during these meetings that we receive valuable feedback—not only on the ideas themselves, but the possibility of implementing these ideas. We are also made aware of any potential roadblocks that might arise in the legislative process. As you're aware, not everyone agrees with TPPF's interpretations of liberty. When we're made aware of these roadblocks, we're more easily able to strategically plan, and every once in a while, we're actually able to convince the other parties to see the issue through our lens. There are more than two different sides to an issue in politics—many perspectives are usually involved—but, as Abraham Lincoln is attributed to once asking, “do I not destroy my enemies when I make them my friends?”

Much of the rest of this process blends in with the end of the interim and the beginning of the next legislative session. Finding the right author for a bill (usually it should be someone with a passion and some type of expertise on the issue), developing a legislative strategy, solidifying a coalition—all of these items are necessary to pass a bill. But that should be left for another write-up focusing on the legislative session itself.



**Stephanie Matthews** is the Vice President of Legislative Affairs at TPPF. Before joining TPPF, Stephanie spent most of her career in and around the state Capitol. Stephanie served as the Chief of Staff for State Senator Donna Campbell, M.D. A tireless advocate for school choice herself, Stephanie helped Senator Campbell spearhead a wide array of school choice legislation. Stephanie and her husband, Matt, are raising their two boys in Austin. They are currently teaching one of their sons to drive, which absolutely terrifies his mother.

Liberty will never spread through silence—we must meet with our adversaries for them to hear the truth, and when they refuse to hear it, we must keep our heads up high as the “cheerful warriors” we are and press on—respectfully—but unyieldingly. In many instances, our ideas take years to implement—if ever.

At the Foundation, we fight with our spirit “forged in 1836,” as it reads on our cornerstone. But we're not fighting to recreate the battle of the Alamo—we fight to avoid recreating it. We cherish our peaceful institutions, always in the spirit of those that laid their lives down for us in 1836, but with mutual respect for our opponents.

Fighting for liberty is a task that never ends. It doesn't stop at the end of the day when we go home. To us at the Foundation, it's more than a job—it's a way of life, and a mode of being. We do it for you, we do it for Texas, we do it for future generations, but most importantly, we do it for liberty—a cause that, in and of itself, is always worth the effort. ★

# HEALTHCARE: A PROBLEM THAT AMERICAN INGENUITY CAN SOLVE

By Annie Elliott

When Americans see a problem, they set out to find a solution. For example, in 1896 hotel porter Alfred L. Cralle noticed that his employer's ice cream servers struggled to dish the confection from their serving spoons, so he invented an ice cream scoop with a thumb lever that would cleanly and easily allow servers to dispense the gooey dessert. Fast forward through many years and countless inventions to 1988, when pilot Robert Plath nearly eliminated luggage-related traveler injuries by inventing the tilt-and-roll suitcase.

Yes, today thanks to good old American ingenuity, ice cream can be dished into cones and bowls with little effort, and even youngsters tow their own luggage through airports on family trips.

On the other hand, American healthcare has been, until now, presented by left-leaning policymakers as a problem that only they and their, one-size fits all big government bureaucracy can solve. This was, of course, the rationale for the Affordable Care Act—progressive legislation that has proven neither affordable nor caring. Those very same progressives are now advocating for an even larger, more expensive, and less caring solution they are calling “Medicare for All.”

Well, here at the Texas Public Policy Foundation, we take a different view.

We believe that entrepreneurial solutions can bring Americans affordable, patient-centered care, and can do so in ways that massive, constitutionally question-

able government mandates have failed to achieve. That is why we launched Right on Healthcare, a bold initiative to address the health care needs of everyday Americans.

## First Some History

In 2017, the TPPF Center for the American Future joined with Attorneys General from Texas and 17 other states filing suit to have the Affordable Care Act declared unconstitutional and free them to pursue alternatives appropriate to their citizens. By the end of 2019, the TPPF litigation team hopes to have a favorable ruling from the Fifth Circuit Court of Appeals that will refer the lawsuit to the United States Supreme Court.

## Multiple Scenarios, Multiple Solutions

As TPPPF awaits the results of our lawsuit, Right on Healthcare is preparing for all outcomes by developing health care reform proposals in case the ACA is declared unconstitutional and in case it remains intact.

What if ACA is declared unconstitutional? If we win and the Supreme Court rules that the Affordable Care Act is unconstitutional, TPPF will propose a state-level replacement plan for Texas that will include several innovative, market-driven options. This strategy will allow insurance providers to create products, such as indemnity plans and catastrophic health insurance policies, which consumers have previously found to meet their health care needs and financial means. Ideally, the state will also participate in a reinsurance pro-

“Like the countless inventors who crafted solutions to everyday problems, it is innovative thinking, choice, and entrepreneurial spirit that will solve America’s everyday health care delivery, quality, and affordability problems.”

gram to apply downward pressure on premium rates, while also having an assistance program for the most vulnerable patients.

What if ACA remains intact? The second solution, which will be implemented if our lawsuit is not successful, will focus upon 1332 Waivers. Under the ACA, 1332 Waivers allow for greater innovation in healthcare at the state level. Our plan will focus on leveraging this section of the ACA to empower states to innovate with market-based solutions to the current problems in the healthcare system. For Texas, the most sensible innovations include the use of personal health accounts, implementation of direct care models, and a reinsurance model with subsidies.

## Principled Policy Solutions

Beyond planning for the outcome of this lawsuit, Right on Healthcare is working on three policy solutions rooted in research that can increase healthcare freedom in Texas and will be advanced in the 2021 Legislative session.

**1115 Medicaid Waivers:** In the next legislative session, Texas’ partnership with Medicaid is eligible for renewal. This opportunity presents a great chance to introduce reforms through the 1115 Medicaid Waiver, which provides states with the flexibility to test new approaches to the healthcare system and can increase healthcare quality and affordability for all Texans.

**Physician Dispense of Drugs:** TPPF will expand upon our work in physician dispense policy, which allows doctors to dispense medication directly from their offices. This practice enhances physician care and was proven safe in previous TPPF-conducted research. Upcoming TPPF research will explore whether physician dispense also demonstrates patient cost savings.

**Medical License Reciprocity:** Physician licensing is expensive, and as a result, doctors are discouraged from practicing in multiple states. By negotiating reciprocity with neighboring states, Texas will increase the number of qualified physicians who can practice here, especially in rural areas, and subsequently improve the availability of care for all Texans.

Like the countless inventors who crafted solutions to everyday problems, it is innovative thinking, choice, and entrepreneurial spirit that will solve America’s everyday health care delivery, quality, and affordability problems. It’s this quintessential American ingenuity, not more government, more bureaucracy, and one-size-fits-all thinking, that will provide the health care solutions Americans need and deserve. ★

You can find more information about Right on Healthcare and patient-based health care proposals on the TPPF website at [www.TexasPolicy.com](http://www.TexasPolicy.com).



**Annie Elliott** joined TPPF in 2018 as the Grants Manager. Born and raised in Austin, Texas she graduated from Texas A&M University with a degree in psychology. During her time at A&M, she was involved in the Memorial Student Center (MSC), an organization comprised of several committees that produce programs for university students and the Bryan-College Station community members. As a senior, she served as the MSC President. Throughout high-school and college, Annie taught cooking classes at a local children’s cooking school. Currently, Annie enjoys traveling and baking, especially for her new husband, Thomas.

# SOCIALISM, NOT CLIMATE CHANGE, IS THE REAL THREAT

By Emma Roberts

It is preposterous to me that many of my peers are so afraid of climate change that they say they can hardly think about it. I think what they should really be afraid of is government overreach caused by such exaggeration over the effects of climate change.

Back in the 1960s, some scientists believed that by 1975, the human race would perish through famine caused by climate change. Funny thing, the human race is now 7.5 billion strong. Fast-forward 10 years to the 1970s, and scientists were claiming that the world was entering a new ice age, or, in other words, that we were imperiled by global freezing.

Now it is 2019 (about the same time scientists had predicted the world would be frozen over), and many of my peers, as well as plenty of adults, believe that the world is going to end due to global warming, and there is nothing we can do to stop it.

The hysteria over climate change has gone so far that many students my age are striking—skipping school every Friday to protest global warming. And they're demanding that Washington, D.C., fix it.

Washington has many, many things that it needs to fix, and many responsibilities and duties to uphold. Global warming, however, is not one of them. Studies show that if the U.S. fully implemented the Green New Deal, the temperature of Earth would

decrease by no more than 0.097 degrees Fahrenheit over a span of 30 years.

But the price of electricity would increase by almost 10 times its current amount. The price of gasoline would increase astronomically, so that drivers would have no choice but to drive Priuses and Teslas.

Further, it is estimated that in the state of Texas alone, such regulations would cause the loss of over a million jobs. And that's just in Texas; across the United States, the numbers would be devastating and the effects on our economy and society possibly irreversible.

None of this sounds like freedom to me, and that is because it is not freedom; it is government control. It is government control over the single black mother who now won't be able to afford her electricity. It is government control over the Hispanic immigrant who, because the construction machines he operates are not "eco-friendly," will lose his job and not be able to put food on the table for his family. This is not the American way. It doesn't make sense to implement regulations that do not solve the problem and yet adversely affect the American people so greatly.

The government wants control. And its excuse is the thin veil of only wanting the best for people and



the Earth. But the result of ceding so much control to government is that we will have no choice in what job we have, no choice in what car we drive, and no choice in the price we pay for our electricity.

That's not freedom. And frankly, the possibility of such government overreach scares me a lot more than global warming, which seems to be just another ridiculous scientific prediction. Yes, we need to be good stewards of the Earth. We need to take care of our natural resources, because they are the only ones we have. But the government cannot do it for us, and if it tries, it will only wreak havoc.

The good news is we are taking care of our environment; America's air and water are cleaner than ever, even as our economy has expanded and our population has increased. My peers should take note, so that in 20 years or 30 years or 50 years, we'll still enjoy the freedoms that set America apart. ★



**Emma Roberts** is a 17-year-old living in Liberty Hill, Texas. She is home-schooled and, when not reading about public policy, enjoys exploring the Texas Hill Country. Her column first appeared in *Real Clear Politics* on September 24, 2019.



## TPPF Launches "Step Up" with Ellen Troxclair

The Texas Public Policy Foundation has launched "Step Up", a podcast presented by former Austin City Council Member Ellen Troxclair. As the youngest woman and sole conservative on the Council, Ellen often felt her point of view was ignored in a sea of blue.

With the goal of inspiring women leaders for the conservative movement, Ellen's weekly podcast will showcase a different leader telling the amazing story of why and how she became active in policy and politics. "Step Up" with Ellen Troxclair is available on Apple Podcast, Google Play, Stitcher, and Pocketcast as well as the Texas Public Policy Foundation website.



ON OCTOBER 5TH, nearly 400 friends and supporters converged on the Bullock Texas State History Museum to celebrate the 30th anniversary of the Texas Public Policy Foundation.

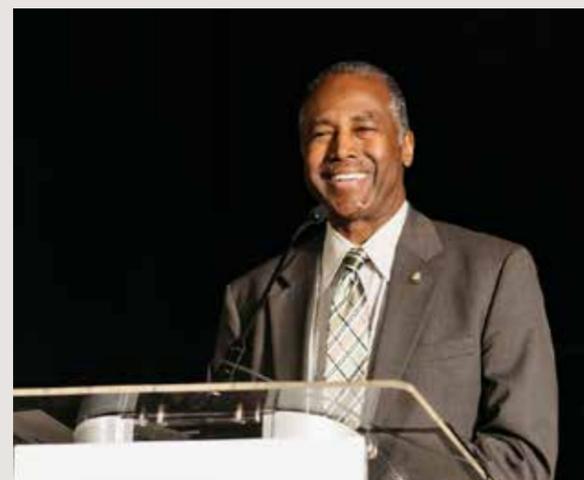
Among special guests were more than 20 state and national legislators including former United States Senator Phil Gramm, former United States Representative Lamar Smith, and Lt. Governor Dan Patrick.

Former TPPF President and CEO Brooke Rollins delivered remarks and introduced the evening's keynote speaker, The Honorable Ben Carson, M.D., Secretary of the U.S. Department of Housing and Urban Development. Dr. Carson was presented with the Ronald Reagan Award in recognition of his years of service as a conservative leader.



**Left:** TPPF Executive Director Dr. Kevin Roberts and Former TPPF President and CEO Brooke Rollins present the Ronald Regan Award to Dr. Ben Carson, Secretary of Housing and Urban Development.

**Right:** Guests gather for a cocktail reception in the rotunda of The Bullock Texas State History Museum.



**Top Left to Right:** TPPF guests, including Board Member Stacy Hock her husband Joel (at left), toast to 30 years of advancing liberty in the Lone Star State. | TPPF Founder Dr. Jim Leininger and his wife Cecelia smile in celebration of three decades of defending freedom throughout Texas.

**Middle Left to Right:** Dr. Ben Carson delivers a compelling speech as the evening's keynote speaker and Ronald Regan Award recipient. | Brooke Rollins (center, in blue), pictured with her family, delighted guests by sharing the history of TPPF and her experiences as Special Assistant to President Trump.

**Bottom Left to Right:** TPPF guests, including Board Member Doug Deason and his wife Jacki (at left), enjoy an evening of camaraderie with fellow patriots. | Chairman Emeritus Dr. Wendy Lee Gramm grins during one of the evening's captivating speeches.

# BUILDING A LEGACY FOR THE FUTURE

## LINDA RAINEY FILIPPONE



Linda Filippone

One of the newest members of the Lone Star Legacy Society, Linda Rainey Filippone, virtually inherited her love of the Constitution. She is a direct descendant of American Revolutionary Patriot Francis Rainey of Virginia, whose son Buckner fought in the American Revolution, and in whose honor Linda helped found the Francis Rainey Chapter of the Daughters of the American Revolution in Lubbock, TX.

A native of Cooper, TX, Linda holds degrees from Paris Junior College and the University of Houston College of Pharmacy. While at the latter, she not only earned a degree but met and fell madly for fellow pharmaceutical student John Filippone. The pair graduated in June, married in December, and immediately moved to New Orleans where John—and his brother and father before them—obtained a medical degree from the Tulane University School of Medicine. Linda stayed busy with their family, which grew to three children—two boys and a girl—by the time John graduated.

After completing his internship and residency in Obstetrics and Gynecology at Charity Hospital in New Orleans, LA, on the Vietnam War-era Berry Plan, John reported for duty to Cannon Air Force Base in Clovis, New Mexico. Here, he assumed a position as a Major and practicing OB/GYN at the base. Linda worked as a volunteer in the base pharmacy until childcare became an issue and she returned to full-time motherhood.

After John's Air Force commitment, the couple moved to Lubbock and established their permanent home. The Filippones had developed a love of art over the years, cultivating a collection of different paintings, sculpture, glass, prints, and ceramics that met the criteria "we bought what we loved."

Because of their love of art, the Filippones served the community as volunteers at The Museum of Texas Tech University. John chaired the Acquisition Committee of the Museum twice. Linda chaired several committees through the Museum Association, including purchasing up-and-coming art for the museum shop and curating two shows. Upon John's death, an endowed scholarship fund was established for students in Studio Arts, Graphic Design and Photography.

In addition to her volunteerism with Daughters of the American Revolution, Linda served in the Junior League and Youth for Understanding. Over a decade, the Filippones hosted ten foreign exchange students in their home. Then, Linda became an area representative and field manager for the organization, traveling the globe to meet prospective exchange students and families. Somehow, Linda also found time to obtain a license allowing her to become a clinical aesthetician and maintain a skincare salon in Lubbock.

In 2009, Linda lost John, her beloved husband of 50 years, and suffered a stroke. But her strength, medical knowledge, and the love of her close-knit family have helped Linda heal.

“TPPF is celebrating its 30th anniversary this year. The Foundation has integrity, and they do the right thing. I hope others will join me in creating a legacy of freedom and prosperity for our grandchildren that will help span at least another 50 years.”

Today, Linda is enjoying life and planning her legacy. She has provided for her children and seven grandchildren, but also wants to remember the organizations that are important to her. TPPF is honored to be one of those.

“John and I went through phases where we paid as much in taxes as we kept. This brought into focus how important what goes on in Austin is, and why we need TPPF to provide information and solutions to help our legislators make good decisions.” Linda goes on, “TPPF is celebrating its 30th anniversary this year. The Foundation has integrity, and they do the right thing. I hope others will join me in creating a legacy of freedom and prosperity for our grandchildren that will help span at least another 50 years.” ★



## OTHER WAYS TO GIVE ...

### Charitable Gift That Pays You Income

*Annuity Rates Scheduled to Fall beginning January 1, 2020*

Did you know there's a way for you to donate a legacy gift to the Texas Public Policy Foundation and realize dependable income in your retirement years?

You can fund a charitable gift annuity with a gift of cash or marketable securities. In return, you and/or a second beneficiary receive fixed income for life at a rate based on your age at the time of the donation. Benefits often include a current income tax deduction and fixed lifetime income.

Annuity rates currently range from 4.7% to 9.5% for folks who are between 60 and 90 years old. But rates are scheduled to fall an average of 0.5% on January 1, 2020. You have an incentive to invest in a Charitable Gift Annuity before 2020, so act quickly.

### Year-End Giving Through an IRA Charitable Contribution

As the end of 2019 approaches, remember that the IRA charitable designation is now permanent for individuals over 70 ½ years of age who are receiving minimum IRA distributions. Making a year-end charitable gift from your IRA may provide greater tax benefits to you, as it counts toward your annual Required Minimum Distribution. Especially taxpayers who take the standard deduction will benefit from the IRA charitable contribution, since ordinary charitable contributions are deductible only to taxpayers who itemize their deductions. Each taxpayer must evaluate their personal tax situation to determine the best approach to their year-end charitable giving.

*If you would like more information about investing in a Charitable Gift Annuity, donating from your IRA, or making another type of estate gift to the Foundation, please reach out to Shari Hanrahan at (512) 627-9831 or shanrahan@texaspolicy.com.*



# GUN LAWS WILL NOT PREVENT GUN VIOLENCE

By Derek Cohen, Ph.D.

With high-profile gun violence incidents like those in Odessa, El Paso, Santa Fe, and Sutherland Springs fresh in the minds of Texans, the call for policymakers to “do something” has steadily grown louder. From the expansion of background checks to the regulation of magazines to outright confiscation, everyone seems to have an idea of what policy interventions can stop these troubling events.

Yet the truth is that none of the policies are likely to have a meaningful impact.

The very reason these horrific acts capture the national spotlight is how relatively rare public manifestations of visceral carnage have become in recent years. Across all per capita metrics, gun violence has been falling in Texas. Texas’s firearm homicide rate is 25% lower than two decades ago.

The rifle homicide rate is down 63% across the same period, and the shotgun homicide rate is down more than 70%. Even the rate of aggravated assaults in which a firearm is used has been cut almost in half.

While these figures are a hollow comfort to the victims of gun violence, the silver lining is that the likelihood of being victimized by a criminal with a firearm is far lower today than in any time in recent memory.

Yet calls to “do something” persist. This is understandable given the visceral nature of these crimes and the political hay that is being made of them.

But the policies proposed thus far have not been shown to have a demonstrable effect where enacted.

Moreover, many of the proposals contain a direct infringement of the right to bear arms and self-defense as explicitly enumerated in the United States and Texas constitutions. Nearly all proposed policies target those who, up until the point of enactment, have been non-violent, law-abiding citizens.

Criminals, naturally, are not law-abiding. Those who would violate norms against violence do not do so but for the presence of a weapon. When a gun is not readily available, it is quickly and easily replaced. The problem is the violent nature of the individual, not the item through which it manifests. Efforts to reduce violence by regulating means is inherently foolish.

It is equally foolish to say that an ubiquitous phenomenon such as violent video games are casual triggers or influences for these violent events. It is only when the value of life has been reduced to such a degree that violence becomes more commonplace. The most violent cultures in human history predate video games, television, and cinema.

We care about the lives of those we love and hold dear. We seek to preserve those—and our own lives, as well—via the positivistic belief that if we just tweak the correct line of the state law we can cordon evil.

That is willful ignorance of the entirety of human history.

No law-abiding citizen should be stripped of the right to defend themselves, especially when those advocating its abridgement have yet to meet the modest burden of proof of showing that their policy position would make a difference. ★



**Derek Cohen, Ph.D.** is the director of the Texas Public Policy Foundation’s Right on Crime Initiative and the author of the new paper *Come and Take It: What Will—and What Will Not—Improve Public Safety in Firearm Violence Prevention*. Previously, Derek worked in security at the Cincinnati Zoo & Botanical Garden, or as he likes to call it “zoocurity.” These days, however, Derek fills his time with rugby rather than wrangling wild animals.

## TPPF READING CORNER

Educating the Next Generation to Live Free

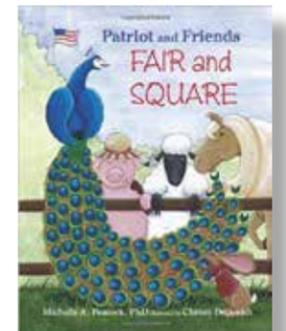
Suggestions by Thomas Lindsay, Ph.D.

WITH HOLIDAY GIFT-GIVING JUST AROUND THE CORNER, TPPF and Dr. Tom Lindsay offer a selection of reading recommendations for patriots aged 4 and above.

### AGES 5-10

*Patriot and Friends: Fair and Square Hardcover* by Michelle A. Peacock (Author) and Christy Beckwith (Illustrator)

Join Patriot and his friends in this beautifully illustrated and thought-provoking story as they learn a valuable lesson about the destructive nature of envy. Readers are challenged to find reference to an analogous Bible verse embedded in one of the illustrations.



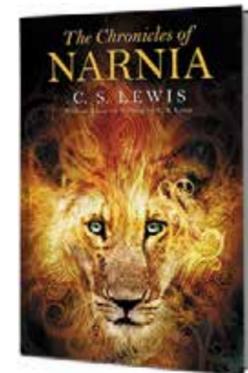
### AGES 11-17

*The Chronicles of Narnia* by C.S. Lewis

The Chronicles of Narnia is a series of seven high fantasy novels, which are considered a classic of children’s literature and the author’s best-known work.

*King Arthur and His Knights of the Round Table* by Roger Lancelyn Green

King Arthur is one of the greatest legends of all time. From the magical moment when Arthur releases the sword in the stone to the quest for the Holy Grail and the final tragedy of the Last Battle, the author brings the enchanting world of King Arthur stunningly to life.



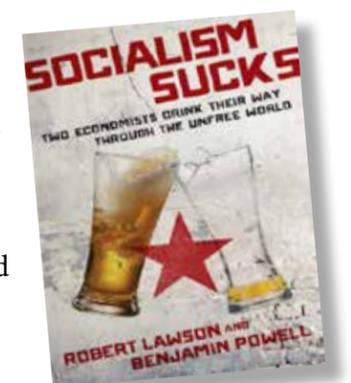
### YOUNG ADULTS AND ABOVE

*The Thomas Sowell Reader* by Thomas Sowell

This is a one-volume introduction to over three decades of the wide-ranging writings of one of America’s most respected and cited authors. These selections from the many writings of Thomas Sowell cover social, economic, cultural, legal, educational, and political issues. Topics range from late-talking children to “tax cuts for the rich,” baseball, race, war, the role of judges, medical care, and the rhetoric of politicians.

*Socialism Sucks* by Robert Lawson, Ph.D. and Benjamin Powell

Today, it seems that many Americans—young and old—are flocking to the socialist banner, although most seem to have missed Economics 101 and the catastrophic consequences of socialism throughout history. Luckily, two honest but irreverent economists—both acquaintances of TPPF staff—have toured the socialist world from Venezuela to Cuba to North Korea and more—offering an understandable analysis of why there are no new cars in Cuba, no lights at night in North Korea, and a shortage of good beer in socialist countries. This is a book that every American who values freedom and sound economics (and good beer) needs to read and is a great introduction to economics for college students.



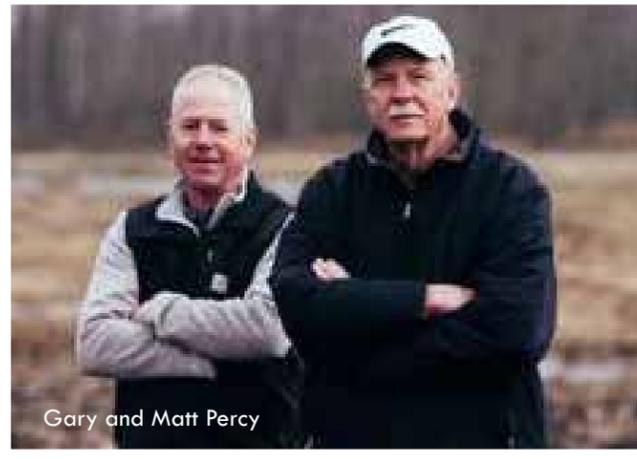
# Happenings & UPDATES



## Again ... TPPF Litigation Center Stands Up for Property Owners

In the summer of 2018, Gary and Matt Percy cleared a multi-acre lot on industrial property they owned adjacent to their trucking business in Canton Township, Michigan. They already owned a nursery, which is why they replanted this plot with 1,000 Christmas trees in the hope of bringing holiday joy to their community.

Well-respected small businessmen, the brothers checked regulations beforehand, and believed they qualified for an exemption from any permits based on their existing nursery license and because state law actually required the removal of invasive species. In fact, the lot had been a useless eyesore filled with brush, scrub, and invasive species.



Gary and Matt Percy

Well, that was not the interpretation of Canton Township. They slapped Gary and Matt with a \$450,000 fine for removing “trees” without a permit from their own property. According to Township lawyers, the regulation requires property owners to obtain a permit and to replant or pay a fine of \$450 for every 3-inch wooded stem removed. Their fine estimate was based solely on the number of trees “estimated” to fit onto the acreage, which had already been cleared and replanted.

After hearing about their plight, attorneys with TPPF’s Center for the American Future signed on to represent Gary and Matt in a civil rights lawsuit citing violations of the Fifth, Eighth, and Fourteenth Amendments.

As soon as the suit was filed, Township lawyers began harassing the men’s business operations, falsely alleging their trucking business buildings were not properly permitted. In fact, the Percy brothers had held all required permits and operated from those buildings for a quarter century, employing 700 workers. So, TPPF lawyers countered with a second lawsuit aiming to stop Canton Township from attempting to bully and intimidate Gary and Matt so they can operate their business and their case can proceed.

This case is not just about two businessmen from Michigan who wanted to improve their property and grow some Christmas trees, it is about establishing important precedents in defense of property rights for all Americans. Look for more news on this case following arguments in January 2020.

## TPPF Helps Fights Horrific Government Overreach

In late June, 4 year-old Drake Pardo was taken from his family by Texas Department of Family and Protective Services (DFPS) and uniformed police officers over an allegation against his parents for “medical child abuse.”

Making a long story short, Drake has a complicated health history. During his short life, he has had brain surgery, was diagnosed with cerebral palsy, struggled with serious eating issues, and may have autism. After his physician refused to visit him during a multi-day hospitalization, Drake’s parents, Ashley and Daniel Pardo, filed a complaint against Children’s Medical Center. His physician passed Drake’s file along to Dr. Suzanne Dakil, a member of the Child Abuse unit at the hospital, who reviewed his case and filed a report with DFPS without ever examining Drake in person. Based on Dr. Dakil’s report, Child Protective Services (CPS) got an emergency court order authorizing the removal of Drake into foster care.



The Pardo family

Subsequently, Dr. Dakil testified in court that she had not met Drake’s parents, did not recommend Drake’s removal from his family, nor did she believe his case was an emergency. In addition, the DFPS investigator and her supervisor admitted in court that they had no knowledge of any wrongdoing by the parents and had not pursued other avenues for addressing concerns. The CPS caseworker and supervisor also admitted under oath that they never notified the family of the allegations against them and withheld other important information in violation of both state and federal law. Nevertheless, a judge approved that DFPS would retain custody of Drake and approved the department’s request for an unconstitutional gag order on Ashley and Daniel.

By early August, DFPS demanded that the Pardos admit in court to child abuse and mental health issues in order to have Drake returned. Of course, doing so would be an admission of guilt and expose them to possible criminal liability that could have resulted in the loss of their other children. The judge in that hearing chastised DFPS for such ridiculous demands and for again failing to follow state law and department policy in the creation of the family’s service plan.

Fortunately for the Pardo’s, they had legal representation by the Texas Home School Coalition, and help from their State Senator, Bob Hall. The TPPF Center for Families and Children (CFC), while not a party to the case, was involved with the case from the day Drake was removed, raising awareness of the issue among legislators and participating in efforts to reunite Drake with his family. CFC and TPPF’s Center for the American Future served as amicus counsel for 12 members of the Texas Legislature on a brief filed with the Supreme Court of Texas highlighting DFPS overreach and violation of state and federal law in the conduct of the investigation.

Thanks, in part, to our work on this case, the Supreme Court of Texas issued an emergency stay on October 24 ordering the immediate return of Drake to his family. The Pardo family’s petition remains pending before the Court, and we will provide updates as this important parental rights case continues to develop.



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