



2011 • Year in Review

Review

Restoring Science, Accountability, and Liberty in the Environmental Policy Debate

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Executive Director's Update

American Tradition Institute (ATI) was launched in September 2010 and we have had an amazing inaugural year. Since our founding, ATI has grown considerably in talent and impact. We now boast four stellar staff members with decades of experience in environmental policy issues. In addition, our team of 14 advisors and fellows bring a wealth of knowledge and expertise to the organization.

ATI's specialty lies in our utilization of a three-pronged strategy to advance responsible, economically sustainable environmental policy, while reversing harmful policies that offer little or no environmental benefit. We combine traditional "think tank" public policy research with investigative journalism and game-changing litigation. Our combination of expert policy analysis, exposing truth and redressing wrongs in court advances the cause of liberty, and is quickly building a strong foundation for sensible environmental policy for future generations.

As you will read throughout this newsletter, 2011 has been an extremely successful year, and there is much more to do. We have exposed the truth surrounding climate alarmism, environmental extremism and misguided and counterproductive energy policies. Our efforts in public policy research, specifically in regards to renewable energy mandates, are paving the path for policy reform and, lastly, our litigation center is moving at full speed: we have filed a series of landmark Freedom of Information requests and lawsuits challenging the anti-freedom environmentalist agenda.

The time for ATI is now. In 2012 we will be expanding our research efforts with goals to reverse the trend of massively wasteful, politically driven and often environmentally harmful public policy. Our investigative journalism team will be ever vigilant in exposing those who use alarmism to enrich themselves at the expense of the taxpayer. Finally, our litigation team will be tackling the legal aspects of environmental policy by holding policy makers accountable and making sure environmental policy aligns with measurable protections for the environment and with the United States Constitution and what our nation's founders envisioned for the greatest country on earth. In short, we will defend the American Tradition.

We cannot accomplish these important goals without the generous support of our contributors, whom, like us, are passionate about putting the United States on the right path. I urge you to support our efforts before irreversible damage is done to hard-working citizens and small businesses, and to America's ability to economically compete in the global economy.

-Tom Tanton, Acting Executive Director

Public Policy Research

ATI Cost of Renewables Study Leads to a "Green Power" Pushback in Ohio

Win on challenge to Commerce Clause violation could yield hundreds of billions in economic relief to business, consumers

American Tradition Institute conducted studies exposing the costs of renewable energy mandates in seven states – and in response, the legislatures in five of those states sponsored bills to roll back or repeal those mandates.

ATI's economic analysis of Ohio's Alternative Energy Portfolio Standard (AEPS) released in August 2011 gained significant traction in the state. Ohio State Senator Kris Jordan introduced a bill that would repeal the mandate forcing utilities to purchase expensive renewable energy. Sen. Jordan cited ATI's study which argued that the standards would force Ohioans to pay \$8.6 billion more for electricity between 2016 and 2025, with negligible environmental benefit.

Ohio's AEPS requires that at least 12.5 percent of electricity generation come from renewable sources by 2025, and another 12.5 percent come from other advanced-energy sources such as nuclear power and clean coal. This is a detrimental mandate for Ohio as it struggles to grow its economy.

"With one of the worst recessions in recent memory still fresh in our minds, the last thing we need to do in Ohio is drive up the cost of energy for both Ohio families and Ohio businesses, and that's exactly what

the Alternative Energy Portfolio Standard does," said Sen. Jordan.

ATI's Paul Chesser wrote an op-ed for the Akron Beacon-Journal about the misguided mandate just in time for Gov. John Kasich's Energy and Economic Development Summit in Columbus. This led to a request by the governor's office to have ATI's acting executive director Tom Tanton attend the summit.

ATI received coverage of both the legislation and the research in major state media including the Toledo Blade, Columbus Business Journal, Columbus Dispatch, Associated Press and television airtime on the Ohio News Network.

ATI released similar economic analyses for Delaware, Minnesota, New Mexico, Colorado, Montana and even a national study. ATI's public policy research has and will continue to play a critical role in turning the tide on expensive and ill-advised renewable energy mandates across the country. ATI plans on building on these efforts to cause a significant public policy shift in 2012 and beyond.



**Environmental
Law Center**

Revealing The Follies And Unconstitutionality Of Renewable Energy Mandates

Win on challenge to Commerce Clause violation could yield hundreds of billions in economic relief to business, consumers

668 views

loaded by [ATIEnergyEnvrmt](#) on Aug 12, 2011

In August of 2011, American Tradition Institute released a three-part video series drawing attention to ATI's Environmental Law Center case against the State of Colorado. The case claims that the state's Renewable Energy Standard, which forces Colorado citizens to purchase renewable energy sources, violates the Commerce Clause of the U.S. Constitution. The result of this case will draw significant attention to the vast overreach of government and may have a tremendous impact on dialing back renewable energy mandates across the country.

In Part 1, Dr. David Schnare, Director of the Environmental Law Center, discussed why forcing wind energy on the electrical grid produces more carbon dioxide emissions and pollutants than electricity generated by fossil fuels. "We're putting wind on trial because people don't understand the facts behind wind," Dr. Schnare said. "We believe that if people knew how variable wind was, and how dirty it was, if they knew the wind was neither free nor clean, then they may not have government demand its use."

In Part 2, he explained why Colorado's Renewable Energy Standard is a violation of the Commerce Clause. "Under the Commerce Clause, a state cannot set up a boundary at the state line — [its] some kind of a hurdle for out-of-state people to get involved and to be in their marketplace," stated Dr. Schnare.

In Part 3, he explored what the possible outcomes might be should Colorado's Renewable Energy Standard be declared unconstitutional. "What is likely is they will turn to Washington and say, 'give us a federal law that does what our state law does,' and they will lobby for that," Dr. Schnare says, "When that fails, the marketplace will then have an effect, and the marketplace will say, 'take wind off the grid; it's not a good deal.'"

All three videos can be viewed at American Tradition Institute's web video channel at www.atinstitute.org.

**Investigative
Journalism & Litigation**

Exposing NASA Climate Scientist for Raking in Millions from Alarmist Claims

ATI's second FOIA/legal win sparks international debate over taxpayer-protecting FOIA laws

ATI went on the offensive this year to investigate the unethical behavior of famed taxpayer-funded climate alarmist Dr. James Hansen. Dr. Hansen is the top climate scientist at the National Aeronautics and Space Administration (NASA) and director of the NASA's Goddard Institute for Space Studies. He has repeatedly shown his biased nature by attending and even being arrested and taken away in handcuffs by police at environmental activist protests and rallies. ATI investigated Dr. Hansen for using his position with NASA to enrich himself through outside employment.

After refusing to release Dr. Hansen's public financial records, ATI sued NASA. NASA originally refused to make public any forms pertaining to Dr. Hansen's outside employment by invoking the Privacy Act and calling their release "a clearly unwarranted violation of Hansen's privacy". Withholding employment forms is inappropriate because Dr. Hansen, like other federal employees of the highest levels of pay and responsibility, waives certain privacy interests as a condition of his employment. In fact, Dr. Hansen is required to file permission forms before pursuing outside employment opportunities. These requirements include an annual public financial disclosure that is vastly more detailed and personal than the one-page application for permission to engage in outside employment and other activities. This procedure also holds for other senior government officials including Members of Congress, Supreme Court Justices, the President and Vice President.

In late September, under pressure from Freedom of Information Act request and subsequent lawsuit against NASA, ATI's Environmental Law Center finally received Dr. Hansen's 2010 public financial disclosure.

The disclosure revealed that Dr. Hansen received between \$236,000 and \$1,232,500 additional outside income in 2010 relating to his taxpayer-funded employment, which included:

- Between \$26,008 and \$72,500 in honoraria for speeches
- Between \$150,001 and \$1.1 million in prizes
- Just under \$60,000 in the form of in-kind income for travel to his many outside-income generating activities

The documents also revealed Dr. Hansen's lavish "in-kind" benefits, which included apparent first-class travel for him and his wife on trips to Australia, Japan and Norway. The disclosure raises the question of whether Dr. Hansen wrongly submitted forms in previous years, which he left blank and attested "none" in the space where he is required to report travel expenses taken as part of his outside employment.

As ATI detailed in its lawsuit against NASA, Dr. Hansen admitted supplemental income began after he escalated his public (and often political) global warming advocacy; for which outside parties have rewarded him spectacularly.

Chris Horner, Director of Litigation for ATI's Environmental Law Center, makes clear that Dr. Hansen very well may be the country's first millionaire bureaucrat — thanks to the flood of outside income since 2006, all clearly related to his public employment.

ATI will continue to go after biased public officials who use their taxpayer-funded positions to spread climate alarmism and subsequently enrich their own lives.

Public Policy Research
& Investigative Journalism

Exposing Fraudulent Claims of the Dangers of Hydraulic Fracturing

ATI expose' reveals big-money-funded anti-jobs campaign

Hydraulic fracturing or “fracking” is one of the greatest technological advancements in recent times, enabling access to large amounts of the nation’s energy resources that were previously inaccessible. As with any energy developments, fracking is now under attack by environmentalists across the country. One of ATI’s key missions is to investigate and hold the media and anti-energy environmentalists accountable for false claims and biases. In the past year, ATI’s Paul Chesser published reports, issued press releases and garnered media attention in order to educate the public and policymakers on the importance of fracking to lower energy prices and boost economic growth.

The fracking misinformation campaign hit mainstream in June of 2011. The New York Times ran a dubiously sourced series of stories painting fracking in a negative light. Chesser exposed how New York Times reporter Ian Urbina seemed to rely heavily on a Texas-based shale gas critic for his articles. Chesser asked New York Times public editor Arthur Brisbane to address the stories’ credibility. Brisbane did, writing, “My view is that such a pointed article needed more convincing substantiation, more space for a reasoned explanation of the other side and more clarity about its focus.”

Unfortunately more biased attacks ensued. ProPublica, which describes itself as an independent non-profit newsroom, published about 120 one-sided stories dedicated to alleged problems with the gas industry and fracking. Their position was the typical mantra of extreme environmentalists: government is not doing nearly enough to control everything involving big business. Abrahm Lustgarten, ProPublica’s reporter, showed his prejudice in 2009 when Wyoming groundwater regulator Mark Thiesse stated in an email, “I spent several hours on the phone and around a dozen follow up emails to try and help [Lustgarten] write a factual article. Unfortunately he seemed to have his own agenda.”

In an effort to thwart misunderstandings on fracking, Chesser coauthored a policy brief titled “The Great Frack Attack” discussing the distortions of reality on the natural gas industry and revealing some of the top foes against an energy industry that has already spurned thousands of jobs in Pennsylvania and even more across the country.

After the report was released, Chesser went on radio to discuss his findings and the misinformation coming from left leaning media and ProPublica. He was featured on Big Talker Morning Radio in North Carolina and on the Amy Oliver Show in Colorado in early August.

But media distortions aren’t the only problem. Panicking environmental extremists also spread misinformation. Earthjustice, an environmental non-profit specializing in lawsuits, stated, “A widening shale gas revolution is killing the economics of renewable energy, even as falling costs allow wind and solar to overtake fossil fuels in niche areas.” One of their major qualms over fracking is that it happens to be such a reliable and affordable energy source that it is hurting their unreliable, not to mention heavily taxpayer subsidized, renewable energy sources.

To counter these attacks, Chesser wrote two articles for the widely read American Spectator. These articles revealed the promising future of natural gas in the U.S. if the government and environmental organizations don’t successfully impede. Chesser listed a comprehensive reform of federal leasing, permitting and environmental analysis processes to expand energy resource development. Chesser also showed how a moratorium on any new or expanded regulations and relief from unreasonable litigation that only seeks to obstruct or delay efforts to access energy will create an industry that will jumpstart the American economy.

In 2012, ATI will continue to highlight the importance of accessing domestic energy sources and countering alarmist claims by environmentalist groups, left leaning reporters and politically driven government agencies.

Litigation & Investigative Journalism

Transparency in Climate Science? Apparently Not.

Creator of discredited "Hockey Stick" graph desperate to shield taxpayer-owned emails from ATI lawsuit and public review as "Climategate 2.0" heats up

1200 1400 1600 1800
Year

American Tradition Institute's (ATI) Environmental Law Center decided to bring transparency to the climate debate by invoking the Freedom of Information Act (FOIA) request to access emails of a famed and controversial climate scientist, Dr. Michael Mann. Dr. Mann is the author of the famed "hockey stick" graph which purported to show dramatic increases in 20th century global temperatures. Unfortunately, the University of Virginia (UVA) and other notorious climate scientist friends of Dr. Mann worked to "hide the decline" (as well as erasing the Medieval Warming Period) and attempted to block efforts to allow research and communication to be made publicly available. ATI is now gaining traction in allowing the public and other scientists to review Dr. Mann's controversial communications and research.

ATI's Freedom of Information Act request seeks to make Dr. Mann and over 30 other global warming scientists' emails and data available to the public which may ultimately shed light on how climate science has been tampered with. After Dr. Mann and UVA refused to release all emails and data, ATI took action and filed a lawsuit. The ability to research, investigate and litigate is one of the unique and influential aspects of ATI. Not surprisingly, Dr. Mann entered as an interested party in the lawsuit to prevent the review of his UVA emails and data that support his alarmist claim of climate temperature escalations. Despite using a taxpayer-funded email system at UVA, Dr. Mann feels he has the right to prevent the public from seeing what he says are "private" emails.

Furthermore, Dr. Mann enlisted fellow scientists involved in the Climategate scandal – and now Climategate II - to

help him fight ATI's transparency efforts. Dr. Mann's appeal to the Prince William County court where ATI's case is being heard included supportive letters to UVA president Teresa Sullivan from four of his cohorts.

The first backer of Dr. Mann was Rosanne D'Arrigo, a tree-ring reconstructor at the Earth Institute at Columbia University, who is famous for explaining to the National Academy of Sciences that "cherry picking" is necessary "if you want to make cherry pie" indicating she is completely comfortable towards releasing biased science.

Next, standing behind Dr. Mann was Dr. Ben Santer of Lawrence Livermore National Laboratory, who is known for his Climategate-revealed plans to "beat the crap out of" somewhat skeptical climatologist Patrick Michaels. Santer also had erased statements that stated global warming was not attributable to human activities from the eighth chapter of the 1995 United Nations International Governmental Panel on Climate Change (IPCC) report, which also set off integrity alarms. In addition, Santer does not believe that his government-funded email communications belong to taxpayers. "Professor Mann's only 'transgression' is that he has performed cutting-edge research in the public and national interest," Santer wrote to Sullivan. ATI believes scientific claims made in the public interest should be available to the public as Dr. Mann and other Climategate-involved scientists have published research that affect national and international public policy to the tune of trillions of dollars in cost to both public and private sectors.

The third scientist supporting Dr. Mann is Kevin Trenberth of the National Center for Atmospheric

Research. His Climategate scandal fame is derived from his concern about a “travesty” that “we can’t account for the lack of warming at the moment,” in addition to his other failed predictions such as future hurricane horrors. He also worked to keep skeptical scientists out of scientific journals. In writing to Sullivan, Trenberth made sure she knew how “distinguished” and “prominent” he is while he urged her to hide Dr. Mann’s emails from public scrutiny, citing “academic freedom”.

In his attempt to intervene in the ATI case, Dr. Mann also made his own plea to Sullivan and the university lawyers. “Allowing the indiscriminate release of these materials will cause damage to reputations and harm principles of academic freedom,” he wrote. This seems oddly

suspicious knowing that the majority of the scientific community would agree that research should be transparent to allow for scrutiny and review.

Due to the continuous pressure the ATI staff has imposed upon the University and Dr. Mann., ATI has successfully been granted permission to review Dr. Mann’s emails and data which UVA has fought to keep private. There will be a hearing soon in which ATI and UVA will argue which emails should be disclosed publicly.

ATI will continue to seek justice for the taxpayer and accountability for publicly funded science by challenging those who seek to hide information and data regarding their research.

Media Impacts

ATI 2011 Media Impacts



**Radio & Television
Appearances**

69

Avg 6 per month



**Op-eds &
Blog Articles**

360

Avg 30 per month



**Citations
& Reprints**

290

Avg 24 per month

A core component of ATI’s mission is to educate individuals and policy makers in ideas which restore science, accountability, and liberty in the environmental policy debate. ATI accomplishes this mission through all forms of media, traditional and new, reaching nationally and globally.

ATI staff members are passionate and articulate writers and researchers. This has translated into more than one op-ed or blog article either in print or online for almost every single day of the year. ATI’s public policy research,

investigative reports and litigation were cited in numerous media outlets nationally and internationally totaling close to one citation a day. ATI was featured on a radio or television station more than once a week in 2011. With over 60,000 social media interactions and appearing several times on the Drudge Report and Fox News, ATI has reached tens of millions of Americans.

All of these media hits mean more Americans and policy makers are hearing the important message of freedom and sensible environmental policy.

American Tradition Institute Thanks YOU!

The time has never been better to educate and "move the needle," because the people are paying attention.

ATI could not be fighting back against expanding government or going on the offensive to take back our liberty without the support of our generous and passionate donors. The ATI staff, advisors, fellows and all Americans owe our supporters a debt of gratitude. None of our work could be possible without you.

Unfortunately, every day another misguided regulation is proposed, another student is taught that government is the answer to all problems and another environmental policy is enacted that takes away our essential freedoms.

In order for ATI to continue the battle for freedom and sensible environmental policy, we need your help.

You are vital to putting this nation on the right path!

Instead of donating a portion of your liberty to the United States government, consider making a tax-deductible donation to the American Tradition Institute.

About ATI

The biggest long-term problem facing the environment is the assault on the American traditions of free enterprise and limited government, which are essential to solving and financing solutions to complex environmental problems. American Tradition Institute is a free-market, non-profit public policy organization and public interest law firm dedicated to restoring science, accountability, and liberty to the national discussion about environmental issues, including air and water quality and regulation, responsible land use, natural resource management, energy development, property rights, and free-market principles of stewardship. ATI's staff fulfills our mission by providing cutting-edge, valid research and litigation support on essential environmental policy issues and packaging, presenting and promoting these findings to lawmakers and agencies and their staff, traditional and new media outlets, policy and academic institutions, and the public at large. ATI relies on the generous donations by individuals and employers who share our values.

Organization Information & Tax Statement

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