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THE WALL STREET JOURNAL.

This story by our Houston based reporter Jon Cassidy originally appeared in The Wall Street Journal on September 9, 2016.

Texas Janitors Mop the Floor With a Bullying Union

A jury awards a cleaning firm \$5.3 million, holding the SEIU accountable for its intimidation campaign

BY JON CASSIDY AND CHARLES BLAIN

Big unions play hardball, and most of the time it works. Not this week in Texas, however, where a jury awarded \$5.3 million in damages to a local cleaning firm targeted by the Service Employees International Union. Although disparagement claims are difficult to prove, the owners of Professional Janitorial Services of Houston showed that SEIU Local 5 had tried to destroy them with a campaign of misinformation about how they treated workers. The firm's attorney, John Zavitsanos, says that this is the first time a jury has held the SEIU responsible for defaming a business.

In 2005, the SEIU decided to try to break into Houston by pushing "justice for janitors." It began persuading the biggest janitorial companies in town to accept Local 5 as the representative for their workers. Five firms agreed. The sixth was Professional Janitorial Services.

The union wanted to organize workers through "card check," which allows it to pressure workers one by one to sign an "authorization for representation." But PJS insisted on a vote by secret ballot, as is its right.

The union responded with a campaign whose goals, according to internal emails entered into evidence, were

continued on page 2

IN THIS ISSUE



MEET ASHE SCHOW

Our higher education reporter
page 3



WIND TURBINES THREATEN PROPERTY VALUES, AGAIN

page 4



A PROFESSOR TAKES ON HER ADMINISTRATION

And defends a student
page 6



HIGHLIGHTS FROM THE STATES

News from across the nation
page 10

The agency retaliated against him for blowing the whistle, inflicting him with harassment, additional work assignments, and unreasonable deadlines.

to “cost PJS money” and “cost PJS accounts.” It accused the company of withholding workers’ pay, forcing them to work off the clock, and firing those involved with the union—none of which was substantiated.

The union filed “unfair practices” complaints against the company to the National Labor Relations Board, then withdrew some of them before they could be disproved. It filed a lawsuit against PJS that was dismissed. Mr. Zavitsanos argued to the jury that the union was trying to use these processes to libel-proof itself, since it cited the legal actions to substantiate its attacks on PJS.

The union sent letters to the building-management companies that contracted with PJS, spreading accusations. It circulated vicious fliers at disruptive demonstrations. One building manager said in a deposition that she fired PJS after protesters stormed her conference rooms while tenants were using them. PJS lost a dozen contracts. Usually somebody from Local 5 would email a colleague to take credit, which made damages easy to prove once the emails were discovered. In 2007, PJS announced in a press release that it would sue the union for “harassing and intimidating our customers along with companies and individuals that may be contemplating doing business with us.”

Mr. Zavitsanos argued to the jury that the Local 5 was operating out of an official SEIU playbook. This document, called the “Contract Campaign Manual,” surfaced five years ago in a different case, a racketeering lawsuit brought against the union by the food-services company Sodexo, which ultimately was settled. The manual advised union workers to “disobey laws which are used to enforce injustice against working people” and to threaten managers with accusations of racism or sexism.

“It may be a violation of blackmail and extortion laws to threaten management officials with release of ‘dirt’ about them if they don’t settle a contract,” reads one passage. “But there is no law against union members who are angry at their employer deciding to uncover and publicize factual information about individual managers.”

The union’s former in-house counsel, Darin Dalmat, who testified in Houston, denied that he had ever seen the playbook. He was left dumbfounded on the stand, however, when Mr. Zavitsanos pointed out that he had served as counsel for a few of the unions in the Sodexo case.

The SEIU also denied orchestrating complaints from workers at PJS, but the jury was presented with emails from a union official saying that “each organizer must get two new plaintiffs each week.” PJS argued that some of the complaints were from people they had no record of employing, and that others were clearly from “salts,” union operatives who had applied for jobs and gotten themselves hired by the firm.

Of about two dozen complaints filed, only one amounted to anything: An employee in 2008 received a settlement of \$1,854 for a claim of overdue wages. But she was a problematic witness. During the campaign against PJS, she had filed workers’ compensation claims for an arm injury and a respiratory infection caused by inhaling cleaning chemicals. Yet the jury saw the evidence that lost her those claims in 2006—photos of her smoking cigars, wearing protective gear at work, heaving giant trash bags, and slipping into a sling in the parking lot before a hearing.

Mr. Zavitsanos closed with a secret recording that the company’s CEO made of a union leader playing good cop with him.

continued on page 11

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Staff Spotlight: Meet Ashe Schow

Franklin Center's New Higher Education Reporter



Ashe Schow was born in Portland, Oregon but grew up in Orlando, Florida, where school teachers kept politics out of the classroom. When she moved to Massachusetts, however, things were different. All day she heard about how Democrats were amazing and Republicans were monsters. Her dad, a Republican, would dispel the untruths she was told in school.

Still, she was not very political at the time, and attended Florida State University with the pipe dream of becoming a best-selling fiction writer. Prior to her senior year, however, she interned for a South Jersey congressional candidate, and fell in love with campaigning and politics.

When she graduated college, she returned to South Jersey to work on local elections, and was eventually hired by Heritage Action as their deputy communications director, where she began blogging about politics. She eventually moved over to the Heritage Foundation to edit and blog, where one of her articles caught the attention of the Washington Examiner and she was hired there.

For the first year at the Examiner, she wrote mainly about energy policy, but in 2014 she discovered the lack of free speech and due process on college campuses and found her true calling. Since then she has made a name for herself covering these issues, which resulted in her appearing in a Fox News documentary on campus due process and getting the principle role in an as yet unfinished documentary about campus free speech.

Her commentary on campus issues and general politics also landed her a gig as senior political columnist for the New York Observer, where she covers the political news of the day.

She is excited to join the Franklin Center and looks forward to shining a brighter light on what's happening on our nation's college campuses.

Q: Who has influenced you most as a journalist?

A: My biggest influences as a journalist have been Christina Hoff Sommers, who taught me to read and think about the "studies" written about in other publications that attempt to prove women are oppressed in America, and KC Johnson, who helped expose the

Duke Lacrosse hoax. It was a blog from Johnson that got me interested in the campus due process issue.

Q: What's the biggest journalistic risk you've ever taken?

A: My biggest journalistic risk was defending a man accused of sending explicit Facebook messages to a minor.

Police found no evidence of these messages outside of a screenshot from the accuser, but prosecutors dragged out the case for seemingly political reasons. The man was targeted because he had just been named the leader of a local Republican Party in California and was criticizing Anthony Weiner on social media. Suddenly he found himself accused of the same thing that brought Weiner down. Eventually the charges were dismissed and he attempted to sue the prosecutors. The story has gotten even weirder since I published that article, but due to a lack of evidence and ability to name the real perpetrator, I have been unable to finish it.

Q: Why did you become a journalist?

A: I became a journalist by accident. I wanted to be a fiction writer, but when I fell in love with politics and began blogging, I knew I found my career. I just want to debunk the myths and narratives perpetuated by a corrupt media more interested in clicks than the truth.

Q: Who would you most like to interview, living or dead?

A: I would most like to interview Hunter S. Thompson. Random, I know, based on everything else I've written, but I just find him fascinating and frightening and would have loved to have known what made him tick.

Q: What's your favorite book?

A: My favorite book is *The Fountainhead* by Ayn Rand. And not to seem like a one-noter, but KC Johnson and Stuart Taylor's book about the Duke Lacrosse hoax is an inspiration. I hope one day to write a similar book. ●



THE REST OF THE STORY

Wind turbines have Grafton property owners fearing for their homes

BY MICHAEL BIELAWSKI AND BRUCE PARKER / OCTOBER 14, 2016

Part of the power of Watchdog is our ability to make a big impact on the local level by putting a human face on public policy. That's exactly what we did in the case of two small Vermont towns fighting a David vs. Goliath battle against a large foreign wind energy corporation.

Voters were given the chance to weigh in on a proposed 24 turbine wind project on Election Day. Before they went to the polls in Grafton and Windham, we talked to residents about their concerns and amplified their voices. When the votes were tallied, both towns rejected the wind turbines, and the wind energy company has vowed to respect their wishes.

Property owners in Grafton fear that the Stiles Brook Wind Project will have a devastating impact on their homes, lives and dreams in Vermont.

“One of the reasons I love Vermont and have lived here since 1974 is the relatively pristine environment and the wildlife,” said Jud Hartmann, a resident who has lived in the town for decades. “This project would devastate that. It would be absolutely awful.”

In particular, Hartmann said he worries his home’s value will be lost along with the pristine nature and wildlife that helps makes Grafton, a town of about about 600 residents, a charming southern Vermont destination.

In an election year such fears can change votes. Hartmann, a Democrat, says the threat of industrial wind turbines is so troubling that he is crossing party lines for the first time to vote Republican.

“I’m just keeping my fingers crossed that Phil Scott is elected governor,” he said. “... I hope the Democrats in Montpelier are able to wake up and say ‘Hey, people are not for this thing.’”

Phil Scott, a Republican from Barre, vowed to protect Vermont ridgelines against Big Wind. Sue Minter, a Democrat and native of Bryn Mawr, Penn., says wind energy is necessary to make Vermont 90 percent renewable by 2050.

Hartmann also has concerns about the town’s tourism, as Grafton is known nationally for its idyllic scenery and atmosphere. Dara Continenza, writing for travel guide SmarterTravel.com, listed Grafton as one of eight secret getaways in New England for fall travel.

“Grafton is a postage stamp-sized town bursting with Vermont charm, from its whitewashed church, to its gazebo-dotted village green, to the 600 self-reliant residents who have lovingly restored the historical town,” she wrote.

Hartmann said constructing 24 500-foot turbines would be to “throw away the major economic engine which is the tourist business.”

Some studies indicate that industrial size turbines sink property values. A 2011 study by Clarkson University School of Business analyzed 11,369 property transactions



DEVALUED: Jud Hartmann, a resident of Grafton for nearly 35 years, says he fears what will happen to his life and property if 24 500-foot turbines are built near his home.

over nine years in Upstate New York and found that wind turbines “significantly reduce property values.”

“To be specific, decreasing the distance to the nearest turbine to 1 mile results in a decline in price of between 7.73% and 14.87% on average,” the authors write.

To the question of whether turbines hurt property values, Forensic Appraisal Group, a specialist for complex residential valuations, concludes, “In most cases, yes, they do. Our research has shown that when a property’s value depends on the viewshed, wind turbines negatively affect property value. ... However, in other cases where the best use of the property does not depend on a view or noise, the effect can be negligible.”

Kate Muelrath, a Grafton resident of 32 years, also worries about the impact of the proposed turbines.

“I truly believe that’s going to be a problem,” she said. “And for the people who live closer, I think their fears are real.”

Those fears, according to interviews with other residents, include concerns about sound and vibrations in homes, spoiled aesthetics, environmental destruction, and changes in storm water flow that



FOR SALE?: Kate Muelrath, a Grafton resident of 32 years, says she plans to sell her home and move away if the Stiles Brook Wind Project is approved.

could exacerbate flooding. Another concern is the impact of high-cost wind energy on ratepayers.

Muelrath plans to move away if the project goes forward, and she fears selling at a big loss if she waits too long.

“That’s what I’m thinking,” she said. “I’ve been checking real estate values where [turbines] have been, and it appears it’s been difficult to sell. Some of the houses have been on the market for 500 to 600 days.”

Lynn Barrett, spokesperson for the Grafton Woodlands Group, a group opposing the project, says the issue is personal for her, since her family moved to Grafton about 50 years ago.

“I’m glad my father is not alive to see this happening to Grafton. He and my mother moved in the 1960s. He started a little real estate office and worked up until the time he died in 96. He would be devastated,” she said.

“I see so many people who came, bought a second home and actually moved in full time because they love it. It’s a rural, quiet, beautiful town that is a real town — it’s not a Disneyland pretend town. It’s a sacred place that needs to be protected.” ●x



Michael Bielawski, a Seton Hall graduate, writes about energy and the environment for Vermont Watchdog. Bruce Parker is a reporter and editor for Watchdog.org.



This story from Michael Bielawski and Bruce Parker is online at goo.gl/BcJahy

Read it. Comment on it. Share it.



'ALL ALONE': University of Wisconsin-Platteville Associate Professor Sabina Burton says she has been isolated and punished for standing up for a student and standing against intimidation and harassment at the southwest Wisconsin university.

UW-Platteville professor pays price for standing up for student, taking on administration

BY M.D. KITTLE / OCTOBER 26, 2016

When Wisconsin Watchdog's Matt Kittle reported the explosive story of Sabina Burton, it garnered a reaction faster and more passionate than he'd ever seen. The professor is accusing the University of Wisconsin-Platteville of retaliating against her for standing up for a student who was harassed by another professor.

Since our first story was published, the head of Prof. Burton's department has resigned and students have forcefully pressured the school administration to address their concerns. We expect the fallout to continue, and Matt Kittle stands ready to hold the university to account. Below is an excerpt from that first story.

PLATTEVILLE, Wis. — What began with a creepy note a criminal justice teacher passed to a student has grown into a federal lawsuit alleging discrimination, intimidation and retaliation at the University of Wisconsin-Platteville.

Sabina Burton, associate professor of criminal justice, claims administration ostracized, punished and ultimately robbed her of due process rights after

she assisted a student who felt sexually harassed by another professor.

Now, four years after Burton says her professional nightmare began, she faces the real threat that she will lose her teaching position after a distinguished career in higher education.

"I hope my story with you will reach people who are willing and able to help me," Burton told *Wisconsin Watchdog*. "I want to

do the right thing, but it is hard to know that I probably will lose my job over this. I hope I can get support so I can fight termination. What I am doing is protected activity and I shouldn't have to fear termination."

While the university's faculty grievance committee has found Burton's actions appropriate and the conduct of a peer "egregious," she has documented the many instances of intimidation

and retaliation she says she encountered during her painful odyssey.

She has been called crazy, told she was “all alone on a sinking ship.” And when Burton complained to the chairman of the criminal justice department and the dean of the school’s College of Liberal Arts and Education, she was told she wasn’t acting like a “team player.” She was told that “women do not belong in the criminal justice field.”

University of Wisconsin-Platteville administrators did not return multiple requests for comment.

Burton lost her original civil lawsuit in March, when U.S. District Court Judge James Peterson issued an order granting the university summary judgment. The judge, who has been in the spotlight of late for the restrictions he has placed on Wisconsin’s voter ID law, concluded Burton’s Title IX claim failed because Burton “failed to adduce evidence of a materially adverse action.”

Burton appealed to the Seventh Circuit U.S. Court of Appeals, arguing that Peterson “failed to consider the entirety of the evidence in support of Burton’s claim,” instead focusing on a few, select events. The case is pending.

Indeed, Burton’s allegations are much broader than the district court considered, beginning with

“I hope my story with you will reach people who are willing and able to help me. I want to do the right thing, but it is hard to know that I probably will lose my job over this.”

the Criminal Justice Department and rising all the way to the top — to UW-P’s chancellor. Multiple sources allege that Burton’s case speaks to an overall problem of misconduct, cover-up and retaliation at the small state university tucked away in the bucolic setting of southwest Wisconsin’s rolling river hills.

This is Sabina Burton’s story.

THE ‘EXPERIMENT’

On Oct. 10, 2012, Alexandra Zupec was handed a note from her criminal justice professor, Lorne Gibson.

“We were working in groups this particular day. He was just walking around the classroom when suddenly he comes up to me and slides this little ripped piece of paper under my book,” Zupec, 25, recalled. “I looked at the piece of paper and it said, ‘Call me tonight!!!’ It had his (private cellphone) number on it.”

Zupec said she immediately “started freaking out” in her group. She said the note, the entire act, caught her off guard. She was stunned, but remained in the class and Gibson went about his business. He did not approach her again during the class.

The rattled student contemplated what to do. She decided to take her concerns to Burton, a professor she said she could trust.

She said Burton was surprised, and apologized on behalf of the department that the incident had occurred. Burton promised to help.

The professor said she attempted to take her concerns to the Criminal Justice Department chairman at the time, Thomas Caywood. He was out of the office that day.

So Burton emailed then-Dean of Liberal Arts and Education, Elizabeth Throop, and, without going into details, asked whether she should report inappropriate faculty conduct toward a student to Caywood or to Student Affairs, according to communications obtained by *Wisconsin Watchdog*.

Throop advised Burton to report the incident to the dean of students. Burton did.

Asked by administration about Gibson’s solicitous note, Caywood claimed it was all just a “secret experiment on social norms.” Throop asked whether the

continued on next page

experiment had been approved in advance by the Institutional Review Board, a standard requirement.

Gibson had not sought or had approval been granted for the “experiment,” so Caywood told administration he had approved it. Caywood defended Gibson.

“This was example of a specific type of breach experiment. Its not an IRB issue,” the department chair incorrectly claimed in an email to Throop. “I spoke to him (Gibson) and directed him to send a(n) email to both sections of his research class to explaining [sic] what he did and why he did if [sic].”

Throop emailed back, saying she had plenty of experiences with “breach” experiments. Something did not seem right. Such experiments are not used in the Criminal Justice Department.

“If he passed a note with that message and a phone number without explaining, ahead of time, what he was doing, and he did it, in addition, in such a way as to create an atmosphere of potential sexual harassment, this is a profoundly serious issue,” the administrator wrote.

Zupec said she definitely felt harassed.

“I thought he was being a complete creep,” she told *Wisconsin Watchdog*. “That was his first semester there. He was completely new. I didn’t know this man from anywhere. I was

not a heavy participant in class. I kept to myself. When I got this I thought, ‘This is the stuff you see in TV shows.’ The rest of the class saw that I was shaking and really nervous.”

“I thought he was being a complete creep.”

The lawsuit states that Gibson had passed a similar note to another female student. The student was not identified.

‘SLUT-SHAMING’

A faculty grievance committee wasn’t buying the “experiment” explanation. It found that Gibson used “extremely poor judgment” in offering the note, and expressed doubt that Gibson was acting in an academic capacity.

“While the grievance committee was not paneled to determine a course of action related to this third party, his actions were so egregious that the committee felt compelled to provide this letter to your [sic] for review,” the committee wrote in an April 2013 letter to Chancellor Dennis Shields.

In the document, the committee takes issue with Gibson’s email to his students, in which he apologizes to “any students who weren’t aware of the experimental nature of the note.” The professor said he made a mistake in

“assuming it was easily apparent given the context of the lesson topic and how often I make fun of myself.” And he apologized to “anyone who wasted time outside of class in reacting to my example, or for any anxiety it may have caused.” And he closed with this: “Please do not feel compelled to identify yourself as one of the example subjects or groups.”

The committee sounded astounded that Gibson had failed to debrief his class about the nature of the experiment, asserting that such a failure “undermines Dr. Gibson’s competence to teach research methods ethically and effectively.”

“Dr. Gibson’s email is beyond reprehensible. Given the likelihood his note passing was witnessed by at least one other student, his ‘please do not feel compelled to identify yourself’ comment rings hollow,” the committee wrote. “He effectively ‘outed’ the young women by his email, which he then compounds by suggesting they were too stupid (‘I made the mistake of assuming it was easily apparent’) and over-reactive (‘anyone who wasted time outside of class’).”

And then the committee delivered perhaps its harshest criticism.

“This version of ‘slut-shaming’ suggests Dr. Gibson has serious liabilities and lacks even a fundamental

understanding of structural sexism,” the committee wrote.

But it wasn't Gibson that university focused its discipline on. It was the professor who came to the student's defense, Sabina Burton, and anyone who made the critical mistake of standing by her.

'WOMEN DON'T BELONG...'

Despite the grievance committee's findings, it appears Gibson was never even reprimanded for his conduct.

In a deposition last year, Throop indicated that Burton's grievances resulted in “no consequences.” The dean along the way changed her tune about the “serious” nature of Gibson's “experiment,” insisting that the student overreacted.

Throop, who was named provost and vice chancellor in May, did not return calls seeking comment.

Soon after his scuffle with administration, Caywood, the Criminal Justice Department chairman, took aim at Burton. He criticized her openly for the way she reported the incident and unilaterally issued a new policy on how to handle such complaints.

“If a student has a complaint about what a faculty/staff member said or did in class direct the student to come to me immediately. I will try to ascertain what exactly happened and if necessary forward the complaint to the appropriate persons on campus,” Caywood wrote in an Oct. 16, 2012, letter to the department.

The next day, UW-P Human Resources director Jeanne Durr wrote to Caywood that, “under the circumstances, (Burton) acted quite properly.”

But it wasn't Gibson that the university focused its discipline on. It was the professor who came to the student's defense, Sabina Burton, and anyone who made the critical mistake of standing by her.

Burton claims that for the rest of the semester, Caywood “took out his frustrations” over the incident on Burton.

She reported to Throop several acts of reprisal. Throop told Burton she appreciated her concerns, but the matter was an “internal department issue” and, as the dean, she did not want to interfere in faculty governance matters.

In January 2013, after signaling support for a department cyber security program Burton had proposed and for which she netted a corporate grant, Caywood and Throop changed course and moved to shut down the professor's efforts.

At the same time, Burton applied for tenure. Caywood did not support

her bid, stating, “women do not belong in the criminal justice field,” according to discovery. Despite Caywood's resistance, Burton received tenure in August 2013.

Things got worse for Burton, she alleges, after the grievance committee found Caywood had “seriously mishandled” the student complaint and punished Burton for reporting it. The committee said Caywood showed an “appearance of favoritism toward one of Burton's male colleagues ...” and a “lack of support” for Burton.

The committee found the Criminal Justice Department to be in a state of dysfunction, and recommended several points of action taken. University administration did nothing with the findings and recommendations, according to Burton's lawsuit.

Burton, who had successfully served on several department committees, including faculty recruitment teams, was either removed from the committees or no longer invited to join them. •



M.D. Kittle is bureau chief for the Franklin Center's Wisconsin Watchdog news operation.



The full story from M.D. Kittle is online at goo.gl/OTyTQB

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HIGHLIGHTS FROM THE STATES

WISCONSIN

Wisconsin Watchdog's earth shattering investigation into retaliation and abuse at the Social Security Administration continues making waves. In late November, Administrative Law Judge John Pleus, accused of sexual harassment and awarding disability claims based on his physical attraction to claimants, was escorted out of his office by armed guards.

Bureau Chief Matt Kittle's almost 50-part series of stories has led to two key resignations at the agency, in addition to other management shakeups that had already taken place. Another top employee at the agency also decided to retire in the wake of the investigation.

Whistleblowers from all across the country continue to come forward to tell *Watchdog* about misconduct taking place in the agency. Sources have revealed that the federal government's Office of Inspector General is investigating, and our reporting has already prompted congressional hearings into the matter.

Wisconsin Watchdog is also continuing to break new stories about the abusive John Doe investigation that targeted conservative activists and their families. The victims' quest for justice continues, and we've reported exclusive details that challenge the mainstream media's narrative about the abuse of power that took place.

TEXAS

Texas Watchdog was hot on the trail of a secretive school zone camera program, and it all started with a phone call.

The caller gave us a tip about a lawsuit that wasn't getting the attention it deserved; a citizen in Hays County (outside Austin) had sued the county government over speed cameras set up near schools, asserting that the Commissioner's Court had no constitutional authority to enter into a contract with a private company that, in effect, created new traffic regulations — and meanwhile, most of the revenue generated was kept by the company.

Once we began asking questions, officials realized they could no longer hide. They had already gotten caught red-handed in the lawsuit, and we made their humiliation public. The day after our article was published, the county terminated its contract with American Traffic Solutions, Inc.

VERMONT

The election of Republican gubernatorial candidate Phil Scott suggests Vermont's move to an all-payer health care system may not be the done deal many thought it was. The outgoing Democratic governor's controversial proposal to radically change how healthcare is paid for in the state

***Vermont Watchdog's* journalists were the only media in the state offering unbiased, in-depth coverage of the issue.**

was greeted with praise by the Obama Administration, but voters rejected the big government proposal.

Vermont Watchdog's journalists were the only media in the state offering unbiased, in-depth coverage of the issue. Our reporters spoke with doctors who raised serious questions about how the plan would hurt their independent practices and make them consider retirement or relocation. We looked behind the curtain to see exactly how the plan would function, giving voters the facts they needed to make an informed vote.

FLORIDA

It seemed like a good idea ten years ago. But as *Florida Watchdog's* William Patrick reported, the state's \$350 million taxpayer-funded incentives for a California-based medical research company were a giant bust.

The Sanford Burnham Prebys Medical Discovery Institute was supposed to create over 300 jobs;

it created just 240. The company was also supposed to invest \$61 million in capital investments; it invested just 77 percent of that.

Now, the company wants to leave and turn over its operations to another party, but the incoming House Speaker and Gov. Rick Scott are both demanding the state get some of the money back. We are continuing to report on this and other instances of cronyism and fiscal waste in Florida, and our stories are appearing in some of the top publications in the state, including the Sayfie Review, the Bradenton Herald, the Tampa Bay Times, and Florida Trend.

MISSISSIPPI

Mississippi Watchdog continues to be the driving force in media coverage of the Kemper Project, a “clean coal” burning power plant in Mississippi that has become the subject of political controversy and a burden on ratepayers.

We’ve termed the project “Mississippi’s \$6 Billion Boondoggle,” but as our reporter Steve Wilson has noted, the costs are now dangerously close to \$7 billion. Our latest reporting has indicated that the project was delayed once again, and the power plant won’t begin commercial operation until the end of the year. That delay added another

\$25 million to the plant’s price tag, pushing the total to over \$6.9 billion. Our coverage of Kemper stands as a warning to other states considering similar projects.

MICHIGAN

Watchdog’s Regulatory Policy Reporter **Kathy Hoekstra is taking a deep dive into state and local regulatory issues.** In Michigan she examined an important issue that has remained below the surface for too long: outsourcing government legal work to private lawyers.

As it turns out, this growing practice is costing taxpayers millions of dollars in states across the country, but that’s not the only problem: there’s evidence that in many instances, conflicts of interest, ethics breaches and cronyism are taking place. We will continue to provide updates as this story develops. ■

TEXAS JANITORS FROM PAGE 2

“Everybody is saying, ‘let’s go kill PJS,’” the SEIU leader says.

Disparagement claims are extraordinarily hard to prove because they require a showing of malice, meaning either intentional falsehood or reckless disregard for the truth. As the defense explained to the jury in a slide: “Our Publications Must Be More Than Merely False (Which They Aren’t).”

Still, the jury thought that standard had been met: To get off the hook, the union leaders needed four jurors to vote that their ends justified their means. They only got two. Though the SEIU has said that it intends to appeal, other companies that have faced aggressive union tactics have reason to take heart—and perhaps to get their own lawyers on the phone. ■

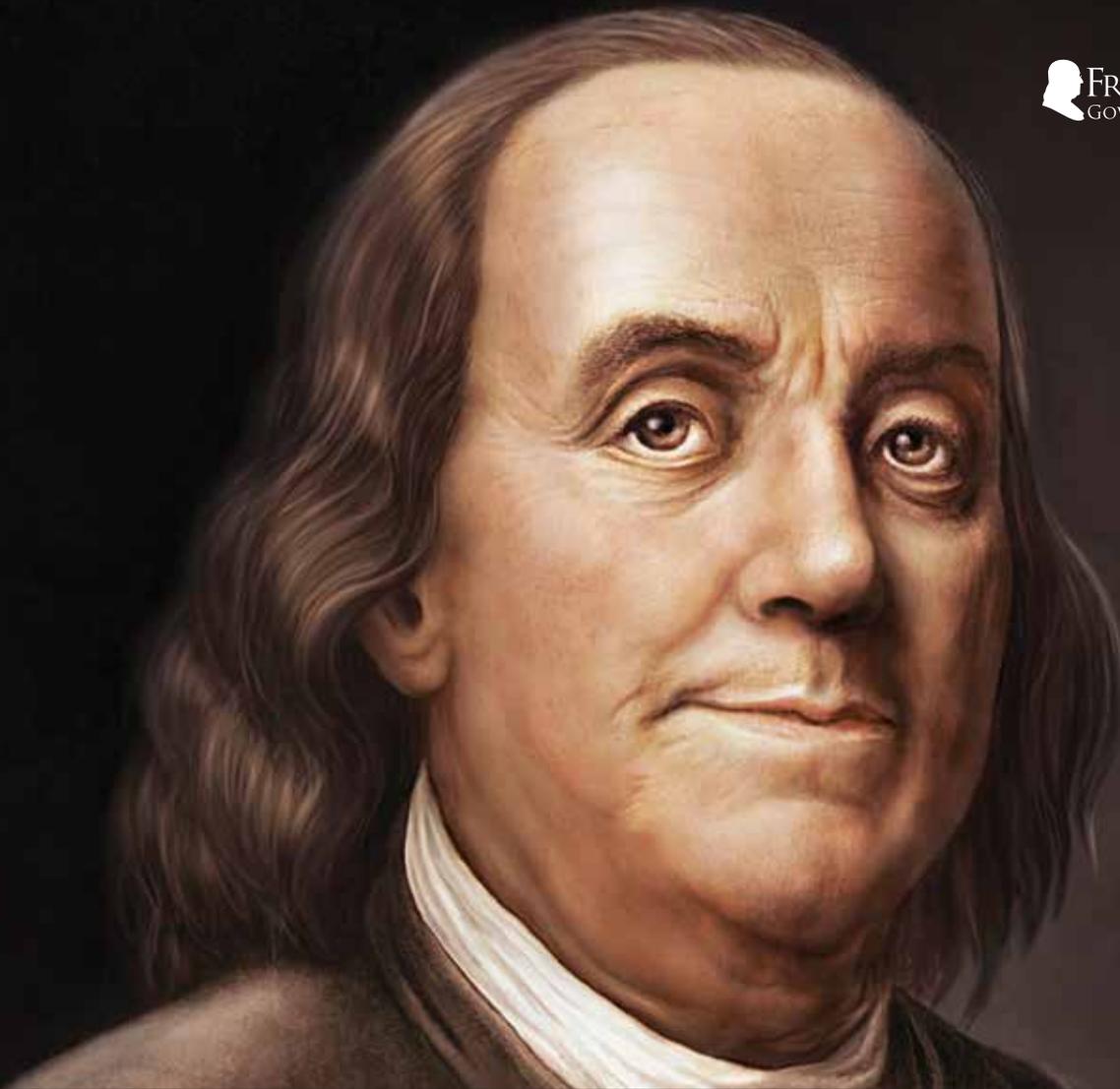


Jon Cassidy is a Houston-based reporter for Watchdog.org. Charles Blain is the executive director of Restore Justice USA, a conservative group advocating criminal justice reform in Texas.



This story from Jon Cassidy and Charles Blain is online at The Wall Street Journal (behind subscription wall) at goo.gl/t1gUJi

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WE'RE ON A MISSION FROM BEN

The Franklin Center produces public interest journalism that makes an impact. We are dedicated to the principles of transparency, accountability, and fiscal responsibility, and highlight their absence in state and local governments. We shine the bright light of transparency into government's darkest corners, and expose the facts about government mismanagement and overreach.

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