

# FRANKLIN CENTER NEWS

FALL 2016 FRANKLINCENTERHQ.ORG WATCHDOG.ORG

## The Social Security Administration's Deadly Delays

### Silencing at the SSA

*Fresh off the heels of his groundbreaking John Doe investigation, Wisconsin Watchdog reporter Matt Kittle has uncovered another brewing scandal.*

BY ANDREW COLLINS

For years, Ron Klym had worked as senior legal assistant for administrative law judges at the Milwaukee Office of Disability Adjudication and Review (ODAR). A subset of the Social Security Administration, judges at ODAR are tasked with granting or denying Social Security benefits.

Reviewing and dispensing these benefits is an important responsibility, but Klym started realizing that management problems at the Milwaukee

ODAR were causing the agency to botch these responsibilities. He alerted senior officials to the problem, but then things started to get rough.

The SSA's ODAR doesn't have a reputation for its efficiency and timeliness, but at the Milwaukee office where Klym worked, things were exceptionally bad. Records obtained by *Wisconsin Watchdog* showed that dozens of cases on appeal took more than 700 days to complete — and some more than 1,000. Klym said the backlogs had grown to record levels and worried the delays were impairing applicants' civil rights. They may not have a right to the benefits, he reasoned, but they have

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

a right to due process. So he blew the whistle.

In response to Klym's whistleblowing, an SSA spokesman said the agency was aware of the long waits for disability appeals hearings and was "working to address the issue." But as Klym tells it, the Milwaukee office was doing just the opposite. Rather than trying to address his concerns, he said the agency played a shell game by dumping scores of cases off to other regional offices, giving the impression that the Milwaukee office was performing better than it actually was. Worse, he said, the agency retaliated against him for blowing the whistle, inflicting him with harassment, additional work assignments, and unreasonable deadlines. He took his concerns to lawmakers in the U.S. Senate, and then went public to the press.

Shortly after *Wisconsin Watchdog* published a story detailing his allegations, Klym was placed on administrative leave.

## **COMING OUT OF THE WOODWORK**

*Wisconsin Watchdog's* investigation has made it possible for not just Klym, but many other whistleblowers to come forward with their stories. After first speaking anonymously with reporter Matt Kittle, Mary Brister joined Klym in going public with her story. She

says that just a few days after she was anonymously quoted about alleged bullying and harassment within the Milwaukee ODAR, she was suspended for five days and given a one-year suspension from teleworking.

Celia Machelles Keller had a similar experience. A week after she went public with claims of misconduct and intimidation among managers at the Madison ODAR, she said a pair of federal investigators from the SSA showed up at her door and peppered her with questions. As the lead case technician at the Madison office for several years, Keller said management retaliated against her after she was called to testify in an interoffice misconduct case last year.

Like Brister, Keller was first quoted anonymously by *Wisconsin Watchdog* when she blew the whistle on misconduct, and she alleges she experienced bullying, harassment, intimidation and retaliation as a result. She decided to speak to *Wisconsin Watchdog* on the record, she said, because she was tired of living in fear.

It isn't just whistleblowers who are being subjected to abuse at the SSA, however. *Wisconsin Watchdog* has also reported on accusations that Administrative Law Judge John Pleuss has engaged in "inappropriate conduct" at the Madison ODAR, including sexual

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# Bloggers and citizen journalists descend on Denver to Amplify School Choice

BY JOSH KAIB

School choice is much more than a policy issue or a political football. For millions of students and their families, it's a gateway to a better future. This was abundantly clear at the Amplify School Choice Conference that the Franklin Center hosted in August.

Over 50 bloggers and citizen journalists joined us in Denver to learn from the city's success with school choice and to take those ideas back to their communities across the country.

"I have a long list of potential topics for investigation and reporting thanks to the information presented at the conference," said Tom Balek, who blogs at *Rockin' on the Right Side*. "The conference also helped to shape my advocacy."

On day one of the conference, attendees heard from a variety of speakers including Pamela Benigno and Ross Izard of the Independence Institute and political figures like State Rep. Angela Williams and State Sen. Kevin Lundberg.

In the afternoon, they were treated to informative talks from Ben Scafidi, a leading school choice economist with EdChoice and Kennesaw State University, and Tim Keller, one of America's foremost school choice litigators with the Institute for Justice.

"The selection of speakers was great," said Jim Shaw of *Third Base Politics* in Ohio.

That evening at the Amplify School Choice Gala, Franklin Center's president Nicole Neily addressed the audience and EdChoice president Robert Enlow gave the keynote address.

The informative lectures and panel discussions gave everyone in attendance a unique opportunity to learn about many facets of education policy and how to apply that knowledge to their future reporting on the topic.

"The information was invaluable, a once in a lifetime experience," explained D.C.-based blogger Mark Lerner. "I feel so fortunate to have been selected to attend."

To end the conference, attendees visited two of the most innovative charter schools in the nation, STRIVE Prep and the Denver School of Science and Technology, to see school choice in action.

They heard from Chris Gibbons, founder and CEO of STRIVE Prep, and Bill Kurtz, founder and CEO of the Denver School of Science and Technology.

Both schools serve diverse communities throughout Denver, and they do so in close cooperation with the Denver school district, which has helped them find

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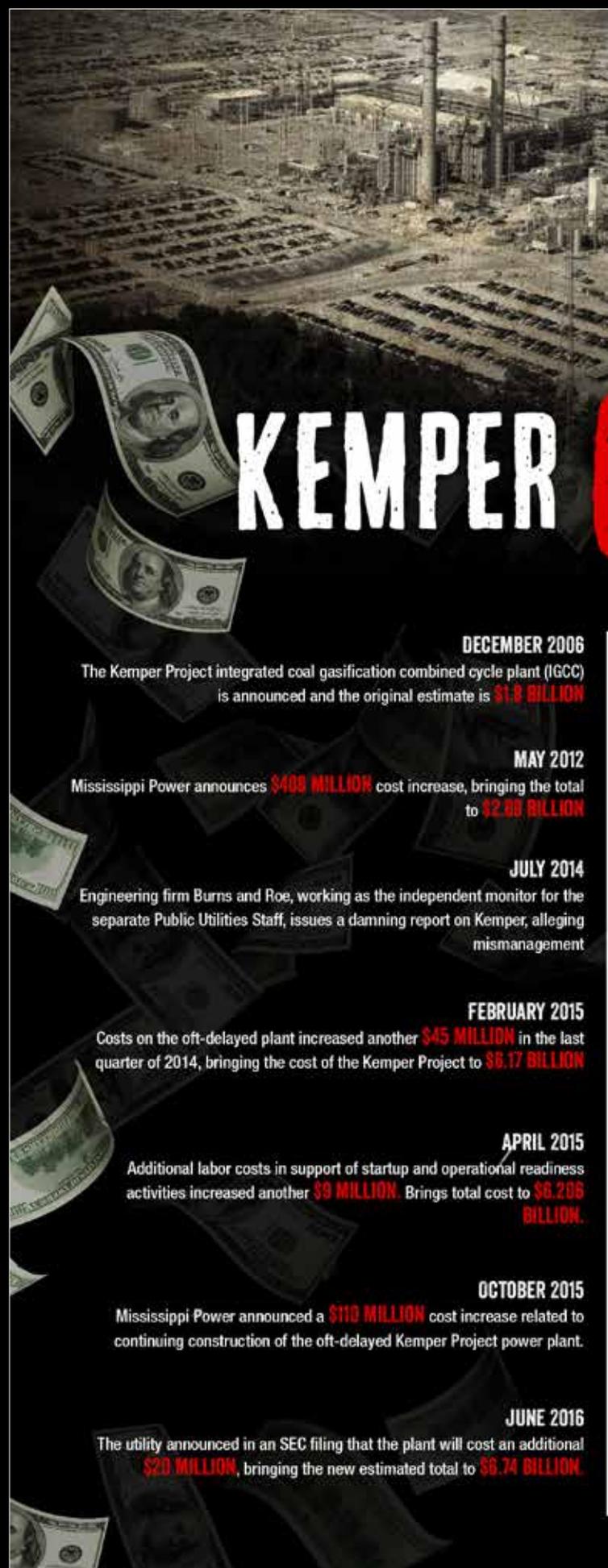
# MISSISSIPPI KEMPER BOONDOGGLE

Mississippi's Kemper Project entered the world with the highest hopes of the Obama Administration, promising to process coal in a way that drastically reduced carbon emissions while still providing an effective power source. The first-of-its-kind integrated-gasification power plant does this by converting lignite coal to natural gas-like synthesis gas, capturing and storing carbon much better than traditional coal-fired plants.

After a decade of planning and construction, however, the plant has yet to come online. In a multi-year investigation into the issue, *Mississippi Watchdog* has watched the plant drag more than two years behind schedule and run \$5 billion over budget, leaving a trail of frustrated employees, government officials, and ratepayers in its wake.

An investigation from the *New York Times* last summer drew national attention to the travails of Kemper exposed by *Mississippi Watchdog*, rehashing our findings that Kemper has been plagued by technical problems, cost-overruns, lawsuits, and blame-shifting. While thorough and damning, the report neglected to mention any of the dozens of stories published by *Mississippi Watchdog*, which has been covering the plant's travails every step of the way since 2014.

This infographic shows the key developments reported by Watchdog that scooped the *New York Times* by months — or even years! ●





# INTRODUCING THE FRIENDS OF FRANKLIN SOCIETY

This summer we launched the Friends of Franklin Society, to recognize those close friends and loyal supporters who have made a special commitment to the Franklin Center's mission.

The Friends of Franklin Society consists of five circles, each based on one of Benjamin Franklin's professions or titles over his lifetime: Publisher's Circle, Inventor's Circle, Ambassador's Circle, Founder's Circle, and Governor's Circle. In each of his professions, Franklin was a supporter of the values that the Franklin Center fights for today: An informed citizenry, limited and accountable government, free enterprise, and transparency.

By joining the Friends of Franklin Society, members are not only taking part in a tradition of defending freedom that spans from the Founding Fathers to the present, but are standing with the Franklin Center to ensure that the freedoms Benjamin Franklin envisioned can be enjoyed for generations to come.

We are overwhelmed by the initial response and grateful to those who have joined as inaugural members of the Friends of Franklin Society. If you would like more information about how to join, please contact Christina Pajak at [christina.pajak@franklincenterhq.org](mailto:christina.pajak@franklincenterhq.org) or 571-384-2089. ●



# COSTS

## MARCH 2010

Mississippi Power agrees to a **\$2.4 BILLION** cost cap on Kemper in a deal with the Mississippi Public Service Commission after asking for a **\$3.2 BILLION CAP**

## JULY 2013

SEC filing by MS Power, the culmination of **\$1.5 BILLION** in cost increases over the past 15 months

## AUGUST 2014

Kemper Project begins operation on natural gas, not synthesis gas derived from lignite coal

## MARCH 2015

A **\$26 MILLION** cost increase for the Kemper Project power plant in its monthly report filed with the Mississippi Public Service Commission

## AUGUST 2015

Mississippi Power's request for a **\$159 MILLION** emergency rate increase approved by PSC

## APRIL 2016

**\$60 MILLION** added to the cost, the total estimated cost of the plant stands at **\$6.72 BILLION**.

**"The reporting you're doing is the ONLY thing that broke a decade long logjam with the agency."**

harassment, making racist comments, and determining disability claims based on whether he thought a claimant was sexually attractive.

These accusations against Pleuss represent a storyline of their own within the broader problems at ODAR. As one whistleblower who spoke anonymously to *Watchdog* tells it, Pleuss is part of a "culture of corruption and cover-up" in the SSA offices that "begins at the top." File notes from cases support this accusation. For example, documents obtained by *Wisconsin Watchdog* find the judge describing claimants as "innocent-looking," "buxom," and "rode hard and put away wet."

Pleuss is being investigated by the SSA's Office of the Inspector General (even though he is still deciding cases), and a source told *Wisconsin Watchdog* that investigators "seem to be keeping this very quiet." The judge has also come under close scrutiny by an attorney who represents Social Security disability claimants. The attorney, who spoke to *Wisconsin Watchdog* on condition of anonymity because of his professional relationship with the Madison ODAR staff, says he will appeal any adverse decision by Pleuss.

### **SENATORS TRY TO GET TO THE BOTTOM OF THE SCANDAL**

The administrative wheels of justice are turning slowly for Klym and his fellow whistleblowers, but in addition to *Wisconsin Watchdog* they have found

an important ally in U.S. Senator Ron Johnson, chair of the Senate Homeland Security and Governmental Affairs Committee. Johnson's committee has received a number of complaints from employees at ODAR since *Wisconsin Watchdog* broke news of the scandal, and it has been briefed by SSA officials about the million-plus case backlog plaguing the disability claim system.

There are a lot of issues the SSA isn't talking about, however, and Johnson's committee has pushed for answers. In June the senator sent a formal letter to the Social Security Administration asking for its "unfettered cooperation" in turning over information about allegations of misconduct and retaliation in its disability claims review offices.

"Despite the serious issues that these media reports highlight, SSA has refused to provide information to the committee about these personnel actions," he wrote. His letter demanded all documents and communications pertaining to Ron Klym, Celia Machelles Keller, and Mary Brister; an explanation of what the SSA is doing to investigate the reported whistleblower retaliation within ODAR; and an explanation of how SSA will ensure that whistleblowers don't experience retaliation as a result of going to Congress or the media.

A month later, Wisconsin's other U.S. Senator, Tammy Baldwin, joined her colleague's appeals, calling for the agency

to take “immediate action” to address whistleblower accusations at the Madison ODAR.

Amazingly, the SSA did in fact respond to Johnson’s letter, though the senate committee has had to extend its original July 28 deadline in order to give the agency time to hand over the many documents it requested.

*Wisconsin Watchdog’s* Matt Kittle is encouraged by the impact he sees, and it has only prodded him to continue zealously covering the story. “Change in government doesn’t come easy, even when there appears to be overwhelming evidence of corruption and retaliation,” he says. “We have seen some important action, however, from Wisconsin’s U.S. senators, as well as a wide-ranging investigation by the Social Security Administration’s Office of Inspector General.”

Indeed, federal investigators from the OIG have visited Madison to get answers to the many allegations of misconduct at ODAR, and embattled whistleblowers are finally starting to find some measure of comfort.

This is ultimately why this story matters, says Kittle. “*Wisconsin Watchdog’s* coverage has brought much-needed relief to an SSA employee and whistleblower whose health was rapidly deteriorating from the stress of her work environment. Those are the sorts of impacts Watchdog journalism can make.”

As an example of this impact, here’s what an SSA whistleblower told *Wisconsin Watchdog* in an email: “Thanks Matt. We couldn’t have done this without you. The reporting you’re doing is the ONLY thing that broke a decade long logjam with the agency.”

“What awards can we nominate you for?”, the whistleblower wrote, “I am serious.” ●

*Andrew Collins is the former manager of digital media for the Franklin Center.*

suitable facilities for their schools. This is often a problem for charter schools in other cities, but not in Denver.

STRIVE and DSST are both expanding quickly, but without lowering their high standards for students. In fact, the Denver School of Science and Technology expects to soon serve 25 percent of Denver students in grades 6-12 while maintaining its 100 percent college acceptance rate.

Our attendees were excited to return home and bring the school choice message to their local audiences with their newfound knowledge and strategies. As they continue writing about school choice, you can find their work at [AmplifySchoolChoice.com](http://AmplifySchoolChoice.com).

“Thank you for your efforts in blitzing the nation with stories about the value of school choice,” *California Political Review’s* Stephen Frank said. “It takes a massive information drill to get the attention of the public: this conference gave bloggers and writers from all over the country the tools they needed.” ●

*Josh Kaib, Franklin Center’s Outreach Manager, was the organizer and emcee of Amplify School Choice.*





# GET TO KNOW OUR SUMMER INTERNS

Watchdog is committed to keeping government accountable not just in the present day, but in the future as well. That's why we empower interns at Franklin Center and Watchdog to make substantive contributions to our work, so they can build their skills and resumes as they help us with the hard work of exposing government waste and abuse.

This summer we had the privilege of hosting six interns. These budding reporters worked with our journalism, marketing, and communications teams to do research, assist with social media, and even do some reporting of their own. If you've read a story on Watchdog.org the past three months, there's a good chance one of our interns had a hand in bringing the story to light.

## GRANT BROADHURST



Grant Broadhurst has been an author of elementary and high school literature curriculum, a writing tutor, a distance learning coach, a children's ministry teacher, a camp leader, a car salesman, a Young Americans for Liberty chapter president, a cashier, and a competitive chess player. He also graduated magna sum laude with a degree in English from the University of North Florida where he received college credit to write a novel about elves in submarines. In his free time, he enjoys playing tabletop games, writing speculative fiction, and slavishly following current events.

### IN HIS OWN WORDS:

*"I particularly like the way that I can call up strangers with much more experience and knowledge*

*than myself and start asking them questions. 'I'm a reporter' is a magic phrase: I can give people a voice and a platform to share their knowledge and professional opinions."*

*"The people you support here truly care about what they do. They have invested a lot of time and expertise to equip the next generation of journalists. Wherever we go, they expect us to carry these ideas of accountability forward even if it's under another banner or in a different role. You make that possible."*

## NATHANIEL CROSSER



Nate is a recent graduate of the University of Kansas. He received his Economics degree and will attend the University of Kansas School of Law in the fall

as part of the Legal Education Accelerated Degree (L.E.A.D.) program, in which Nate has served six semesters as president. He has some experience with journalism, interning with the Seven Pillars Institute for Global Finance and Ethics financial journal last summer, where Nate had two articles published. Nate is always willing to talk sports, politics, philosophy, or Game of Thrones!

### IN HIS OWN WORDS:

*"Other news outlets and companies care solely about ratings or ad sales and fail to promote a unifying, socially beneficial mission. The Franklin Center, unlike the mainstream media, wholeheartedly strives to make our country a better place."*

*"We are all truly grateful for your support. Every time you read an article or donate a dollar it is a blow of the hammer on the stake*

we hope to drive into the heart of the mass media and government complex... Thank you for enabling us to shine the bright light of transparency into government's darkest corners."

## BYRON SOLOMON

Byron attends the beautiful

University of Alabama in

Tuscaloosa, and yes, he will shout "Roll Tide" when the situation permits. Other than college football,

he concentrates his studies in History and Political Science. He was born in the Yellowhammer State and has drifted to DC for a summer internship. He likes backpacking, winning national championships (16), and bending guitar strings.



### IN HIS OWN WORDS:

*"There are bastions of hope in the media of which ol' Ben can be proud. This is one of them. As long as Watchdog and the Franklin Center are around, state governments will be looking over their shoulders before wasting taxpayer money."*

## GRAHAM DEESE

Gram Deese participated in the Koch Internship Program,

where he worked

with the Franklin Center in Madison Wisconsin. In the fall of 2015, Graham

interned with the

Competitive Enterprise

Institute through the Koch Fellow



Program: Policy. He is currently a senior at Hillsdale College studying Economics. At Hillsdale, he is part of the George Washington Fellow Program and the captain of the debate team. In his spare time, Graham enjoys reading and hiking.

### IN HIS OWN WORDS:

*"By exposing waste, fraud, and abuse in government, the Franklin Center helps to shatter the illusion many people have that government can solve market failures without creating government failures of its own."*

*"You have made a great choice to support the Franklin Center. It brings into the media a perspective that all too often is forgotten or ignored. It keeps government officials accountable by exposing fraud and abuse to the public. I hope you continue your support so that the Franklin Center can continue its very important work for many years to come."*

## MICHAEL BUSE

Michael is a rising junior at Texas A&M University, where he is

studying Political Science

and minoring in Business

Administration. After

he graduates, he

intends to pursue a JD

before entering the legal

field prior to entering

public service. At school, he is the

President of the Speech and Debate

team and the VP of External

Affairs for the Residential Housing

Association. He currently lives in

Frisco, Texas and spends his time



cooking, playing with his family dogs and rereading the Harry Potter series.

### IN HIS OWN WORDS:

*"Journalists tell stories, and the innate power of a story is framing a good guy and a bad guy. This power gives journalism the ability to hold people accountable, and that is very important to me."*

*"The most rewarding part has been filing information requests. While preparing them can be tedious, getting them back and finding something comes with a massive 'gotcha' moment."*

## BENJAMIN O'CONNELL

Benjamin grew up in Columbus,

Wisconsin. In high

school he participated

in football, track,

National Honor

Society, and Future

Business Leaders

of America. While at

St. Cloud State this past year,

he was an Honors student

and made the Deans list both

semesters. Benjamin also played

football there and is intending

to major in Political Science and

Communication Studies.



### IN HIS OWN WORDS:

*"The experience this internship provides in both the journalism and political field is unparalleled. It is a great organization to work for because of the work they do to keep the government in check and report injustices that affect the public." ■*



## HIGHLIGHTS FROM THE STATES

### NEBRASKA

*Nebraska Watchdog* rocked the Cornhusker State last fall with a series of stories about two nurses whose confidentiality was compromised by the state's Department of Health and Human Services after they blew the whistle on their colleagues. The nurses said they were retaliated against after their bosses found out about their complaints, which were supposed to be confidential. In response to the story, the state's human services agency admitted that while it's not its usual practice to release the names of medical whistleblowers, its policy does allow it to do so, and the state appeared to have changed its procedures accordingly. Just a few months later, Nebraska lawmakers responded by passing a bill that would grant needed whistleblower protections for nurses, banning retaliation against nurses who file complaints. It was signed by Gov. Pete Ricketts on April 6.

### FLORIDA

We have good news for the bright light of transparency in the Sunshine State: William Patrick has joined *Florida Watchdog* to launch a new bureau in Tallahassee dedicated to exposing cronyism and covering criminal justice reform.

Patrick hit the ground running with a bombshell report on film and television subsidies in the

state, finding that even though a \$296 million entertainment incentive program expired in June, two major TV productions will continue to shoot in the state. Each show has lost millions of dollars in taxpayer subsidies, but will continue to shoot on location in Miami and the Florida Keys, respectively.

### MISSISSIPPI

*Mississippi Watchdog* reporter Steve Wilson uncovered a prime example of what happens when government agencies have less accountability. In an investigation examining the effects of the Mississippi Department of Education's two year hiatus from oversight by the state personnel board — which came to an end last July — Wilson found the MDE had grown its staff and been spending millions of dollars more on higher pay and benefit costs.

The findings run counter to the “effective and efficient” change envisioned by lawmakers or promised by State Superintendent of Education Carey Wright when the exemption was granted in 2014. As a result, Gov. Phil Bryant has vetoed attempts to extend the MDE's civil service exemption, bringing the agency back under state oversight. Bryant said he didn't think “an additional year of these types of personnel decisions by the Mississippi Department of Education will yield cost savings and improved services for taxpayers.”

### VERMONT

The Vermont Department of Health hasn't been very forthcoming with information about tuberculosis rates among refugees resettled in the state, at least not until *Watchdog* filed a public records request. After *Watchdog* reported that more than one-third of Vermont's resettled refugees tested positive for TB, epidemiologists at the state's Health Department started concocting a way to conceal the number of refugees with active TB disease. The agency's stonewalling, however, didn't stop *Watchdog* from continuing to pursue the story. Reporter Bruce Parker obtained records showing that the state's TB control team was working to administer treatment, which ultimately compelled the Department of Health to start releasing statistics on active TB among refugees.

### TEXAS

Soon after the city of Austin voted on costly and restrictive regulations that effectively ousted ridesharing companies like Uber and Lyft from the city, it was revealed that business interests and city officials were working to launch a ridesharing nonprofit called RideAustin. Coincidence? *Texas Watchdog* reporter Mark Lisher didn't think so. He found that the developer of the app for what would be RideAustin had solicited former Uber and Lyft

## Franklin Center attacked on the US Senate floor

employees under what it said was the direction of the city. Lisher also exposed how the venture appeared hastily cobbled together—less than a week before its proposed launch date, the website still listed only one employee. Company director Andy Tryba is optimistic about the venture, but it remains to be seen whether it will effectively fill the gap left by the huge for-profit ridesharing companies that cannot viably operate in Austin.

### School choice foe reverses course

Last year, Watchdog exposed Texas grocery magnate Charles Butt for his behind-the-scenes campaign against school choice at the 2015 Legislature, showing how House Speaker Joe Straus and Butt together wielded enough political and financial clout over the state Legislature to ensure the status-quo in education.

After hampering attempts to reform and improve Texas schools through school choice, however, it appears the grocery store magnate has had a change of heart. Mr. Butt altered course and pledged \$3.6 million to kickstart a charter school in San Antonio. He was reportedly so impressed by the Byron Martin Advanced Technology Center in Lubbock that he decided he had to have one in his hometown of San Antonio. ●

As you may have seen in the headlines over the summer, a group of 19 Democratic Senators spent two nights on the Senate floor publicly shaming and threatening The Franklin Center and dozens of other taxpayer groups. Leading the charge was Senator Sheldon Whitehouse. In his tirade against us for simply asking hard questions about his agenda, Senator Whitehouse mocked our “so-called” commitment to government and public integrity. The issue at hand was a difference in policy, but this group of Senators (which includes Elizabeth Warren and Senate Democratic Leader Harry Reid) are waging an ideologically-motivated scare campaign designed to silence anyone who disagrees with them.

In other words, we’re on their “enemies list.” Their message to Franklin Center and our allies was simple: fold — don’t offer counterarguments to a Big Government agenda, don’t engage in meaningful public debates, don’t resist any legal witch hunts into your organization.

This is the last thing we need in today’s polarized political climate. But thanks to your support, you can rest assured that we won’t cave to this brazen and shameless attempt to criminalize dissent and differing opinions.

As this incident reminds us, the Franklin Center is not without its critics (we wouldn’t be doing our jobs if we didn’t make people in government angry from time

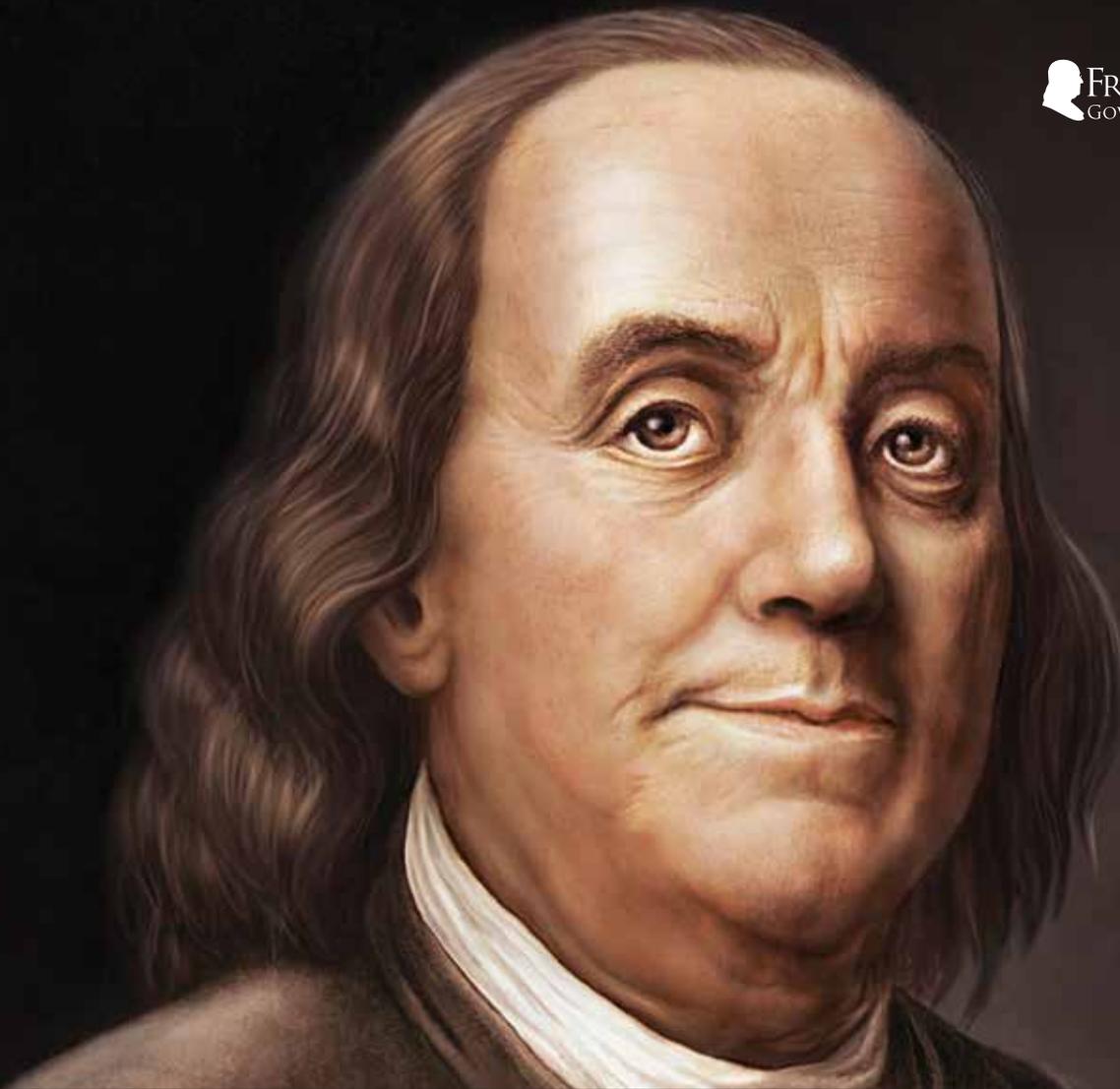


Sen. Sheldon Whitehouse (D-RI) attacks the Franklin Center during a floor speech.

to time), but we would never begrudge them the right to disagree with us and share their side of the story. If Sheldon Whitehouse, Harry Reid, Elizabeth Warren, and their other 16 cohorts in the Senate want to dispute our reporting, they should do it with arguments and facts, not legal intimidation tactics that verge on outright tyranny.

While these Senators may not like the fact that we ask hard questions about their environmentalist agenda, it ultimately doesn’t matter what position you take on the policy in question. There’s a deeper issue at stake here: the underlying principle that all Americans have the right to support causes they believe in. It’s not the government’s job to monitor the private opinions of regular citizens by keeping tabs on what groups you or I support.

Thank you for supporting us as we defend the right of every American to support causes they believe in. ●



## WE'RE ON A MISSION FROM BEN

**T**he 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.

**For more great stories, visit [Watchdog.org](http://Watchdog.org)**