

Cato scholars influence policy outcomes in the 50 states

Wins for Freedom beyond the Beltway

The impact of Cato's research and advocacy is not limited to the workings of the federal government and Congress in Washington, DC. Increasingly, policymakers and legislators in statehouses around the country are approaching Cato for inspiration and analysis. This influence can be seen in several policy outcomes in the past year.

In Arizona, Cato senior fellow and practicing surgeon Jeff Singer was invited to brief staffers for Gov. Doug Ducey about ways to preserve and build on waivers for bad regulations set aside on an emergency basis due to the pandemic. Subsequently, Arizona passed landmark legislation liberalizing medical licensing and easing the process for practitioners who move into the state after being licensed elsewhere. Arizona also has freed patients and doctors to engage in virtual telehealth work across state lines.

This sort of direct interaction with state policymakers is the chief aim of Chris Hansford, director of state relations at Cato since 2019. As he explains, gubernatorial and legislative staffers are often keen to hold discussion with think tank experts and other scholars. These relationships are forged on a direct basis, ensuring that Cato is at the table, and are built on Cato's reputation as innovative, data-driven, and nonpartisan.

As Hansford explains, "From Tallahassee and Austin to Sacramento and Albany, the exciting part of Cato's State Leaders Initiative is that regardless of party, we can always find an issue to work with state-level policymakers on."

Cato does not engage in lobbying or endorse specific pieces of legislation; its scholars are not whipping votes to get bills passed. Rather, Cato's experts simply present ideas and suggestions to policymakers, who are then free to act on them, and many do.



One topic of great interest has been Cato's Project on Criminal Justice, led by Senior Vice President for Legal Studies Clark Neily. The project made the elimination of qualified immunity one of its top priorities three years ago. At the time, the issue was little known, but since then there has been a flood of new allies and efforts to reform or even abolish qualified immunity. This judicially created doctrine shields police and other government agents from liability for violations of constitutional rights, despite there being no such defense in the text of the landmark Civil Rights Act of 1871, which creates that liability.

Recently Colorado, followed by New Mexico, adopted legislation to abolish qualified immunity as a defense in state law, effectively bypassing the neutering of accountability under federal law. Cato scholars including Neily and research fellow Jay Schweikert, recognized for having led the way and produced some of the most comprehensive analyses on the matter, were asked to brief legislators in both states. As protests against police brutality gained steam, legislators were eager for solutions. Even though bills in Congress to abolish or at least limit qualified immunity have thus far not advanced, citizens in at least two states now enjoy crucial new protections against violations of their rights. Similar bills have been introduced in over a dozen states.

These efforts often involve coalitions with other organizations from across the

political spectrum. In Missouri, the Innocence Project successfully pushed for a bill to allow prosecutors much-needed leeway to dismiss charges and free the wrongfully convicted when new evidence comes to light. Previously, prosecutors had been unable to do this, even when they wanted to correct a miscarriage of justice. As part of this successful push for reform, Cato scholars briefed senior legislative leaders on the necessity of fixing this injustice.

In Montana, senior fellow Scott Lincicome's work was cited by a senior adviser to Gov. Greg Gianforte as a crucial underpinning to the decision to end the state's participation in expanded unemployment benefits. Lincicome has documented how the larger payments have contributed to a widespread labor shortage.

The impact of Cato scholars at the state level is ongoing and growing, with other recent efforts including proposed private infrastructure legislation in Texas, educational savings accounts to expand school choice in New Hampshire, and the permanent legalization of cocktails to go in Florida.

By laying the factual, analytical, and research groundwork for the policies of individual liberty, limited government, and free markets, these victories highlight the role of Cato and the strategic theory underlying all the Institute's work: that by shifting the field of both public opinion and expert consensus, real and substantial progress can be made toward a freer, more prosperous, and more just world. ■