

Elsen, Nikki

Subject: FW: "We the People resolution" item at the December 14 meeting
Attachments: WIUTA-Community-Handout.pdf; WI-Communities-and-States-Supporting-Amendment.pdf

From: Pam Knudtson [<mailto:lacrosseunitedtoamend@gmail.com>]
Sent: Wednesday, December 13, 2017 11:09 AM
To: ZZ Council Members; Kabat, Tim
Subject: "We the People resolution" item at the December 14 meeting

Dear Members of La Crosse City Council,

We are members of La Crosse United to Amend and we and others addressed the Judiciary and Administration Committee of the City Council on December 5, when they unanimously agreed to submit our "We the People" resolution (file number 17-1636) to the voters for referendum on April 3. As a result of that vote our resolution will be included on your consent agenda with other items at the full council meeting on Thursday, December 14. We will be in the audience that night, but we understand that procedures will not require a board discussion about our resolution and that there will be no opportunity for us to testify. Considering that and because our initiative is complex we would like to convey as much information to you as your attention to this email will allow.

First we want to introduce our group. La Crosse United to Amend is affiliated with Wisconsin United to Amend, which has provided training and support for our petition effort. We are a local non-partisan organization, over 60 members strong, dedicated to making the public aware of the threat the 2010 U.S. Supreme Court decision, commonly known as Citizen's United, poses to American democracy. This decision allows large organizations to give unlimited amounts of money to elected officials with very little disclosure and has drastically altered the course of governance. As a result our voices, as individuals, have been greatly diminished. The Citizen's United decision has negated the intent of our founding fathers to form a government of the people, by the people, for the people and greatly empowered certain groups, and therefore, marginalizing our individual votes. We are proposing the "We the People Amendment" to the constitution, which clearly states that a corporation is not a person and money is not speech. We are working to have La Crosse join more than 117 other municipalities in Wisconsin who have already passed resolutions for this amendment by overwhelming margins. Nineteen states have also passed it.

We have petitioned to have a referendum on the April, 2018 ballot. We want a referendum because we are committed to educating as many people as possible about this threat to Democracy. Since our campaign began, we have sponsored speakers on the subject, used local news sources to inform and we consider the petitioning process itself as the most effective educational activity we have done so far. But our work is not finished. Preparing for the April 3 election in the City of La Crosse will allow many more opportunities to increase understanding of Citizen's United and the We the People Amendment. We are thankful that you will honor the request of our petition signatories and support the referendum rather than end the education process by simply passing a board resolution.

In order to continue that educational process we have attached a couple documents that contain information about our work. I hope you will take the time to read them and get back to us with any questions you may have. We also refer you to Wisconsin United to Amend's website, <http://wiuta.org> for your further research.

Finally, it has come to our attention that some members of the City Council question the efficacy of passing local resolutions about national problems. Our reasons for working on this at the local level are: 1.) Because the people at the city level have asked for a referendum on the "We the People" resolution by signing our petition. They realize that our representatives at the state and national levels have already been compromised by Citizens United and will not act against it unless there is great pressure upward from people at the local level. We plan to work with all the municipalities in Wisconsin to create a voice as powerful as the moneyed interests now controlling government in order to change this situation. 2.) Because we know that officials like you in cities, counties, townships and villages have already begun to feel the effects of outside money seeking to take over your decision-making. In Wisconsin, since the 2010 Citizen's

United decision, 128 measures have already been enacted at the state level that seek to limit local control. Because of Citizen's United, we are unable to know who our elected officials are really working for - we, the people or organizations from the outside who "convince" them with large sums of money that are hidden from our view.

We invite you to join us in our efforts and thank you for your consideration.

Pam Knudtson, Gary Knudtson, Ann Zirkel



Why Support Amending the US Constitution to Overturn *Citizens United*?

Before *Citizens United v. Federal Elections Commission* – U.S. law recognizes corporations as “artificial persons” for limited purposes to conduct business. Because people were wary of corporations seizing power after the American Revolution, they limited corporate power through their state legislatures to protect against abuses of big money in politics. As time passed, state legislatures, and then the courts, began to blur the distinction between real people and artificial persons. In 1886, almost 100 years after ratification of the Constitution, the concept of corporate personhood was first introduced through the U.S. Supreme Court. Although our founders never intended for corporations to have Constitutional rights, courts granted more human rights to corporations through case law.

After *Citizens United* - Armed with human rights and legal privileges, large corporations have amassed fantastic wealth and power, which has undermined our sovereign self-governance and created a democracy crisis. In *Citizens United v. FEC*, the Supreme Court sided with the wealthy elite against the interests of the American people. Corporations can now spend unlimited money to buy our elections. The Court legalized the bribery of our elected officials. Good candidates that can't or won't compete in big dollar campaigns are sidelined. Increasingly, elected officials pass laws and adopt policies that serve the interests of big donors and large corporations. Consider these statistics:

- In the 2012 election cycle, outside spending more than tripled to over a billion dollars. Total spending on presidential and congressional races topped \$6 billion dollars.
- A tiny number of ultra-wealthy individuals make up the “donor class”, the top 0.1% of taxpayers with annual incomes over \$3.7 million and/or net worth over \$100 million. In 2012, 159 donors accounted for nearly 60 percent of all super PAC funding, and about 93 percent came from 3,318 donors.
- A 2012 American Sustainable Business Council poll found that 66% of small business owners feel the *Citizens United* decision has hurt them, and 88% believe money has a negative role in politics.
- A 2013 Committee for Economic Development poll found that 87% of business leaders think that our campaign finance system needs “major reforms” or “a complete overhaul”.
- In 2013, the Democratic Congressional Campaign Committee advised freshman in Congress to spend 30-70% of their time raising money.
- A 2013 Tulchin Research poll found that 97% of Americans think it is important that “our elected leaders reduce the influence of corruption in political elections.”
- A 2014 Princeton study reported that the ultra-wealthy and special interest groups have a substantial impact on U.S. government policy, while everyday citizens have little or no influence.
- A 2015 Bloomberg poll found that four in five Americans—80% of Republicans and 83% of Democrats—oppose the Supreme Court’s *Citizens United v. FEC* decision.
- In the 2016 election cycle, outside spending in federal elections reached \$1.4 billion. In total, almost \$7 billion dollars was spent on 2016 federal elections.

A national strategy our communities can support

- Amending the U.S. Constitution requires action by our legislators. However, because of the power of unlimited corporate campaign financing, our legislators will not adopt this amendment on their own; citizens must direct them to do it.
- Localities across America are adopting similar resolutions to pass a Constitutional amendment. The more jurisdictions (towns, villages, cities, counties) that do this, the more difficult it will be for legislators to ignore us.
- This resolution does not commit us to specific wording of the amendment; it simply makes clear our intent and desire.

Frequently Asked Questions

What are we trying to do?

Our goal is to reclaim our republic by permitting limits on how much money can be contributed and spent in American political contests. To do this we must amend the U.S. Constitution to make it clear that only human beings - not corporations, unions, nonprofits, or other artificial entities - have Constitutional rights, and that money is not political speech under the First Amendment.

Why are people so concerned about corporate political contributions?

Corporate interests are limited to what is good for the corporation; therefore, corporations cannot share many legitimate interests of real people. Corporations don't have families or children; they cannot be sent to war or to jail; they often 'reside' in multiple countries and can feel no love for any particular country; they can accumulate more wealth than any individual (even entire nations) and they never die. On the other hand, our government must consider all legitimate interests, including those of communities where corporations operate.

What is wrong with corporations and wealthy individuals contributing enormous sums of money to political contests?

Because large corporations and wealthy individuals command resources vastly exceeding that of ordinary citizens, unregulated political contributions and spending becomes grossly unbalanced; thus, voices of ordinary citizens are drowned out, and their interests sacrificed. Politicians become dependent on their funders.

What about unions?

Unions are a kind of a corporation and as such, limits on their political contributions were also thrown out by *Citizens United*. Unions' political contributions will also be subject to limitation again if we adopt a Constitutional amendment overturning *Citizens United*.

What is corporate personhood and why are people so worried about it?

A corporation is a legal invention granted special privileges under the law. These privileges not only help companies earn profits, but are intended to serve the public interest. Because the Court interpreted the Constitution to include corporations as 'persons,' *Citizens United* extended First Amendment-protected speech to eliminate bans on corporate expenditures influencing elections.

If corporate personhood is so bad, how did it end up on the books?

Although the Constitution itself never mentions corporations, corporate attorneys have successfully pressed for corporate personhood for more than a century. In *Santa Clara County vs. Southern Pacific Railroad* (1886), a court reporter added a statement in the footnotes suggesting that corporations are 'persons' under the 14th Amendment. Even though the Court never actually ruled on this issue and footnotes have no legal standing, *Santa Clara* has been used as legal precedent in many subsequent cases.

What about the idea that money is speech?

This is another Supreme Court creation - the Constitution says nothing about this. In *Buckley vs. Valeo* (1976), the Court ruled that spending money to influence elections is a form of political speech, and it may not be restricted based on the speaker's corporate identity.

Why do we need a Constitutional amendment?

The Supreme Court has ruled that the Constitution grants legal protections to corporations, including the protections of the Bill of Rights. *Citizens United* could be overturned by the Supreme Court, but this is unlikely to happen anytime soon because the current justices are young and they are appointed for life. However, even if the Court overturns corporate personhood, another Court could always reinstate it in the future. As for writing laws to fix this, any legislation passed by Congress challenging corporate personhood or money as speech would be overturned by the Supreme Court and found to be invalid. Therefore, a Constitutional amendment is necessary.

What is the process to amend the U.S. Constitution?

There are two ways to propose an amendment: 1) by a two-thirds majority vote in both houses of Congress, and 2) through a Constitutional Convention called by two-thirds of state legislatures. Either way, the proposed amendment must be approved by three-fourths of the states.

Why are you working to pass local resolutions?

Federal and state legislators are too beholden to their corporate and wealthy donors to take initiative to reverse *Citizens United*, and only state and federal office-holders can officially initiate the amendment process. We the People must take the lead in protecting our rights to regain control our own governments. Local resolutions are a powerful tool because they help to educate and mobilize citizens while sending a strong signal to lawmakers.



WI Communities that have Called for an Amendment

1. City of Madison – petition referendum on ballot April 5, 2011, with 84% approval.
2. Dane County – board placed referendum on ballot April 5, 2011, with 78% approval.
3. City of West Allis – petition referendum on ballot April 3, 2012, with 70% approval.
4. Town of Westport – board passed resolution May 7, 2012.
5. Dunn County – board passed resolution July 25, 2012. Then put on ballot and passed 72% on Nov 4, 2014.
6. Eau Claire County – board placed referendum on ballot Nov. 6, 2012, with 71% approval.
7. Chippewa County – board placed referendum on ballot April 2, 2013, with 68% approval.
8. City of Fort Atkinson – petition forced referendum on ballot April 2, 2013, with 77% approval.
9. City of Whitewater – petition referendum on ballot April 2, 2013, with 84% approval.
10. Douglas County – board of supervisors unanimously approved resolution June 20, 2013.
11. Town of Exeter – town board unanimously approved resolution July 8, 2013.
12. Jefferson County – board of supervisors voted 23-5 to approve resolution July 9, 2013.
13. Town of Koshkonong – town board approved resolution with a July 10, 2013 80% ballot approval.
14. Town of Oakland – town board unanimously approved resolution July 16, 2013.
15. City of Kenosha – city council voted 13-2 to approve resolution August 5, 2013.
16. Town of Sumner – town board unanimously approved resolution August 12, 2013.
17. Town of Watertown – town board unanimously approved resolution August 12, 2013.
18. Kenosha County – board voted 19-4 to approve resolution August 20, 2013.
19. Town of Jefferson – town board voted 4-1 to approve resolution September 5, 2013.
20. Town of Farmington – town board unanimously approved resolution September 5, 2013.
21. Town of Spring Valley – town board unanimously approved resolution September 9, 2013.
22. Town of Lake Mills – town board unanimously approved resolution September 10, 2013.
23. Town of Richmond – town board unanimously approved resolution September 17, 2013.
24. Town of Cross Plains – town board unanimously approved resolution November 11, 2013.
25. Town of Avon – town board unanimously approved resolution December 2, 2013.
26. Town of Porter – town board voted 2 for and 1 abstaining to approve resolution December 16, 2013.
27. Town of Plymouth – town board unanimously approved resolution January 14, 2014.
28. Town of Newark – town board unanimously approved resolution February 10, 2014.
29. City of Waukesha – petition referendum on ballot April 1, 2014, with 69% approval.
30. City of Wauwatosa – petition referendum on ballot April 1, 2014, with 64% approval.
31. City of Edgerton – petition referendum on ballot April 1, 2014, with 87% approval.
32. City of Elkhorn – petition referendum on ballot April 1, 2014, with 69% approval.
33. City of Delavan – petition referendum on ballot April 1, 2014, with 76% approval.
34. City of Lake Mills – petition referendum on ballot April 1, 2014, with 73% approval.
35. Village of Belleville – petition referendum on ballot April 1, 2014, with 85% approval.
36. Village of Shorewood – petition referendum on ballot April 1, 2014, with 76% approval.
37. Village of Whitefish Bay – petition referendum on ballot April 1, 2014, with 65% approval.
38. Village of Waunakee – petition referendum on ballot April 1, 2014, with 79% approval.
39. Village of DeForest – petition referendum on ballot April 1, 2014, with 70% approval.
40. Town of Windsor – town board approved resolution with an April 1, 2014 71% ballot approval.
41. Town of Waterloo – board placed referendum on ballot April 1, 2014 61% ballot approval.
42. Town of Viroqua – town board approved resolution per citizen unanimous vote April 20, 2014.
43. Town of Janesville – town board unanimously approved resolution July 7, 2014.
44. Town of Dunn – town board unanimously approved resolution Aug 28, 2014.
45. Milwaukee County – board placed referendum on ballot November 4, 2014 with a 70% approval.
46. City of Green Bay – petition referendum on ballot November 4, 2014 with a 77% approval.

47. City of Appleton – petition referendum on ballot November 4, 2014 with a 74% approval.
48. City of Fond du Lac – petition referendum on ballot November 4, 2014 with a 73% approval.
49. City of Neenah – petition referendum on ballot November 4, 2014 with a 79% approval.
50. City of Menasha – petition referendum on ballot November 4, 2014 with an 80% approval.
51. City of Ripon – petition referendum on ballot November 4, 2014 with a 79% approval.
52. City of Wausau – petition referendum on ballot November 4, 2014 with a 77% approval.
53. City of Stoughton – petition referendum on ballot November 4, 2014 with an 82% approval.
54. Village of Oregon – petition referendum on ballot November 4, 2014 with a 79% approval.
55. Village of Park Ridge – petition referendum on ballot November 4, 2014 with an 83% approval.
56. City of Watertown – petition referendum on ballot April 7, 2015 with a 69% approval.
57. City of Evansville – petition referendum on ballot April 7, 2015 with an 80% approval.
58. Town of Reedsburg – board placed referendum on ballot April 7, 2015 with a 63% ballot approval.
59. Town of Ellington – town board approved resolution April 21, 2015.
60. City of Mauston – city council unanimously approved a resolution June 23, 2015.
61. City of New Lisbon - city council unanimously approved a resolution July 20, 2015.
62. Town of Greenville – town board voted 3-2 to approve resolution October 12, 2015.
63. Village of Belmont – petition referendum on ballot April 5, 2016 with an 88% approval.
64. City of Beloit – petition referendum on ballot April 5, 2016 with a 74% approval.
65. City of Brodhead – board placed referendum on ballot April 5, 2016 with an 85% approval.
66. Town of Clarno – board placed referendum on ballot April 5, 2016 85% ballot approval.
67. City of Darlington – petition referendum on ballot April 5, 2016 with an 81% approval.
68. City of Janesville – board placed referendum on ballot April 5, 2016 with an 84% approval.
69. City of Lancaster – petition referendum on ballot April 5, 2016 with an 85% approval.
70. City of New London – petition referendum on ballot April 5, 2016 with an 81% approval.
71. City of Monroe – board placed referendum on ballot April 5, 2016 with an 82% approval.
72. City of Platteville – petition referendum on ballot April 5, 2016 with an 84% approval.
73. Town of York – board placed referendum on ballot April 5, 2016 with an 86% ballot approval.
74. Town of Fountain – town board approved resolution per citizen vote (8-1-1) April 20, 2016.
75. Town of Mt. Pleasant – unanimous board approval May 16, 2016. Referendum passed November 8, 2016 with a 88% approval.
76. City of Milton – city council unanimously approved resolution August 16, 2016.
77. Town of Marion – town board unanimously approved resolution September 8, 2016.
78. Rock County – ballot referendum passed November 8, 2016 with a 86% approval.
79. City of Reedsburg – ballot referendum passed November 8, 2016 with a 86% approval.
80. City of Manitowoc – ballot referendum passed November 8, 2016 with a 81% approval.
81. City of Delafield – ballot referendum passed November 8, 2016 with a 79% approval.
82. Village of Neshkoro – ballot referendum passed November 8, 2016 with a 88% approval.
83. Village of New Glarus – ballot referendum passed November 8, 2016 with a 88% approval.
84. Village of Spring Valley – ballot referendum passed November 8, 2016 with a 91% approval.
85. Village of Osceola – ballot referendum passed November 8, 2016 with a 86% approval.
86. Village of Mount Horeb – ballot referendum passed November 8, 2016 with a 84% approval.
87. Village of Monticello – ballot referendum passed November 8, 2016 with a 86% approval.
88. Village of Clayton – ballot referendum passed November 8, 2016 with a 86% approval.
89. Town of New Glarus – ballot referendum passed November 8, 2016 with a 83% approval.
90. Town of Harris – ballot referendum passed November 8, 2016 with a 65% approval.
91. Town of Springdale – ballot referendum passed November 8, 2016 with a 86% approval.
92. Town of Decatur – ballot referendum passed November 8, 2016 with a 89% approval.
93. Town of Cadiz – ballot referendum passed November 8, 2016 with a 87% approval.
94. Town of Lake Tomahawk – ballot referendum passed November 8, 2016 with a 91% approval.
95. Town of West Point – ballot referendum passed November 8, 2016 with a 67% approval.
96. Town of Clayton – town board unanimously approved resolution January 18, 2017.
97. City of Sturgeon Bay – council unanimously approved resolution March 21, 2017.
98. City of Racine - ballot referendum passed April 4, 2017 with a 81% approval.
99. City of Monona - ballot referendum passed April 4, 2017 with a 91% approval.
100. Village of Fox Crossing - ballot referendum passed April 4, 2017 with a 81% approval.
101. Village of Blue Mounds - ballot referendum passed April 4, 2017 with a 88% approval.

102. Town of Blue Mounds - ballot referendum passed April 4, 2017 with a 84% approval.
103. Town of Jordan - ballot referendum passed April 4, 2017 with a 71% approval.
104. Town of Crystal Lake - ballot referendum passed April 4, 2017 with a 79% approval.
105. Town of Caledonia - ballot referendum passed April 4, 2017 with a 70% approval.
106. Town of Bailey's Harbor – board unanimously approved resolution June 12, 2017.
107. Town of Egg Harbor – board unanimously approved resolution June 19, 2017.
108. Town of Liberty Grove – board unanimously approved resolution July 5, 2017.
109. Village of Egg Harbor – board unanimously approved resolution July 10, 2017.
110. Village of Ephraim – board unanimously approved resolution July 11, 2017.
111. City of Merrill – board voted 7-1 to approve resolution July 11, 2017.
112. Town of Forestville – board unanimously approved resolution July 18, 2017.
113. Town of Gibraltar – board voted 4-1 to approve resolution August 2, 2017.
114. Town of Sturgeon Bay – board unanimously approved resolution September 4, 2017.
115. Town of Jacksonport – board unanimously approved resolution September 26, 2017.
116. Town of Brussels – board unanimously approved resolution November 8, 2017.

Average “Yes” votes of all communities where citizens voted on a ballot = 78%

In total, 2.8 million people (49% of Wisconsinites) live in jurisdictions that have called for the United To Amend Amendment. Nationwide, over 750 communities have passed resolutions.

Communities with April 2018 Referenda

Villages: McFarland, Wittenberg
Towns: Sand Creek
Counties: Green, St. Croix

States that have Called for an Amendment

- | | |
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| <ol style="list-style-type: none"> 1. Hawaii (April 28, 2010) 2. Maryland (January 19, 2012) 3. New Mexico (February 7, 2012) 4. Vermont (April 19, 2012) 5. Rhode Island (May 30, 2012) 6. California (July 5, 2012) 7. Massachusetts (July 31, 2012) 8. Connecticut (September 12, 2012) 9. New Jersey (Oct. 18, 2012) 10. Montana (November 6, 2012) | <ol style="list-style-type: none"> 11. Colorado (November 6, 2012) 12. West Virginia (April 10, 2013) 13. Maine (April 30, 2013) 14. Illinois (May 31, 2013) 15. Delaware (June 10, 2013) 16. Oregon (July 1, 2013) 17. New York (June 15, 2016) 18. Washington (November 8, 2016) 19. Nevada (May 25, 2017) |
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