



Barbara With <barbwith@gmail.com>

Re: WCMC article on your support of the ALEC Anti protecting bill

Sen.Bewley <Sen.Bewley@legis.wisconsin.gov>
To: Barbara With <barbwith@gmail.com>

Fri, Sep 20, 2019 at 4:42 PM

Barbara,

I want to start off by addressing the article that seems to be at the center of the discussion taking place on social media. I applaud and fully support the Center for Media and Democracy's efforts to shed light on the activities of the American Legislative Exchange Council (ALEC). Unfortunately, the article that was published by David Armiak on September 16, 2019 is inaccurate (see #1 below) and misleading (see #2 below.) Senate Bill 386 is not an ALEC Bill, it is based on existing Wisconsin law.

Under current Wisconsin law, it is a Class H felony to trespass on the property of an energy provider and a Class I felony to cause damage to the property of an energy provider if the intent is to cause an interruption or impairment of services provided by the energy provider. The definition of energy provider does not cover energy infrastructure provided by the water utilities, oil, petroleum and renewable fuel industries. A broad coalition of labor unions reached out and asked me to sign onto a bill that expands the current definition of energy provider to include those pipelines. Workers on pipelines feel more and more unsafe due to an increase in reported incidents of vandalism that jeopardize not only their safety, but the public's safety as well. (see #3 below for information on reported incidents where workers felt threatened.) After consulting with various stakeholders, I agreed to add my name as a co-sponsor.

Senate Bill 386 does not "criminalize" protesting pipelines, mines and other dangers to health and well-being - it explicitly reaffirms individuals' free speech and assembly rights. And the bill adds protections to current law for any person who is monitoring compliance with public or worker safety laws. (see page 2 of the bill, lines 10 thru 25 and page 3 line 18 thru page 4 line 7.) Passing the bill would actually make it less likely that someone engaging in peaceful protest could be charged with a felony.

You asked me some specific questions. Here are my responses –

What inspired you to sign onto a bill that, without much investigation, was modeled after an ALEC bill?

I was asked by labor unions representing workers in my district to support this bill, which expands a definition of "energy provider" already existing in Wisconsin law.

Did you read the fine print on this memo, demonizing those of us who stood by Standing Rock?

I do not believe that I read that memo until you forwarded it to me. I read the bill, and asked my staff to look into the language in the bill. I do not have any control over the language that the authors of that memo used, just as I have no control over what you or others have said about me over the last few days. I understand and respect that people have very passionate feelings and try not to take things personally.

Why did you decide to co-sponsor it when so many other states who tried to pass similar bills had theirs not pass, or like in South Dakota, was struck down by their Supreme Court?

Unlike what has been proposed in other states, there is nothing in the language of Senate Bill 386 that could be considered unconstitutional, if there was, I wouldn't have signed onto the bill. And as I said earlier, there is language in the bill that will make it less likely that people engaging in peaceful protest will face felony charges.

Are you aware that Enbridge, one of the companies that you are supporting, is operating illegally on the Bad River Reservation, as Energy Transfer Partners was at Standing Rock?

I am aware that the Bad River Tribe is in litigation with Enbridge. I fully support the tribe, but I cannot speak for them.

NOTES

#1 – The author writes – “As a result, protesters -- and anyone helping to organize or fund them -- could find themselves facing jail time even for protests at an energy or water company's corporate headquarters.” This is simply not true. Nothing in Senate Bill 386 would open up contributors to an organization to jail time.

#2 - The author writes – “Senate Bill 386 echoes similar ‘critical infrastructure protection’ model bills pushed out by the American Legislative Exchange Council (ALEC) and the Council of State Governments over the last two years to prevent future protests like the one against the Dakota Access Pipeline.” Notice the language, especially the “echoes similar” and the lumping in of ALEC and the Council of State Governments (CSG). The author should address what is in Senate Bill 386, identify what is in the other bills, who sponsored them, and how Senate Bill 386 relates to those bills, otherwise it is impossible to know exactly what we are talking about. ALEC is a corporate driven and funded organization, shrouded in secrecy and dedicated, in their own words, “to the principles of limited government, free markets and federalism.” CSG is a widely respected non-partisan, non-profit organization that strives to foster, in their own words, “the exchange of insights and ideas to help state officials shape public policy.” I disagree with about 99.9 percent of the “model bills” put out by ALEC. I find myself split on the bills put out by CSG, which reflect a much broader variety of viewpoints.

#3 - Attached are police reports about two incidents and a link to an article about one of those incidents -

http://www.businessnorth.com/daily_briefing/enbridge-unions-say-line-opponents-resorting-to-violence/article_9c7f615a-89ce-11e7-a18c-933bca67b7d1.html

and a link to an article about another incident –

<https://www.superiortelegram.com/news/4459471-vandals-damage-equipment-enbridge-line-replacement-site>

I hope this information is helpful.

Best,

Janet

State Senator Janet Bewley
25th Senate District
(608) 266-3510 / (800) 469-6562

From: Barbara With <barbwith@gmail.com>
Sent: Thursday, September 19, 2019 6:56 PM
To: Sen.Bewley <Sen.Bewley@legis.wisconsin.gov>
Subject: Re: WCMC article on your support of the ALEC Anti protecting bill

Thank you. Many will be waiting to hear.

Barbara

On Thu, Sep 19, 2019 at 6:20 PM Sen.Bewley <Sen.Bewley@legis.wisconsin.gov> wrote:

Barbara,

Thank you for reaching out to me, appreciate it. I will have a detailed response for you tomorrow.

Best,

Janet

State Senator Janet Bewley
25th Senate District
(608) 266-3510 / (800) 469-6562

From: Barbara With <barbwith@gmail.com>
Sent: Thursday, September 19, 2019 8:47 AM
To: Sen.Bewley <Sen.Bewley@legis.wisconsin.gov>
Subject: WCMC article on your support of the ALEC Anti protecting bill

What inspired you to sign onto a bill that, without much investigation, was modeled after an ALEC bill?

Did you read the fine print on this memo, demonizing those of us who stood by Standing Rock?

<https://www.documentcloud.org/documents/6414725-Wisconsin-Worker-Safety-and-Energy-Security-Act.html>

Why did you decide to co-sponsor it when so many other states who tried to pass similar bills had theirs not pass, or like in South Dakota, was struck down by their Supreme Court?

Are you aware that Enbridge, one of the companies that you are supporting, is operating illegally on the Bad River Reservation, as Energy Transfer Partners was at Standing Rock?

Anything else you want to say before we go to press on Saturday September 21?

Thank you,
Barbara With

2 attachments

 **17DC03240 Damage to Property.pdf**
640K

 **17DC03101 Miscellaneous.pdf**
385K