



Boulder County Voter
League of Women Voters of Boulder County
lwvbc.org
Summer 2015 Members 160
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Please Note...
**July 15
Social Event
Has Been
Cancelled**

- **What's Inside.....**
- **League Convention**
- **Last Presidential
Comment from Ceal**
- **Book Suggestions on
topic of Finance Reform**
- **Notes on Annual
Meeting...**
- **...and Strategic Planning**
- **Happy Summer!**

STATE LEAGUE CONVENTION 2015

The State Convention is now history, and the Boulder County League can be justifiably proud of its role. With the help of scores of Boulder County Leaguers, the event came off with only minor hitches. We collected, filled and distributed goody bags, we greeted, registered and guided people, we kept the Silent Auction on track, we managed some very nice tours of local points of interest, and wrapped everything up on time. Hooray for us!!

As a P.S. to the goody bags, we found ways to benefit the larger community with "leftovers." There were uneven numbers of items donated by the local businesses, as one would expect. The team brainstormed and thought of organizations that might benefit from the excess, like Bridge House for the spice packets and Community Food Share for the granola packets and bars.

We wish the Wage Issue consensus had been adopted by concurrence. There was a lot of effort expended to promote that, and it may not have been in vain. We raised awareness of how it could be moved into levels of League higher than local, and enough interest may have been sparked to generate more study by other Leagues. There was certainly a lively discussion, and that is always a positive.

Now we can look forward to more formal expansion of our Health Care program position on a state-wide basis.

Louisa Young

PRESIDENTIAL PONDERINGS

What a wonderful whirlwind this past League year has been....

With the help of many League volunteers and a great planning committee, we hosted a successful state convention!

The Board embarked on strategic planning and has been reaching out to our community with encouraging results. Member feedback has been helpful and supportive in the process. At the July Board retreat, we'll coalesce our various efforts and produce a working plan.

We also carried on the regular work of the League, including these highlights:

- * co-sponsorship of a living wage forum with the Boulder Chamber, the Boulder County Latino Chamber, and the Boulder Human Rights Commission
- * KGNU radio interviews covering human trafficking, voter services, and money in American elections
- * education and consensus leading to a new wage position
- * newsletters issued to keep members up to date with League activity
- * a new social media presence, increased marketing, and a defined promotion
- * general meetings with guest speakers covering a variety of League interests
- * a successful fund raiser honoring long-time Leaguer Pat Johnson
- * community meetings covering state and local Ballot Issues, TABOR, and Campaign Finance Reform
- * several published opinion letters in local newspapers
- * candidate forums, ballot issue pamphlets and presentations, and voter registration drives
- * the Meet Your Legislators forum covered state legislation for a live audience and for home audiences through continued county-wide TV programming and web access

There are more, less visible, but just as important activities covered by Board members and Teams working on various issues. Know that a personal thank you, or note of encouragement in the email box, is welcome feedback and helps to re-fuel our League leaders.

I have been a Board member for almost a decade, but there is nothing like serving as President to make you understand the breadth and depth of our League work. I have so much appreciation for our League leaders and other member volunteers... it's been an honor to work with all of you, and I thank you for the opportunity to learn and grow with you. You can be proud of what we've accomplished and look forward to more League accomplishments!

Congratulations to Ruth Stemler on being our new President— I know she'll enjoy the same support from all of you that I did.

~Ceal

Boulder County Voter
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League of Women Voters of Boulder County
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Calendar

July

15 Social Event Cancelled
25 Board/Strategic Planning Retreat
29 Board Meeting

September
Kick-Off Meeting
(Date to be Determined)

Campaign Finance Reform Book Reviews

Next fall, the League of Women Voters of the United States plans to ask for consensus on our campaign finance reform positions. To prepare for those discussions, LWVUS sent a list of suggested readings on money in politics, and the Campaign Finance Reform Team has undertaken the task of sharing our reviews of these materials.

A Libertarian Viewpoint

In the first of two reviews for this issue of the VOTER, Diana Barney comments on a chapter from two authors presenting a libertarian viewpoint on free speech and money.

“Campaign Finance Reform and Free Speech” Chapter 5 (pp. 80-106) in *The Dirty Dozen: How Twelve Supreme Court Cases Radically Expanded Government and Eroded Freedom*, by Robert A. Levy and William H. Mellor. 2008. Penguin Group, New York. *The Dirty Dozen: How Twelve Supreme Court Cases Radically Expanded Government and Eroded Freedom* is a collection of essays about how, in the authors’ view, the Supreme Court got it wrong. Robert Levy, president of the Cato Institute, and William Mellor, president of the Institute for Justice, say their interpretation of the Constitution is committed to the values of individual liberty, private property, and free markets. The authors, both constitutional lawyers, tackle twelve decisions they assert have expanded government and eroded freedom. With their “sternly libertarian arguments” (Kirkus Review), Levy and Mellor examine each case on the basis of legal reasoning, listing the points at which they disagree with the Court’s decisions. This review focuses on one chapter, “Campaign Finance Reform and Free Speech.” The authors’ main point is that regulating campaign money is akin to regulating free speech. To get elected, candidates must speak to the people, and that costs money. To speak to a lot of people costs a lot of money. Regulating the money politicians can raise and spend to speak to the people is a direct restriction on freedom of speech in the same way regulating printing presses is a direct restriction of freedom of the press.

Concentrating on the court cases *McConnell v. Federal Election Commission* (2003) and *Buckley v. Valeo* (1976), which decided that although a candidate’s speech cannot be restricted the money to pay for the speech should be. The authors say that the Court went awry when they tried to mandate *fair* speech, when the First Amendment intends *free* speech. Their position is summed up by this response to Justice Scalia’s dissenting opinion in the *McConnell* case: “Scalia clearly understood, as the majority did not, that disproportionate influence by large donors – corporate, union, or individual – is hardly improper. Rather, it is the inevitable consequence of economic and social disparities. Speech having unequal influence comes in many shapes: media, celebrities, religious leaders, and the economically successful. Because of differences in access, quantity, or credibility, the impact of speech will necessarily vary; the First Amendment places its trust in the public, not the government, to sort it out.” Levy and Mellor’s conclusion is that the best and surest way to reduce money in campaigns is to reduce the size and revenue of federal government.

The Citizens United decision in 2010 negated some provisions of the *McConnell* and *Buckley* cases, thus agreeing with the authors’ Constitutional interpretation that abridging money used to pay for communication is the same as abridging free speech.

Although this book was published in 2008 and much has changed since the Citizens United case, the arguments presented by the authors are an excellent way to understand the reasoning behind the Court's latest decision. The book has the added benefit of using clear language when describing this very complicated subject.

Amending the Constitution

In the second review, Rionda Osman reports on the proposals of a former Supreme Court Justice.

Six Amendments: How and Why We Should Change the Constitution, by John Paul Stevens, Justice of the Supreme Court of the United States (Ret.). 2014. Little, Brown and Company, New York.

Justice John Paul Stevens discusses how to correct what he views as errors of recent Supreme Court decisions. He was inspired to write this book after the Sandy Hook tragedy in which small children and their teachers were gunned down by an extremely well-armed, mentally ill man. He proposes changes to how states and the Federal Government interact so that complete, useful databases are available for background checks.

While Justice Stevens addresses issues other than gun control, that hot button has been the primary focus of media coverage for this book. In addition, he proposes to correct and clarify law regarding:

- political gerrymandering
- campaign finance
- the death penalty

Because this book was recommended to us by the LWVUS in preparation for consensus, I will only point out those sections on amending the Constitution and campaign finance reform. This is a “dense” book – many ideas and many arguments based in the records of the law and on some seemingly arcane twists of language in the law. Justice Stevens conveyed a legal expert's arguments in a format that a lay person can follow with a little persistence.

How to Amend the Constitution

Justice Stevens first outlines the 27 amendments to the Constitution and reminds us of the processes that are defined by Article V for proposing and ratifying amendments. This chart depicts those processes.



| Amending the US Constitution | | |
|--|----|--|
| <i>Proposed By</i> | | |
| Congress 2/3 Vote in Each House | or | National Convention Called by Congress at the request of 2/3 of State Legislatures |
| <i>Ratified By</i> | | |
| State Legislatures of 3/4 of the States | or | Conventions in 3/4 of the States |
| Amendment added to the Constitution | | |

Of the 27 amendments, 27 have been proposed by Congress (with a 2/3 vote in each house) and 26 have been ratified by the State Legislatures of $\frac{3}{4}$ of the States. Only the Twenty-First Amendment (the repeal of Prohibition in 1933) was ratified by State Conventions.

Why Amend the Constitution

Justice Stevens proposes six amendments to rectify what he sees as the unfortunate impact of decisions by the Supreme Court in the past 40 years. Specifically, he cites:

... One of those rules has changed the character and increased the cost of campaigns for public office, a second has changed the composition of the Congress as well as that of many state legislatures, and two others have unwisely curtailed the powers of Congress. (p.11)

He recommends amending the Constitution to correct what he sees as errors in jurisprudence on the death penalty. He also disputes the current Supreme Court interpretations of the Second Amendment and would place final authority with the Legislative Branch to define regulation of firearms.

How to Address Campaign Finance

Justice Stevens proposes this amendment to the Constitution:

Neither the First Amendment nor any other provision of this Constitution shall be construed to prohibit the Congress or any state from imposing reasonable limits on the amount of money that candidates for public office, or their supporters, may spend in election campaigns. (p. 77)

In the Citizens United decision of 2010, Justice Stevens wrote an eighty-six-page dissent. In this book, he continues his disagreement with the decision by explaining:

... why it is unwise to allow persons who are not qualified to vote – whether they be corporations or nonresident individuals – to have a potentially greater power to affect the outcome of elections than eligible voters have. (p. 59)

Chapter III Campaign Finance (pp. 57-79) traces Justice Stevens' reasoning about bans of, not simply limits to, corporate contributions to political candidates. He cites President Theodore Roosevelt and laws enacted after Watergate, as well as the Citizens United discussions.

He addresses concerns of

- favoring incumbency by restricting the means of challengers
- actual corruption as well as the perception of corruption
- tests of "reasonableness" in setting spending limits

All of these arguments are closely linked to decisions, and Justice Stevens outlines his agreement or disagreement with those decisions.

2015 Annual Meeting

Members and guests attending the 2015 annual meeting at Fox Hill Country Club on May 2nd enjoyed a delicious brunch and successfully conducted the pending business of the organization. All nominated officers were elected, and all recommended position actions were approved. Production of the Strong Sisters' documentary film on elected women is moving forward. The filmmakers discussed their project and showed a trailer of their film at our meeting. You can follow their progress or sign-up for their newsletter at StrongSisters.com.

~Lynne Wegley

Strategic Planning Continues

Summer is here, but the strategic planning process continues on. July 25th, the new Board of Directors, former directors of the 2014-15 BOD, and as many issue Team leaders as we can lure away from the poolside, will spend the day creating the plans for focus of the LWVBC. Details for a first year of activity and an outline for approximately the next five years will be developed. Your leaders will be massaging the findings of community environmental scans, member survey material and process improvement ideas that have been accumulated during this past year of research, into plans that will make our league more viable for the future and more attuned to the county's communities. Stay tuned for progress reports and action.

~Susan Saunders



League of Women Voters of Boulder County
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To join the League of Women Voters of Boulder County, complete the form below and mail with your check (made payable to LWVBC) to LWVBC, P.O. Box 21274, Boulder CO 80308.

Dues are for one year and include membership in the state (LWVCO) and national Leagues (LWVUS), as well as our local League. Members will receive the *Boulder County Voter* and the *Colorado Voter*. Members may also sign up for various electronic newsletters. Please note that all membership in now managed by local Leagues. Any payment sent to the national League will be gratefully accepted as a gift but will not confer membership.

Because dues do not cover our costs, please consider adding a contribution. Contributions to the LWVBC are not tax deductible as charitable contributions, but a separate check payable to the LWVCO Education Fund is tax-deductible and will be placed in an account for qualifying activities of the League. For business contributions, contact Louisa Young 303 444 6428 or send an e-mail: louisa.young@colorado.edu

New Member Renewal Today's Date _____

\$55 Single Membership \$82.50 Two members (same address) \$25 Student

(NEW) Sustaining Membership \$120 individual \$200 household

Name (please print) _____

Address _____

City _____ Zip _____

Phone (home) _____

E-mail (please print) _____