



League of Women Voters of Albany County Bulletin

January 2016

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Mission

The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.

Policy on Inclusiveness

The League of Women Voters in both its values and practice is committed to inclusion and diversity. This means:

We recognize that diverse perspectives are important and necessary for responsible and representative decision making;

We believe inclusiveness enhances our organization's ability to respond effectively to changing conditions and needs;

Consensus Meeting: Money in Politics



What: Consensus to Update LWVUS position on Campaign Finance

When: Sunday, January 24, 2016; 2:00-4:30 PM, refreshments

Where: St. Sophia Greek Orthodox Church, 440 Whitehall Road, Albany 12208

Why: The LWVUS position on Campaign Finance dates back to the 1970's and predates Supreme Court decisions that changed campaign finance law significantly. The Money in Politics Consensus Meeting will review and update this gap in our current position. Having an up to date position at the national league level will help our state League mount advocacy positions in this year's legislative session, which is likely to include actions on campaign finance. The consensus process will facilitate League member understanding and agreement on the extent to which our organization believes that financing a political campaign is speech protected by the First Amendment.

Guest Presenters: League of Women Voters of Saratoga Springs Money in Politics Committee will guide our discussion.

Review: Advanced reading will enrich our discussion. Please use these links and bring the materials in this Bulletin issue along with you to the meeting.

Link to Consensus questions:

<http://forum.lwv.org/member-resources/article/money-politics-consensus-questions>

Link to LWVUS background information:

<http://forum.lwv.org/category/member-resources/our-work/money-politics-review>

For further information, contact Aimee Allaud, 482-2617, 85aimee@nycap.rr.com

We affirm our commitment to reflecting the diversity of Albany County; and

There shall be no barriers to participation in any activity of the League on the basis of economic position, gender, race, ability, age, sexual orientation, creed or national origin.

Board and Committees

President

(Aug-Oct) Paula Philo
(Nov-Feb) Margaret Danes

Secretary Loretta Simon

Treasurer Marggie Skinner

Directors

Julie Elson (Program)

Margaret Danes (Membership)

Barbara Frankel
(Voters Service)

Susanna Martin
(Voters Service)

Lois Portnick (at large)

Linda Brown (website)

Herb Gordon (at large)

Aimee Allaud (Bulletin)

A complete list of committee chairs is available on the LWVAC website, www.lwvalbany.org under Contact Us.

Quick Links

[LWV of Albany Co.](http://www.lwvalbany.org)

[Like us on](#)



Electronic Bulletin

MEMBERS can receive our Bulletin electronically or by US mail. If you wish to receive our Bulletin electronically, please send an email to bulletin editor, Aimee Allaud, 482-2617, or 85aimee@nycap.rr.com.

President's Message

Sense and Sensibility

Borrowing on the title of Jane Austen's classic novel, it is distressing, to say the least, to try to understand how certain claims and accusations being tossed about in the presidential campaigns can be perpetuated. Instead of recognizing the plight of people so desperate to escape the terrors of their homelands that they will endure extremely hazardous and life-threatening means—Mexicans in crowded cattle cars, Syrians in overloaded boats and leaky rafts—to follow the basic human instinct, that of survival. One candidate in particular seems to thrive and grow in popularity with bombastic claims about how to handle these crises of humanity. What we see is neither sense nor sensibility, but an effort to ignite and fan the flames of fear and hysteria. It is reminiscent of history and images of vigilantes, Klu Klux Klan, Japanese internment camps, and the McCarthy era.

We all have a responsibility to speak and support measures against such fear and hate mongering. As such, I attended the Albany County Legislature special meeting on January 1, 2016. Because it was an organizational meeting, there were no speakers. However, an anti-Islamophobia resolution was presented and passed with twenty-six of the thirty-nine legislators signing the proclamation.

On Monday, January 4, (once again wearing my LWV pin), I attended the Albany Common Council for the opportunity to speak in favor of the proposed Resolution that "The City of Albany Stands With Muslim Neighbors Against Islamophobia." We study history so as not repeat the mistakes of the past. Based on a bit of research, I was able to report on the Immigration Act of 1924 which effectively banned all immigration from Japan and other undesirable Asian countries. This was due partly to the fears of Americans on the West Coast fearing competition and exaggerating the idea of hordes of Asians keen to take over white-owned farmland and business. (Sound familiar?) They were called the "Yellow Peril" and various groups lobbied to restrict the property and citizenship rights of Japanese immigrants. Then came Pearl Harbor, and Japanese with dual citizenship living on the West Coast were placed in concentration camps. However, in 1980 the Commission on Wartime Relocation and Internment of Civilians concluded that the incarceration had been the product of racism, and in 1988, President Reagan signed the Civil Liberties Act which apologized for the internment and authorized payment to survivors. This legislation admitted that government actions were based on "race, prejudice, war hysteria, and a failure of political leadership."

There were many other speakers at the Common Council also in favor of the resolution, and it passed unanimously. Following the resolution passage and much to my surprise, at least a dozen Muslims in the audience (including a mother whose six-year old had been bullied at school) came up to me to shake my hand, to hug me, to thank me with such heartfelt sincerity. It was very emotional; it was most gratifying.

Finally, if you want a reference tool to help sort out "fact from fiction", go to FactCheck.org., a nonpartisan, nonprofit "consumer advocate" for voters that aims to reduce the level of deception and confusion in U.S. politics. This site monitors the factual accuracy of what is being said by major political players. It is a project of the Annenberg Public Policy Center of the University of Pennsylvania which was established to create a community of scholars that would address public policy issues at the local, state, and federal levels.

Yours in League,
Margaret Danes

Legislative Agenda

LWVNYS 2016 Legislative Agenda Report

We Asked: You Responded! Thank You!

In the November issue of the Bulletin, we asked you to tell us the important issues you would like the LWVNYS to concentrate on during the upcoming legislative session. You responded by e-mail and snail mail and we submitted your responses to LWVNYS. The results prioritized by highest number of votes: 1) campaign finance reform, 2) fair pay. Other issues received equal votes: equal support for support of indigents' defense services, single payer health insurance, alternatives to incarceration, reproductive choice, energy and climate change. Watch for the 2016 edition of the LWVNYS Legislative Agenda to see the results of input from League members statewide. We begin lobbying on the Agenda post-budget: April-June. Let us know if you want to participate in meetings with our Assemblypersons and Senators.

LWVAC Board Meetings are held on the 3rd Tuesday of each month, at St. Sophia's Church, 440 Whitehall Road, Albany, 7 PM. Sept 8, Oct. 20, Nov.17, Dec. 15. All members are welcome to attend.

League of Women Voters of NYS and
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Dare Thompson, President

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1730 M Street, NW., Washington, DC 20036-4508

Tel: [202-429-1965](tel:202-429-1965), www.lwv.org
Elisabeth McNamara, President

Renew Your Membership NOW!

We need our members to remain active and influential - renew your membership now! And we need to know the interests of our members so complete the interest sheet on the back of the membership letter.

Enclosed with this bulletin is the full letter and the interest sheet. Please complete the form and mail it with your dues payment to: LWVAC, PO Box 622, Slingerlands, NY 12159. DO IT NOW!

Bea Herman

Bea Herman passed away on December 31 at the age of 95. Bea was a dedicated member of the Albany County League for well over 50 years. As president in the 1960's, she saw "the country awakened to the unheeded situation of inequality and denial of human and civil rights to many of its citizens - and the League responded to the problems, the needs, and some solutions." (Written by Bea in 2010.) These issues continued to be her main concern as the League urged the city and county officials to establish a local Community Action Program, as part of the Economic Opportunity Program. When the county refused to act, the League supported the formation of Albany County Opportunity, Inc., a private agency. Bea's leadership encouraged many of us to work with groups such as NAACP, Fair Housing Coalition, Albany Citizens Against Poverty, etc. We published articles on "Practical Politics", had voting machine demonstrations, and registration information.

Bea had many civic interests including co-chairing the committee for Better Mental Health in Albany County, participating in the study on selection of judges on the state level, and planning programs on world affairs. She said, "I have strongly felt that in a democracy the people must work actively on public issues, and the League of Women Voters provided and still provides the best means to achieve this goal." Bea was the epitome of a civic minded woman and we were so fortunate to have had her inspiration.

Spring 2016: Great Decisions Discussion Groups

Great Decisions is America's largest discussion program on world affairs. The name is shared by a national civic education program, briefing book and television series administered and produced by the Foreign Policy Association (FPA). The Great Decisions program highlights eight of the most thought-provoking foreign policy challenges facing Americans each year. The Great Decisions briefing book provides background information, current data and policy options for each issue and serves as the focal text for discussion groups. LWVAC has had a Great Decisions discussion group for many years. Further information about the FPA and the Great Decisions program including 2016 Briefing Books are available at www.fpa.org

There will be two Great Decisions Discussion groups meeting starting in Feb. 2016. The morning group will meet on Mondays (Feb. 8 and 22, March 7 and 21, April 4 and 18, and May 2 and 16) from 9:30-11:30 in the Community Room at the Berkshire Bank, 11 Vista Blvd., Slingerlands. The afternoon group will meet on Mondays from 1:30-3pm (Feb. 1 and 15, March 7 and 21, April 4 and 18, and May 2 and 16) at the Beverwyck in the Albany Room, 40 Autumn Dr. Slingerlands. To ensure that attendees are aware of the specific aspects of the complex topics that will be under discussion, participants will be required to purchase a copy of the FPA Briefing Book for 2016 (www.fpa.org) .

Please note: Meetings of the Great Decisions groups are open to all LWVAC members. All League members who are interested in learning more about foreign policy are welcome, but space is limited. For more information or to sign up to participate in this program, please contact:

Morning group: Martha Kennedy 439-4559, dkennedy2@nycap.rr.com

Afternoon group: Judy Wing 269-4337, judywing@beverwyck.com

Options for Reforming Money in Politics

As an aide to readers in understanding the complexities of money in politics and the financing of elections by public, private and corporate entities, we have summarized below three strategic responses. These address decisions made by the U.S. Supreme Court since 1976 that have weakened laws regulating political campaign contributions and spending. These reform strategies remain constitutional in the wake of these Court decisions.

Legislative Approaches

Enact stronger disclosure laws. (action by Congress and states.) The Supreme Court has upheld disclosure as a means of providing information to the electorate and avoiding corruption or the appearance of corruption.

Tighten rules governing coordination in order to limit "independent" spending such as Super PACs (action by Congress and states). U.S. Supreme Court decisions have allowed unlimited campaign spending that is not coordinated with a candidate in any way. However, rules are weak and coordination occurs in many ways. The FEC could also take action (see below).

Adopt public funding for all candidates (action by Congress and states). Congress could extend public funding to candidates for all federal offices and more states could adopt public financing. Currently, only candidates for president can receive public funding at the federal level, and in the past two presidential elections, the candidates have opted out of the public funding system. In all cases, public financing is a voluntary option. Resources to support public funding would have to be established.

Prohibit members of Congress from fundraising from the interests they most directly regulate (action by Congress). For example, Congress could prohibit contributions from PACs and lobbyists associated with federal government contractors. It could close the "revolving door."

Change the makeup of the U.S. Supreme Court by including more justices friendly to reform (action by the Congress and/or the President).

Use or expand state corporate law (action by states). There are efforts to use or expand state corporate laws to regulate the behavior of corporations. One possibility would be to require directors to obtain shareholder approval

before making campaign donations and expenditures, as well as public disclosure of such spending. Another possibility is to require noninterference in state and local elections as a condition for obtaining a business license in a given state.

Regulatory Approaches

Enforce campaign finance laws (action by the Federal Election Commission and state regulatory agencies). The Federal Election Commission (FEC), established in 1974, is considered ineffective as an enforcement agency. Lawsuits are pending to force the agency to exercise its enforcement powers.

Adopt a Securities and Exchange Commission (SEC) rule to require public companies to disclose their political activities, including campaign donations and lobbying efforts. governing corporate political expenditures An SEC rule change would not require Congressional approval.

Strengthen and enforce 501(c)(4) political activity rules (action by the Internal Revenue Service; IRS). The IRS should strictly enforce 501(c)(4) rules and close loopholes that allow unlimited secret election spending while still protecting truly nonpartisan voter service activities.

Other Approaches

Overturn Buckley and/or Citizens United rulings by the Supreme Court. An example promoted by Lawrence Lessig is to move the existing Court using a case with an originalist justification for broadening the definition of corruption. Lessig submitted an amicus brief along these lines in the case of *McCutcheon v. FEC*.^[iii] New state laws can be passed that seek to plug loopholes or continue to challenge the Court's decisions.

Wait for the ideological makeup on the Court to change (action by the President and Congress).

Work for a Congress comprised of members committed to reform (action by the grassroots). Ultimately, the voters decide.

Amend the U.S Constitution to overturn rulings (action by Congress and the states). More than a dozen different amendments to the constitution have been proposed that directly relate to the financing of elections. Many of the proposals contain provisions that would:

1. Restore the authority of Congress and the states to limit campaign spending. Some mention only elections of candidates, while others include spending on ballot measures.
2. Assert that the rights protected by the Constitution are those of natural persons only. Some proposals address First Amendment speech rights only. Those that are broader argue that the privileges of corporate entities and other collective entities are created by statute and, unlike the rights of natural persons protected by the Constitution, are not inalienable.

Some of these proposals also:

- Allow Congress and the states to enact measures such as public financing and disclosure in order to protect the integrity and fairness of elections, to limit the corrupting effect of private wealth, and to guarantee the dependence of elected officials on the public alone;
- Forbid the judiciary from construing the expenditure of money as protected speech;
- State that nothing in the amendment shall be construed as limiting freedom of the press.

Background Reading:

- Money in Politics: Introduction and Overview (<http://forum.lwv.org/member-resources/article/money-politics-mip-introduction-and-overview>)
- Shifts in Supreme Court Opinion about Money in Politics (<http://forum.lwv.org/member-resources/article/money-politics-shifts-supreme-court-opinion-about-money-politics>)

MONEY IN POLITICS CONSENSUS QUESTIONS

This update on Money In Politics builds on the League's current position on campaign finance. The consensus questions in Part I address the goals of campaign finance regulation in terms of democratic values. The questions in Part II relate to the extent to which First Amendment protections like free speech and freedom of the press should apply to various speakers and activities in the campaign finance context. Part III asks about methods of campaign finance regulation. You are asked to respond to the questions without regard for the Supreme Court's current views on the First Amendment. In responding to each question, please interpret the words in their most general sense. Keep in mind that the LWV intentionally words positions that are derived from member study in the broadest possible way so that our positions have relevance for many years. Future national Boards will determine when and how to apply our positions.

PART I QUESTIONS: Democratic Values and Interests with Respect to Financing Political Campaigns

1. What should be the goals and purposes of campaign finance regulation? (Please respond to each item in Question 1 with Agree/Disagree/No Consensus)

- a. Seek political equality for all citizens.
- b. Protect representative democracy from being distorted by big spending in election campaigns.
- c. Enable candidates to compete equitably for public office.
- d. Ensure that candidates have sufficient funds to communicate their messages to the public.
- e. Ensure that economic and corporate interests are part of election dialogue.
- f. Provide voters sufficient information about candidates and campaign issues to make informed choices.
- g. Ensure the public's right to know who is using money to influence elections.
- h. Combat corruption and undue influence in government.

2. Evaluate whether the following activities are types of political corruption: (Please respond to each item in Question 2 with Agree/Disagree/No Consensus)

- A candidate or officeholder agrees to vote or work in favor of a donor's interests in exchange for a campaign contribution.
- An officeholder or her/his staff gives greater access to donors.
- An officeholder votes or works to support policies that reflect the preferences of individuals or organizations in order to attract contributions from them.
- An office holder seeks political contributions implying that there will be retribution unless a donation is given.
- The results of the political process consistently favor the interests of significant campaign contributors.

PART II QUESTIONS: First Amendment Protections for Speakers and Activities in Political Campaigns

This set of questions is designed to determine the extent to which the First Amendment protections of free speech and freedom of the press should apply to different speakers or activities in the regulation of campaign finance. Free speech and free press provide essentially the same protections to speakers, writers, publishers and advertising, whether or not they are part of the institutional press, and largely regardless of the medium. Essentially, these protections extend to any conduct that is expressive. Many of the options below would be found unconstitutional by the current Supreme Court, but we are seeking your League's views, not those of the Court. These are broad, overarching questions about spending to influence an election, including independent spending, contributions to candidates, broadcast news and other communication expenditures.

1. Many different individuals and organizations use a variety of methods to communicate their views to voters in candidate elections. Should spending to influence an election by any of the following be limited? (Please respond to each item in Question 1 with Spending Banned/Some Spending Limits/Unlimited Spending/No Consensus)

- Individual citizens, including wealthy individuals like George Soros and the Koch Brothers.
- Political Action Committees, sponsored by an organization, such as the League of Conservation Voters, Chevron, the American Bankers Association, and the International Brotherhood of Electrical Workers (IBEW),

whose campaign spending comes from contributions by individuals associated with the sponsoring organization, such as employees, stockholders, members and volunteers.

- For-profit organizations, like Exxon, Ben and Jerry's, General Motors, and Starbucks, from their corporate treasury funds.
- Trade associations, like the U.S. Chamber of Commerce, the American Wind Energy Association, and the American Petroleum Institute, from the association's general treasury funds.
- Labor unions, like the United Autoworkers and Service Employees International, from the union's general treasury funds.
- Non-profit organizations, like the Sierra Club, Wisconsin Right to Life, Coalition to Stop Gun Violence, American Crossroads, and Priorities USA, from the organization's general treasury funds.
- Non-partisan voter registration and GOTV (get out the vote) organizations and activities, like the LWV and Nonprofit Vote.
- Political parties, like the Republicans, Libertarians, and Democrats.
- Candidates for public office spending money the candidate has raised from contributors.
- Candidates for public office spending their own money.

2. The press plays a major role in candidate elections through editorial endorsements, news coverage, and other communications directly to the public that are often important to the outcome. Should such spending to influence an election by any of the following be limited? (Please respond to each item in Question 2 with Spending Banned/Some Spending Limits/Unlimited Spending/No Consensus)

- Newspapers, like the New York Times and the Wall Street Journal.
- Television and other electronic media, like Fox News, CNN, MSNBC and CBS.
- Internet communications, like Huffington Post, Breitbart, Daily Kos, and individual bloggers.

PART III QUESTIONS: Methods for Regulating Campaign Finance to Protect the Democratic Process

1. In order to achieve the goals for campaign finance regulation, should the League support (Please respond to each item in Question 1 a and b with Agree/Disagree/No Consensus)

- Abolishing SuperPACs and spending coordinated or directed by candidates, other than a candidate's own single campaign committee.
- Restrictions on direct donations and bundling by lobbyists? (Restrictions may include monetary limits as well as other regulations.)
- Public funding for candidates? Should the League support:
- (You may respond to more than one item in Question 1 c.)
 1. Voluntary public financing of elections where candidates who choose to participate must also abide by reasonable spending limits?
 2. Mandatory public financing of elections where candidates must participate and abide by reasonable spending limits?
 3. Public financing without spending limits on candidates?

2. How should campaign finance regulations be administered and enforced?
(You may choose more than one response for Question 2.)

- By an even-numbered commission with equal representation by the two major political parties to ensure partisan fairness (current Federal Election Commission [FEC] structure)?
- By an odd-numbered commission with at least one independent or nonpartisan commissioner to ensure decisions can be made in case of partisan deadlock?
- By structural and budget changes to the FEC (e.g., commission appointments, staffing, security, budget, decision making process) that would allow the agency to function effectively and meet its legislative and regulatory mandates.
- No consensus.

League of Women Voters of Albany County
PO Box 611
Slingerlands, NY 12159

Calendar

Sun, Jan. 24, 2-4:30 pm "MONEY IN POLITICS" Discussion/Consensus Meeting
St. Sophia's Church, 440 Whitehall Road, Albany,
contact Aimee Allaud, 482-2617, refreshments provided. Open to the public.

Sun, Feb. 7, 2:00 pm "Freedom Train," Freedom Train tells the story of Harriet Tubman
and the Underground Railroad in a fascinating series of theatrical scenes using
the period's rich musical tradition. A Park Playhouse production, Palace
Theatre, call 465-4663, \$20.

Sun, Feb. 7, 2:00 pm LWVAC Board Mtg., St. Sophia's Church, 440 Whitehall Road, Albany,
call Margaret Danes, 489-4442

Mon, Feb. 8, 7:00 pm Albany County Legislature Meeting, Albany County Courthouse

Tues, Feb. 9 Albany voters will vote on a scaled-back proposal to rebuild Albany High
School; polling places are the same as for the annual school budget vote in May.
Call the City School District at 475-6010.

Sun, Feb. 14 LWVUS 97th Birthday Happy Birthday, LWV!