

Governor Tony Evers
115 East
State Capitol
Madison, WI 53702

November 19, 2019

Dear Governor Evers,

The undersigned national civil liberties, labor, and environmental groups write to ask you to veto the Felony Trespass Bill (AB426/SB386), which is designed to silence opposition to pipelines.

This law creates a new felony, punishable by up to six years in prison and a \$10,000 fine, for trespass on property owned, leased, or operated by companies engaged in the distribution of oil or petroleum.

Trespass is, of course, already against the law. At its heart, AB426/SB386 creates a brazen double standard. By increasing the penalties for trespassing on lands associated with oil and natural gas corporations, this bill would give greater protections to a multi-billion dollar industry than to the public at large. These special protections are not rooted in any legitimate state function. They are about helping a powerful but controversial industry insulate itself from public criticism and chill speech that the industry fears may jeopardize its profit margins.

These special protections for a multi-billion dollar industry are entirely unwarranted. Environmental advocacy, including civil disobedience, does not threaten physical infrastructure or worker or public safety, but it may threaten profits. Critical infrastructure bills are based on model legislation crafted by corporate interests to establish special protections for some private industries engaged in controversial practices that attract opposition and protest. These bills, including AB426/SB386, are rooted in animus against environmental justice advocacy because it threatens the profits of these corporations. Whenever states enact legislation based on animus towards particular political speech it has a chilling effect that will be felt widely.

We urge you to veto AB426/SB386. This bill runs counter to criminal justice reform. At a time when many lawmakers are assessing the social harm caused by overcriminalization and mass incarceration, this bill would escalate criminal penalties for a nonviolent offense. As expressed above, these increased penalties are a form of unnecessary special protections for a powerful industry. They are not rooted in any actual threats to public safety, as the authors of the bill will lead you to believe. Instead, these new steep penalties and special protections for so-called "critical infrastructure" are rooted in animus towards anti-pipeline protesters.

Proponents of bills such as this one frequently tout concerns about protecting worker safety. While it is important for the state to safeguard worker safety, this unnecessary and extreme bill does nothing to protect worker safety.

We urge you to veto this bill. Special protections designed to protect the energy industry from protests, including nonviolent civil disobedience, do nothing to protect the public or worker safety. They do threaten our democracy by chilling dissent.

Questions about this letter may be addressed to Sue Udry, Executive Director at Defending Rights & Dissent at 202.552.7408 or sue@rightsanddissent.org.

Sincerely,

Climate Defense Project
Climate Disobedience Center
Defending Rights & Dissent
Earthworks
Food & Water Action
Greenpeace USA
International Corporate Accountability Roundtable (ICAR)
Labor Network for Sustainability
National Lawyers Guild
Palestine Legal
Partnership for Civil Justice Fund
PEN America
Unitarian Universalist Service Committee
Wisconsin Resources Protection Council