



# Green Mountain CITIZEN

Fall 2015

## *A Bit About the Constitutional Amendment Study*

The following is excerpted from the *Constitutional Amendments Study Guide*, offered to assist Leagues as they discuss the key issues and consider how to answer the [Consensus Questions](#). Links to the complete guide and other materials are in recent *League Updates*, or contact Kate Rader at [catherine.rader@myfairpoint.net](mailto:catherine.rader@myfairpoint.net).

### Constitutional Background

In 1787, delegates from twelve of the thirteen states then in existence met in Philadelphia to revise the Articles of Confederation. Instead, they drafted a totally new document, what we know as the U.S. Constitution. It was unanimously ratified by the states. While this all seems very long ago, how the Constitution began and how the 1787 Convention was convened and conducted are cited in the current debate about calling a Convention under Article V.

Here's what Article V of the U.S. Constitution says about amending the Constitution:

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; . . .

So Article V provides two ways of proposing amendments to the nation's fundamental charter. Congress, by a two-thirds vote of both chambers, may propose constitutional amendments to the states for ratification. OR, the legislatures of two-thirds of the states (34 at present) may ask Congress to call a convention to propose amendments to the Constitution; this is commonly called an Article V Convention. Amendments proposed by either method must be ratified by three-fourths of the states, 38 at present.

The first method has been used by Congress to submit 33 amendments to the states, beginning with the Bill of Rights. Of these, 27 were approved; 26 are currently in effect, while one – the 18th Amendment (Prohibition) — was ultimately repealed by a second amendment, the 21st. The 21st Amendment was

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## Message from the Board

Fall 2015

Sixty-five applicants from 29 countries were sworn in at the annual naturalization ceremony at the State House on September 11. The League was there to register the new citizens to vote, and hosted a reception in the Cedar Creek Room for them and their guests. See the pictures on p.

The 2014 convention of the LWVUS adopted a comprehensive three-part program combining study and review of key, specific structures of American democracy, consisting of: A study of the process of amending the U.S. Constitution; A review and update of the League position on campaign finance in light of forty years of change; and a review of the redistricting process for the U.S. Congress.

The first two were to be conducted as League studies, culminating in the consensus process. The redistricting review is being done by a task force. The results of local Leagues' consensus meetings on amending the Constitution are due to LWVUS by December 1. The money in politics (MIP) consensus results are due on February 1. More information about these studies is available through the Thursday League Updates and on the LWVUS website, [www.lwv.org](http://www.lwv.org). These are important and timely studies, and local Leagues should be including consensus meetings in your calendar planning.

Information about both studies can be found on the LWVUS website, [www.lwv.org](http://www.lwv.org). Direct links to the materials can be found in the August 27 and September 3 *League Updates*, or, I will e-mail downloaded copies to you upon request.

In addition to these materials, the LWVVT is bringing Ann Luther, LWVME, to speak at a public event on Sunday, November 8. Ann was a member of the original Money in Politics Task Force (see lead article) and serves as treasurer for Maine Citizens for Clean Elections (MCCE). MCCE works to advocate for, increase public support for, defend and improve the Maine Clean Election Act and related campaign finance law. She will also be interviewed about amending the Constitution by

Claudette Sortino as one of our *Spotlight on Issues* series.

We are excited about Ann's visit, and you will be asked to spread the word through your local Front Porch Forum.

Kate Rader

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Membership in the League includes a subscription.  
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## *Keyes Trust to Divest from Fossil Fuels*

At the State Convention on June 13, member Hedi Ballantyne asked about the fossil fuel content of the Keyes Trust investments. I could not answer the question. Hedi recommended that the League divest from fossil fuel investments based on the League positions on renewable energy and climate change. During the discussion that followed the group consensus was for the Keyes Trustee to find out the fossil fuel portion of the portfolio, explore other investment options, and make a recommendation to the State Board.

I met with the Trust’s financial advisor at Morgan Stanley, Derek Graddock. The American Funds American Mutual Fund has about 9.9% of its investments in energy/fossil fuels and the American Funds Washington Mutual Fund has about 8% in fossil fuels/energy. Both funds are primarily invested in United States companies. Derek knew of two separately managed account funds that seem to have the renewable energy and sustainability goals as the League, and which Morgan Stanley has used for other investors with similar goals. These funds are the Great Lakes

Sustainable Responsible Large Cap-Clean Energy account and the Riverbridge Eco Leaders account. In a separately managed account, account managers actively manage investments to match the fund goals for types of investments and performance. Derek provided the comparison of performance of these accounts and the mutual fund investments of the Keyes Trust in the table below.

Derek met with the State Board on September 10th and explained his analysis and why he recommended the two separately managed accounts shown in the table above. As Keyes Trustee, I recommended changing the Trust’s investments. Not only would the change support our environmental goals, the past performance actually was better for these accounts than our current investments. The Board voted to change the Keyes investments to the Great Lakes Sustainable Responsible Large Cap and River Bridge Eco Leaders accounts.

Sonja Schuyler, Keyes Trustee

<b>Investments</b>	1-year return	3-year return	5-year return	7-year return
Great Lakes Sustainable Responsible Large Cap	8.19%	17.24%	15.29%	10.08%
River Bridge Eco Leaders	7.92%	6.31%	14.09%	12.76%
<b>Proposed Portfolio Performance</b>	<b>8.09%</b>	<b>16.91%</b>	<b>17.57%</b>	<b>11.26%</b>
American Funds American Mutual	4.71%	14.35%	14.76%	7.56%
American Funds Washington Mutual	3.40%	15.12%	16.29%	7.21%
<b>Current Blended Portfolio Performance</b>	<b>4.06%</b>	<b>14.73%</b>	<b>15.50%</b>	<b>7.39%</b>



September – Composting (Schuyler/Brin Oakleaf, ANR ) See it at

<http://vp.telvue.com/preview?id=T01221&video=247712>

October - TBD

November – Amending the Constitution by Convention (Sortino/ Ann Luther, LWVME)

December – Money in Politics: Public presentation by Ann Luther, LWVME, to be recorded as part of the series.

also the only one ratified by conventions in the states, rather than by state legislatures. In June 1920, the Supreme Court ruled unanimously that the U.S. Constitution provided for state legislatures, not citizen referendum campaigns, to ratify amendments.

The second method, an Article V Convention, has never been successfully invoked.

### League Background

Perhaps it goes without saying that the League of Women Voters believes it is right and permissible to amend the Constitution of the United States when circumstances demand. The League was born from the successful, decades-long effort to pass the 19th Amendment.

The question for us today is: what are the shared values and beliefs within the League – what consensus do we have – regarding the circumstances that might allow or compel the League to endorse a constitutional amendment or an Article V Convention?

If we do find that we have consensus on some of the principles that should guide us, mobilizing the organization to advocacy for or against a particular amendment would fall under the established protocol by which the League determines its advocacy agenda, as laid out in [Impact on Issues](#).

We might support an amendment that was in concert with League positions, but we might not support every amendment that was in concert with League positions. In other words, having a position on the issue is necessary but might not be sufficient for the League to endorse a constitutional amendment.

The first question to ask is whether League positions support the proposed amendment, but even if the answer is an unqualified “yes,” we need to examine other factors. The remainder of the Guide helps frame the discussion of those other factors.

In a recent conference call League leaders discussed their priorities for the coming months. They noted that in less than 16 months we will have a whole new government, from the White House to Congress. The representatives in these offices will hold the key to the League's priorities from campaign finance reform to voting rights. The 2016 election will also be the first presidential election without the full protections of the Voting Rights Act and the first time new anti-voter laws will go into effect in several states. All of which begs the question: who will participate in this next election?

In the lead up to 2016, the League plans to touch over six million voters with registration, education and mobilization in-person, in the mail, and through [VOTE411.org](http://VOTE411.org).

Election effort will target those most likely to be left out of the electorate, including minorities, low-income individuals, and first-time voters. The program will include registering tens of thousands of people through high school, community college and naturalization ceremony registration programs. It also includes expanding [VOTE411.org](http://VOTE411.org) to make critical election information available to more people who need it.

They are also seeking to launch the National office's largest ever voter mobilization program. A pilot program during the primaries this spring will identify 50,000 low-propensity and new voters and target them with a series of research-based outreach that is shown to increase voter turnout. If successful, the full program will be launched ahead of the November election with a goal of reaching one million voters.

## *Voter Registration at the Top of September Activities*

The LWVVT did not officially enroll in National Voter Registration Day, but nevertheless we have been effective

Claudette Sortino had a voter registration/LWV table at the Wells River sidewalk sale on Sept. 5. She registered six people, and also used the opportunity to discuss the work of the LWV with several people.



*Taking the Oath*

September 11 brought the annual special commemorative naturalization ceremony at the State House, where the League registered 26 voters of the 65 new citizens sworn that day, and hosted a reception for the honorees and their guests. Thanks to Joanne Bair, Hedi Ballantyne, Joanna Cole, Sarah Flynn, Ken Hertz, Sue Racanelli, Kate Rader, Sonja Schuyler and Ken Hertz for their contribution to this event.

The next week, the League was again at a naturalization ceremony, this time on SS Ticonderoga at Shelburne Museum. There, 15 of 26 new citizens were registered to vote. Thank you to Marge Gaskins, Sue Golden, Nancy Tracy and Linda Del Hagen of LWVCV.

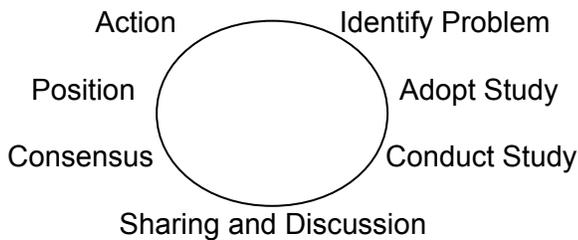


## Why It's Important to Participate in the Study Process

Several years ago, a national poll showed that the LWV was judged for trustworthiness only below the National Heart Association.

That credibility comes from how the League works – how it arrives at its lobbying (action) positions. However, not everyone understands just what the process is, and new members, especially, need an explanation of how the League works. Below is a brief review, which we hope will demonstrate how important member participation is.

The process:



The League “program” (issues chosen for study and action) is adopted by the membership at the local annual meeting and at biennial state and national conventions. There are local program planning meetings at each level in advance to determine the will of the membership and to guide the leadership in recommending programs.

Upon adoption of the program, study/action committees are self-selected. After several months of study by interested members, findings are presented and discussed by the general membership and consensus is (or is not) reached.

*Consensus is a process which aims at arriving at some general agreement through group discussion.* It is not determined by a simple majority, nor is it unanimity, but an overall sense of the group.

A position statement is drawn up on the basis of consensus, and is in turn the basis for League action.

It is because League positions are based on research, discussion, and critical examination by

the membership that the LWV has such credibility when it takes political or educational action.

The process is the same for every level of the league: information is presented to local units which then take consensus. Results from all over the state or country are then tabulated to develop a position at the study level. Local action may be taken under state or national positions. Members or local Leagues need not agree with a state or national position, but may not take action as a League (or League member) in opposition to it.

It is easy to get the impression that the study (or research) portion of the program is the most important part. But as you can see for the chart, there is much more involved. Up to this point, except for adoption at the annual meeting, only a relatively small group of league members have been involved. But the work is only half finished.

All members now have a chance to participate in a study through consensus. Consensus questions should elicit responses that will give the League the basis for an action position. Information is provided, through the newsletter and/or at a consensus, to allow members to give informed responses. Without broad participation in consensus, a study is of benefit only to those who conducted it. A handful of people cannot presume to speak for the League membership on controversial issues. Without a position backed by research and the informed opinion of the membership, no action can be taken.

You joined the League because you believe in its mission as a force for political action and voter service. We recognize that not everyone has time for active involvement in League program. But please make a commitment to come to consensus meetings – two or three hours out of 365 days in the study year. The life of the League depends on it.

**A message from the President of the LWVUS**

***Take Action: Support the EPA's Methane Pollution Regulation***

By: Elisabeth MacNamara 09/10/2015

The Environmental Protection Agency (EPA) has proposed the first-ever methane pollution standard for new and modified oil and gas facilities. This is a big deal – right now, the oil and gas industry is leaking millions of tons of methane and other toxic chemicals into the air. The proposed rule would help rein them in.

**[Tell the EPA's administrator, Gina McCarthy, you support the regulation to mitigate climate change and protect the air we breathe by cutting methane emissions.](#)**

This regulation is a critical part of President Obama's Climate Action Plan to cut greenhouse gas emissions by more than 40 percent by 2025. Throughout the country, methane and other harmful substances are released and allowed to leak from wells, compressors and pipelines, among other sources throughout the oil and gas sector. Methane emissions from the oil and gas sector are substantial – about one-third of total U.S. methane emissions. Tightly regulating this methane is absolutely critical to reducing greenhouse gas emissions and protecting public health. And cutting methane emissions will save energy since escaping natural gas is composed mainly of methane.

**[These regulations are an important step forward to protect public health and our planet. Thank the EPA for their efforts to protect our children by cutting methane emissions.](#)**

Curbing methane is a “win-win-win-win” that can save fuel, reduce greenhouse gas emissions, improve air quality and improve pipeline safety. Doing so is a critical near-term step toward implementation of the Climate Action Plan and continued U.S. leadership on climate protection and healthier air.

The EPA has begun accepting public comments on this proposal. As the oil and gas industry prepare an army of lobbyists and lawyers to oppose the rule, we have to make sure pro-environment voices are heard, loud and clear at the EPA. **[Join the League of Women Voters and thank Administrator McCarthy for protecting public health and our environment, and tell the EPA that you support a strong methane pollution standard.](#)**

# **GREEN MOUNTAIN CITIZEN**

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