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## **DIVERSE COALITION CALLS ON SENATE COMMITTEE TO OPPOSE FELONY TRESPASS BILL**

*Groups to deliver letter to Senators with over twenty organizations opposing the bill*

MADISON- Ahead of the hearing on the Felony Trespass Bill (AB426/SB386), a coalition of almost thirty groups sent a letter to the Wisconsin State Senate asking them to oppose the bill. The bill purports to protect worker safety and the private property rights of utilities and energy companies while simultaneously ensuring First Amendment freedoms. On the surface, these are goals that should and often do garner bipartisan support. However, Wisconsin lawmakers have failed to consider the broader implications of this bill, which does not accomplish those goals and instead aids energy companies by effectively stifling valid opposition through threats of felony convictions.

"The law is currently designed to protect utilities that provide important services to homes and businesses such as heat, power, and light. That makes sense because the disruption of those services can put lives at risk during extreme hot and cold weather. This bill, however, expands the law to cover infrastructure like oil pipelines that operate in entirely different contexts and creates a felony where one previously didn't exist. Without express permission from an oil company to be on a pipeline easement, you could be prosecuted for being on your own land, or even public land," said **Rob Lee, staff attorney with Midwest Environmental Advocates.**

**Philomena Kebec, Bad River tribal member and attorney who represents Native Americans of limited means in tribal and county courts,** is concerned about the disparate effect that the felony trespass law may have on Native Americans and other racial minorities. She said, "the trespass law requires no showing of intent to harm

property or people for a felony conviction; instead, it operates to transform a simple trespass into a felony offense at the behest of a private company. These types of “status” offenses, like drug crimes that only require law enforcement to show that a person was in possess of a controlled substance, have had devastating impacts on Native American, black and brown communities. With these kinds of laws on the books, the implicit bias of law enforcement agencies, and now corporations, are unleashed to target Native Americans and others, for severe and life-changing legal consequences. In my community, on any given day of the week, Native American people constitute the largest demographic of jail inmates. If SB 386 is passed, I believe that it could worsen the situation and create unnecessary tension between the community and law enforcement.”

A resolution recently passed by the Sawyer County / Lac Courtes Oreilles Democrats opposes the passage of Senate Bill 386 (AB 426). **Waldo Asp, co-chair** explained, “after discussion the Bill was considered to not be necessary, divisive and redundant of other laws that already exist in the criminal codes of the State of Wisconsin regarding trespass and damage to infrastructure, buildings and equipment.”

**Elizabeth Ward, Conservation Programs Coordinator for the Sierra Club Wisconsin**, stated, “this bill attempts to create solutions for problems that do not exist, but creates a number of new ones. The bill opens up scenarios where peaceful protesters, landowners or tribal members could be arrested for trespassing and charged with a felony. Though those charges may be overturned, people could spend a lot of time, money, and energy fighting those unfair charges. Why pass a bill that opens up this possibility when it solves no other problem?”

“Time to protect the public and the future from extreme extraction predators rather than the profits and infrastructure of foreign corporations,” stated **Paul De Main, Chair of Honor the Earth**.

Though it makes exemptions meant to protect protesters, the groups worry that this bill will have a chilling effect on protests, as has been seen in other states that have passed similar ALEC-inspired bills. **Guy Reiter, Executive Director, of Menikanaehkem Inc** stated, “this bill is just another example of the government trying to squelch peaceful protest. It’s another tactic used to try and silence water protectors.”

“The felony trespass bill just passed by the Wisconsin Assembly is an attempt to silence environmental and clean energy activists with the threat of felony charges for peaceful protest against pipelines and other energy infrastructure, including corporate headquarters. This bill would have a chilling effect on protesters and their freedom of speech and assembly. It would also have a disproportionate effect on Native American communities whose lands are affected by pipelines, oil, gas and mining projects. Is it just a coincidence that this bill is being pushed by the American Petroleum Institute at the precise moment when the Bad River Ojibwe Tribe are suing Enbridge and calling for the decommissioning of Line 5, which crosses their reservation?,” stated **Al Gedicks, emeritus professor of environmental sociology at the University of Wisconsin, La Crosse and executive secretary of the Wisconsin Resources Protection Council**.

The Felony Trespass Bill (AB 426 or SB386) is not only a threat to our democracy, it is an imminent threat to our people, land, water, and heritage as a state. Indigenous people and landowners in Wisconsin should not fear arrest on their own land for trying to protect and preserve it for future generations. The real crime here would be passing such a damaging and destructive bill that empowers fossil fuel corporations to further harm our health and threaten the lives of our residents. These same corporations are the most culpable for the climate crisis that threatens Wisconsin’s economic future and the livelihood of its people. We must not let this stand,” said **Leah Qusba, Executive Director of the Alliance for Climate Education in Wisconsin**.

Landowners who have easements with pipelines and other infrastructure covered in this bill have reason to be concerned. Some of these landowners have the pipelines as a result of eminent domain and now worry about the impacts of this bill on them or their guests. **Mark Borchardt, founder of 80 Feet is Enough! and landowner along the Enbridge Line 61 pipeline corridor** stated, “These bills always favor the pipeline companies. Would

someone please pass a bill to protect the rights of landowners who live everyday with these pipelines on their private property near their homes and families.”

**Scott Pitta** also pointed out the inconsistency, “Under SB 386, pipeline employees who trespass on private property are charged with a misdemeanor, but landowners who trespass on pipeline land will be charged with a felony. This is inconsistent and unjust.”

“As a landowner living along the Enbridge pipeline right-of-way I have to wonder if an encounter I had with a brush-cutting crew- on my property without prior notification- this past March would now lead to felony trespass charges being filed against me. Would my minor confrontation with them about the workers urinating on my property and leaving behind a large pile of wood chips- which they brought over from a neighbor’s property- be grounds for being charged with “interrupting” pipeline operations under this bill? There are far too many similar possible scenarios and unanswered questions about how this bill would affect people’s rights and how it would be enforced for it to be considered for passage,” said **Keith Merkel, member of 80 Feet is Enough! and landowner along the Enbridge Line 61 pipeline corridor.**

**Phyllis Hasbrouck, Wisconsin Safe Energy Alliance organizer,** said “This bill could result in a landowner who was forced to accept a dangerous tar sands oil pipeline through their land, being charged with felony trespass for confronting pipeline subcontractors doing unauthorized damage to their land! The bill clearly states that it would be a Class H felony to trespass on ‘property owned, leased, or operated by energy companies engaged in the distribution of oil and petroleum.’ We call on Governor Evers to protect the property rights of WI residents and veto this bill that is being pushed by the American Petroleum Institute.”

“Despite its “first amendment exemptions”, this bill is designed to intimidate Wisconsin citizens from exercising their right to dissent, for fear of arrest and expensive legal defense costs. For example, our members could be charged with felonies for protesting the proposed Line 61-twin or Line 66, which would carry toxic tar sands oil through Wisconsin to the Gulf coast and export. The fossil fuel industry is pushing this bill to protect their billions of dollars of profits. It is essential that Governor Evers veto it if it is passed by the Senate,” explained **Gail Nordheim, Co-Coordinator of 350 Madison.**

**Eric Hansen, founding member of Citizens Acting for Rail Safety- Milwaukee Chapter** concluded that this bill could undermine the safety of communities, “Of course citizens want to monitor and assess the dangers of the oil industry expansion in Wisconsin. Common sense tells us that it is not a good idea to put dangerous materials such as crude oil in continual close proximity to valued waters, residents and infrastructure. Oil industry plans view Wisconsin as a major transportation corridor for crude oil and other dangerous materials. Oil pipeline expansions, the surge in hazardous oil trains passing through our towns and an attempt to establish an oil terminal in Port Milwaukee have serious implications.”

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The letter was signed by almost thirty groups including (in alphabetical order): 350 Madison, 350 Milwaukee, 350 Stevens Point, 80 Feet Is Enough!, ACLU of Wisconsin, Alliance for Climate Education (ACE), Citizens Acting for Rail Safety - Milwaukee Area, Cream City Conservation, Extinction Rebellion Madison, Family Farm Defenders, Friends of Milwaukee's Downtown Forest, Great Lakes Wildlife Alliance, Greening Greater Racine, Honor The Earth, Madison Parents Concerned about Climate Change, Menikanaehkem Inc., Midwest Environmental Advocates, National Lawyers' Guild-Madison Chapter, Peace Action of Wisconsin, Sawyer County / Lac Courte Oreilles Democratic Party, Sierra Club Wisconsin, Water Protectors of Milwaukee, Wisconsin Interfaith Power and Light, Wisconsin Network for Peace, Justice & Sustainability, Wisconsin Resources Protection Council, Wisconsin Safe Energy Alliance, Wisconsin Youth Network, Youth Climate Action Team