

A Major Update For You — A Champion of Our Democracy

Free Speech For People leads the movement to challenge big money in politics and unchecked corporate power and to defend our Constitution. We educate, we organize, we fight in the courts, we challenge corruption at the highest levels of our government, and we press for a constitutional amendment to reclaim our democracy. Free Speech For People envisions a democratic process in which all people have an equal voice and an equal vote.



September 2017

Dear Friends:

We face a perilous moment in America today. We have a president who repeatedly shows utter contempt for the Constitution and the rule of law. And, we have an entrenched political system where big money interests dominate our elections and our legislative process and drown out the voices of ordinary citizens.

But, with your support, Free Speech For People is fighting back. We are confronting the unprecedented corruption of the presidency, and we are challenging big money in politics and unchecked corporate power. Through our innovative and cutting-edge legal advocacy, public education, and organizing work, we are a leading force for the movement across the country to defend our Constitution and to reclaim our democracy.

We are proud to share with you this update on our work and on all of our progress to date this year. We could not achieve this progress without your critical support. Thank you for helping to make this work possible and thank you for standing with us at this crucial moment in history.

All the Best,

A handwritten signature in black ink that reads "John".

John Bonifaz
President

You Are Making A Difference: New Development in the Lawsuit That Could End Super PACs

With your critical support, Free Speech For People filed on June 22, 2017, an amended complaint before the Federal Election Commission in our legal challenge to *SpeechNow*. The DC Circuit Court of Appeals ruling in *SpeechNow.org v. FEC* has led to the current explosion of super PAC spending in our elections. This amended complaint follows up on our initial July 2016 filing of an administrative complaint with the FEC, in which we argue that the *SpeechNow* ruling was wrongly decided and that super PACs

have become vehicles for wealthy donors to evade longstanding limits on campaign contributions to candidates, presenting a new threat of corruption of the political process. As expected, the FEC dismissed our July 2016 administrative complaint.

As outlined in our amended filing, the dismissal of the administrative complaint by the FEC continues to force the plaintiffs to fundraise and campaign in a system that is subject to the risk and appearance of quid pro quo corruption through large contributions to super PACs that exceed the limits that Congress determined were necessary to

protect against corruption. With this amended complaint in federal court, and with your critical support, we are moving forward with our strategy to reach an appealable decision that would raise the fundamental constitutional question concerning super PACs and corruption. This case will now present to the courts, including the Supreme Court, the opportunity to revisit the lower court ruling in *SpeechNow*.



We are honored to represent a bipartisan coalition of Members of Congress and 2016 House candidates in this filing and to be joined by the legal “dream team” of Professor Laurence Tribe (Harvard Law School), Professor Albert Alschuler (Univ. of Chicago Law School, emeritus), Ambassador (ret.) Norman Eisen (former chief ethics counsel to President Barack Obama), and Professor Richard Painter (Univ. of Minnesota Law School, and former chief ethics counsel to President George W. Bush).

For the latest updates on our legal challenge to end super PACs, and how you are making a difference, please visit:
www.endingsuperpacs.org.

Thank you for all of your vital support!
 We could not continue this cutting-edge work without you!

You Are Ensuring the Integrity of Our Work: The Legal Advisory Board for The Campaign To Impeach Donald Trump Now

The Legal Advisory Board for the Campaign to Impeach Donald Trump Now is comprised of respected constitutional law experts from across the country. We were recently thrilled to add Fordham University Associate Professor of Law Zephyr Teachout and Harvard Law Professor Laurence Tribe to the Advisory Board. Professor Teachout writes about political law, with a focus on corruption: her book *Corruption in America* was published in 2014. Professor Tribe is a preeminent constitutional law scholar. In 2010, he was appointed by President Obama and Attorney General Holder to serve as the first Senior Counselor for Access to Justice, and has written 115 books and articles, including his treatise, *American Constitutional Law*.

Additional members of the Legal Advisory Board include:

Former Supreme Judicial Court of the Commonwealth of Massachusetts Associate Justice Fernande R.V. Duffly; University of Denver Law Professor Nancy Leong; Harvard Law Professor Lawrence Lessig; former Montana Supreme Court Justice James Nelson; Equal Justice Society President and civil rights attorney and leader Eva Paterson; University of Tulsa Law Professor Tamara Piety; former Temple University Law Professor David Post; George Washington University Law Professor Catherine Ross; Cornell University Law Professor Steven Shiffrin; Vermont Law School Professor Jennifer Taub; and Vermont Law School Professor James Gustave Speth.

Thanks to you and nearly 1.2 million other Americans, the Campaign to Impeach Donald Trump Now is pressing for an impeachment investigation of President Trump, based, in part, on his direct and ongoing violations of the U.S. Constitution's Foreign Emoluments Clause and Domestic Emoluments Clause and on his obstruction of justice. Professor Zephyr Teachout explains in a new video we jointly released on August 7, 2017, with Creatives In Action, how President Trump has abused his power and why we must press for an impeachment investigation. You can view and share the video here: <http://bit.ly/zephyrvideo>.

You Are Helping to Keep the Pressure On: We won! Historic Vote Moving Forward Our Model Law to Abolish Super PACs and Limit Foreign Corporate Money in Elections

On June 22, 2017, the St. Petersburg City Council voted to move forward Free Speech For People's model ordinance that will end super PACs and prohibit spending by foreign-influenced corporations in city elections. "We are protecting St. Petersburg with this proactive ordinance," says Darden Rice, Chair of the St. Petersburg City Council. "Curbing Super PAC money and foreign corporate money in our local elections is an act of leadership to safeguard our democratic process."

With your support, Free Speech For People drafted the 'Defend Our Democracy' ordinance and worked closely with Councilwoman Rice, who introduced this ordinance before the City Council in partnership with American Promise-Tampa Bay and the League of Women Voters of the St. Petersburg Area. The ordinance will require corporations that spend money in St.

Petersburg elections to certify they are not foreign-influenced, or owned in whole or a significant part by foreign entities. The ordinance will also establish limits on contributions to political action committees, thereby abolishing super PACs in local elections.

Our ordinance is the first of its kind in the nation and will serve as an important model for communities across the country fighting back against the undue influence of super PACs and foreign corporate money in our elections. The ordinance will now be considered for votes at two upcoming St. Petersburg City Council meetings this fall. If passed by the St. Petersburg City Council, this model ordinance creates the potential of an important test case in the courts challenging super PACs and foreign corporate spending in our elections.

To learn more about the impact you're having through this campaign, visit: www.DefendOurDemocracy.org.

You Are Helping Us Hire the Best and the Brightest: Free Speech For People Welcomes New Senior Counsel, Shanna Cleveland!



In June 2017, Free Speech For People welcomed Shanna Cleveland as our new Senior Counsel to our Legal Advocacy Program. Shanna will provide critical support to our work in the courts challenging big money in politics and unchecked corporate power and to our work confronting the corruption of the presidency. Prior to her work at Free Speech For People, Shanna led the Carbon Asset Risk Initiative at

Ceres where she worked with institutional investors to engage with oil and gas companies on the issue of climate risk.

Before Ceres, Shanna served as a Senior Attorney at the Conservation Law Foundation in the Climate and Clean Energy Program where she was awarded the Chief Justice Margaret H. Marshall Award for providing access to justice. Shanna graduated magna cum laude from Harvard; earned her J.D. from the University of Virginia Law School where she served as an Executive Editor for the Virginia Law Review; and received her LL.M. magna cum laude from Vermont Law School.

You Are Helping to Build a Nationwide Movement: Our Work in Support of a 28th Amendment and Political Equality

Your support ensures that Free Speech For People is committed to engaging new audiences and creating dialogue on the impact of money in politics and how it affects people in their everyday lives. Big money in politics has created a system that entrenches inequality on the basis of wealth and race. Corporations claiming personhood exert their power and gain influence from discriminating against people of color, those in the LGBTQ community, and other marginalized groups. Free Speech For People Democracy Honors Fellow Jasmine Gomez has chosen to tackle these issues and the effect money in politics has on real people throughout the United States through her political equality work, including a series of panels centered on queer and trans communities and activists.

In partnership with Black and Pink, the Mass Trans Political Coalition, and Demos, Free Speech For People hosted its first event centered on the voices of the queer and trans

community around democracy, money, and politics in Boston.



(Jasmine Gomez speaks on April 22, 2017 at the "Queer + Trans Concerns Around Democracy and Money in Politics" panel.)

The success of this panel has inspired further events in the Boston area, as well as an event held in DC, which have focused on magnifying the voices of those from marginalized communities. In partnership with Demos, Jasmine and Free Speech For People have developed a document, *Centering Marginalized Communities: A Framework for Intersectional Money in Politics Events*, to guide other activists in organizing similar events. These events strengthen the movement by bringing in diverse, previously unheard voices. They broaden the conversation about money in politics to include how the concentration of wealth and power in our country disproportionately affects marginalized communities and intersects with other systems of oppression.

In addition to her political equality work, Jasmine continues to provide key support to our work across the country for a 28th Amendment to overturn the Supreme Court's *Citizens United* ruling. She has worked closely with our partner American Promise, and has provided legal research for state ballot initiative campaigns.

You Are Holding Our Nation's Leaders to Account: Challenging the Corruption of the Presidency

With your ongoing support, we are confronting the unprecedented corruption of the presidency through our bold and creative legal advocacy, public education work, and organizing and coalition-building actions. Thank you! We have launched the following key anti-corruption initiatives to challenge the illegal and unconstitutional use of the Oval Office as a profit-making enterprise at the public expense and to defend our Constitution and our democracy:

1. National Campaign for an Impeachment Investigation of President Trump

On January 20, 2017, Free Speech For People launched, with RootsAction, a campaign to press for an impeachment investigation of President Trump based on his refusal to divest from his business interests while serving as president, placing him in direct violation of the Foreign Emoluments Clause and the Domestic Emoluments Clause of the U.S. Constitution. In the wake of the President's firing in May 2017 of FBI Director James Comey, we expanded our grounds for an impeachment investigation to include potential obstruction of justice. And, following the July 11, 2017 publication by Donald Trump, Jr. and by The New York Times of emails leading up to a June 2016 meeting between senior officials of the Trump Campaign and a Russian lawyer with alleged links to the Russian Government, we further expanded our grounds for an impeachment investigation to include potential conspiracy to violate federal campaign finance laws and to conceal those violations.

We have more recently expanded the grounds for this campaign to include the President's statements and actions advocating illegal violence, giving aid and comfort to white supremacists and neo-Nazis, and undermining constitutional protections of equal protection under the law. Following the President's pardon of former Maricopa County, AZ Sheriff Joe Arpaio, we have also expanded the grounds to include abuse of the pardon power. For more details on this expansion, see these blog postings by Free Speech For People's Legal Director Ron Fein: <http://bit.ly/Grounds1>, <http://bit.ly/Grounds2>.

The launch of our campaign has spurred a grassroots movement to challenge corruption in government, with almost 1.2 million people signing on at our campaign website, impeachdonaldtrumpnow.org, in support of the call for an impeachment investigation of President Trump.

In addition, people across the country are organizing in their local communities to pass resolutions at the local level calling on Congress to begin impeachment proceedings. To date, fourteen communities across the country, including Los Angeles, are now on record calling for an impeachment investigation. Further, two Members of Congress, Representatives Al Green of Houston and Brad Sherman of Los Angeles, have jointly introduced articles of impeachment, and Representative Steve Cohen of Memphis has announced that he soon plans to do so as well. We have built a stellar Legal Advisory Board for this campaign which includes prominent constitutional scholars from across the country.

2. Corporate Charter Revocation: Calling for the launch of an investigation into the Trump Organization

With your support, on February 15, 2017, Free Speech For People launched a campaign to demand that the Attorney General of New York open an investigation into whether to dissolve and revoke the corporate charter of the Trump Organization, due to President Trump's unconstitutional conflicts of interest, as he retains an ownership stake in the business, and the Trump Organization's history of illegal activities. The campaign calls on New York Attorney General Eric Schneiderman to pursue an investigation in New York state court regarding violations by the Trump Organization of state law, including continuing to operate under Trump family ownership, violating the public policies of New York State against corruption and conflicts of interest, and violating the Foreign Emoluments Clause and Domestic Emoluments Clause of the U.S. Constitution. Further, the Trump Organization has a documented history of alleged illegal and fraudulent activities which demonstrate the company has acted outside its legal authority. For this effort, we have partnered with Prof. Jed Shugerman of Fordham Law School, an expert on both the emoluments clauses and the creative state law legal tool ("quo warranto") that underlies our request. We have also partnered in this campaign with the Boston law firm of Clements & Pineault and the New York City law firm of Emery Celli Brinckerhoff & Abady. The campaign has been featured in the Washington Post and Slate, and promoted by a widely-shared op-ed in the New York Daily News.

On March 17, 2017, Free Speech For People delivered a second letter to the New York State Attorney General, following the release of new details regarding alleged bribery activities conducted by the Trump Organization. In addition, on March 17, 2017, we sent a letter to Joon Kim, Acting U.S. Attorney for the Southern District of New York, which sets forth the allegations of potential illegal activity in connection with the failed Trump Tower Baku project in Baku, Azerbaijan, and also outlines potential bribery and extortion violations arising from the suspicious timing of the Chinese government granting the Trump Organization certain trademarks, following many years of refusing to grant these trademarks, and following President Trump's recent testing of the idea of abandoning the United States' "One China" policy.

3. FEC Complaint for Investigation of Coordination between the Russian Government and Trump Campaign

Free Speech For People, with the Campaign for Accountability, filed on December 16, 2016, a complaint before the Federal Election Commission demanding an investigation into whether the Russian government illegally spent money to influence the 2016 presidential election, in possible coordination with the Trump campaign. Per reports from the U.S. government, the Russian government deliberately attempted to influence the 2016 presidential campaign in favor of Donald Trump, in violation of the Federal Election Campaign Act, which prohibits foreign nationals from spending money to influence federal elections.



(Members of CREDO, Free Speech For People, and Rootstrikers deliver 200,000 signatures to the FEC.)

An amended complaint was filed on May 4, 2017, with new details regarding this collusion from the Office of the Director of National Intelligence's January 2017 report and from the March 2017 Congressional hearing regarding the FBI's investigation of the Russian government's role in the presidential election. If the Federal Election Commission fails to act on our complaint within the statutory 120-day period, we may file a federal lawsuit, as we have already done with our federal challenge to super PACs and the *SpeechNow* decision that created them.

In addition to our filed complaints, Free Speech For People joined Rootstrikers in launching a grassroots campaign and website, www.FECMustInvestigate.org, to call on the FEC to investigate potential violations of federal campaign finance law committed by the Russian Government and the Trump campaign in the 2016 election. On June 15, 2017, Free Speech For People, Rootstrikers and CREDO Action, jointly delivered more than 200,000 petition signatures to the FEC from people across the country urging the FEC Commissioners to take action and launch a formal investigation.

4. Campaign to Divest Public Pension Funds from Trump-Owned Businesses

On July 19, 2017, Free Speech For People launched a campaign calling on California and New York state officials to divest public pension funds from the Trump SoHo Hotel in New York City. The Courage Campaign in California joined us in launching this campaign in that state. Free Speech For People has issued letters to the New York State Comptroller and the California Public Employees' Retirement System (CalPERS) calling on the funds to evaluate their investments in a real estate fund known as CIM Fund III because of its relationship with the Trump Organization.

CIM Fund III owns Trump SoHo and has an arrangement to pay marketing and management fees to Trump International Hotel Management LLC for its operation of the property. Under the terms of the Donald J. Trump revocable trust, the President can access profits from Trump International Hotel Management LLC at any time.



We argue that the quarterly fees which state pension funds are paying to CIM Fund III are flowing through to the Trump Organization and ultimately to President Trump in violation of the Domestic Emoluments Clause of the US Constitution and in violation of the legal and

ethical standards imposed on the pension funds. As noted by Free Speech For People Senior Counsel Shanna Cleveland in a recent blog post, "CalPERS and the New York State Comptroller have an obligation to their beneficiaries to manage their investments in accordance with the laws of the United States and to the highest ethical standards."

You can learn more about our divestment campaign and what you can do to help at: www.DivestTrumpSoho.org.

5. Campaign in Defense of Clean Water and the U.S. Constitution

On July 27, 2017, the Environmental Protection Agency and Army Corps of Engineers published a proposed rule in the Federal Register to roll back a key part of the Clean Water Act, known as the "waters of the United States", protecting small bodies of water from pollution and development. Not only will the rule undo previous policy that was adopted to provide 117 million people with safe and clean drinking water, the new rule will provide a significant benefit to golf courses owned by President Trump. With the repeal of the policy, golf course owners will save substantial costs in cleanup of course fairways, causing increased pollution and degradation of surrounding and nearby bodies of water. The repeal of the "waters of the United States" provision was prompted by an executive order signed in February 2017 by President Trump. As an owner of a dozen golf courses, the direct financial benefit Trump's businesses will receive as a result of the rule change is in violation of the Domestic Emoluments Clause of the Constitution.

Your support has ensured we could immediately react. Following the introduction of the proposed rule in the Federal Register and the beginning of a 30-day comment period for the rule, Free Speech For People launched a campaign to encourage the submission of comments from people across the country in defense of the Clean Water Act and the Constitution. To date, we have generated more than 7,500 comments to EPA Administrator Scott Pruitt and Assistant Secretary of the Army for Civil Works Douglas Lamont. We expect the number of comments submitted to grow considerably as we continue to expand this campaign.

Supporter Spotlight



Fran Korten, Advisor at *Yes! Magazine*, has been a supporter of Free Speech For People since 2013. When asked why she gives to Free Speech For People, she had this to say:

"I am a passionate supporter of Free Speech for People. The reason? FSFP works on the root causes of so many of our country's ills. They are vigilant and strategic in pushing back against excessive corporate power and big money in politics. FSFP is one of the smartest organizations I know working on reclaiming our democracy."

Thank you, Fran, for your continued support!