



Susquehanna

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Legal Defense Fund Turns Fifteen in 2010

by Thomas Linzey

Happy 15th anniversary to the Legal Defense Fund!

Begun in a spare bedroom in a house in rural Pennsylvania, the work of the Legal Defense Fund has now spread to half of the states in the country, with over a hundred municipalities in Pennsylvania, Virginia, New Hampshire, and Maine adopting Legal Defense Fund ordinances.

Perhaps even more amazingly, it's been our privilege to field calls for help from communities in Ecuador, Nepal, and Turkey. A high point of our work occurred last year, when we worked with the Constitutional Assembly of Ecuador to adopt a new Constitution that recognizes community and ecosystem rights. (fifteen ~ pg. 4)

Book Release: Be the Change by CELDF Executive Director Thomas Linzey & Anneke Campbell

The Legal Defense Fund is pleased to announce the release of *Be the Change: How to Get What You Want in Your Community* – co-authored by CELDF Executive Director Thomas Linzey and Anneke Campbell. The book hits stores this fall. (release ~ pg. 9)

Building sustainable communities by assisting people to assert their right to local self-government and the rights of nature.

In This Issue

Legal Defense Fund Turns Fifteen
.....pg 1

Be the Change Book Release
.....pg 1

Support the Legal Defense Fund
.....pg 2

Mt. Shasta Takes Control of Water
.....pg 3

Cheltenham Bill of Rights Voted Down
.....pg 5

Remembering Brian Lavery
.....pg 8

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Support the Legal Defense Fund Your Contribution Matched 100%

We're very pleased to announce that we recently received a generous matching grant from the CS Fund.

Thus every dollar you give will be matched 100% – doubling your contribution – up to \$25,000 in total contributions.

Today, we need your support more than ever, as more and more communities contact us seeking help.

From Western Pennsylvania where coal is king, to Spokane, Washington, where the city's river is one of the most polluted in the country, to rural New England where corporations are seeking to siphon off hundreds of thousands of gallons of water a day from local aquifers – the Legal Defense Fund is there.

We're working directly with communities, helping them draft and adopt laws to protect their local environment and economy, small and family farms, and quality of life, and to drive long term change to ensure they are given the power to decide what happens in their own community.

Since our announcement of the match in the September newsletter, we have raised \$12,500 that will be matched dollar for dollar.

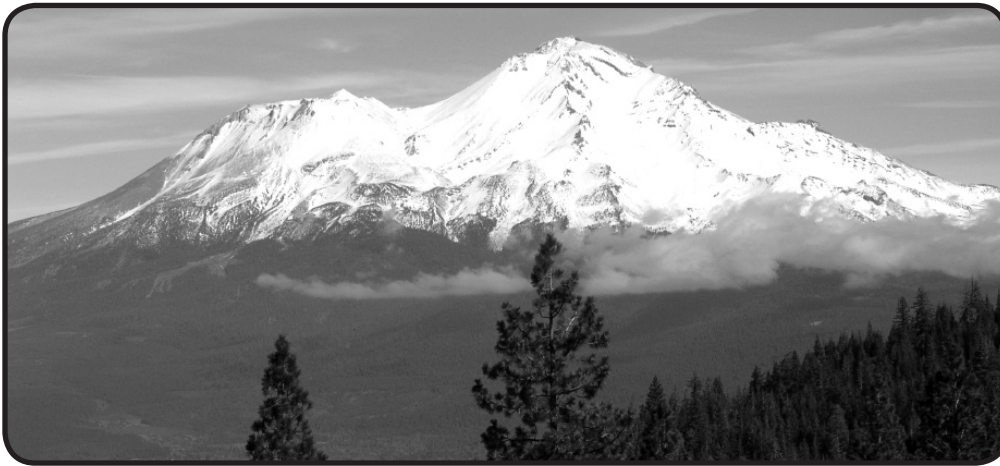
Please make your contribution today to support our work with the growing number of communities seeking our help.

Your support makes this happen, and you have an opportunity to double your contribution by making a donation today. Contributions are tax-deductible.

It's easy – you can give on-line at www.celdf.org, by phone at (717) 709-0457, or by mail: P.O. Box 2016, Chambersburg, PA, 17201. There's also a form enclosed that you can fill out and mail to us. Please make your check payable to CELDF.

Thank you!

Mt. Shasta Takes Control of Water



Ancient water flows under the iconic snow-capped volcano that towers above the picturesque town of Mt. Shasta, California. The region itself serves as one of the main water sources for the draught-ridden state's needs, industrial agriculture and corporate water bottlers. Additionally, hydropower corporations are seeking to manipulate, capture and "own" water before it hits the ground through the chemical "seeding" of storm clouds. Residents don't want their weather altered by raining chemicals overhead and they don't want their aquifer drained by water bottlers either. When citizens discovered that federal constitutional protections and state permits, laws and regulations allow corporate directors to override their interests and void local opposition, the issue became a matter of Rights, not just water.

Global Exchange and CELDF helped the residents craft an ordinance that asserts their right to protect the rights of nature, protect natural water cycles and prohibit cloud seeding. The proposed law asserts the community's right to water and prohibits bulk water takings for export; it also subordinates corporations to local democratic control. Residents have formed the Mt. Shasta Community Rights Project (MSCRP) to take on the work of stewarding their resources as a community by energetically collecting petition signatures for the ordinance and educating their neighbors about what it means to assert their local rights. Signatures of 15% of the city's registered voters are required to put the ordinance before the City Council who may pass it immediately or put it to a vote of the people. Either way, they expect to pass this ordinance into law by early 2010—making them the first municipality in California to pass a rights based ordinance.

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(fifteen from pg.1)

Anyone looking at the early years of the Legal Defense Fund, however, would have a hard time imagining how we ended up here.

In 1995, the creation of the Legal Defense Fund - as a law firm offering free legal services to community-based environmental groups - resulted in over three hundred organizations seeking our help. Almost all of those groups sought to stop some type of project that was forcing itself into their community, and we did our best to try to help them. Unfortunately for both us and them, although we would repeatedly win permit appeal after permit appeal on their behalf, the project's corporate sponsor would keep coming back again and again until the project was eventually approved.

Those early years were very unsatisfying to us, to say the least. While receiving recognition as a successful environmental law firm for providing legal services for those unable to afford them, the projects we were attempting to stop were siting anyway.

Eventually, we were forced to confront the raw and cold reality that local communities really have very little control over what happens to them, and that corporations have been given the legal tools necessary to mow down any local opposition.

So, in 2000, we changed our game plan and began assisting communities to write their own frameworks of law changing that unfair playing field. That work has produced Legal Defense Fund-inspired ordinances that have been adopted by over a hundred municipalities across the country. It has also resulted in our collaboration with the second largest city in Washington--Spokane--which is now attempting to pass one of those frameworks into law.

Along the way, as you can imagine, we've made lots of enemies. Our work helping communities confront corporate farming has drawn the ire of Hatfield Foods and the Pennsylvania legislature; our work helping communities to ban corporate sewage sludge dumping has drawn the ire of Synagro Technologies (now part of the Carlyle Group), state environmental agencies, and the Pennsylvania Attorney General. Our work in Spokane, Washington has the national Homebuilders Association from D.C. dumping in over \$70,000 to try to beat our ballot initiative which was on the November ballot.

If the old saying is true - that you can measure a group's effectiveness by its enemies list - we rank right up there with the best of them.

Along the way, we've also arrived at another conclusion - that the very rules that govern the outcome of struggles between communities and corporations have been written in such a way to always give those corporations a perpetual advantage. Which delivered another verdict to us - that unless we always want to be fighting on the defense and subsequently losing, we have to begin to change the fundamental rules of the game.

That has meant assisting communities to draft legal frameworks that strip corporations (and their decisionmakers) of their claim that they possess legal rights and protections under our system of law - including corporate claims to constitutionally-rooted legal "rights." It is those legal "rights," combined with a century's worth of concocted legal doctrines, that continually ties our communities' hands behind their back when they confront a corporate megalith.

And because the constitutional structures of this country make it so easy for corporations to wield constitutional law in their favor - because
(fifteen ~ pg. 7)

Cheltenham Bill of Rights Voted Down



by Ben Price

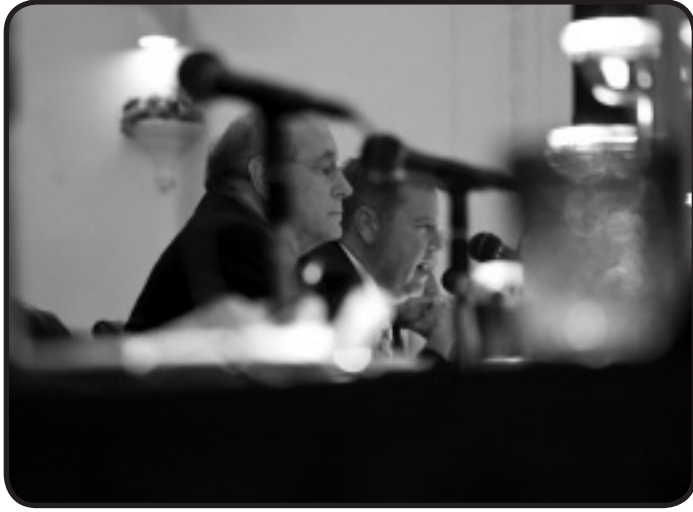
On November 3rd, the citizens of Cheltenham Township turned down an opportunity to amend their home rule charter by adding a Bill of Rights. This counter-intuitive outcome is the result of blistering fear-tactics by elected officials and party hacks, fearful themselves of relinquishing political power to the people.

According to the powerful opponents of functional democracy in Cheltenham, voters have no authority to subordinate corporations to the will of the people unless the Supreme Court explicitly allows them to do so by changing its stubbornly held opinion. They argued vociferously that the local Bill of Rights is “illegal and unconstitutional.”

But indeed the people DO have the right (currently denied) to free themselves from corporate governance of their community. What they lack, given the opposition of the State and those in power (including the County Board of Elections, the Township Commissioners and one of the political parties, each of which actively sought to kill the measure), is responsive representation committed to protecting the people’s right to achieve the legitimate ends of self-government.

Changing the minds of the Supreme Court cannot happen without political will from the grassroots. Adopting local laws that challenge unjust state and federal laws and court rulings makes sense historically, and it’s consistent with the ideals of self-government. Just as the “legal” but illegitimate denial of the rights of slaves, of women, of gays, of white men without property, were changed by agitation from communities of people who would not accept the denial of fundamental rights as legally acceptable, a courageous group of people in Cheltenham decided to assert their rights, using the government closest to them, rather than wait for politically beholden judges and elected officials to “do the right thing” and change the unjust status quo.

The people who laid the groundwork for past constitutional changes regularly challenged unjust law - confronting it and “violating” the injustice. Abolitionists regularly “violated” Article IV, Section 2, paragraph 3 of the U.S. Constitution, which required escaped slaves found in any state, free or slave state, be returned to the human-property “owners.” After the 14th amendment was adopted in 1868, guaranteeing all citizens equal protection and due process of the law, women, including Susan B. Anthony, attempted to vote – arguing that since the law did recog-



nize women to be citizens, the 14th amendment gave them legal protection of their right to vote. Anthony was arrested, tried and fined. When the civil rights activists of the 1960's sat at lunch counters and demanded their right to be served... they were violating the Supreme Court's ruling that said racial segregation was legal and constitutional, despite the 14th amendment. When Rosa Parks and others refused to move to the back of the bus, they violated federal, state, county, and city laws, as well as the company policy of the bus corporation.

Many other examples can be found. It matters what history you pay attention to. In every one of these cases, the law was clear: the rights of the people were not recognized by government. In each of these cases, the law was wrong and the people were right. We are a nation of people, despite the platitude to the contrary. Law is legitimate and to be obeyed by all when it upholds and protects inalienable rights. Law is illegitimate, illegal and beyond the authority of government or the constitution to decree or enforce when it denies or offends inalienable rights.

As to the expense involved in asserting rights in the face of unjust law, those who value their inalienable rights are not persuaded that a lawsuit

against the Township is too high a price to pay. We are unmoved by the notion that public servants have an obligation to defend rights denied by statute or court rulings until a constitutional amendment is adopted to protect those rights.

Opponents of the proposed amendment didn't bother to address the denial of the rights of people and communities. Instead they argued that the courts will never acknowledge fundamental rights asserted by people using their local governments to challenge unjust state and federal law, and for that reason the people are wasting time and public money in trying to do so. Imagine the temerity of common locals using the government they can actually influence to assert rights and oppose injustice! Unheard of, and no court has agreed to allow it! Apparently we are now a nation of lawyers, not of men and women.

What if no woman had tried to vote, no slaves had tried to escape, no workers had dared to strike against the orders of a judge's injunction... all a waste of time, treasure and life, no doubt.

If preserving the status quo means continuing to deny rights, there is no legitimate argument for preserving the status quo. If people may not exercise their right to self-government in the place where they live, then we challenge our opponents to point out on the map of Pennsylvania where they CAN assert that right. If you can't assert your rights where you are, you can't assert them anywhere. And they are utterly usurped. By courts. By judges. By County Commissioners acting beyond their authority. And yet opponents claimed the people must not act beyond their authority to assert their rights.

Although the vote went against inalienable rights for Cheltenham residents this time, the struggle for local rights for communities against corporate power is far from over. Indeed, it has just begun.

(fifteen from pg. 4)

our earliest constitutional structures were copied from early English law which elevated the rights of commerce and property above those of communities – we’ve now set our sights on helping folks rewrite those constitutional structures. Along those lines, work is now underway in Pennsylvania to call a constitutional convention of sorts to begin to permanently rid ourselves of the corporate advantages built into our structure of law.

If you thought our prior work raised the hackles of the corporate establishment, just wait. When communities begin writing new constitutional frameworks that place the rights of people, communities, and nature above the rights of property and commerce, you’ll see the corporate hacks come running, as if we’d broken the last seal prior to Armageddon.

Because, you see, in a way they will be right – those rewrites evidence the coming of a final conflict between the forces of sustainability and democracy on one side, and continuing exploitation and tyranny on the other.

It is this final series of show-downs which will determine whether we have a liveable planet left after it’s all over.

If you thought the Legal Defense Fund’s last fifteen years were a humdinger, stay tuned for the next fifteen. People are gathering, communities are joining hands, and the ecosystems are beginning to speak.

If you’ve been with us for these past fifteen years, thank-you for continuing to support us. If you haven’t, come join the fun.

It’s going to be one hell of a ride.

CELDF’S HISTORY

1995 Creation of the Community Environmental Legal Defense Fund (CELDF) by Thomas Linzey and Stacey Schmader. Our 1st office was in Shippensburg, Pennsylvania

1995-1998 CELDF represents communities in court and at hearings that are challenging permits issued by environmental regulatory agencies

1998 Rights based organizing emerges when the 1st CELDF drafted ordinance – banning corporations from farming — is passed in Wells Township, Fulton County, Pennsylvania

1999 CELDF publishes its 1st Newsletter

2000 Rights based organizing continues with the passage of the CELDF drafted ordinance banning corporations from

dumping sewage sludge in Buffington Township, Indiana County, Pennsylvania

2001 Our 1st lawsuit against the Anti-Corporate Farming Ordinance in Belfast Township, Fulton County, Pennsylvania. Our office moves to Chambersburg, Pennsylvania. Launch of our Mobile Law office

2002 1st Corporate Rights Ordinance passed in Porter Township, Clarion County, Pennsylvania

2003 1st Democracy School held at Wilson College in Chambersburg, Pennsylvania

2004 CELDF moves to its current location on Mower Road in Chambersburg, Pennsylvania

2005 1st Lecturers Training School at Wilson College in Chambersburg, Pennsylvania

2006 1st Campaign School in Rosendale, New York. Tamaqua Borough, Schuylkill County, Pennsylvania becomes the 1st community to recognize Rights of Nature

2007 CELDF’s rights based organizing expands to New Hampshire

2008 CELDF’s rights based organizing expands to Virginia and Spokane, Washington

2009 Thomas Linzey along with Anneke Campbell publish a book about CELDF’s work. CELDF’s rights based organizing expands to Maine

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Remembering Brian Lavery



We are saddened to report that our longest serving board member, Brian Lavery passed away on October 30th. Brian was the Associate Director of Portfolio Resources Advisor Group, a Miami based firm specializing in sustainable investments portfolio management.

We met Brian when he was President of the Pennsylvania Environmental Network (PEN). He was a committed environmental activ-

ist who enjoyed challenging traditional environmental groups. He was a featured guest on many TV and radio shows and has been seen on CBS's Eye on America feature "What lengths will people go to protect their environment?" Brian was also the first Green elected to public office in PA and was holding an elected office in his community at the time of his death.

Brian was born in Boston, Massachusetts on January 15, 1954. He served in the U.S. Army (1974-1977) and worked for the U.S. Dept. of Justice for 7 years (1978-1985). He was married to his wife Joanne in 1975 and they have two children.

To Brian and his family, thank you for your years of dedication to the Legal Defense Fund. He will be sorely missed by our staff, Board of Directors, and everyone who has worked with the Legal Defense Fund over the past decade.



(release from pg. 1)

Be the Change, published by Gibbs Smith Publisher, chronicles the work of the Legal Defense Fund in communities from Pennsylvania to New England to Spokane, Washington. Read about the people and the communities who have decided to say "No" to a structure of law and governance that prevents people from protecting their communities and the environment – and how, through working with the Legal Defense Fund, they've changed their activism.

The book is available for sale in bookstores and on-line. To purchase on-line, you can find it at the independent bookstore Powell's at: www.powells.com.

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Yes, I support the Community Environmental Legal Defense Fund!
 Enclosed is my contribution of:

\$30 \$50 \$150 \$500 Other \$ _____

Name: _____

Address: _____

Phone: _____

Email: _____

Credit Card: MC / Visa / Disc / AmEx (Circle One)

Name on Card: _____

Account#: _____

Expiration Date: _____

3 or 4 Digit Security Code: _____

Please make checks payable to:
 CELDF
 P.O. Box 2016, Chambersburg,
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All contributions are tax deductible.

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 website: www.celdf.org

I would like to receive the
 CELDF newsletter via email.

Add my email to the CELDF
 News Listserve.

Mother Earth.

I am presently looking across a street could be
any street in any town
America, with row houses and driveways plugged
with cars that take
people into the congestion that is the city -
could be any city
anywhere - but this is one that is bordered by
large farms and
Mennonite communities that have signs that urge
sinners to change
their ways -
Jesus will make you pure and clean.
I have to ask myself if there is anything clean here?
Factory farms and sludged fields and coal mining
that releases slurry
into rivers that run to several tributaries that
empty into the mighty
Susquehanna make me ask another question
can we ever save anything?
The human element is struggling to awaken within
this cultural vacuum
that teaches us to depend on the destruction of
everything for the
sake of invented states of being - like
convenience and satisfaction
and entitlement - when the real states of being
have nothing to do
with depending on anything of the sort.

Trucks run down highway 84 / 24 hours a day
carrying everything from
mushrooms to car parts to chickens to sludge cake,
passing the cars -
mere incidentals - as the drivers
attempt to make time and make money and make a
statement that
convenience is a way of life.
Mother Earth is raped and ravaged, suffering and
groaning under the
strain of repeated assaults. We scramble to
correct the balance. We
are tipping in the wrong direction.
We wonder aloud whether it would be justice served
if we were not all
destroyed with the same disregard with which we
have destroyed our mother?
Tomorrow I get to ride the rails and see the ass
end of every city
from here to Boston,
graffiti spelling out the controversy all the way,
returning to the
sweet farm of NH, where the ocean still smells
like salt, the birds
still sing me awake and the bobcat slinks through
the forest, well -
fed and unmolested.

by Gail Darrell



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