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Citizens United? How About Citizens Rebuked!

By Ben Price, CELDF Projects Director

According to polling numbers, more than 80% of Americans think that the U.S. Supreme Court's 5 to 4 ruling in the *Citizens United v. Federal Election Commission* case stinks. On January 21, 2010, the Court decreed that corporations, as "legal persons," cannot be prohibited from funding political broadcasts in candidate elections because they have First Amendment rights to "free speech." Not for the first time, Americans were surprised to hear that the Court insists on interpreting the Bill of Rights – and other parts of the Constitution – as if it were written to protect corporations from the people.

(Citizens Rebuked - pg. 4)

Universal Declaration of the Rights of Mother Earth

In April, Bolivia hosted the **World People's Conference on Climate Change and Mother Earth Rights**. The impetus for the Conference was the failed climate change talks in Copenhagen and a growing interest by Bolivia in the Rights of Nature, or Mother Earth Rights.

CELDF Associate Director, Mari Margil, spoke at the Conference and was a part of the **Working Group on the Rights of Mother Earth**, helping to draft a Universal Declaration on the Rights of Mother Earth. This builds on our work in the United States and Ecuador, where we are collaborating with people and governments to move forward laws recognizing the Rights of Nature.

(Universal Declaration - pg. 5)

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

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Mt. Shasta residents at the City Council meeting.

Mt. Shasta Voters Will be the First in California to Decide on Water Rights

Throughout the harsh winter, volunteers with the Mt. Shasta Community Rights Project (MSCRP) trudged through the snow knocking on neighbor's doors to talk about rights and to collect signatures to put an ordinance before the City Council. The proposed ordinance bans water bottling plants and chemical cloud seeding in Mt. Shasta. Demonstrating enormous support, they collected signatures from 700 out of 2,072 possible registered voters.

After calling for a city study last month, the City Council reconvened on May 24, reviewed the study, took public comments and voted 5-0 Monday night to put the proposed ordinance to public vote in November. The only other option would have been to enact it into law.

Despite the unanimous vote, the council was not in favor of the ordinance which asserts the right of the community to make governing decisions about local water. "The (council) majority couldn't really support it the way it was written," said Kevin Plett, Mount Shasta's city manager. Plett said the law, if approved by voters, would be the first city ordinance of its kind in the state. Mayor Murray said that he conceptually supports the effort to protect clean water in the town but that he questioned some of the legal language in the proposed ordinance. "They are trying to overturn existing laws," Murray said. "Everyone wants clean water, clean air. It's the legal structure that is the avant-garde part of it."

Despite the fear of the city council to challenge state and federal laws that strip local governing authority, the meeting drew a standing room only crowd of just under 200 residents, 56 of whom spoke during three hours of passionate public comment. "This is about our right to water, and everyone here tonight spoke in favor of this ordinance and about our rights," said Ami Marcus of the citizen group, MSCRP. A two minute sustained applause erupted following the speeches of two representatives of the Winnemem Wintu tribe, who spoke of their own battles to protect their water against state and federally sanctioned flooding and contamination of their sacred homelands.

The depth of public knowledge about the ordinance came from months of organizing in the community, and from the 98-page report prepared by Global Exchange and CELDF - "Mt. Shasta Water Rights: Who Decides?," released a week before the council meeting. "We are very proud of this report,

and we believe it is not only useful in educating our community about rights, but a tool to assist other communities confronted by unwanted corporate projects,” said Marcus. The report can be viewed at www.globalexchange.org under the organizing for community rights section.

The Maine Destination

by Gail Darrell

*Miles of highway rimmed with evergreens
Stretching starward, stalwarts of the sky
Tires roll along mecatum path
We will reach our destination by and by.*

*Miles of highway cut into the forest
Bulldozed – laid waste by destruction teams –
Flattened, leveled, conquered Indian nations
Pushed beyond the realm of ever seen.*

*Miles of highway rimmed with evergreens
Stretching ever forward to the sky
Highways hide the blood and bones of nations
We will reach our destination by and by.*

*Miles of highway take us to the coastline
Stretching sand and cliffs that reach the border
Nature wraps herself around the history
Of all the wars caused by social order.*

*Miles of highway winding through the forest
Where red brothers lived with evergreens
We took the trees to organize new nations
To gather wealth and splay Earth’s very seams.*

*Miles of highway through the nations
Now occupied by foreign colored skins
Organized to divide the conquered
We made mistakes that made mistakes a profit scheme.*

*Miles of highway miles of highway
How can we ever be forgiven?
We raped and pillaged nature’s nation
Disrespected all the living.*

*Miles of highway use it wisely
Stretching starward to the sky
Rights for nature rights for nature
We will reach our destination by and by.*

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(Citizens Rebuked - from pg. 1)

In response, new campaign finance laws have been suggested. They won't challenge the *Citizens United* decision, but would require full disclosure of corporate political spending, forbid foreign owned corporations from buying political ads, and let shareholders weigh in on political spending by corporations they invest in.

Others believe the U.S. Constitution should be amended to strip corporations of First Amendment privileges intended for people. Still others call for a constitutional amendment that revokes "corporate personhood," first asserted by the U.S. Supreme Court in the *Santa Clara* case.

The need for change that became apparent to so many after the *Citizens United* ruling is encouraging. But, the narrow focus of proposed responses isolates this one Supreme Court decision from the historic context of the long train of abuses and usurpations of local self-governing rights imposed by Court decisions that gave a bundle of constitutional privileges to corporations over the years. Along with the Bill of Rights, judges have handed the Contracts and Commerce Clauses of the constitution to corporate directors, and invented the notion of vested rights in "future profits" for corporations.

Simply reversing the *Santa Clara* decision won't fix all of this. Nor will simply reversing the *Citizens United* ruling.

The Legal Defense Fund has been confronting the rights-denying reality of corporate privilege since well before the *Citizens United* decision. Rather than starting with the federal constitution, we began organizing in small municipalities – in Pennsylvania at first, where we began educating about corporate privilege and how it restrains people from governing their own communities and forces them to accept unwanted corporate projects – and we helped draft local laws that

strip corporations of claimed constitutional rights. These laws have been adopted in more than a dozen Pennsylvania municipalities. And now we have communities in New Hampshire, Maine, and Virginia that have done the same...soon maybe in California.

Now we've begun the process of organizing for a Pennsylvania Peoples Constitutional Convention. The *Citizens United* decision helps that process the same way a corporate lawsuit against a local ordinance asserting self-governing rights does. Both create indignation. Yet, the heat from the *Citizens United* ruling will fade; in fact it is fading in the popular mind the way all news cycle stories do. But what won't go away, and what is an ever-renewing source of organizing energy is the fact that in thousands of communities across the country, every week, another lawyer for a bullying corporation threatens a town, a borough, a county with a civil rights lawsuit if the local officials dare "violate the rights" of the corporation by refusing to issue a permit for the corporation to harm the community.

Knowing how difficult it is to change the constitution and how sustained an effort it will require, there will have to be a constant motivating force to hold it together for the long-haul. That organizing energy is generated in thousands of communities under corporate assault every day. We have to turn our backs on the regulatory system that promises no more than a slowing down of the rate of destruction; we must revise our strategy and build a people's movement to write a constitution that will guarantee that the people affected by governing decisions participate and consent in making them. For that to happen, we need to help people connect their visceral repulsion at the *Citizens United* ruling to the real problem, and help them organize for the rights of human and natural communities and against the privileges of corporations.

(Universal Declaration – from pg. 1)

The Universal Declaration reads in part:

We, the peoples and nations of Earth:

considering that we are all part of Mother Earth, an indivisible, living community of interrelated and interdependent beings with a common destiny;

gratefully acknowledging that Mother Earth is the source of life, nourishment and learning and provides everything we need to live well;

. . . proclaim this Universal Declaration of the Rights of Mother Earth, and call on the General Assembly of the United Nations to adopt it, as a common standard of achievement for all peoples and all nations of the world, and to the end that every individual and institution takes responsibility for promoting through teaching, education, and consciousness raising, respect for the rights recognized in this Declaration and ensure through prompt and progressive measures and mechanisms, national and international, their universal and effective recognition and observance among all peoples and States in the world.



Mari Margil speaking in Bolivia.

You can find the full document on our new website at www.celdf.org in the *Rights of Nature* section.

The Universal Declaration is intended to be presented by Bolivia to the U.N. General Assembly for its consideration. Bolivian President Evo Morales met with U.N. Secretary General Ban Ki-moon in early May to present the outcomes of the overall conference including the work on the Rights of Mother Earth.

In addition to the Working Group, Mari spoke on a panel focused on Rights of Nature. The panel included Alberto Acosta, former president of the Ecuador Constitutional Assembly, with whom CELDF met during Ecuador's constitutional drafting process; Miguel d'Escoto, former president of the U.N. General Assembly; Shannon Biggs, Director, Community Rights Program, Global Exchange; and Cormac Cullinan, author of *Wild Law*.

The Conference was widely attended by people around the globe, including representation by indigenous communities throughout Latin America and in other parts of the world. Estimates are that 30,000 people participated. We are hopeful that the Conference and the Universal Declaration will help accelerate the work on Rights of Nature and begin a larger conversation on the need for recognizing the rights of ecosystems and natural communities in law.

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'Tis the Gift to Come Down Where We Ought to Be

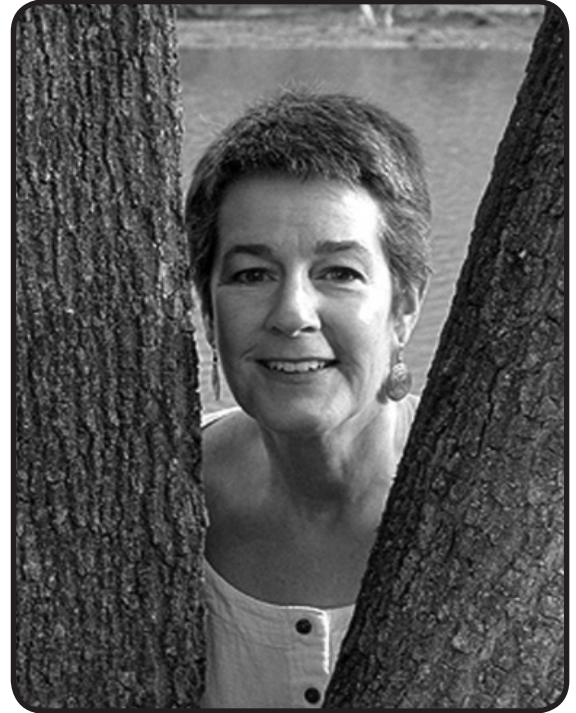
By Shireen Parsons

On December 9, 2009, with the help of dear, self-sacrificing friends, I moved my dog, two cats and all my stuff from my cute little old house in Southwest Virginia's beautiful New River Valley, where I'd lived for 20 years, to a cute little old house in East-Central Pennsylvania, 400 miles up I-81, following the Appalachian Mountains as they curve northeast. And I kept thinking, "I must be nuts."

I did this because, in Pennsylvania, the Legal Defense Fund's rights-based community organizing program has been so successful that the state is mobilizing to quash the success of the growing number of municipalities that are asserting their local governing authority and thwarting the intentions of corporations to force unwanted, harmful activities on those communities.

Since it is *the law* that the state and corporations wield to bludgeon communities into submission, it is *the law* that must be changed. To this end, we are organizing a people's convention of delegates, representing municipal communities, who will propose changes to secure the inalienable right to local, community self-government free of state and corporate preemption. Exciting stuff, and a huge undertaking. And I felt needed.

So, here I am, in my little 104-year-old duplex, which sheltered generations of coal miners and their families (there's a miner's shower in the cellar), in the quiet little borough of Summit Hill, atop Sharpe Mountain, in Carbon County, in the Pennsylvania coalfields.



Shireen Parsons

The region has a fascinating history. This is where immigrants from England, Wales, Ireland, Italy and Eastern Europe came in droves to work in the coal mines. It's where the Molly Maguires terrorized the mine owners and operators who treated them like slaves.

Not a half mile from my house, in one of our several small parks, stands a plaque commemorating the discovery of anthracite coal in America in 1791, right here on Sharpe Mountain. That open pit mine has been closed and filled in for about a century, so Summit Hill is cleaner than surrounding towns down the mountain, where coal mining – open-pit and strip – is ongoing, and where you see the ravaged hills, mountains of mine waste.

People are friendly here – neighbors look after neighbors – and Pennsylvanians exhibit their own brand of humor and a directness that I appreciate. I feel at home here.

It seems I've always had the gift to come down where I ought to be, and, happily, I've done it again.

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Envision Spokane – Next Steps

The Board of Envision Spokane – now consisting of 15 community members – has been meeting bi-weekly to launch three new projects. The first is a labor rights ordinance, which would recognize constitutional rights for workers in the workplace and impose a pre-qualification system for City contractors that would require them to recognize rights and safeguards for workers. The organization has finalized the ordinance, is soliciting endorsements from Spokane contractors, and will be meeting with City Councilpersons to find a sponsor. The second project, the Open Government Project, is focused on launching a web portal which would deliver audio and video of City commissions, taskforces, and committee meetings. The webpage would be organized by subject area, so that residents could access topics ranging from the Spokane River to legislative issues. The third project is to launch a new campaign for a shortened or different Community Bill of Rights, building on the work done last year to place a full Community Bill of Rights onto the ballot (www.envisionspokane.org). Envision Spokane will also be hosting one day Democracy Schools for those who worked on last year's Community Bill of Rights campaign. The group is also working to strengthen the initiative process in Spokane, to recognize greater authority for citizens to introduce initiatives for the ballot.



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