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A Letter from Executive Director, Thomas Linzey

What a year it's been.

I'm writing this note at 30,000 feet over southern Oregon on my way to speak at the annual Bioneers Conference in southern California, which draws over 3,000 attendees each year. Before departing, I was on the phone with an individual organizing an Envision Seattle group (organized along the lines of our Envision Spokane project in eastern Washington), talking about driving a local Bill of Rights into the Seattle City Charter. And that call came on the heels of finishing an appellate legal brief defending one of our communities' qualification of a ballot initiative banning natural gas hydrofracking in their community.

Whew. Multiply that by all of our community organizers, and you'll get an idea of how busy we've all become. Hundreds of communities and municipal governments have contacted our organization over the past year alone, and we're now getting calls for assistance from as far away

(Supporter - pg. 2)

Pennsylvania's Top Ten For 2011

by Ben Price

It's been a busy year for rights-based organizing throughout what some are calling the Marcellus Shale Region and movie director Josh Fox has dubbed "Gasland."

Pittsburgh made headlines in November of 2010 by adopting a Community Bill of Rights that bans corporate extraction of natural gas. While that may seem hard to top, wait until you hear what came next. There isn't space here to list all the municipalities and individuals who contacted our office and began to explore a Community Bill of Rights Ordinance, but let's consider the top ten communities that moved out ahead of the crowd to lay the foundation for a full-fledged Community Rights Movement.

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

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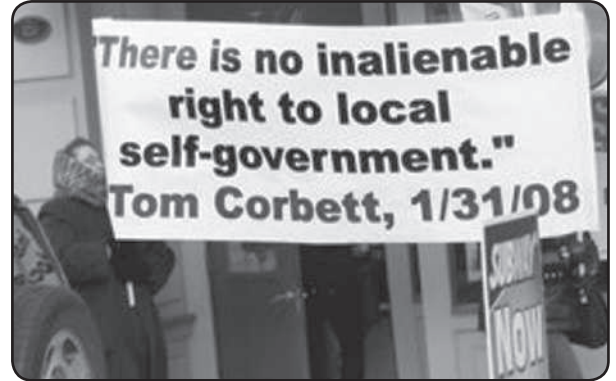
as Kenya, Israel, and even rebel-occupied Libya.

2011 got off to an ambitious start – with the Legal Defense Fund’s role in 2010 to help form the international organization Global Alliance for the Rights of Nature. Tapped to assist national, state, and local governments to draft constitutional and other legal provisions recognizing enforceable rights for ecosystems and natural communities, we’ve drafted local laws for Australian and South African communities. Those laws follow on the heels of the ratification of the Ecuadorian rights of nature constitutional provisions, which we helped to draft several years ago.

Later in 2011, we focused closer to home – hosting the first conference in the country aimed at helping communities to ban natural gas hydrofracking within their municipalities. That effort built on our success in late 2010 with the unanimous adoption by the City of Pittsburgh of a Legal Defense Fund-drafted ordinance which created a Community Bill of Rights banning fracking within the City, while recognizing the rights of ecosystems and removing the claimed rights of natural gas corporations. With the help of the Legal Defense Fund, several other municipalities in Pennsylvania, Maryland, and New York have now adopted similar laws.

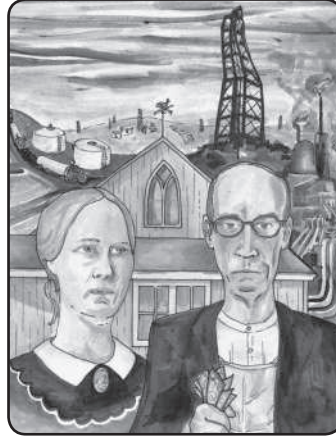
And several months ago, the Legal Defense Fund successfully fought off a flurry of lawsuits filed against groups working with our organization. Those lawsuits attempted to stop our groups from putting Community Bills of Rights onto their municipal ballots through the referendum process. Judges in two county courts and one state court have now ruled in favor of the Legal Defense Fund – establishing precedent that groups can use the ballot box to drive fracking bans forward that frontally challenge the authority of natural gas corporations over communities.

As I look out the window of the plane at the vast expanse of the Cascade Mountains, I’m reminded of why our staff works overtime – it’s because without the Legal Defense Fund, there is no one else to stand with communities as they do this difficult work of building the foundation for a people’s movement which recognizes the rights of nature, strips corporations of those claimed “rights” that elevate them



over community rights, and which promises to create real local community self-government focused on sustainability.

As a supporter, our victories and accomplishments are also yours. Without your help, we couldn't continue. If you've been a supporter, thank-you; and if you're not, please consider becoming one today. This organization, our communities, and our rapidly vanishing ecosystems need you.



(Pennsylvania's Top Ten For 2011 - from pg. 1)

- 1) Fresh into the new year I was contacted by Eric and Caroline Robison in Garret County, Maryland to visit their community because of growing concern about natural gas extraction using the hydraulic fraction, or "fracking" technique. Also in attendance was Mayor Leo Martin of the town of Mountain Lake Park. He introduced the ordinance to the Town Council on January 6th. A public hearing was held on February 5th, and on March 2nd the ordinance was adopted unanimously. The Community Bill of Rights asserts legal protections for the right to water; the rights of natural communities; the right to local self-government, and the right of the people to enforce and protect these rights through their municipal government. It subordinates the legal privileges of corporations in violation of the ordinance to Community Rights. Asked why the town was adopting such an ordinance, Mayor Martin replied *"Our main duty is to protect the health and welfare of the town, and especially to protect our water."*
- 2) On May 10, 2011, West Homestead Borough in Allegheny County, Pennsylvania adopted a Community Bill of Rights Ordinance, with a prohibition on natural gas extraction to protect those rights. It establishes the same rights adopted by Mountain Lake Park, along with the Right to a Sustainable Energy Future. Council President Dave Weir commented *"Our council feels that we are protecting our community's right to clean air and water as guaranteed by the Pennsylvania Constitution. We are protecting the health, safety and welfare of our citizens and our right to self govern. We are very comfortable with our decision."*
- 3) The Town of Wales, New York adopted a Community Bill of Rights Ordinance on June 14th that bans fracking, horizontal drilling for gas, and the depositing of frack wastewater in the town. Council-member Mike Simon, who introduced the bill on March 9th, had

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this to say: *“This local law embodies the will of our residents to protect our natural resources from destruction, so our children and grandchildren can have the quality of life we enjoy.”* The ordinance was advocated for by the community group Protecting Our Water Rights (POWR).

- 4) Next came Baldwin Borough in Allegheny County, Pennsylvania. At their April 19th Council meeting the question of zoning or banning the gas extraction was discussed. The Borough Solicitor noted that any action taken by Council would probably be challenged in the courts and suggested a ban would be more protective of the community. At the urging of community members, the Council adopted a Community Bill of Rights Ordinance banning fracking on June 21st. Resident Aaron Booz commented *“We are proud that another community in Allegheny County has taken a stand for Constitutional Rights, and we think this can only help in getting other communities on board.”*
- 5) July 20th, 2011 Wilkinsburg Borough, Pennsylvania adopted its Community Bill of Rights banning fracking. Jason Cohn, Vice President of Council, commented *“I think it’s great that we’re passing this tonight.... I don’t know there is a lot we can do but I think we need to continue on after we pass this to look for additional ways to protect our residents.”*
- 6) In Newton Township, Lackawanna County, Pennsylvania, the Board of Supervisors refused to entertain adoption of a Community Bill of Rights that would ban fracking. That left few options for residents who were



wary of being told they could have no local representation because the state preempts municipalities from governing corporate behavior and licenses them to act against the consent of the governed. Rather than wait for a series of election cycles to replace the three members of the Board, residents petitioned for a ballot measure that will elect a seven-member Government Study Commission empowered to draft a home rule charter to guarantee local self-governing rights and include residents in community governing decisions. Election Day is November 8th.

- 7) The drama will reach its crescendo in Peters Township, Washington County, Pennsylvania on Election Day, but the play of events has already been filled with suspense and adventure. There, Peters Township Marcellus Shale Awareness, a citizens group, petitioned to place a Home Rule Charter Amendment before the voters on November 8th, gathering almost 2,500 signatures and having them certified by the County Board of Elections. The amendment proposes an addition to the Home Rule Charter to establish a local Bill of Rights which asserts the right of residents of the Township to local self-government, to water, and their right to establish energy policies for future sustainability. It would establish rights for natural communities and ecosystems, and empower community members with legal standing to enforce those rights. To secure the local Bill of Rights, corporations would be prohibited from extracting natural gas within the Township. In addition, corporations engaged in the extraction of natural gas, or intending to do so in the township, would no longer be legally viewed as “persons” and could not avail themselves of protection of the state or federal constitutions in a way that would nullify the rights of human and natural communities. The journey to the ballot box has been anything but uneventful. On September 13th, the Township Coun-

cil voted unanimously to file a complaint with the Court of Common Pleas to bar the County Board of Elections from placing the proposed amendment on the ballot. The Legal Defense Fund filed a petition for Intervenor status on behalf of the citizens group, and the court agreed. Judge Paul Pozonsky also agreed, on October 3rd, to deny the Township Council's request for an injunction to block the ballot measure. Now it's up to the voters.

- 8) No less dramatic has been the Community Rights action in Warren City, Warren County, Pennsylvania. On August 9th, the West Side Alliance submitted petitions to place a home rule charter amendment similar to Peters Township's before the voters, but the County Board voted unanimously to block the measure. On September 8th the Legal Defense Fund filed a lawsuit against the Warren County Board of Elections to the amendment appear on the ballot. With the filing of the Legal Defense Funds complaint and a review of the decision by the County Solicitor, the Board of Elections voted on September 12th to reverse its decision and allow the measure to go forward. But that's not the end of the story. On September 28th the Warren City Council filed a twenty page lawsuit against the County Board of Elections to block it from placing the charter amendment question on the ballot. Using logic similar to that which prevailed in Peters Township, the Legal Defense Fund filed on behalf of the West Side Alliance, asking the Court for Intervenor status to argue for the right of the community to vote on the measure. As in Washington County, Warren County's court found for the people. The question will appear on the ballot.
- 9) In State College Borough, Pennsylvania, the grassroots organization, Groundswell PA, took up the same cause as Peters Township and Warren City: a Home Rule Charter

Amendment to add a Community Bill of Rights and a ban of fracking to the local constitution. Unlike those sister campaigns, there have been no legal challenges to this effort and the Mayor and some Borough Council members have indicated their support for the initiative.

- 10) Pittsburgh City Council Member Doug Shields, who spear-headed the successful campaign to adopt a Local Bill of Rights Ordinance in November 2010, decided to offer it as an amendment to the City Charter to the voters of the city. He succeeded in having an ordinance adopted by City Council to do just that, but Mayor Luke Ravenstahl advised Council that he would "*withhold my signature from Council Bill No 2011-1939, an ordinance directing that an amendment to the City of Pittsburgh Home Rule Charter be placed on the ballot. By withholding my signature I have effectively eliminated the possibility that this item appear on the ballot during this election cycle.*" With the mayor's conscious complicity, the people of Pittsburgh were denied their right to amend their local constitution. The mayor cited corporate interests as a motivation. He wrote "*I have several reasons for this action. Chief among them is the message that we are sending when we are essentially blocking an industry from investing in our City and region.*" The proposed charter amendment would have sent an unequivocal message to dirty energy industries: It would have locally constitutionalized a reversal of the Supreme Court's elevation of criminally engaged private business corporations over the rights of human and natural communities. Although the people of Pittsburgh were deprived of the right to vote to incorporate this language into their city charter, it is already law in the City and is part of the Community Bill of Rights ordinance banning gas extraction that was adopted unanimously on November 16, 2010 by the City Council.

News from New England Organizers

Chad Nicholson, Maine

Gail Darrell, New Hampshire

The challenges that have faced communities in New England this year are varied. It has been great to have Chad on board with the New England organizing since August, 2010, collaborating with Gail on several events – the Spring 2011 Community Rights Forums held in New Hampshire and Maine and our first booth at the Maine Organic Farmers and Gardeners Association’s Common Ground Fair – to name a couple. We’ve also had six Democracy Schools: in New Boston, Amherst, Sugar Hill and Wentworth, New Hampshire; Waterville, Maine; and Burlington, Vermont, with our illustrious colleague, Ben Price.



During the past year in New Hampshire, the Nottingham Water Alliance (NWA) has continued to enforce the Nottingham Water Rights and Local Self-Government Ordinance (2008) by corresponding with potential buyers of the bankrupt company, USA Springs, who originally applied for a New Source Bottled Water permit in 2001. Members of NWA and Neighborhood Guardians have been the constant watchdogs for Nottingham’s bedrock aquifer, steadfast in their efforts to protect the people’s water as the company makes new attempts to secure permits to mine groundwater, despite the local law.

This summer, the city of Gloucester, Massachusetts represented by *Who Decides?* a local grassroots organization that formed after the first Democracy School in 2009, called upon their mayor and city council members to drive a Special Legislative Act to the state legislature and executive to amend their Home Rule City Charter. The residents wanted to place the public water systems under their control so that no future city council or mayor would be able to sell the systems, sources, infrastructure or reservoirs to a private entity without first obtaining the 2/3 majority vote of the people. To amend the charter, the city council petitioned the Commonwealth of Massachusetts by submitting their request for a Special Legislative Act to amend their Home Rule City Charter. They pressed unrelentingly, and the amendment language was approved by both houses and signed into law in record time by Governor Duval Patrick in September. The action was spurred by a “boil water order” in the summer of 2009 and an offer by the international corporation, Suez, to purchase Gloucester’s water systems. Mayor Carolyn Kirk twice refused the company’s offers. *Who Decides?* celebrated the successful campaign at the recent city council meeting in September and is now preparing for next steps. We are continuing to work with other communities in New Hampshire, Maine, and Massachusetts to protect rights to water.

Work continues with Maine communities that are bearing the brunt of industrial wind production. Four hundred-foot tall wind turbines—which are financed by oil and gas corporations—continue to be forced into some of the most ecologically-sensitive areas in rural Maine at an ever-increasing rate.

After having watched an alphabet soup of proposed regulatory laws—dealing with issues like setbacks, turbine height, and turbine noise—be defeated at the state level, residents are reclaiming their right to

local self-government as we work with them to draft local laws that *ban* industrial wind production and which also create a framework for a Sustainable Energy Policy within the community. This policy recognizes that energy production will be *community-controlled* rather than corporate-controlled, and that the majority of energy produced within the community will stay within the community.

On the heels of this push for industrial wind development, a proposal has been brought forward in New Hampshire by the Canadian company, Hydro-Quebec, to erect monster towers that will cross New Hampshire's border with Canada and carry electric DC energy through the delicate White Mountain National Forest, down through 180 miles of the center of the state, to a distribution center in Franklin, where it will be converted to AC and run east to Deerfield – the final link in the chain for transmitting this electric power to Massachusetts and Connecticut. The project has sparked solid opposition from all sectors: property owners, business owners, local electric providers, nature enthusiasts and those who depend on tourism to make their living. These folks are contacting us for assistance in asserting their right to say No! to the project through local self-governance.

Our Work in Washington State

Spokane

In November, residents of Spokane, Washington will be voting on a Community Bill of Rights. Listed on the ballot as Proposition 1, these amendments to the city's home rule charter, if approved, will recognize:

- The right of neighborhood residents to make critical decisions about significant new development projects;
- The right of the community to a healthy Spokane River and aquifer;
- The right of workers to constitutional protections in the workplace and the right to collectively bargain; and
- The rights of the community over corporate rights, eliminating corporate "personhood" and other legal protections from corporations who violate the community's rights.



Proposition 1, for the first time, would put the interests of workers, our neighborhoods, and the Spokane River over and above entrenched corporate interests.

A coalition of neighborhood advocates, labor union locals, and community activists – known as Envision Spokane – qualified the citizen's initiative in July.

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The local corporate powerbrokers are leading the opposition, and they've accepted significant campaign contributions from national corporate lobbyist organizations.

Envision Spokane has received a tremendous amount of support from individuals as well as groups like the Progressive Democrats of America – 5th Congressional District, Veterans for Peace, Spokane Regional Labor Council, AFL-CIO, Audubon Society – Spokane Chapter, UFCW Local 1439, along with other community organizations. Volunteers are working hard through event tabling, neighborhood canvassing, and phonebanking to spread the “Yes on Proposition 1” message.

Spokane is leading the way to expand local self-governance in an effort to create a healthy, sustainable, and more democratic community.

Bellingham

The Living Democracy groups in Bellingham, Washington continue to build momentum in the realms of putting local folks through Democracy School and generating growing interest in fighting the development of a shipping terminal that will supply China with substantial amounts of coal.

Since February there have been five Democracy Schools. Longtime activists, folks who have never been active, and elected officials including the current mayor and his campaign opponent, have attended Democracy School.

A core group has also been working over the last few months to draft a Community Bill of Rights ordinance that recognizes the right to local self-government, rights of nature, and rights to a sustainable energy future along with prohibiting the transportation of coal through the community.

The shipping terminal would be receiving forty plus trains a day of coal. These forty plus, mile and a half long trains would pass through Bellingham, affecting air quality, impacting the waterfront, disrupting emergency services, and affecting property values and overall quality of life in Bellingham.



Once drafting is complete the group will be looking at different options to introduce the ordinance and begin building support. The interest in Democracy School and efforts to drive legislative change at the local level is inspired by what has been happening in Spokane.

Across The Region

At the end of August, folks in Anacortes, Washington hosted the Legal Defense Fund to talk about rights-based organizing. The community is facing a corporate water bottling operation that has the option of siphoning off up to five million gallons of water a day. Interest has also developed in Spokane and Stevens County around a Food Bill of Rights as a means of securing small, local, sustainable farms and keeping the influence of big agriculture out of the local food system. And in southern Idaho, areas of Payette and Washington County have been targeted for natural gas drilling and fracking. Residents and elected officials are concerned about the environmental and quality of life impacts. The Legal Defense Fund has been invited to present to elected officials and local citizen activists in Payette County on what has been transpiring with communities in Pennsylvania, Maryland and New York that are dealing with the same issue.

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