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A Letter from Executive Director, Thomas Linzey

In April, I found myself sitting in an office in Kathmandu, Nepal with the former Prime Minister of Nepal, discussing whether CELDF’s work – of recognizing enforceable rights for nature – should become part of the country’s new Constitution. CELDF’s Associate Director Mari Margil and I had been invited to visit with Nepalese elected officials by Shrawan Sharma, who leads Nepal’s Center for Economic and Social Development (CESOD).

The meeting reminded me of how small the world really is. Here were Nepalese officials and community organizations adopting work that began in the most rural communities in south-central Pennsylvania. Whether the final Nepalese Constitution eventually incorporates our work as the Ecuadorian Constitution did in 2008 is still very much up in the air; but one thing that isn’t is the impact that CELDF’s work is now having on communities on the other side of the globe.

In addition to Nepal, CELDF is now working with people in Canada, New Zealand, Italy, Columbia, and other countries to build a worldwide movement of communities who have begun using our mantra – that economic and environmental sustainability is impossible without true, local self-government – and who believe that protecting nature requires the legal recognition of the right of ecosystems to exist and flourish.

(A Letter - pg. 2)

Yellow Springs Leads Ohio in Community Rights Movement

by Emelyn Lybarger and Eric Belcastro

The village of Yellow Springs, Ohio, a historical landmark for its role in the underground railroad, made history again in October as the first community in the state to enact a local Bill of Rights, and protect those rights by prohibiting shale gas drilling, fracking, and related activities. After months of organizing by the community group Gas and Oil Drilling Awareness and Education (GODAE), the village council passed the ordinance 3-2.

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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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(A Letter - from pg. 1)

This year has been a coming-out of sorts for CELDF – pairing our continued expansion in the United States with our emergence as an international voice for the protection of nature globally. Some of our major accomplishments this year:

- Helped communities in Pennsylvania, New Mexico, and Ohio to adopt local Bills of Rights that ban hydrofracking for shale gas within their communities, and which elevate community rights above corporate ones.
- Won lawsuits on behalf of community groups in actions originally brought by municipalities to prevent Bill of Rights initiatives from being placed on local ballots.
- Created the New Mexico Coalition for Community Rights and the Washington Community Rights Network to begin work on state constitutional change that will recognize a right to local self-government for environmental and economic issues in those states.
- Helped several New Hampshire towns to adopt local laws through their Town Meetings to stop the Northern Pass project – a major electric transmission line proposed to run from Quebec to the East Coast of the United States.
- Developed a sustainable agriculture ordinance for people living on the island of Kaua'i in the Hawaiian Islands, which would prohibit corporate farming, use of pesticides, and the use of genetically modified seeds on Kaua'i.
- Completed filming of “We the People 2.0,” produced by Tree Media, about the work of CELDF. Tree Media is the same organization that produced Leonardo DiCaprio’s 11th Hour film, which also included CELDF’s work.
- Helped Italian communities to create “Dirriti della Natura Italia” – an organization committed to creating local laws that recognize the enforceable rights of nature and ecosystems within those communities.

It’s been quite a year for CELDF – and the years to come promise to expand and accelerate our work, which is being seen by many communities as their last opportunity to turn this globally destructive train around.

Ironically, as things worsen around the globe, the demand for our help grows. Thanks for continuing to help us meet it.

(Yellow Springs - from pg. 1)

The local law asserts the fundamental rights of residents to clean air and water, and to protect the rights of nature. Currently, fracking and related activities are permitted by the state and allow a corporate minority to site drilling and injection wells over the wishes of a community majority. The ordinance recognizes the rights of community members as superior to the regulatory laws of Ohio and finds the issuance of such permits, in violation of those rights, as illegitimate law.



Yellow Springs is located in southwest Ohio – distant from the Utica Shale in eastern Ohio, where numerous drilling and fracking wells are situated. However, its geological formations render the area ideal for storing fracking wastewater in what are known as injection wells. Such wells caused a number of earthquakes in Youngstown in 2011. In addition to concerns about earthquakes, residents fear water contamination through surface spills and leaking wastewater into aquifers through porous rock, ingestion of toxics by residents and wildlife, lost property values, and threatened loss of organic certification for farmers in affected communities.

Under the ordinance, corporations that seek to violate the provisions of the ordinance that have been enacted to protect the rights of the residents will not be afforded “personhood” rights under the U.S. or Ohio Constitution, nor will they be afforded protections under the Commerce Clause or Contracts Clause under the federal or state constitution. In addition, the ordinance recognizes the legally enforceable Rights of Nature to exist and flourish. Residents of the village shall possess legal standing to enforce those rights on behalf of natural communities and ecosystems.

With passage of the law, Yellow Springs joins with eight communities in Pennsylvania, Maryland, New York, and New Mexico that have taken a stand for fundamental rights by banning fracking.

Leading the Charge: Three More Communities Adopt Bills of Rights

by Ben Price

Broadview Heights

On November 6th, voters in Broadview Heights, OH, amended their City Charter by overwhelmingly adopting a Community Bill of Rights – by over 66 percent! The amendment establishes the right of residents of the City to local self-government, to pure water, clean air, and the right of residents to

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establish energy policies for future sustainability. It also establishes rights for natural communities and ecosystems, and empowers community members with legal standing to enforce those rights.

The Community Bill of Rights goes further, and protects the enumerated rights by prohibiting corporations from extracting shale gas within the City, with the exception of gas wells already established and in operation at the time of adoption of the amendment. In addition, corporations are prohibited from storing, transporting or disposing of waste products from gas extraction within the City, or siting infrastructure supporting non-sustainable energy production within the City. Corporations engaged in prohibited activities, or intending to do so in the City, may not avail themselves of certain legal protections and powers which would enable them to nullify the rights of the community secured by the City Charter.

This ballot question was presented to residents of Broadview Heights as the result of a citizen petitioned initiative. When the petitioners submitted the signatures of a sufficient number of residents to the City Clerk, citizen organizers were met with initial opposition from the law department, including suggestions that the proposed charter amendment might not appear on the ballot because it is “illegal and unconstitutional.” But prior restraint of initiative measures has met with judicial skepticism, and the City relented when advised of the legal status of the petitions and the limited ministerial discretion of the City Council. Consequently, Council adopted the obligatory ordinance to officially post the Community Bill of Rights on the ballot, where it was fully embraced by the community on November 6th .

Ferguson Township

In Pennsylvania, Ferguson Township joined neighboring State College Borough in adopting a Community Bill of Rights that bans fracking and related activities. Their charter amendment was adopted with a 52% majority. The Ferguson effort has been led by Jeff Kurland of GROUNDSWELL and Pam Steckler of Community Rights Activism for Ferguson Township (CRAFT). Through the efforts of these organizations and their allies, more than 850 signatures were



collected and the proposed charter amendment appeared on the ballot despite attempts by Township officials to block the initiative. Ferguson Township is the second Pennsylvania community to amend a home rule charter by adding a local bill of rights, joining their Centre County neighbor, State College Borough, where a similar measure was adopted in 2011 by more than 72% of the vote.

Mansfield

The residents of the City of Mansfield, OH also adopted an amendment to their City Charter on November 6th. By more than 62% the city residents approved the charter change. It too includes a Community Bill of Rights, as well as a prohibition against depositing waste from hydraulic fracturing (fracking) anywhere in the City without written consent from the City. According to the City’s Law Director, John Spon, “because the Bill of Rights provides a foundation, by anchoring the Bill of Rights (and thereby legislation flowing from it) in powers vested to municipalities by the Ohio Constitution, the City of Mansfield stands a greater chance of legally protecting itself from an overreaching state government.”

Mr. Spon went on to say that “Because the State of Ohio...does not wish to protect citizens, local governments are finding that they must do it themselves. The Bill of Rights is both an enabling/strengthening foundation, as well as a chance for the electorate to come forward and let the state know where it stands by means of its own voice, rather than through it’s elected officials. This is the true beauty of the Bill of Rights; because it must be voted upon by the public at large, it carries the power of the people’s voice.”

Washington Community Rights Network

Launched in July 2012 with community representatives from both sides of the Cascades, the Washington Community Rights Network (WCRN) continues to build towards its role as a resource and information center for active and new community-rights efforts. Monthly updates are sent to members of the WCRN, a speakers bureau training is under design along with scheduling the first trainings, and a presentation tour on rights-based organizing is in the works for the beginning of 2013. Information about the WCRN can be found on the CELDF website - <http://celdf.org/wcrn>

Pacific Northwest Organizing Bellingham, WA

Coal Free Bellingham's effort to elevate their community's right to self-government, clean air, and clean water was not on the ballot in November 2012. After gathering 10,000 signatures for the Bellingham Community Bill of Rights, which was about protecting community rights and stopping rail transportation of coal - currently going to Canada and planned for a international shipping terminal north of town - the Bellingham City Council sued to keep the citizen's initiative from going to the vote of the people and were later joined in the suit by BNSF Railroad - one of four railroad companies who control 90% of railroad shipping nationally and who currently ship coal through Bellingham.

Though the courts have had a long record of protecting the state constitutional right to initiative by

not allowing pre-election challenges, a single county judge ruled that the measure should not go to the vote of the people because it exceeded the authority of the City of Bellingham to enforce it. The Coal Free Bellingham group appealed the decision. The higher court, whose first decision was to decide if the measure should go to a vote and not on the substantive ruling itself, upheld the lower court decision in denying its placement on the ballot. Though knocked from the ballot this election cycle by the efforts of the Bellingham City Council, BNSF, and the courts, core members of the Bellingham group are looking into building a future effort.

Spokane, WA

Two efforts continue to move forward in Spokane. Spokane Move to Amend the Constitution (SMAC) is nearing its signature gathering effort to place a CELDF-drafted fair and clean elections ordinance on the November 2013 ballot. In addition, Envision Spokane is moving along with its signature gathering effort to place a Community Bill of Rights on the November 2013 ballot which would give residents decision making power over major neighborhood development, greater protections for the river and aquifer, constitutional rights in the workplace, and removing corporate powers and privileges when they conflict with community rights.

Skagit County, WA

A Democracy School was recently held in the town of Mt. Vernon, Washington in Skagit County. In that same county there is currently a town council led effort (supported by citizens) in La Conner, Washington to consider adopting a CELDF-drafted fair and clean elections ordinance.

Oregon

In Oregon there have been two Democracy Schools (Eugene and Corvallis), the filing of an initiative in Benton County to protect their sustainable agriculture with a Food Bill of Rights, and the building of rights-based efforts in Lane County and Portland occurring over the last three months. A second Democracy School is scheduled for Eugene in November and one is being considered for Portland



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after the first of the year. In addition Thomas Linzey will be delivering a keynote address at the 31st Annual Public Interest Environmental Law Conference Feb. 28 – Mar. 3, 2013 in Eugene, Oregon.

New Hampshire Community Rights Network

by Gail Darrell

On Saturday, August 18, 2012, supporters of community rights-based organizing from 14 towns in Maine and New Hampshire met to share stories, celebrate successes, and strategize to expand education. The New Hampshire Community Rights Network (NHCRN) potluck meeting in Webster, NH, included a discussion of the need for constitutional change to liberate municipal law-making statewide.



The NHCRN formed in 2010 to begin the work of bringing communities together from across the state to drive community rights to the state level, protecting residents' inalienable right to local self-governance and protecting rights of nature. As rights-based organizing grows in the region, the need for coordinated action to make state-level change is evident.

After opening remarks and introductions, the history of rights-based organizing unfolded organically as community members from across the states told their individual community stories.

Eileen Hennessey, a member of Protecting Our Water and Wildlife Resources (POWWR), from Shapleigh, ME, brought her story of Shapleigh's victory to save the Vernon Walker Wildlife Reserve from a water extraction operation. Shapleigh and Newfield, ME both enacted rights-based ordinances at Town Meetings, drafted with CELDF's assistance in 2009. Nestle removed 23 test wells from the Vernon Walker Wildlife Reserve in July of that year.

Gail Mills and her husband, Chris, co-founders of the Nottingham Water Alliance in Nottingham, NH, shared their experience of the past four years as their community watched bankruptcy proceedings for the USA Springs water company. The co-founders continue to notify all potential creditors of the rights-based ordinance that was adopted in 2008, which prohibits all corporate water extraction. A majority of residents continue to support the Nottingham Water Rights and Local Self-Government Ordinance – a town law that has yet to receive the support of the elected officials.

Pete and Pam Martin shared success stories of the Coalition Against the Northern Pass, a grassroots organization of community members from the North Country united to oppose Hydro-Quebec's plans to build steel towers through scenic woodlands, farmlands and the national forest, to carry electric power to New England's southern tier. Plymouth, Easton and Sugar Hill, NH all enacted rights-based ordinances to ban land acquisition for unsustainable energy production such as the Northern Pass.

Voters from Holderness and Northfield, NH, talked about their Town Meeting moderators' use of the podium. During the 2012 annual meetings, the rights-based ordinance Warrant Articles were tabled prior to discussion. These voters are determined to be better prepared for next year's meeting in March.

The afternoon ended with a brief presentation by CELDF community organizer Gail Darrell, an update from CELDF's Pennsylvania Community Rights Network (PCRN) Coordinator Chad Nicholson, and some local music to round out the occasion.

The NHCRN decided to meet four times a year to continue to expand organizing and outreach to ensure that the people who are most affected by governing decisions are the ones making them. Upcoming meetings in the year ahead will be posted on the website at www.celdf.org.

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