



# Susquehanna

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## PA Judge Says “Corporations are not Persons”

In a landmark decision on March 20, 2013, Judge O’Dell-Seneca cited sections of the 1776 Pennsylvania Constitution in support of her contention that corporations were never intended to be constitutionally protected “persons.”

The ruling came about when several Western Pennsylvania newspapers sought the release of a sealed settlement agreement between a family claiming to be affected by water contamination from shale gas fracking.

Judge O’Dell-Seneca continued, stating it is a “dubious proposition...that the framers of the Constitution of 1776, given their egalitarian sympathies, would have concerned themselves with vesting, for the first time in history, indefeasible rights in [corporations].”

As well, she tackled the very nature of corporations by declaring that “it is axiomatic that corporations, companies, and partnerships have no ‘spiritual nature,’ ‘feelings,’ ‘intellect,’ ‘beliefs,’ ‘thoughts,’ ‘emotions,’ or ‘sensations,’ because they do not exist in the manner that humankind exists.... They cannot be ‘let alone’ by government, because businesses are but grapes, ripe upon the vine of law, that the people of the Commonwealth raise, tend and prune at their pleasure and need.”

The court records unsealed by the ruling reveal that Range Resources, and other corporations that were subject to the complaint, paid out \$750,000 to settle claims of water contamination caused by fracking.

## Up Next in Ohio: the City of Youngstown

Thanks to the efforts of the village and cities of Yellow Springs, Broadview Heights and Mansfield, more Ohio communities are realizing that the traditional route of working through our elected representatives in Ohio will simply not protect them. Since the State Legislature took all local control away from communities by pre-empting their authority over anything having to do with the oil and gas drilling industry, communities have had to face spills, air pollution, earthquakes and actual dumping of toxic waste directly into their rivers and streams.

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## CELDF Welcomes Two New Organizers



Tish O'Dell led community rights organizing in her hometown of Broadview Heights as they faced the threat of oil and gas drilling and fracking. In partnership with other residents, they successfully adopted a home rule charter amendment that established a Community Bill of Rights to protect the city from fracking and related activities.

In January, Tish joined CELDF to assist other communities in rights-based organizing in Ohio. She is currently working with the City of Athens for an initiative petition drive to get a Bill of Rights Ordinance on the November ballot. Oberlin is also in the process of drafting a Charter Amendment Bill of Rights and plans to get that on the November ballot as well.

In addition to working with individual communities, Tish is beginning to establish contacts across the state to form the Ohio Community Rights Network. Once established, the OHCRN will form county chapters to lay the groundwork for driving community rights to the state level through a constitutional convention.

The first meeting will be scheduled this coming fall, immediately following the election. If you are interested in learning more about the Ohio Community Rights Network, contact Tish at [tish@celdf.org](mailto:tish@celdf.org).



Kathleen Dudley joined CELDF in November as a community organizer. After several years working in New Mexico to stop shale gas drilling and fracking, Kathleen and other residents' efforts culminated in the Las Vegas, NM's City Council adoption of a fracking ban in April 2012.

Kathleen is co-founder of *Drilling Mora County* and of the *New Mexico Coalition for Community Rights*. She is currently working to advance community rights organizing in the state, focusing on the Mora County campaign.

To learn more about our work in New Mexico, including county organizing and the statewide work of the NMCCR, contact Kathleen at [kathleen@celdf.org](mailto:kathleen@celdf.org).

## An Appeal from Thomas Linzey, Executive Director CELDF

### *We the People 2.0*: the Film

Friends,

“Let’s get it made.” That’s what I said earlier this year to the Tree Media folks who are making *We the People 2.0* - a film about the work of the Community Environmental Legal Defense Fund. A film about you and your community.

Over the past fifteen years, CELDF has assisted over five hundred communities across the United States to come to grips with a sobering reality - that we don’t control what happens within our own municipality. Whether it be fracking, factory farming, sludging, or water extracting, we are at the mercy of corporations doing those things in the places where we live.

CELDf’s work has been about changing that dynamic - beginning the building of a national movement that seeks to turn the tables. That has meant openly challenging and directly confronting those corporate decisionmakers who have decided to use your community for their own profit.

It will take ten thousand communities confronting these corporations to make a difference. The film *We the People 2.0* is intended to bridge your community to those others - a primer about what this work is about, which provides a path for other people to follow. It is a building block towards that future that we desperately want and need.

Over the past fifteen years, we’ve provided our assistance without cost to you - raising money from foundations and donors to keep this work moving forward. We’re now asking for your help to get this film made and distributed. Although some of the filming has been completed, we need funds to take it the last mile - through post-production, additional filming of your communities, and film editing.

So, I’m asking you to reach into your pockets and give whatever you can to the effort, even \$10 or \$25. And, if a thousand people give \$100, we’d be almost there.

Please go to: [www.indiegogo.com/projects/324241](http://www.indiegogo.com/projects/324241) and take a look at the trailer and give today. The planet will thank you, and so will we.

Thomas Linzey

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*(Up Next in Ohio: the City of Youngstown - from pg. 1)*

The City of Youngstown, which experienced earthquakes in 2011 and 2012, also experienced the illegal



dumping of toxic waste into their storm runoff system, leading directly to the river. The residents there have had enough. They worked with CELDF to draft a Charter Amendment Bill of Rights banning drilling, fracking and injection wells within the city, as well as elevating the rights of the community and the rights of nature above corporations. They gathered more than enough signatures, and the amendment will be voted on by the citizens of Youngstown on May 7, 2013. As anticipated, they are meeting resistance from industry and business groups within the city, touting “jobs” for Youngstown. Ultimately, it will be up to the residents of the city to decide if the risks are worth the paychecks. Good Luck Youngstown!

### **Grafton, NH Adopts Community Bill of Rights to Challenge Industrial Wind Project Siting**

In March, Grafton, NH residents adopted a Community Bill of Rights establishing residents’ rights to pure water, clean air, a sustainable energy future, and “an inalienable and indefeasible right to self-governance in the community where they reside.” It also prohibits corporations from “engag[ing] in land acquisition necessary for the siting or construction of unsustainable energy systems.” The vote at Town Meeting – a local form of government in New England dating back to the colonial era – was 255:252. The results from a call for a recount added two votes in favor of the Ordinance.

Residents adopted the ordinance in the face of an industrial wind proposal by the Spanish company Iberdrola, which would site turbines along the Cardigan and the Orange Mountain ridgelines in Grafton.

After witnessing the devastation that comes from such projects in the nearby town of Groton, where Iberdrola sited an industrial wind project on Tenney Mountain, community members circulated petitions and submitted more than the required number of signatures to place the Community Bill of Rights onto the annual Town Meeting agenda.

Grafton joins more than a half dozen other communities in New Hampshire that have taken seriously the obligation of municipal government to protect health, safety and welfare, quality of life and fundamental rights against harmful industrial projects.

### **New Mexico Community Rights: Next Steps**

After the inspiring passage of New Mexico’s first Community Bill of Rights by the Las Vegas City Council in April 2012 that bans shale gas drilling and fracking, Mora County Commissioners are considering the *Mora County Community Water Rights and Local Self-Government*



*Ordinance* on April 30. The ordinance would be the first-in-the-nation county-wide ordinance asserting community rights to clean water, air and the rights of nature, and prohibiting shale gas drilling and fracking as a violation of those rights.

*Drilling Mora County*, one of the local, grassroots organizations behind the rights-based ordinances, is spearheading a billboard and yard sign initiative in partnership with the *Committee for Clean Water, Air and Earth* in San Miguel County. The billboards emphasize nature’s rivers, streams, springs and lakes, and the residents’ local economies based upon farming and ranching. Depicting red cows with messages such as “Water, not fracking,” residents are embracing the initiative and showing strong support for passage of Community Rights ordinances in both Mora and San Miguel counties.

## Willamette Valley Farm and Food Rights Summit

On March 3rd at Linn-Benton Community College in Albany, Oregon, fifty farmers and food advocates from eight counties – Benton, Clackamas, Jackson, Josephine, Lane, Lincoln, Linn, and Yamhill – gathered to discuss the future of farming and food systems in the Willamette Valley. The summit was co-sponsored by CELDF, Benton County Community Rights Coalition, Oregon Tilth, Oregonians for Farm and Food Rights, and Rural Organizing Project.

The all-day event commenced with a compelling talk by organic seed farmer Frank Morton. Frank laid out his multi-year, unsuccessful battle to find remedy within the current regulatory system to protect sustainable farming in the valley. Thomas Linzey, Executive Director of CELDF, built on



Frank's talk by walking summit attendees through the inner workings of the regulatory system and the structure of law that allows agri-business to dictate farming, beyond the control of local communities. He described how this current reality is beginning to change in favor of local sustainability and democracy.

After a wonderful lunch of primarily locally grown food, most of the afternoon featured the community rights efforts of the Benton County Community Rights Coalition to adopt a Food Bill of Rights. This local law, if adopted, will protect sustainable farming and natural ecosystems by prohibiting genetically modified crops while protecting the right to seed heritage.

The day finished off strong with a discussion about what it would take for other communities to put forward their own Food Bill of Rights. The summit – the first of its kind in the nation – was a success, both in strengthening the efforts in Benton County and sparking new efforts in Lane and Josephine Counties.

## Benton County Community Rights Coalition

The effort to protect local, sustainable food systems in Willamette Valley continues to grow and strengthen in Benton County, Oregon. It's been a year now since a small group of organic and conventional farmers, along with food advocates, came together to confront the issue of GMOs in their county, protect seed heritage, and correct for the total lack of local control communities have pertaining to sustainable farm and food systems.

Over the last year, the Benton County Community Rights Coalition built a coalition of supporters, hosted numerous public presentations, a community rights workshop taught by CELDF, a full Democracy School, and co-sponsored the Willamette Valley Farm and Food Rights Summit.

The group also requested CELDF draft a local Food Bill of Rights to challenge the lack of local self-government by establishing, in law, community rights to seed heritage, clean air, water, soil, and natural ecosystems, and the right to keep out unsustainable agricultural practices – as well as nullifying corporate rights when they are used to lessen these community rights. The group expects to submit an updated Food Bill of Rights in April. The goal, through a petitioning campaign, is to have the Food Bill of Rights on the May 2014 ballot. To aid in the campaign effort, the group will also be hosting additional workshops and Democracy Schools in 2013. To learn more, go to [www.bentonccrc.org](http://www.bentonccrc.org)

## Struggle For Worker Rights in Spokane – 100+ Years & Counting

“Wanted: Men to Fill the Jails of Spokane”. This was the battle cry of the I.W.W. – Industrial

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Workers of the World – that went out nationwide during the free speech fights in Spokane, Washington in 1909-10. A local ordinance passed in 1909 prohibiting public speaking in order to squash the unionizing efforts of the I.W.W. They were organizing against crooked job placement services and corrupt timber, agriculture, and mining corporations that were cheating workers out of their right to fair pay and refusing to address dangerous working and worker camp conditions.

Workers and supporters from across the country converged on Spokane in 1909-10 to stand up for worker rights through public speeches – and then being arrested for their efforts. Hundreds were jailed and some died under the harsh conditions in which they were kept. The effort eventually resulted in the closing down of nearly two-thirds of the job placement services in Spokane (19 of the 31 active) and the removal of the free speech ban ordinance.

To honor this pivotal fight for worker rights, not only in Spokane but for the whole nation, Envision Spokane, Spokane Regional Labor Council AFL-CIO, Laborers Local 238, UFCW Local 1439, and Plumbers and Steamfitters Local 44 co-sponsored this event. A great mix of union and non-union folks attended to hear about past and current day struggles for workers, as well as new strategies for remedies, such as the Community Bill of Rights effort of Envision Spokane.



Rally attendees were reminded to support that effort. Targeted for the November 2013 ballot, the Community Bill of Rights contains a worker rights amendment that, if adopted, will secure federal and state constitutional rights protections for all workers, protect collective bargaining for unionized workplaces, and nullify corporate rights if they are used to override worker rights. The full Community Bill of Rights can be found at [www.envisionspokane.org](http://www.envisionspokane.org)

### Washington Community Rights Coalition: Community Rights Confluence

Spokane hosted the first statewide gathering of the Washington Community Rights Coalition on March 9-10. Throughout the event, community rights activists from Bellingham, Seattle, and Vancouver, Washington, as well as Portland, Oregon, joined together with volunteers and board members of Envision Spokane to petition for the Community Bill of Rights. On the evening on March 9th, folks gathered at the Community Building in downtown Spokane for the Community Rights Confluence to hear about community rights efforts happening across Washington and Oregon and

to discuss projects to help continue to build the resourcefulness of the Washington Community Rights Coalition. To learn more, go to [www.celdf.org/wcrn](http://www.celdf.org/wcrn)

## Thornton: Ready for Next Year

In December of 2010 Thornton, NH residents heard about a high voltage transmission line project known as the Northern Pass, which is proposed to go through Sugar Hill, Easton and several rural communities located in the foothills of the White Mountains.

Middle school teacher Alexis Eynon heard about what other towns were doing from her real estate broker. "Thornton's always behind the eight ball," Eynon recalls thinking. "If the project goes through Easton, Thornton's next. My broker gave me the Martin's phone number and I called them."

After speaking with Pete and Pam Martin from Plymouth, where a similar Ordinance was adopted last year, Eynon contacted the Community Environmental Legal Defense Fund. Alexis went through two Democracy Schools and learned how the permitting process served the interests of business and industry and was not created to protect people or the environment.

The Ordinance was customized for the community during meetings with concerned residents. Ms. Eynon, accompanied by her sister, Emily, and

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several neighbors, formed a local grassroots organization called *Thornton Has Rights*. The group gathered petition signatures and brought the Thornton's Right to A Sustainable Energy Future and Local Self-Government Ordinance as a warrant article to be voted on at the 2013 annual Thornton Town Meeting.

Town counsel informed the selectmen that the ordinance was “unenforceable.” Anticipating that response from the lawyer, whose job is to ensure municipal officials obey state law – even to the detriment of the residents – the petitioners pressed on with their educational campaign.

Selectman Steve Morton encouraged voters at Town Meeting to *oppose* the Ordinance and instead, surrender their rights to a legal system that does not protect them. The vote to enact the Community Bill of Rights Ordinance failed 57 to 21.

Although it is also the duty of selectmen to protect the health, safety and welfare of town residents, Morton did not view the Northern Pass as anything threatening or unhealthy. He said he thought everyone would get used to the towers eventually.

A long time voter chastised the selectmen for not coming up with a plan to stop Northern Pass. “If that project comes into Thornton it will ruin our town and you’ve done nothing to stop it.” The speaker was referring to the non-binding Resolution adopted last year expressing the overwhelming rejection of the Northern Pass by voters.

After much hard work, several voters praised the work done by the *Thornton Has Rights* group, and the ground work has been laid to run the ordinance again next year.



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