



### **Community Environmental Legal Defense Fund**

CELDF is a nationwide community of organizers, lawyers, and partners who educate, agitate, and organize to confront systemic injustice and restore humanity's reciprocal relationship with the Earth. For over 30 years, we've helped communities resist corporate exploitation, reject regulatory false promises, and assert their right to self-govern through systems grounded in ecological balance and collective power.

To learn more, visit [www.celdf.org](http://www.celdf.org) or contact us directly at [info@celdf.org](mailto:info@celdf.org) or 717-498-0054

**Please support our ongoing work by  
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*Thank you*

**CELDF**

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# FOREWORD

By Robert Shetterly, *Americans Who Tell the Truth*  
Brooksville, Maine

Some years ago I traveled to Syracuse to meet Oren Lyons, the Faithkeeper of the Onondaga Nation, one of the tribes of the Haudenosaunee. Lyons, who has long been an international activist for indigenous rights and ecological sanity, was entrusted by his people to keep sacred their original values of living in harmony with nature. I had come to meet him to paint his portrait for my ongoing project *Americans Who Tell the Truth*. We had barely greeted each other, when he said to me, "We knew [that 'we' seemed to represent eons of indigenous wisdom], we knew that when you white people separated church and state in your Constitution, it would only lead to disaster."

I looked at Oren in disbelief. That essential separation stood, I thought, as the bulwark against the disaster of doctrinal tyranny. In fact, I asked, isn't it the only thing keeping us now from being overwhelmed by the dogmatism of the Christian nationalists? He said, "That's not what I mean. Your deepest reality has to be the source of your deepest spirituality. Your deepest reality is nature, our church. And when you separated the responsibility of your state and its institutions from honoring and protecting that church, that reality, we knew it would lead to disaster. No matter what your denomination, we all worship in that church."

The essays and articles collected by the Community Environmental Legal Defense Fund (CELDF) in *Can You Handle the Truth?: Essays of Hard Truths Aimed at Right-relationships with the Earth and Each Other* demonstrate how — again and again — corporate power in this country has successfully ignored obedience to the Laws of Nature while demanding legal adherence to the Laws of Profit, a profit accrued with total

contempt for the Laws of Nature. Which means, then, contempt for reality. That contempt reminds me of James Baldwin famously saying, "People who shut their eyes to reality simply invite their own destruction." I don't know if Oren Lyons and James Baldwin ever met each other, but they surely would have understood each other.

One wonders how intelligent people — so many of our corporate and political 'leaders' are products of the most prestigious schools — could be so willfully blind to damage being done — by them — to the miraculous ecosystems that gift us with life on this tiny planet, and what that portends. The ravages of climate change, mass species extinctions, environmentally triggered diseases, and forever toxins are not the mistakes of ignorance but the work of proudly rational folks choosing money over health, choosing money over survival, choosing money over their own children. They are using their gallons of money to paint us all into a lonely corner from which we may not be able to escape.

Remember when James Carville in 1992 came up with the campaign slogan for Bill Clinton, "The Economy, Stupid!"? George HW Bush was president, the country was in recession, and the point of the slogan was to remind everyone that Clinton's most important task was to get the economy exuberantly thriving again . . . and he promised to do that. What would Oren Lyons say? He might say that it's the economy that's stupid, that the corporate will to exploit, pollute, and profit is an addiction, which, like most addictions, is fundamentally and stupidly suicidal. Capitalism, which we are instructed to credit as the beneficiary of democracy while it expands inevitably and distributes wealth generously, insidiously attacks reality. And destroys democracy by creating fortunes for the rich. Writer and environmental activist, Naomi Klein, says this: ". . . our economy is at war with many forms of life on Earth, including human life. What the climate needs to avoid collapse is a contraction in humanity's use of resources; what our economic model demands to avoid collapse is unfettered expansion. Only one of these sets of rules can be changed, and it's not the laws of nature." So, what do

people do when their laws have been co-opted by corporations and their democracy neutered?

One of the most useful things they could do is turn to the Community Environmental Legal Defense Fund (CELDF) whose great struggle over the years has been to organize people living in small, easily preyed upon communities to fight off corporate exploitation. Fracking, sludge disposal, industrial hog farms, mining, etc., corporate practices that can cause irreparable environmental and health harm, are frequently visited on communities that come to find out they have no legal recourse against those harms — even when a strong majority of residents oppose those harms. People who believe in democracy and the rule of law find out too late that the rule of law is rigged against them and local democracy in its purest form is to no avail. Corporations can swat away democracy and local ordinances like annoying mosquitoes. And we learn from Ben Price's essay *"The US Constitution Is So 1789. It's Time for a Serious Overhaul"* that corporate privileging and control by white male elites is written into the Constitution. Rather than checks and balances, the Founders wanted to check democracy by the riff-raff. What then? What then, indeed! Better to sacrifice that sacred cow and start over with a sacred trust.

The Democratic Party has been warning us for years that we are in danger of losing our democracy if we don't support them. Isn't that warning the reddest of red herrings? What we need to lose is the anti-democratic status quo which supports both parties in its special interest cornucopia. It's like warning a broke man to be careful with how he spends his money.

When the deck is stacked against a community being steamrolled by legalized corporate abuse, what can it do? One thing it can't do is appeal to our holy Constitution which protects the rights of property. So, the first order of business for environmental protection is organizing to pass laws and ordinances establishing the rights of nature. That's as obvious as it is sane. Without defending rights recognized as inherent in nature, we can have no decent respect for ourselves or other

species. This book includes several case studies of communities winning battles for nature's rights. But those are the exception, not the rule. We must also be willing to resist corporate hegemony by riskier means. I'm reminded of Tim DeChristopher's civil disobedience to stop the exploitation of the fragile and beautiful lands in southern Utah by fossil fuel companies. For interrupting the leasing auction of those lands, he spent two years in prison. But he saved the land. Tim said,

"... those who write the rules are those who profit from the status quo. If we want to change that status quo, we might have to work outside of those rules because the legal pathways available to us have been structured precisely to make sure we don't make any substantial change." The question is how uncomfortable are we willing to be to save what we love?

The penultimate essay in this important collection of exposés and case studies is *"Tribal Sovereignty, White Man's Reservations, and the Need for Tribal-Municipal Solidarity to Protect our Collective Future"* written by Will Falk. Falk demonstrates that the so-called sovereignty, the right to self govern, of indigenous reservations within the United States is just that — so called. State and Federal law can override that sovereignty when it proves inconvenient to state, national or corporate use. And he goes on to show that municipalities in the US have just as tenuous a hold on their sovereignty as Indian reservations. Falk quotes Lakota activist Debra White Plume saying, "... municipalities are the white man's reservations. The only difference is, we know we're on reservations."

The mission of this book, and the work of Community Environmental Legal Defense Fund, is to wake people up to how vulnerable they are to corporate takings — of land, of health, of control, of profit, and a future. CELDF teaches us how the rules are written, for whom, and how to fight back. It also teaches the importance of embracing and writing into law an anti-capitalist mindset if we want to survive. That mindset is well stated by Potawatomi writer Robin Wall Kimmer: "In the settler mind, land was property, real estate, capital, or natural resources. But to

our people, it was everything: identity, the connection to our ancestors, the home of our nonhuman kinfolk, our pharmacy, our library, the source of all that sustained us. Our lands were where our responsibility to the world was enacted, sacred ground. It belonged to itself; it was a gift, not a commodity, so it could never be bought or sold.” This book gives us guidance of how to think and what to do as we accept our ‘responsibility to the world.’ It gives us no false hope. It presumes that if we want to survive, we want to know what we’re up against. You can’t fight a monster if you don’t know how big it is.

*Robert Shetterly lives in Brooksville, Maine. He’s a self taught artist who, when the Bush/Cheney administration was lying to the world about the reasons for attacking Iraq, began painting a series of portraits he calls Americans Who Tell the Truth. There are now over 280 of them including portraits of Oren Lyons, James Baldwin, Tim DeChristopher, Naomi Klein, and Robin Wall Kimmerer. These portraits travel all over the US to schools, colleges, churches, museums and community centers as models of courageous citizenship. New Village Press in NYC has published three volumes of them on Racial Justice, Earth Justice, and Peacemakers. [www.americanswhotellthetruth.org](http://www.americanswhotellthetruth.org)*