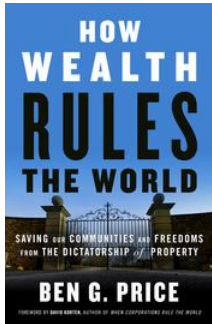


CELDF is pleased to share updated monthly excerpts from the book “*How Wealth Rules the World: Saving Our Communities and Freedoms from the Dictatorship of Property*,” by long-time staff member Ben G. Price. Here is Part Eleven



## **HOW WEALTH RULES PART ELEVEN**

### **CONCLUSION**

**Ben G. Price**

#### **COMMUNITY RIGHTS CHALLENGE THE DICTATORSHIP OF PROPERTY**

*“... we could survive and even maintain a decent or better existence into another and future centuries. It would take massive and combined, dialectically inseparable transformations in our relationships with each other and with Nature, of which we are of course part. But it could happen. I don't think rich people and their culture of wealth, avarice, profit, consumption, and class rule can be sustained under the deep changes required. They will have to give up their wealth and power one way or another.” -- Noam Chomsky<sup>1</sup>*

#### **“It's Hard to Defeat an Enemy Who Has Outposts in Your Head”<sup>2</sup>**

Let the American Revolution resume! It's time to pick up where Thomas Paine left off. We can, as he urged his contemporaries, “*begin the world over again.*”

Knowing how wealth rules the world is one thing; deciding what to do about it is another. The urgency to make that decision has never been greater. Humanity has separated itself psychologically, intellectually and ethically from the natural world. The human population has reached a size that is crowding out habitats for most species on the planet. We are exploiting the forests, soil, waters and air in a way that is propelling us inexorably toward a great die-off of life. There is a growing likelihood that our habits of consumption will culminate in our own extinction. Doing nothing cannot be the choice we make. It's time for us, the commoners, the regular folk directly affected by governing decisions, to start governing.

James Madison and his Federalist allies at the 1787 Philadelphia convention worried that the wealth of the “opulent minority” would be “insecure” if a constitution establishing democracy were adopted. He should have worried that forming a government that places riches above rights would perpetuate tyranny. It's unlikely he could have foreseen the other dire consequences of protecting privileges for the wealthy few above all other things.

---

<sup>1</sup> Noam Chomsky, *Who Rules the World?* (2016)

<sup>2</sup> Sally Kempton, *Before It's Too Late: Helping Women in Controlling or Abusive Relationships* (1995)

Rights in property privatize the law, mock justice, make abuse of women, minorities, foreigners, the poor, and the whole planet into collateral damage in the battle for absolute control by the smallest of minorities, the propertied overlords of America and the world.

What can *you* do to help legalize democracy, protect unalienable rights, legalize sustainable communities and sustainable and regenerative rights for ecosystems? What is already being done? Fortunately, we have some answers to offer from a growing popular movement that is challenging the oppressive status quo. And you can be a part of it.

Historically, to secure rights previously denied, America's oppressed populations and their sympathizers formed people's movements to challenge systemic injustice. From the abolitionists, the suffragists, the agrarian populists, the anti-segregationists and gay rights activists and others we have learned many lessons. The movement to elevate the rights of people, nature and communities above the privileges conveyed by law to a wealthy minority is already underway.

In the earliest years of the twenty-first century the Community Environmental Legal Defense Fund (CELDF), co-founded by Thomas Linzey and Stacey Schmader, set off on a path leading away from progressive strategies modeled on the efficiencies of corporate management. They abandoned the comfort zone of activism that is devoid of confrontation with long-standing property based legal doctrines. They were joined by the late Richard Grossman, scholar, historian and co-founder of the Program on Corporations, Law and Democracy (POCLAD). Together they explored the frontiers of what Richard called the "hidden history" of our nation. I joined that journey in 2004.

There was a consensus among our small intrepid staff that the standard strategy of reformers -- regulating harms inflicted when the wealthy wield their corporations against whole communities -- didn't satisfy the need to protect basic rights. At best the gauntlet of regulatory hearings and public comment periods preserved the appearance of a public process. But in the end, communities across the country were being shoved to the curb like road kill, hit and run victims of a corporate state.

It was clear to us that when reformers try to improve outcomes for people and nature by being "reasonable" and negotiating with well-heeled abusers, they fail. That's because their interests get caught in the cross-fire between money-making and common sense. The sad fact is, too many activists whose hearts are in the right place have come to believe that common sense means not asking for more than you're likely to get without an unpleasant confrontation. It's been a senseless strategy, a common error, and most of all, it's been a loser.

We parted ways with progressives trying to regulate the amount of harm people would have to tolerate within the existing legal structure. To us, common sense said there had to be a better way and that we had to figure out what that was.

My colleagues and I at CELDF made a hard decision. No more begging for a little less violence to our rights, our communities and the environment. No more settling for nominal concessions and pretending they were victories. We didn't start out knowing exactly what to do, but one thing was obvious. First, we had to decolonize our own minds and get rid of historically dishonest but deep-rooted assumptions about American law and government. And then we had to share what we learned with people who were ready for structural change but weren't clear about what stood between them and simple justice.

Richard and Thomas developed the first curriculum for what came to be called the Daniel Pennock Democracy School. Named in honor of a young man who died in 1995 within days of exposure to urban sewage sludge dumped as "fertilizer" on a field near his home, Danny's

parents, Antoinette and Russel, worked with us to educate communities about the dangers of this “totally legal” and state permitted practice.

The School was a Howard Zinn style “People’s History” exposé of what we knew about the origins of corporate power and the America that exists, rather than the one portrayed in lore and legend. The curriculum has gone through a few revisions since 2003, and we’re working on new educational tools for communities across the country as of this writing.

While the weekend Democracy Schools were engaging and always generated personal epiphanies for people in attendance, we knew that deconstructing what went wrong in America wasn’t enough. If we were going to be a think tank untangling the mechanisms creating social and environmental injustice, we knew that wouldn’t be enough. We’d have to take what we learned into the communities in our home state of Pennsylvania, share it there, and help people challenge the rules making democracy and local self-government for the protection of social and environmental rights illegal.

We met thousands of regular people who were sick of being pushed around and forced to live with decisions about their home towns that they had no hand in making. They didn’t understand what it was that was wrong or why it seemed impossible to get the law to defend their rights. We had some suggestions for them, and they shared their wisdom with us.

We started in the rural center of the Commonwealth and heard from lots of municipal leaders and community members. They wanted to know why they couldn’t stop factory farms from decimating their local agricultural economies, and why, after children had died from exposure to it, the state was encouraging farmers to use urban sewage sludge as fertilizer. They couldn’t understand how the state could continue issuing permits to waste haulers to legalize the spreading of poisons. They were sure the practice would stop once the state agencies heard their testimony and read the science. They learned that science and facts don’t matter when they contradict the imperatives of “commerce.”

Here was our point of entry – an opportunity to talk with folks who’d been through the administrative meat grinder and been told there was nothing they could do. We explained how the law works and who it works for and why it doesn’t generally work for them.

Putting together a strategy to advance community rights grew out of better soil than what the EPA promoted as a “beneficial use” of toxic waste. We talked to the people. We asked what they needed and what was stopping them. They helped us figure out the choke points that held local democracy and community self-government at-bay. The answers weren’t immediately clear, but one-by-one we began to recognize where the camouflaged roadblocks had been thrown in the path of democracy. We didn’t know what we didn’t know, and we had to decolonize our own minds first, to be able to see through the American jingoism to the stark truth of our predicament.

### **Unwelcome but Needed Epiphanies**

In the United States law is predictable. That’s because the premises of the law are knowable. But although they are knowable, many of the “givens” that shape the law’s underlying logic have been ingeniously hidden from public awareness for a long time. This book has attempted to expose some of the obscure rules that turn participation in the “republic” by average Americans into empty rituals of democracy without the substance.

There is a sense of stunned betrayal that’s known all-too-well by people who take on the legal system to protect their home towns only to find out the deck is stacked against them. Until

you join the ranks of activated and battle-tested citizens, it's easier to believe that however complicated the rules may be, they serve justice.

Even repeated abuse at the hands of the courts, as they ignore the interests and pleadings of alarmed citizens, often fails to shake faith in American justice. A kind of Stockholm syndrome takes hold. We've been taught to revere the men who wrote the U.S. Constitution. Criticism of that sacred document takes most Americans out of their comfort zone. Nobody says, "I demand a blood test" when the wealthy men who wrote the Constitution are referred to as our "founding fathers." Revealing that they were counter-revolutionaries and are responsible for the repeated abuse of our communities and freedoms gets dismissed out of hand, until the truth is clearly laid out.

At CELDF we concluded that it was time to develop a strategy that addresses the reasons we are powerless. Instead of taking one more swing at the symptoms of our disempowerment, we knew we had to stop conflating the Federalists' scheme for governing with the aspirations of democracy-loving American revolutionaries. That meant challenging everything, from the borders and boundaries that created a wall separating *privileged property* from community accountability, on up to the laws that make rights in things a higher priority than rights in people.

We started about where the folk challenging the absurdity of "corporate personhood" have landed. That's why our first foray into confronting the system that favors privileges over rights was to draft a local law denying personhood for corporate property. But eventually we realized that while it makes sense to end that legal fable once and for all, corporations are not our main problem. They're just the most familiar type of *privileged property*. No, corporations aren't the problem; it's the people who hide behind that weaponized property and reap all the benefits from the preposterous invention of rights for corporate property.

My colleagues and I have worked with communities across the United States to write and enact local Community Bill of Rights ordinances, amendments to existing home rule charters, and entire municipal charters. We've been met by furious opposition from attorneys representing moneyed corporations, "non-profit" industry trade groups, Chambers of Commerce, and monopolistic media outlets. They've joined forces to sue citizens and municipalities to overturn or keep off the ballot local laws protecting community rights against their for-profit priorities.

This cohort of the wealthy has had loyal allies in the courts, on boards of elections and secretaries of state for the protection of *privileged property* against democratic local self-government. Still, our communities don't give up. They won't take "no" to democracy as an answer. As of this writing, proponents of county home rule charters and local laws that have repeatedly been blocked from ballot access for shifting and inconsistent reasons are preparing to sue the state of Ohio for violations of first amendment rights and state constitutional rights to the initiative process.

So, what's the point? If the courts and all the functionaries of government are going to block and overturn all our communities' attempts to overcome the hegemony and dictatorship of property, why bother drafting and enacting Community Bills of Rights?

The short answer is that the struggle for unalienable rights is no place for those demanding immediate gratification. No people's movement in American history won their rights merely by appealing for justice from the courts. It's not to be found there, even though the judicial branch is sometimes called the "justice system."

A few rulings by lower courts overturning local laws that protect unalienable rights don't mean a thing. When magistrate judges scrap local legislation and impose punitive sanctions on the attorneys arguing the case for justice, it won't stop the people from demanding their rights.

When boards of elections block petitioned initiatives from appearing on the ballot, as we're seeing happen more and more frequently across the country, the members of those boards have chosen the losing side of history. The Community Rights Movement is young compared with the struggle for racial justice. But there are strategic parallels.

Being lectured by the court that we've paid insufficient deference to long-standing legal precedent that firmly establishes the authority of government and corporate property to violate our rights will not dissuade the drive for justice. Unjust precedent is unjust. It perpetuates injustice. We the People won't be governed by dead Federalists. We will govern our communities and not be denied the right of local community self-government.

Like the Civil Rights Movement, the Community Rights Movement's first job is to win the minds and hearts of the people. It's our job to expose for all to see the naked facts of official oppression. Like the lunch counter sit-ins, the marches, the bus boycotts, and the local organizing for local needs, we've got to open people's eyes to see that it's not "all for the best" that small towns and NIMBY-minded bumpkins be put in their place for trying to stop "progress."

Civil Rights workers were accused of rocking the boat, of being too impatient for justice, and of showing insufficient deference to "the rule of law." When the law protects some but not all, and when it deprives every one of us our right of self-determination, that species of enslavement to institutionalized oppression must be challenged and overcome.

Community Rights workers are sometimes condescendingly criticized by people who are as wrong-headed as those who fought tooth and nail against immediate desegregation and equal rights. Desegregation gradualists and progressive reformers alike advise against asking for too much too soon. But "*justice too long delayed is justice denied*," as Martin Luther King wrote in his Letter from Birmingham Jail.

Obstinacy and the persistence of injustice in America come from the habit of trusting the legacy of the Federalist framers over the honest plea for justice of each living generation. Alexander Hamilton may have been right when he quipped that the voice of We the People is not the voice of God. But he had no qualms about replacing the voice of the people with the opinions of Federalists, now long dead, and conjured again and again by the rule of precedent.

The Federalists' Constitution made Africans property. It counted women as nothing. It sanctioned genocide for continental expansion. It made the whole of nature into property with no rights. It gave rights to *privileged property* and let whoever grabbed it by whatever means enjoy those rights. It took from the people any practical means to "*reform, alter or abolish*" government when it fails to secure unalienable rights. It stole from all of us the sovereignty over our own lives and communities.

Our freedom was not theirs to take. But it is ours to reclaim. The Revolution is far from over. It was betrayed, and our natural rights as free people were never firmly secured. They remain to be won. Accomplishing that requires that we strip away the pretense of justice and bring the chains out into the open for all to see. That's been my purpose in these pages.

We have no better place to start than to disconnect ourselves from the matrix of illusions and reconnect with the real world.

### **Gathering the Community Rights Movement**

Tip O'Neil, the long-serving Speaker of the House of Representatives, famously said that "all politics is local." The true eighteenth-century American revolutionaries believed this implicitly. Community is the foundation of society and all legitimate government. But community is the very thing the Federalists stripped from us, and that their ideological decedents

continue to hold tauntingly beyond our reach. Reclaiming community is imperative, and it will require us to reject the ideological borders erected by the corporate political parties that keep us from crossing the street to talk with neighbors who vote for the other party.

It should be obvious that trying to escape the quagmire of history forces us to begin where we live and make changes there first. Some say that we'll need to begin within ourselves. That's true, no doubt. Escaping our belief in falsehoods must surely be our starting point. Let's begin that journey by overcoming every shadow of doubt that we have the authority, the right, the competence, and the will to challenge and overcome every obstacle between us and justice.

Having worked diligently to decolonize our own minds, we can turn to the liberation of our hometowns. More than two hundred townships, counties, boroughs and cities across the U.S. have enacted Community Bills of Rights. Hundreds of others have tried and been blocked by the predictable reactionary push-back of entitled wealth.

Those who tried and met withering opposition have gone through a transformation from which there is no turning back. They've become part of the Community Rights Movement and have begun the work necessary to resume and complete the sidelined American Revolution.

A new democratic spirit has flowered from those communities that have engaged in rights-based campaigns. In New Hampshire, Ohio, Pennsylvania, Colorado and Oregon, they have formed the new state-level Community Rights Networks (CRNs) and have begun the work of amending state constitutions in ways that will empower the people, right where they live, to elevate unalienable rights for their communities and nature above the privileges that law gives the wealthiest among us.

Changing constitutions has been made prohibitively difficult for mere citizens, but routine for concentrated wealth. None-the-less, there is no more urgent cause than bringing our state constitutions into conformity with the aspirations and consent of the governed. This will require new democratic processes for proposing and adopting rights-asserting amendments. And it means enacting the constitutional guarantee in every state that a right of local community self-government is a right that will remain free from state preemption and private challenge.

CELDF developed amendment language that's already gaining support in New Hampshire, Ohio, Oregon and Pennsylvania. Here's the text of the amendment being petitioned in Ohio:

*"Be it Enacted by the People of the State of Ohio*

*In the constitution of the state of Ohio, add section 22 to Article I as follows:*

*Section 22. Right of Local Community Self-Government*

*(1) All political power is inherent in the people, all government of right originates from the people, and the people have the right to alter, reform, or abolish their governmental system whenever they deem it necessary to protect their liberty and well-being; therefore, the people of Ohio possess an inherent and inalienable right of local community self-government in each county, city, township, and village.*

*(2) That right shall include the power of the people, and the power of their governments, to enact and enforce local laws that protect health, safety, and welfare by recognizing or establishing rights of natural persons, their local communities, and nature; and by securing those rights using prohibitions and other means deemed necessary by the community, including measures to establish, define, alter, or eliminate competing rights, powers, privileges, immunities, or duties of corporations and other business entities operating, or seeking to operate, in the community.*

*(3) Local laws adopted pursuant to subsection (2) of this article shall not be subject to preemption or nullification by international law, federal law, or state law, provided that:*  
*(a) Such local laws do not restrict fundamental rights of natural persons, their local communities, or nature secured by local, state, or federal constitutions, or by international law; and*  
*(b) Such local laws do not weaken protections for natural persons, their local communities, or nature provided by state, federal, or international law.*  
*(4) All provisions of this section are self-executing and severable. ”*

It's not a pipe dream. The petitions are circulating to place this state constitutional amendment on the ballot. CELDF organizer Tish O'Dell is working with the Ohio Community Rights Network (OHCRN) in that campaign.

In New Hampshire, where amending the constitution takes a 3/5ths vote of approval from both houses of the legislature for it to be presented to the people for ratification, thanks to the diligent efforts of CELDF organizer Michelle Sanborn the amendment, backed by the New Hampshire Community Rights Network (NHCRN), got bipartisan sponsorship in 2018. Although it did not garner the votes it needed to go forward, due mostly to political maneuvers by party bosses, the measure was taken seriously and racked up one hundred and twelve votes for passage. – about one-third of the House. Momentum is building.

In Colorado, an early attempt fell short of the signature numbers to qualify for the ballot, but it was only a start. Our allies in the Colorado Community Rights Network (COCRN) and the East Boulder County United group have been at the center of that effort.

In Oregon, the state blocked ballot access. But, guided by CELDF Northwestern organizer Kai Huschke, the community pushed back, and the state Supreme Court insisted that neither the executive nor the judicial branch of government had authority to block the people, in their law-making authority from proposing law through the initiative process. But that wasn't the end of it. Due to delays in getting a ballot title (the language that appears on the ballot) from the Oregon Secretary of State, the measure became ineligible for placement on the ballot until 2020 at the earliest. Not willing to wait, Oregon Community Rights Network (ORCRN) representatives have been lobbying the legislature for sponsors and co-sponsors to move it to the ballot more quickly. The cadre of allies for wealth's privileges won't surrender their dictatorial stance easily, but justice might prevail so long as we persist.

The effort in Pennsylvania has begun. Sponsors are being lined up. Community rights organizer Chad Nicholson is leading the campaign to educate legislators about the right of community self-government, but there's lots more to do.

We're at the beginning of the beginning, but we are moving forward. Exercising our right to amend and alter the government through citizen-driven constitutional change is the peaceful and preferred strategy for overcoming the dictatorship of property. Changing state constitutions to honor rights over privilege and self-government over authoritarian rule can free-up communities to implement policies of justice.

Eventually, federal constitutional change must follow. The National Community Rights Network (NCRN) is charged with laying the groundwork. Not to merely repeal *Citizens United*, *Hobby Lobby*, or even *Santa Clara* and *Dartmouth*. Constitutional rights stored in "private" corporations for retrieval by wealthy corporatists must be ended. Still, a change to the nation's constitution must do much more.

Realizing that such a momentous change is likely years away, NCRN is also facilitating communication among the state CRNs and spreading the word across the country about local

successes and campaigns. There is understandable concern that an Article 5 constitutional convention might be an opportunity for plutocrats to make things worse than they are. That's why it's so important to understand how wealth governs with a free hand under current law.

### **What Will You Do?**

Every step of the fledgling Community Rights Movement has brought new insights and new tactics to the effort to align law with justice. From its modest beginnings to its David and Goliath struggles with multi-billion-dollar corporations and their fawning courts of law, the movement has learned from experience, and most importantly from the people who have joined us in this struggle.

We've been cautioned by well-meaning critics who point out that we can't win legal battles when we challenge corporate personhood, state preemption, and other black-letter "well-settled" points of law. Those comments generally stir in us history's lessons from the abolitionists, suffragists and civil rights movement. Yes, it was once constitutional to own human beings, to deny women the vote and to segregate schools and public accommodations based on skin color. It was once illegal for people with different skin color or the same gender to marry. And today, as it has been since 1789, it is considered constitutional to deny everyone their unalienable right of self-government in the places where they live because protecting privileges vested in property was the priority of the framers of the Constitution.

We don't anticipate winning in the courthouses any time soon. That will happen eventually, but we'll have to change a few things first. Correcting our state constitutions will go a long way toward helping judges come out of the Federalists' shadow once and for all.

But first we need to win over the colonized minds of human beings who are so alienated from the world, themselves and their rights that they seldom believe they can make a change. Once they are convinced that equal and unalienable rights are our common birthright; then the violation of those rights by the very government charged with protecting them is exposed for its duplicity. We've been working on that part of the project for about a decade, and our work has begun to bear fruit. We need your participation to make real headway.

Without first-hand experience of official oppression, it's too easy for the average person to live in denial and maintain faith that there is justice to be had through official channels. And that is why it matters so much what you do beginning today. To bring about the changes needed and to take up the cause of the American Revolution anew requires widespread involvement of people and communities across the country. Hundreds, then thousands of communities must stand against the Federalists' curse, denounce the hegemony of rights in property and claim their authority to govern in the name of the people for the causes of the living and yet to be born.

A lunch counter sit-in, a bus boycott, an unpermitted march for justice – these tactics were technically illegal. Now these actions are celebrated on postage stamps and monuments, but their radical message of disobedience to oppression has been coopted.

Today it's said to be illegal for a municipality to protect the rights of its residents if doing so would violate the privileges vested in property and conveyed to its owners. We aren't waiting for the postal service to honor our actions on forever stamps, and neither will we shy away from challenging oppressive law.

We need you. Your participation in the twenty-first century revival of the American Revolution is essential. Let them turn the lawsuits, SLAPP suits and absurd damage awards against us like they once used fire hoses in the streets. Let the dogs of legal sanctions loose on



us. Let the industries we face-down write hit pieces calling us out individually, smearing us as radical and extreme and naive. Our call for justice is measured, reasonable and unassailable.

As you think about whether you should join us, bring two or three neighbors together to talk about your community's aspirations and ask yourselves if what's getting in the way of the realization of those dreams amounts to the rights associated with property abusing the rights inherent in people and nature. If you conclude that's what's going on, I want to talk with you. It's time for us to get busy. It's time for you to join the growing Community Rights Movement.

Look, I know there's a lot to unravel. This book is intended to shine some light in the dark. By itself, a book won't change the world. You can. But will you? If the answer is "yes," then we want to help.

Drop us a line. Let us know what's happening in your community. And if you've got neighbors and allies who feel like you do, you've got the beginnings of a campaign for justice and community rights.

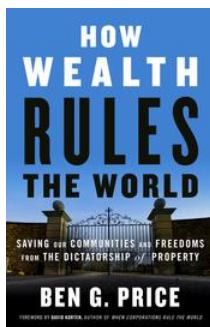
We offer education and guidance, workshops, lectures, film screenings, public speaker trainings, local organizing, law-drafting pointers, campaign tips and, we hope, inspiration. Our partnership with the National Community Rights Network and its state affiliates holds the promise of configuring a national people's movement for Community Rights.

It's up to you whether you leave your mark on the times. We have a big job to do. When we reunite into communities and reestablish our connection to the living world that this culture abandoned, everything will change. But we must change. We can't remain complicit in the privatization of the world. We must reject the unnatural role of consumers and be willing to decide what will be produced, and how, and for whose benefit. It's time to cast off leaders and bosses and governments that imprison our communities with inky laws, drawing lines of ownership and exclusion around us and hiring our neighbors to take up arms and keep us in line.

A privileged few own huge swaths of land and deposits of ore and oil and gas and water, along with commoditized ideas and titled rights to every invention, cache of information and creative work. They have no legitimate claim to hoard and monopolize and leverage for power what belongs to the whole world and to no one exclusively.

It's time to resume the revolution once put on hold. We must stir from the nightmare that haunts each of our lives and terrorizes the living world. By renouncing the dominion of avarice, we can become what we were meant to be: unpossessed, not dispossessed. In community with each other and in harmony with nature we can govern responsibly, freed from prohibitions against sanity.

Let's unite in this quest to find our natural place in the world. Everything depends on it. There's no time to waste.



Purchase a copy of *How Wealth Rules the World: Saving Our Communities and Freedoms from the Dictatorship of Property*, by CELDF's Ben G. Price from publisher Berrett-Koehler here: [BK Bookstore | Shop Books for Businesses and Company Events \(bkconnection.com\)](https://www.bkconnection.com)