

THE RIGHTS OF NATURE ARE BLOOMING

A special edition of the Susquehanna • Community Environmental Legal Defense Fund

It's happening. The Rights of Nature movement is exploding as communities rise up around the world to demand a paradigm shift in our legal system's relationship to the earth and her ecosystems.

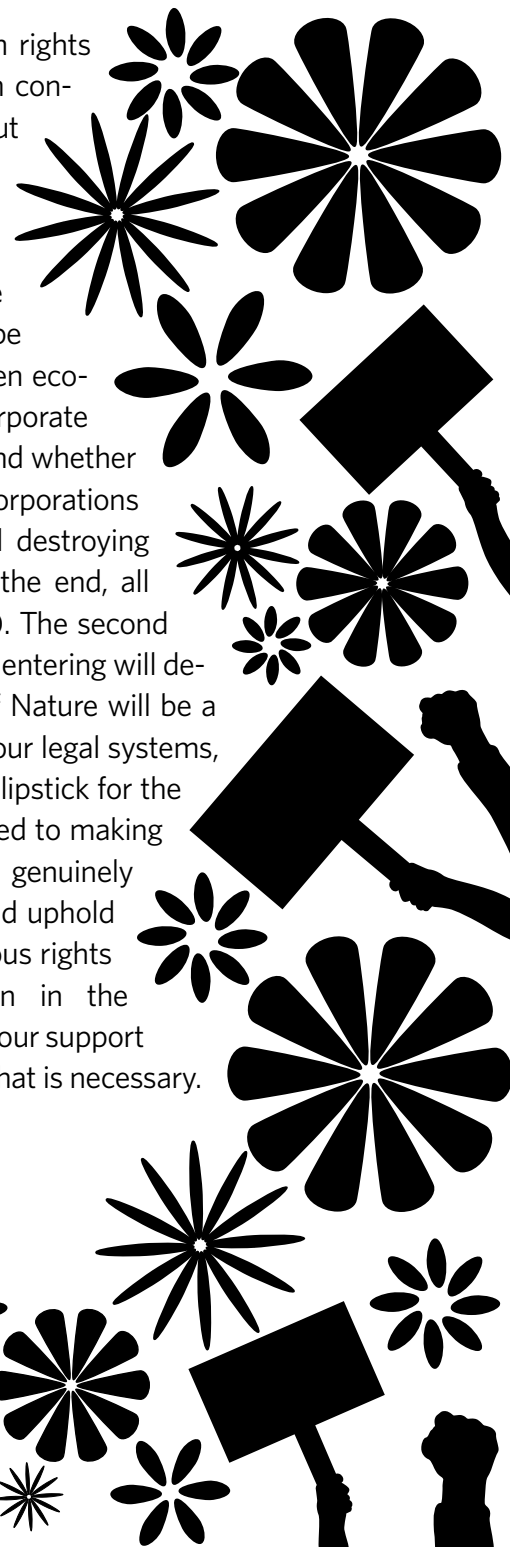
So far in 2021, Rights of Nature has advanced in places including Oaxaca, Mexico, through a constitutional proposal; France, where a network of organizations has been launched; Canada, through sister law making by the Innu Council of Ekuanitshit and the Minganie Regional County Municipality in northern Quebec to recognize the rights of the Magpie River; and Minnesota, where Indigenous water protectors are opposing Line 3 to defend rights of wild rice. Campaigns and organizing are proliferating as we go to print.

Powerful corporate special interests are terrified. In late 2020 the American Petroleum Institute (API) filed a brief in opposition to a federal civil rights case in which CELDF is supporting local communities' right to vote on qualified local Rights of Nature laws in Ohio. The same day, a bill was introduced in Missouri to try to ban Rights of Nature laws, an apparently desperate attempt to ward off the Rights of Nature uprising before it starts. (Tip to Missouri lawmakers: Ohio's legislature did that too, and it hasn't worked to stop this movement.)

In February 2021, *Forbes* published an article titled "How Businesses Can Prepare For The Upcoming Legal Rights Of Nature." The fight is on.

We are now in the middle of what can be understood as the second of three phases in the movement. The first was the novelty of the idea: can we even imagine ecosystems having rights? The second is this new popular

demand for ecosystem rights and the grappling with concepts and working out the legal mechanisms for how the new paradigm works. The third phase, which we have not yet gotten to, will be a confrontation between ecosystem rights and corporate constitutional rights, and whether we will all have to pay corporations to stop exploiting and destroying the earth (it does, in the end, all come down to money). The second phase that we are now entering will decide whether Rights of Nature will be a true paradigm shift in our legal systems, or just a new shade of lipstick for the pig. CELDF is committed to making Rights of Nature law genuinely protect ecosystems and uphold human rights, indigenous rights and self-determination in the process. We hope for your support in making the change that is necessary.





A NEW STRUCTURE

CELDF just celebrated its 25th birthday. Now, we're investing in the next 25 years via a new democratic structure for the organization that will empower collaboration and expansion.

For decades, our staff have spearheaded issues few others would touch. CELDF was years ahead of the curve on Rights of Nature and a structural demand for local community self-determination to counteract corporate power. We've successfully helped advance these movements.

We've been on the side of communities standing up to corporate exploitation. But our own internal organization remained in a rigid hierarchical corporate form. With the departure of management that favored the old structure, CELDF is retaining staff and moving toward a democratic internal structure.

We are adapting to expanded needs and gearing up to accommodate locally-specific organizing and legal strategies through a toolbox of approaches.

These internal changes will facilitate greater horizontal collaboration between CELDF, other groups, and communities. We are tacticians in a shared struggle for democracy, not outside experts with all the answers. This restructure will help us better support movements for democracy and ensure we are practicing the change we wish to see in the world.

Read about our experienced and talented team: <https://celdf.org/about-celdf/celdf-board-staff/>

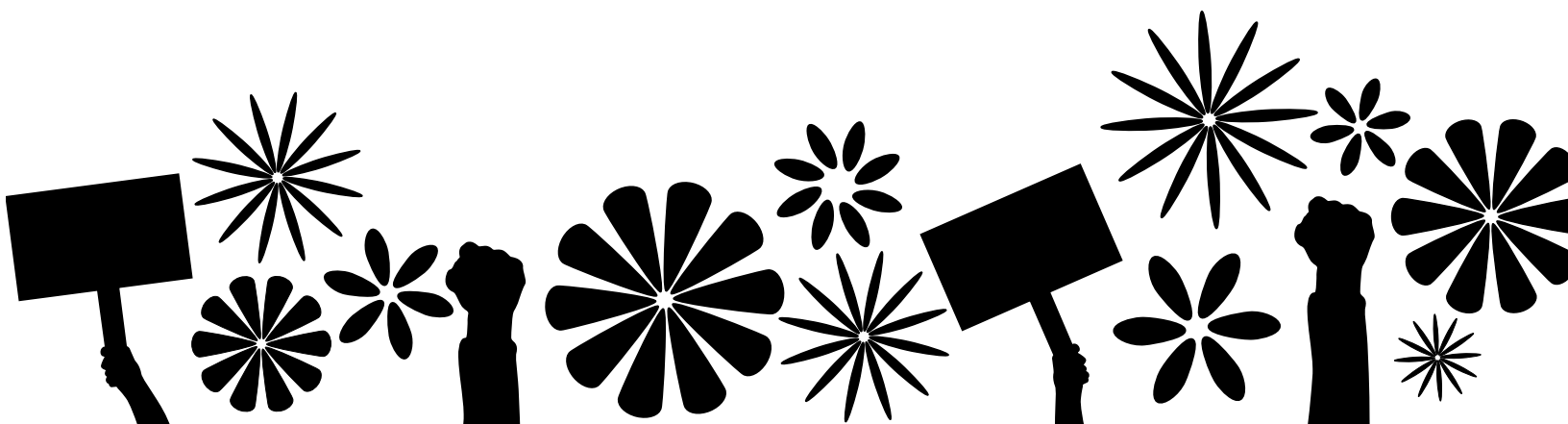
BUILDING INTERNATIONAL RIGHTS OF NATURE SOLIDARITY

CELDF is honored to work in solidarity with a new French-speaking network to advance Rights of Nature in Europe. The network includes Loire Parliament, Valentransition, A.R.B.R.E.S., id-eau, Notre Affaire à Tous and others.

"We are now working to grow the network with other similar organizations and communities active in the defense of the ecosystems in which they live," says Marie Toussaint, a convenor of the network and member of the European Parliament.

In January 2020 Notre Affaire à Tous and Toussaint were among over 1,000 individuals and organizations who signed a public statement of support for the Lake Erie Bill of Rights. Messages came in from across the globe, including from Canada, Mexico, Chile, Romania, Australia, Sweden, Italy, France and England.

Building off this solidarity, CELDF Organizer Tish O'Dell, who worked on the Lake Erie Bill of Rights, participated in a symposium in early 2021 calling for the recognition of the Rights of Nature within Europe. International solidarity and sharing of lessons-learned is powerful in weaving together the many local fights we face internationally. We are honored to participate.



COMMUNITY JUSTICE

In a small living room in one of the most economically neglected neighborhoods in the State of Washington emerged the work of Envision Spokane. A handful of local activists and residents asked themselves the question “why?”

Why, after so many years of advocacy work on behalf of neighborhoods, renters, the houseless, small businesses, the uninsured, workers, and the Spokane River aren't things getting any better? That discussion, coupled with guidance from CELDF and effective community-wide organizing, brought forward some groundbreaking and seminal efforts in the arenas of social and civil justice that have helped fuel campaigns beyond the city.

A “Community Bill of Rights” came from the work of Envision Spokane in 2008. In that bill of rights were provisions to support the real needs of people seeking justice in the areas of healthcare access, job access, worker rights, housing access, and neighborhood empowerment.

That first wave of organizing was followed by efforts to protect workers; institute a clean and fair elections

ordinance to remove corporate interference; a police accountability bill of rights to not just hold law enforcement more accountable, but to transform the purpose of policing in the community; and a “Worker Bill of Rights” in 2015 to raise the minimum wage and protect against unwarranted terminations.

These were all firsts for the “Community Rights” movement. And even though nine years of dedicated efforts have yet to see a transformation of local government in Spokane, those efforts in the name of social justice have and continue to have ripple effects locally and beyond.

In Autumn 2021 the book *One-Block Revolution: How To Host, Inspire, and Catalyze Social Change* will be released by Latah Books, which includes the story of Envision Spokane.





CONFRONTING LAW SCHOOLS

Law schools must reckon with the harm they have caused in perpetuating this oppressive system of law! Toward this end, CELDF has been honored to endorse a campaign to rename the Cleveland-Marshall College of Law, named after former U.S. Supreme Court Chief Justice John Marshall. The justice, known for empowering corporations and the U.S. Supreme Court itself also “systematically violated unjust enrichment with regard to Black labor and slaveholders,” writes Taru Taylor, a key organizer behind the effort to rename the school. Marshall “owned” 200 enslaved people while ruling in favor of enslavement statutes. Read Taru’s blog on celdf.org.

COLLABORATING WITH ACADEMIA

It will take many minds to birth a new legal and political paradigm. Engaging students and educators is critical. Toward that end, CELDF’s Chad Nicholson recently helped teach a short Rights of Nature seminar. Markie Miller presented at the Public Interest Environmental Law Conference and at the University of Toledo. Lindsey Schromen-Wawrin is heading up our summer law student internship program. Reach out to us to devise more collaborations.

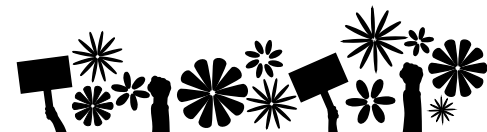


SUPPORT GROWS FOR RIGHTS OF WETLANDS

A growing list of groups have signed onto a declaration for the rights of wetlands, spearheaded by an international group of wetlands scientists

In December, CELDF officially endorsed a proposal for a Universal Declaration of the Rights of Wetlands, organized by lawyers and scientists with the Society of Wetland Scientists’ Rights of Wetlands and Climate Change and Wetlands initiatives. The group is sharing the Declaration with the 171 signatory countries of the Convention on Wetlands (Ramsar Convention), and inviting them to work with others to move toward a

framework that ensures the rights of wetlands are understood, respected and upheld, including through contributing knowledge and guidance on designated Ramsar Wetlands of International Importance. “CELDf is excited to endorse the efforts as a step toward recognizing and enforcing the rights of wetlands,” we wrote in December. We have since been helping get the word out.



TRANSFORMING 'PUBLIC SAFETY'

Public safety is a community need. Policing does not meet that need.

The law, and the institutions that enforce it, hide behind the ostensible purpose of upholding “public safety,” but in reality exist, by design, to prop up human and environmental exploitation. To really understand the purpose of these laws, we ask ourselves: what does the law protect? And who does it serve?

At CELDF, we are working hard to transform the law from its current condition as an institution designed to protect profit-making and property ownership dependent on destroying the planet and exploiting people along socially constructed lines such as race, class, ability, gender and gender expression. Our entire legal system is rooted in settler-colonialism, slavery, and the Lockean principle of “nature as waste” — so we must be willing to embrace the uncomfortable truth that the U.S. Constitution, law enforcement officers, and judges are neither “neutral,” sacred, nor ultimately tied in any way to “justice.” Any laws and enforcement tools that protect people and ecosystems must be rooted in consent, not coercion. A legal system that serves these ends requires a fundamental change in the purpose of the law and a more authentic relationship with the concept of “public safety.” That’s one reason we have launched an exciting new “Defunding Violence” project.



Via NYPD Twitter page

We witness how police protect corporate interests and legacies of colonization, from democracy. They arrest Water Protectors. They evict encampments of unhoused people from “business districts.” They brutalize striking workers. They imprison. They deport. They stand to the side as white supremacists assault the workers at the U.S. Capitol. They criminalize historically marginalized and oppressed communities. They fuel the suppression of political rights through selective enforcement of anti-Black, racist, classist, xenophobic laws. They criminalize and control communities — stifling self-governance. This does not keep the public safe.

We at CELDF acknowledge that our organization does not have a deep history of involvement in racial justice, but with its recent transition in structure and leadership, staff have begun the long-overdue work of shifting resources from environmentalism in isolation to efforts in support of an intersectional movement ecosystem. We are taking measures to engage in what is perhaps the largest civil rights movement in U.S. history: a movement that is working to eliminate policing in all its forms and by so doing to redefine public safety as a concept devoid of coercion, punishment, violence and control. To that end, it has been determined that the institution and approach to “public safety” must be abolished and re-built anew — with new Earth-cen-

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tered and anti-racist ethics at its core. The two are inseparable. The control and oppression of people is a prerequisite for the control and oppression of Nature. And vice versa.

CELDF staff have helped to create a “model ordinance” to offer a library of municipal policy changes designed to move communities toward police abolition. Groups across the country have already begun to engage with the library and incorporate language into existing local campaigns.

Working on a local campaign? Interested in participating? Want to read what we have? Contact project lead Kira Kelley (kakelley436@gmail.com) or Terry Lodge: (tjlodge50@yahoo.com).



GRAPPLING WITH THE SECOND AMENDMENT

In its legal argument against Lincoln County’s historic Rights of Nature law banning aerial pesticide spraying, the county government cited “Second Amendment Sanctuary Status Ordinances” that ostensibly seek to preclude any state and federal laws that pertain to Second Amendment rights. Drawing this Libertarian analogy to Community Rights organizing is disingenuous and misleading because it confuses constitutional rights protections with preemption. “Preemption” is not the doctrine applied when a law violates a constitutional right, including the Second Amendment.

CELDF supports the grassroots volunteer group Lincoln County Community Rights and the Siletz River Ecosystem in their defense of the ban on aeri ally-sprayed pesticides. The pesticide industry wants to get rid of the law, arguing a corporate-drafted Oregon law prohibits the people from protecting health and the environment. But the community is mounting an historic defense, advancing a new theory of state and local law to prevent the state from interfering with local democracy on behalf of corporate interests. The defense transcends the simplistic arguments of the opposition and folds in work on the right of local community self-government, as well as new preemption law theories from the National League of Cities and ChangeLabs Solutions.



COMMUNITY UPDATES:



EXIST, FLOURISH, AND THRIVE FLORIDA COMMUNITY RIGHTS

CELDF

FLORIDA

FLORIDA: GETTING THE WORD OUT

To compliment grassroots organizing and relationship-building in the Sunshine State, CELDF has helped organize funding for a Rights of Nature billboard campaign that will run throughout the summer. Communities in Florida are facing many threats to their water, including herbicide spraying, waste from phosphate mining, corporate water withdrawals and even the release of genetically modified mosquitoes in the Keys. “People have an impression of Florida being a healthy and clean place to visit, but if they only stayed a little longer they would learn the reality of how polluted our waters really are,” says Community Rights organizer Sherry Straub.

NEW ENGLAND

NEW HAMPSHIRE

A grassroots community group in **Thornton, NH** is exploring the Rights of Nature as a tactic to protect land abutting the White Mountain National Forest that is slated to be used for a corporate cell tower. The tower is not deemed necessary and would primarily serve business interests that are already served by other wireless carriers. The community group is planning an educational campaign to begin informing themselves and others about how recognizing the rights of ecosystems can protect all inhabitants of this pristine ecosystem and change the narrative from exploitation to preservation.

MASSACHUSETTS

A local group of residents in **Shutesbury, MA** is looking into the Rights of Nature to preserve land slated for an industrial solar array. The location is wooded and would have to be clear-cut in order to make room for the solar panels. The area would be fenced in, fragmenting the wilderness, and the land would be stripped of its native plants in favor of low maintenance potentially invasive non-native species.

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MAINE

The **Belfast Area Community Rights** group in Maine is working to raise awareness around the toxic impacts of land-based fish farming facilities. They are considering Rights of Nature lawmaking to protect the Little River and the Penobscot Bay from this project, which would overdraw freshwater from the River and dump excrement into the Bay, as well as unknown future projects. The local grassroots group has hosted screenings of **INVISIBLE HAND, WE THE PEOPLE 2.0**, and hosted CELDF's Democracy School.

NHCRN

The **New Hampshire Community Rights Network (NHCRN)** is working to reintroduce state constitutional change this fall that would empower local communities with authority to adopt Rights of Nature laws at the local level. With the roll-back of EPA regulations during the Trump administration and the near shut down of state regulatory agencies during this global pandemic, the need is greater than ever to protect the health, vitality, and diversity of our remaining ecosystems. To ramp up awareness, the NHCRN is mounting a municipal outreach campaign, encouraging collaboration between local and state officials for the sake of empowering all Granite State inhabitants. Contact info@nhcommunityrights.org.

Residents of **Nottingham, NH** face industrial threats to freshwater systems and climate disruption. In 2019, townspeople popularly **adopted** a *Freedom from Chemical Trespass Ordinance* at their town hall meeting. The Ordinance secures rights of ecosystems "to naturally exist, flourish, regenerate, evolve, and be restored" and rights of townspeople to a "climate system capable of sustaining human societies." Residents may enforce these rights by suing corporations who infringe on them.

Instead of residents having the opportunity to enforce the law, they found themselves denied, sidelined, and silenced by their own local government, state law, and a judicial system that protects capitalistic profit over people and planet. "It is our responsibility to take meaningful action on behalf of future generations," says John Terninko of NWA. "But our judicial system is not letting us."

OHIO

TOLEDO

Three residents of **Toledo, OH** have refused to accept that the law local voters legally and constitutionally passed to protect Lake Erie and her people could be disregarded and overturned by a single judge, on behalf of a corporate agricultural entity that was supported and financed by a huge lobby group and corporate law firm. These residents filed a lawsuit in state court in June 2019, using the Lake Erie Bill of Rights (LEBOR). The state court ruled against them, but the people appealed. In October 2020, the appellate court sent the case back to state court on the grounds that the people did indeed have a justiciable claim. The appellate court also stated that federal court decisions are not binding on state court. Industry and the state would like to make LEBOR disappear and be forgotten, but the people refuse to have their rights and the rights of Lake Erie so easily dismissed. They realize that what is important is worth fighting for. A court date is set for February 14, 2022.

CINCINNATI

Residents of **Cincinnati, OH** are organizing to protect the Ohio River, the most polluted river in the United States, according to the EPA. The river has suffered abuse from many industries including chemical corporations like Dupont, as featured in the new film **DARK WATERS**. Now, the oil and gas industry has been permitted to construct a petrochemical hub at the OH/PA/WV border. Based on past experience, residents already know that the state won't protect the river, or them. So they have formed the group Citizens for the Rights of the Ohio Watershed to organize. They have hosted a Democracy School, shown the Rights of Nature film **INVISIBLE HAND** and are in the process of organizing for rights of the Ohio River. Stay tuned.

The Ohio Community Rights Network and Simply Living are co-sponsoring a four-part **Democracy Film Festival**. Each film showing will be followed by a post-film discussion and Q&A. The first film is **WHAT IS DEMOCRACY?** For more information visit <https://www.ohiocrn.org/democracy-film-festival>.

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NORTH CAROLINA

Advocates with **Community Roots of Asheville, NC** are gearing up for another attempt to place a **Climate Bill of Rights** on the ballot. The measure, if it garners enough votes, will become part of the city's Home Rule charter. Residents will have to collect over 10,000 signatures to place the measure on the ballot. Their 2020 attempt fell just short, after petitions were challenged and some 35 percent of signatures were nullified. Petitioning for the 2021 attempt is set to start in July. Through the initiative, residents plan to beef-up the protection of environmental rights, and restrict luxury apartments and hotels, and the logging of local forests.

Also in Asheville, there is growing interest in model municipal legislation just developed by CELDF-affiliated attorneys that would reign-in violent law enforcement officers and direct funds to programs and projects beneficial to the community. The draft bill, called the **"Defunding Violence and Reclaiming Community"** ordinance, has captured the interest of community leaders and elected officials in several states.

The foundation of the this model legislation is a set of rights, including the right to be free from state-funded violence and exploitation, the right to be free from discrimination, the right to effective conflict resolution and community services, the right to local community self-governance, the right to survive for houseless individuals, and the right to freedom of movement. Interested local groups and municipalities are encouraged to contact CELDF for details. (See page 11.)

PENNSYLVANIA

Sparks are flying in Pennsylvania. **Grant Township** is preparing to go to court, defending its historic Rights of Nature law, and putting the Department of Environmental Protection on trial for failing to protect the environment. Organizing is ramping up to expand support for the introduction of a **constitutional amendment** in the Pennsylvania General Assembly that would secure community self-government. And a new community,

Clara Township, is campaigning to consider a Home Rule charter to protect precious water sources from new fossil fuel development.

Live in PA? Email info@pacommunityrights.org to receive updates from the PA Community Rights Network!

"Unrepentant. That's the best single word we can think of describing the attitude of 'leaders' in Grant Township (Indiana County, PA)."


- Marcellus Drilling News, September 2020



THE NORTHWEST

Community Rights Lane County, in Oregon, has been a stalwart for Community Rights for over eight years. Despite repeated legal hurdles being thrown in their path, they have continued to grow, engage, and challenge others on the platform of Community Rights. The

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group, with legal support from CELDF, is involved in litigation on two duly-qualified initiatives that have been denied ballot access. One measure would establish a right to be free from aerial-sprayed pesticides. The other, sister measure, would establish a right of local community self-government. Throughout the pandemic, the group has been engaging with their community including in the realms of equity and diversity, through public events and internal trainings.

In 2017, **Lincoln County, OR** adopted a ban on aerial spraying of pesticides in the name of public health and nature's rights. The effort for the local law was driven by Lincoln County Community Rights and supported by CELDF. For the two years the law was in effect, corporate timber operations were forced to utilize more targeted means of pesticide application or cease spraying altogether. In 2019, a lower Oregon court ruled the state could interfere in the local democracy effort. The group, with CELDF's legal assistance, has appealed that decision and awaits a hearing date, anticipated to come sometime this spring.

As with many communities in Oregon, **Douglas County** is on the receiving end of state-sanctioned industrial timber operations. The group Community Rights Douglas County sprang up to put an end to this destructive practice and has been active in promoting Community Rights and building support for an eventual campaign to protect against unwanted corporate behavior. As part of that goal, and inspired by CELDF's Democracy School, the group is offering a training series. The first event took place at the beginning of March. It was titled Pathway to Democracy: Class 1—The Doctrine of Discovery and Thomas Jefferson's Legal Mind.

Oregon's newest community rights group is **Community Rights Now! PDX**. The group recently hosted a virtual house party to discuss the introduction of the Community Rights Amendment to the state legislature and will be hosting screenings and discussions.

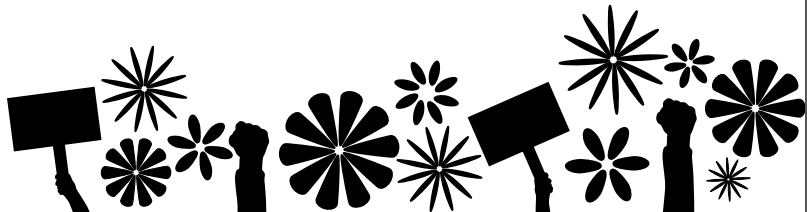
A Community Rights Amendment for Oregon has been officially formatted and is awaiting a bill number for committee consideration. This is due to the local community rights work in Oregon over the last eight years

and efforts to raise the issue of structural flaws in government with issue groups, local elected officials, and legislators over the last three. Those who want to support effort can connect with the Oregon Community Rights Network: <https://orcrn.org/legislation/Washington>

WASHINGTON

CELDf's community rights partner on the **San Juan Islands** continues to play an important role in the connection to and growth of Rights of Nature, most specifically in relation to the Salish Sea. Through intensive public polling, workshops, public roundtables, and active participation in governmental processes, Community Rights San Juan Islands has brought the topic of the rights of the Salish Sea out into public view on many levels. The group, with assistance from CELDF, is also currently invested in a Home Rule county charter review process on behalf of Rights of Nature in San Juan County. If they are successful, it would mean county voters would have a chance to enact Washington State's first municipal Rights of Nature law.

Snohomish County is a tale of two realities — one urban/suburban and one rural. The urban/suburban environment was erected along the Interstate 5 corridor for Seattlites seeking affordability and quality of life. To the east, lies the Skykomish Valley, the Central Cascade Mountains and small forested towns. The Valley has become an industrial zone driven by corporate timber and their practices of clearcutting and pesticide use. It's here, through the efforts of Snohomish County Community Rights, that momentum is building to protect water and watersheds from harmful corporate practices. CELDF has partnered with the group in community outreach, presentations, workshops, and Democracy Schools over the last three years.



FEATURED ONLINE FILM SCREENINGS

The new award-winning documentary **THE PEOPLE VS. AGENT ORANGE** is now screening in theaters near you! CELDF is **proud to sponsor** limited nationwide screenings ahead of the national premier on PBS, forthcoming in summer 2021. CELDF is sponsoring screenings in California, Florida, Kansas, Maine, Massachusetts, Missouri, New Hampshire, New York, Ohio, Oregon, Vermont, Virginia and Washington. Contact us for details.

The inspiring and enraging film follows women-led resistance to the use of Agent Orange during the Vietnam war, and its use in Oregon, following the war. It features behind-the-scenes access to grassroots resistance in Oregon and Vietnam, and gut wrenching first-person accounts of sacrifice and resolve. The film, directed by Kate Taverna and Alan Adelson, features Carol Van Strum, an active participant in Community Rights and Rights of Nature organizing in Oregon.

As part of her activism, Van Strum is a human spokesperson for the Siletz River watershed in active litigation coming out of a challenge to the aerial pesticide spray ban Lincoln County enacted in 2017.

Critics call the new award-winning documentary **INVISIBLE HAND** a “paradigm shifting” story. The film explores the global Rights of Nature and community rights movements, including indigenous activism and CELDF’s work in Grant Township, PA and Toledo, OH. Screenings are proliferating across the nation.

“People are adapting to these perils in daring and creative ways—and winning,” says the film’s executive director Mark Ruffalo. “INVISIBLE HAND shows how to fight the forces that put profit above all else while addressing the root cause of our flawed system.” We can help you **organize a screening** and Q&A for your community. Contact us.

YOUR PARTICIPATION IS REQUESTED

Grassroots movements need help getting the word out. We can’t rely on platforms like Facebook. Their algorithms get in the way. As these platforms continue to obstruct social and environmental activists and organizations we are reminded of the need to strengthen our own independent means of communication. We cannot rely on corporate gatekeepers. So, when you’ve read this newsletter, don’t recycle it. Give it away. Give it to a friend or neighbor. Encourage them to donate to receive a newsletter. Donate \$100 to receive five copies for you to distribute. Donate to send the newsletter to a friend or neighbor. Send an email with the subject “Newsletters” to info@celdf.org to learn more.

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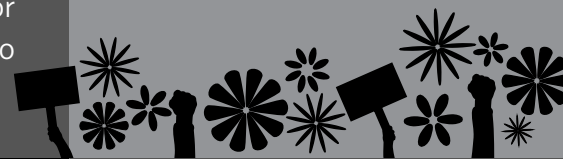
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TEXT CELDF TO 44321 TO DONATE TODAY!

ONLINE DEMOCRACY SCHOOL

CELDF offers a virtual version of its Democracy School. Focusing on rights-based organizing and how our current system of government undermines traditional activism, Democracy School introduces strategies for empowering local decision-making and discusses how it can create the communities we envision. This program is designed to educate and build a local community group willing to challenge the current system and work together to come up with rights-based solutions. Recent schools have been held in Ohio, Virginia, Oregon and other states across the nation. If you are interested in organizing one for your community, contact info@celdf.org.

LEGACY GIVING

Legacy giving is the ultimate gift to support CELDF's work helping communities fight for system change. We are grateful to the donors who have added CELDF to their will or estate plan. You too can leave a legacy to the generations that follow. Contact info@celdf.org if you have any questions. Solidarity forever.

ONLINE EVENTS

Like a plant, a horizontal network of communities does not have just one brain. Each branch will grow, and seek sunlight, autonomously. But the branches remain connected, and share resources and knowledge with one other.

How do we begin to build counter power? Will Chile's popular movement successfully constitutionalize the power of local peoples assemblies? How can we celebrate Rosa Luxemburg's fight for local assemblies? How do we move beyond an hierarchical system of government that assumes a single "will of the people," toward something that honors the richness of our diversity?

These and other concepts were introduced by Camila Vergara, author of the book *Systemic Corruption: Constitutional Ideas for an Anti-Oligarchic Republic*, in a conversation hosted by the Oregon Community Rights Network and CELDF. We have been hosting and sponsoring a slew of events. Don't miss out: <https://celdf.org/join-the-movement/events/>