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Year in Review

by *Executive Director - Thomas Linzey*

This has been the busiest year ever for the **Community Environmental Legal Defense Fund (CELDF)**, as we've seen our work expand across the country and internationally.

During 2013, I had the pleasure of meeting and speaking with communities and groups across the U.S. and beyond, from New Hampshire to New Mexico, Maui to Massachusetts, Oregon to Orlando, and even Austin to Australia.

As our work has grown, this year we hired several new state organizers, and continued to work with groups in other countries to replicate rights-based models of organizing and lawmaking.

Below are some of the highlights from our organizing this year:

- Assisted the first County in the United States - **New Mexico's Mora County** - to adopt a ban on all oil and gas extraction, and to prepare for the legal defense of the local law;
- Had our first ordinance adopted in **Colorado** - adopted in Lafayette, the measure bans fracking and is the first Community Bill of Rights law in the state;
- Organized **Ohio** communities to advance rights-based bans on fracking, with voters in Oberlin enacting a ban this November by an overwhelming margin;
- Assisted the first countywide organizations in **Oregon** to propose rights-based ballot initiatives that would ban genetically modified organisms (GMOs);

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Lafayette, CO - First in the State to Adopt a Community Bill of Rights

Pro-Fracking interests outspend community rights efforts by wide margins.

On Election Day, voters in Lafayette, CO, approved a City Charter Amendment establishing a Community Bill of Rights to secure the right to local self-government and to protect the right to clean air, pure water, and the rights of ecosystems to exist and flourish. By a margin of 60.16%, voters approved this citizen-initiated effort that bans fracking as a violation of those rights.

Prior to the election, Jon Hydeman, an employee of Halliburton, supported by an oil and gas industry law firm, filed a complaint with the Boulder County Board of Elections claiming that state law required the petitions for the proposed amendment

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Board of Directors

Michael Fiorentino, Esq.

Tammy Belinsky, Esq.

Fred Walls

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Executive Director

Thomas Linzey

Administrative Director and National Democracy School Director

Stacey Schmader

Associate Director

Mari Margil

Projects Director

Pennsylvania

Ben Price

Pennsylvania Community Rights Network

Coordinator

Chad Nicholson

Community Organizer Pennsylvania

Kara Scott

Community Organizer New England

Gail Darrell

Outreach Assistant

Emelyn Lybarger

Community Organizer Northwest

Kai Huschke

Community Organizer New Mexico

Kathleen Dudley

Community Organizer Ohio

Tish O'Dell

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- Featured in *The Nation* magazine, with a focus on **New Hampshire** communities using local bills of rights to ban unsustainable energy production and transmission;
- In partnership with our communities, launched statewide **Community Rights Networks** in Oregon, Ohio, and New Hampshire – joining existing networks in Washington State, Pennsylvania, and New Mexico;
- Launched CELDF's **Community Rights State Law Center**, which has now drafted model state legislation and constitutional initiatives for communities in ten states;
- Began work to draft **federal constitutional amendments**, which recognize and protect the right to local self-government at the municipal level;
- Assisted **Australian communities** to begin designing new rights-based legal approaches in that country to confront coal seam gas and other fossil fuel extraction;
- Continued to assist organizations in **Nepal** and **India** to develop and advance rights-based laws; and
- Visited twenty-two states to host **Democracy Schools** and assist communities to move forward with rights-based organizing and lawmaking.

It's been quite a year for CELDF – and the years to come promise to expand and accelerate our work. Thank you for supporting us! If you are not a supporter, please consider donating today through our website at www.celdf.org.

Happy Holidays from all of us at CELDF.

(Lafayette, CO - from pg. 1)

include a summary of the measure. The petitions included the entirety of the amendment language. City Clerk Susan Koster threw out the petition challenge, agreeing with the citizens' group East Boulder County United and declaring, "As a home rule city, Lafayette operates under a citizen adopted charter. In the case of this protest, the petition submitted to amend the City's Charter complied with the Colorado Home Rule Act."

Democrat Governor Hickenlooper has vowed to sue any community daring to protect their rights by banning fracking and, so far, has followed through by suing the city of Longmont, where the people adopted a fracking ban last year. But Lafayette's is the first such ban to clearly justify local action on unalienable rights in the face of purported state preemption.

Whether the State or the People are the governing authority in Colorado was thought to have been settled in 1876 when citizens ratified Article II, Section 1 of the state constitution titled Vestment of political power. Here's what it says: *"All political power is vested in and derived from the people; all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole."*

Which is the higher law: rights held by the people and recognized by the state constitution, or statutes enacted and enforced by friends of corporate power?

Citizens Across Ohio Attempt to Secure their Rights, with Mixed Results

You know you're onto something when you provoke a response. And Ohio residents working to drive Community Rights into local law provoked a response—several, in fact.

Following on the heels of last year's Community Bills of Rights adopted by Village Council in Yellow Springs, and by residents in Mansfield (over 62% of the vote) and Broadview Heights (67% of the vote), four communities in Ohio moved initiatives forward in 2013.

Despite drawing the ire of the oil and gas industry, three out of four of these communities succeeded in making it to the ballot in November. And one of those communities – Oberlin – adopted their Community Bill of Rights in November with over 70% of the vote.

This fall, the gas and oil industry attempted to stop residents from exercising their right to vote by blocking the initiatives from the ballot. They succeeded in just one community – Athens – and residents there are determined to move forward. They realize their democratic rights have been violated, and they pledge to bring their rights-based ordinance protecting the city from fracking to the community again in the spring.

In Youngstown, industry was provoked and didn't let up. The initiative was on the ballot for the second time, and supporters increased their "yes" votes to 45% - not enough to adopt the Bill of Rights charter amendment. They faced overwhelming opposition and money from unions, elected officials and industry. As of October 16 the opposition had already spent \$75,000, while the Community Group spent \$673.

In Bowling Green, the local government did the work of industry for them. Residents' own elected officials and Chamber of Commerce used fear tactics of utility rate increases and loss of jobs. The charter amendment initiative garnered 25% of the vote.

Both Youngstown and Bowling Green citizens have stated they will be back again to educate residents and to drive Community Rights into local law.

For more information on how to protect your Ohio community, contact Tish O'Dell at tish@celdf.org.

Sangerville & Parkman, ME - The Way Life Should Be

"The way life should be," Maine's state slogan, may mean different things to different people. But to Sangerville and Parkman residents, it means communities coming together to assert their right to local self-governance, and creating the community they envision.

Faced with a private transportation corridor known as the East-West Corridor, residents did just that on September 18th in Sangerville, and November 13th in Parkman, when they adopted CELDF-drafted Community Bills of Rights ordi-

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Contact Info

CELDF
P.O. Box 360
Mercersburg,
PA 17236
Phone: 717-498-0054
Email: info@celdf.org
Web: www.celdf.org

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nances rejecting transportation and distribution corridors without the consent of voters. In doing so, they became part of the movement across Maine to seize local governing authority in order to protect their quality of life.

The proposed project would run through a natural agricultural corridor, known as the “hollow middle,” which has historically provided nourishment for indigenous tribes and European settlers. Today, County residents are determined that local farms and cultural character are more valuable to the people than any false promises that come with the industrialization of their communities.

In Sangerville and Parkman, it is truly Maine – the way life should be. Several municipalities within Piscataquis, Somerset and Penobscot Counties are following their lead and facing off against the project. Residents from these Counties attended Democracy Schools in the Dover-Foxcroft area and are ripe with local actions based on the premise that the people are the source of all governing authority.

Ohio Community Rights Network launched

Communities across the state of Ohio are saying “Enough!” as they are repeatedly preempted by the state when they act to protect the health, safety, and welfare of their communities. From factory farming to shale gas drilling and fracking, communities’ local decision-making authority is blocked by the state – while the state simultaneously aids and abets the corporations promoting these harmful practices.

In response, on November 16th, Ohio residents partnered with CELDF to launch the **Ohio Community Rights Network (OHCRN)**. Attendees from eleven Ohio counties finalized and signed the Columbus Declaration and moved forward with structuring the organization to educate and assist residents in Ohio’s 88 counties. The OHCRN will serve as an information and resource center for communities determined to exercise their right to local self-governance and to protect their communities and local ecosystems.

For more information on how to form a county chapter, contact Tish O’Dell at info@ohcommunityrights.org.



PACRN Holds Statewide Convention

On September 28th, citizens from more than 20 Pennsylvania Counties met in State College to discuss the ongoing work of the **Pennsylvania Community Rights Network (PACRN)**. Formed in 2010 in Chambersburg, PACRN is the statewide organization that has grown out of CELDF’s grassroots community organizing in Pennsylvania.

The convention’s primary focus was to take a critical look at the Pennsylvania constitution. Participants delved into the document, examining those provisions that deny community self-government, and drafting proposed language that would transform the constitution from one that works on behalf of corporations, to one that works for people and communities. The historical origins and evolutions of Pennsylvania’s constitution were also explored, tracing back to Pennsylvania’s original state constitution ratified in July 1776.



In addition to the constitutional discussion, participants also gave updates on the work happening in their Counties. PACRN County Chapter enrollment continues to grow, creating an expanding statewide network of Community Rights advocates focused on driving fundamental changes to the state level that elevate the rights of people, communities, and nature above corporate “rights” and state preemption.

For more information on the PACRN, contact info@pacommunityrights.org.

Judge Blocks New Mexico County from Home Rule

In the wake of Las Vegas, NM’s, 2012 adoption of the first-in-the-state Community Bill of Rights ordinance banning fracking, residents from Las Vegas and its County of San Miguel drafted a petition to begin the process of creating a Home Rule Charter for the County. Residents

wanted to codify their rights to clean air and water, the rights of nature, and their right to local self-governance, at the County level.

Despite meeting all the legal requirements to move the petition forward, the County Clerk refused to do so. When residents tried to compel the Clerk to approve the petition by filing a lawsuit, the judge ruled against residents, denying San Miguel the status of a municipality – this, despite Los Alamos County having a Home Rule Charter.

Without explanation and refusing to acknowledge her denial of equal protection under the law, a single judge has blocked residents of San Miguel County from taking the first step to codify their Community Rights into law. Residents are appealing the decision, and considering next steps to counter this usurpation.

Community Rights in New Mexico

The **New Mexico Coalition for Community Rights (NMCCR)** launched the first statewide series of meetings, presentations and a symposium that drew hundreds of residents, local representatives, and organizations from across New Mexico, November 2nd – 4th.

At the symposium on November 2nd, Thomas Linzey, CELDF’s executive director, presented to 57 community members representing 14 of New Mexico’s 33 Counties. Linzey minced no words as he talked about how the current structure of law assists corporate access into our communities, aided by State government. He outlined strategies for communities to assert their rights through Community Rights organizing, which elevates communities’ rights to local self-governance, clean air and water,



and the rights of nature, over corporate “rights” to cause harm.

John Olivas, Mora County Commission Chair and sponsor of the Mora County Community Bill of Rights banning shale gas drilling and fracking, adopted last April, outlined the process for its passage. He inspired the participants to begin Community Rights organizing to protect themselves from harm and assert their rights.

Symposium organizers broke into two groups to address furthering Community Rights organizing within their Counties, and to strategize how to bring this to the state level.

From San Miguel to Catron Counties, the NMCCR is working with communities to stop fracking, gold mining, large water withdrawal, GM seeds, and other harms, modeling the work of the city of Las Vegas and Mora County.

For more information, contact Kathleen Dudley at kathleendudley@nmccr.org.

New State Preemption of Local Control Fuels the Fire for Community Rights in Oregon

In September, the Oregon Legislature adopted SB 863, placing all control over seed (agricultural, floral, vegetable) exclusively in the hands of the state. Local communities are explicitly denied any power over seed when it comes to their own local farm and food systems. This new law is a direct attack against local communities looking to protect and advocate for sustainable farming systems, which include banning GMOs.

While the state tries to strip communities’ rights, communities at the grassroots are asserting them. There are currently two Community Rights initiative campaigns underway in Oregon – Lane County (Eugene) and Benton County (Corvallis) – which would protect local farm and food rights. Both groups are undeterred by the power grab orchestrated between the state and corporate agricultural interests.

Both groups look to be on the May or November 2014 ballot. More information on both community rights efforts can be found here: <http://www.localfoodrights.com/> and <http://bentonccrc.org/> or contact Dana Allen at rebel farms@peak.org.

Key Contacts

REGIONS

Pennsylvania

Ben Price
benprice@celdf.org
717-254-3233

Chad Nicholson
chad@celdf.org
207-541-3649

Kara Scott
kara@celdf.org
610-703-0029

New England

Gail Darrell
gail@celdf.org
603-269-8542

Thomas Linzey
info@celdf.org
717-498-0054

Mari Margil
mmargil@celdf.org
503-381-1755

Northwest

Kai Huschke
kai@celdf.org
509-607-5034

New Mexico

Kathleen Dudley
kathleen@celdf.org
575-666-2529

Ohio

Tish O'Dell
tish@celdf.org
440-838-5272

Oregon Community Rights Network Formed

While the state legislature continues usurping local control – the most recent being SB 863, which places all control over seed exclusively in the hands of the state – representatives from eight Counties gathered in Corvallis on September 12th to officially launch the **Oregon Community Rights Network (ORCRN)**. At this summit the Corvallis Declaration of Community Rights was created, calling upon communities across the state to join the Community Rights movement. This includes supporting community organizing efforts and building support to drive change to the state level, which will elevate the rights of communities and nature above corporate claimed “rights” and state efforts to preempt community decision making.

The ORCRN will be working over the next six months to put in place communication and other operational systems to help communities across the state advance Community Rights. More information can be found on the CELDF website: <http://celdf.org/orcrn>.

Pesticide Community Rights Ordinance in Josephine County Oregon

At the end of September, the Freedom from Pesticides Alliance submitted a Freedom from Pesticides Bill of Rights initiative. The rights based ordinance would establish the right to clean air, water, and soil and the right to self-government, and protects those rights by prohibiting any corporation or governmental entity holding an applicator license to engage in the application of pesticides within Josephine County. More information on this Community Rights effort can be found here: <http://www.freedomfrompesticidesalliance.org/> or contact Dana Allen at rebel-farms@peak.org.

Hawaii Farm and Food Rights Summit Held on Maui

With support from the Organic Consumers Association, CELDF held the Hawaii Farm and Food Rights Summit on Maui in September with community members, grassroots activists, and local organizations from four islands - Maui, Kauai, Hawaii, and Oahu. The Summit included a daylong Democracy School workshop and a separate day devoted to island-specific campaign strategy meetings.

In addition to the summit on Maui, a series of CELDF events were held on Hawaii (Big Island) at the invitation of community activists there. Big Island folks have been fighting proposals for fracking geo-thermal heat and the expansion of GMO crops.

Right to Local Initiative Gutted in Spokane, Possibly the Whole State of Washington

After gathering over 5,000 signatures to qualify the Community Bill of Rights (CBOR) for the third time in Spokane, WA, the local Community Rights group,

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Envision Spokane, was hit with a lawsuit declaring that the CBOR should be denied a vote of the people.

In August, a single judge, pushed by corporations and local elected officials, blocked the people's vote, pulling the CBOR from the November 2013 ballot. The judge also denied a CELDF-drafted Voter Bill of Rights initiative that was focused on eliminating corporate lobbying and electioneering from the ballot as well. Envision Spokane is appealing the decision on the CBOR.

The judge's decision eviscerated the Washington State constitutional protection of the right to initiative by ruling that the substance of the CBOR goes beyond the authority of the local government to enact and enforce; therefore the question of a CBOR should not even be brought before the people to decide.

In 2011, nearly the same Bill of Rights missed passing by 500 votes. The plaintiff's attorney argued in court that if the CBOR was allowed to be voted on, it would most likely pass.

In addition to denying Spokane residents their right to vote on their own CBOR, the judge's decision lays the groundwork for future challenges to CBORs across the state by local power brokers. The decision affirms that the "rights" of commerce and property trump the rights of people, workers, neighborhoods, and nature.

Envision Spokane is currently in discussions and planning for a future ballot initiative. In addition, the group will be hosting a series of educational workshops in 2014 highlighting the legal structure communities are presently trapped within and how community rights efforts are offering a way out.

For more information, contact Kai at kai@celdf.org.

Key Contacts (cont.)

Democracy School & General Information

Stacey Schmader
stacey@celdf.org or
717-498-0054

Media

Mari Margil
mmargil@celdf.org
or 717-498-0054

Contributions

Stacey Schmader
stacey@celdf.org or
717-498-0054

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