



Susquehanna

Vol. 15
Issue #2

A Publication of the Community Environmental Legal Defense Fund
Summer 2013

New Hampshire Community Rights Network Signs Barnstead Declaration

On May 19, 2013, residents from several regions of New Hampshire gathered at the Barnstead Town Hall to seat the Board of Directors of the New Hampshire Community Rights Network (NHCRN). At that meeting, they signed *The Barnstead Declaration*, calling for state level changes in law that recognize the right to local self-government and the Rights of Nature.

Officers were elected and bylaws were adopted. The five-member board includes Nancy Martland, Gail Darrell (President), Dorothy McPhaul (Treasurer), and Alexis Eynon (Secretary). This Board will be joined by new directors as they are democratically elected to represent those towns where community rights work is being done.



Barnstead made history in 2006 by becoming the first municipality to ban water extraction by recognizing the right to self-government and the Rights of Nature, elevating those rights above those of fictional persons – kindling the incipient movement of Community Rights now gathering momentum across the state. North Country members from Plymouth, Easton, Sugar Hill, and Grafton, where Community Bills of Rights have been enacted, gathered with members from Thornton, Barnstead, Durham, Dover, Exeter, Peterborough, Jaffrey, Hopkinton and Webster to plan next steps for the newly incorporated organization.

For more information, contact Gail Darrell at gail@celdf.org.

Pennsylvania Community Rights Network

The Pennsylvania Community Rights Network (PACRN) continues to grow, bringing with it new materials and infrastructure to support its expansion. A PACRN logo and web page have been designed on the CELDF website. An independent PACRN website is planned for this summer at pacomunityrights.org. As well, a board of directors to oversee the statewide work has been established, with board representatives serving from the County chapters. County-specific “People’s History” projects have also been initiated

(PACRN - pg. 2)

In This Issue

- New Hampshire Community Rights Network Signs Barnstead Declaration **pg 1**
- Pennsylvania Community Rights Network..... **pg 1**
- News from the PACRN Erie County Chapter..... **pg 2**
- Energy Projects Drive Conversations about Who Governs in New Hampshire **pg 3**
- An Update on the City of Las Vegas, NM **pg 4**
- New Mexico Community Rights Organizing **pg 4**
- Broadview Heights, OH – Ready to Enforce Charter Amendment **pg 5**
- Athens, Oberlin, and Bowling Green, OH – Petition campaigns **pg 5**
- Oregon: Sustainable Food Systems at the Center of Local Rights Efforts **pg 5**
- Hawaiian Islands Prime For Community Rights Work.... **pg 6**
- Spokane’s Community Bill of Rights Challenged by County Commissioners and Corporate Powerbrokers **pg 6**
- Youngstown, OH: Big Money Sells Lies and Buys Votes **pg 8**

Board of Directors

Michael Fiorentino, Esq.

Tammy Belinsky, Esq.

Fred Walls

Staff List

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
New England**
Gail Darrell

Outreach Assistant
Emelyn Lybarger

**Community Organizer
Washington**
Kai Huschke

**Community Organizer
New Mexico**
Kathleen Dudley

**Community Organizer
Ohio**
Tish O'Dell

(PACRN - from pg. 1)

in numerous Counties, assisting with public education that centers on how Community Rights have been denied within that County's municipalities, and why our collective efforts must not stop short of anything except constitutional change that liberates our communities to achieve sustainable futures.

Additionally, the first statewide meeting of PACRN chapters is scheduled for September 28th. At this meeting, representatives from active County chapters across Pennsylvania will convene in Centre County to share stories and discuss the work happening across the state. Discussions will also explore the current aspects of the Pennsylvania State Constitution that deny Community Rights, followed by conversation about what changes will be necessary to create a Constitution that actually secures and protects the rights of people, nature, and communities in Pennsylvania. It's been a busy and exciting year for PACRN thus far, and we're looking forward to increased expansion and participation.

For more information, contact Chad Nicholson at chad@celdf.org.



News from the PACRN Erie County Chapter

On May 11, 2013, a group of folks with many combined years of experience in community affairs gathered in Erie County, PA, for a first-ever Community Rights Forum. The Forum focused on issues of Energy, Food, and Water -- the essential elements of any thriving resilient community-- and how most policies addressing these elements are currently being determined by corporate decisionmakers. The Forum explored the interconnectedness of these issues, and how other communities are taking back control over such decisions.

The Forum ended with a discussion detailing how the Erie County Chapter can begin to assist municipalities within the County to pass rights-based ordinances that assert the community's right to local self-government on the path to establishing a sustainable, healthy, and sane future. The Chapter is also establishing specific committees to expand community rights organizing within the County, including an education committee to conduct outreach activities, an organizing committee to assist with ordinance drafting, and a historical committee to collect and maintain the history of environmental and social justice battles and skirmishes in Erie County.

For more information, contact Chad Nicholson at chad@celdf.org.

Energy Projects Drive Conversations about Who Governs in New Hampshire

Large scale hydroelectric power and industrial wind projects sacrifice what long time residents believe is quintessentially New Hampshire – a landscape of rivers, lakes, ponds and wetlands rimmed by fir-covered mountains and communities speckled with farmland. New Hampshire is known for our Town Meeting form of government and beautiful scenery.

Communities within this small state, targeted for several energy-related projects and seeking help from CELDF, have rallied around some basic questions. How can we build the kinds of communities we want if we can't say "no" to the kinds of development projects we don't want? Why does the legislature permit compromises to peoples' health? How can we build a strong, local economy if we aren't the ones creating it?



A bastion of local rule, New Hampshire is also known for having independent, liberty-minded thinkers who operate under an old rule of Yankee ingenuity that tells them to "overcome and adapt." That adaptation now includes finding a way to negotiate a system that was built to protect non-persons by limiting the governance of real ones. When residents from Grafton were told there was no way to stop Atlantic Wind, LLC (parent company Iberdola), from building the Wild Meadows wind project, they passed a CELDF-drafted Community Bill of Rights Ordinance to stake claims on the right of residents to determine their own Sustainable Energy Future.

Atlantic Wind, LLC, has leased land in the Wild Meadows neighborhood, in violation of the ban that was adopted there at the 2013 annual Town Meeting. Community members and elected officials are taking steps to ensure that the town of Grafton remains under local control, and that the Wild Meadows never become the Controlled Meadows, where non-people who are non-residents get to call the shots.

For more information, contact Gail Darrell at gail@celdf.org.

Contact Info

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

Join Our Listserve

Join CELDF news, announcements, and receive our Newsletter via email.

Contact Stacey Schmader at Stacey@celdf.org or 717-498-0054.

Visit Our Website:
www.celdf.org.

An Update on the City of Las Vegas, NM

Democracy is a daily affair. It takes citizen participation to make it real. The citizens of Las Vegas are doing just that – and part of their assertion of their democratic rights is through a recall petition against their Mayor for his actions over the past year.

In 2012, CELDF assisted the residents of Las Vegas to draft a Community Bill of Rights, recognizing the rights of residents to clean air and water, and banning fracking as a violation of those rights. In April 2012, the Las Vegas City Council adopted the *Las Vegas Community Water Rights and Local Self-Government Ordinance* by a vote of 3:1. This was the first Community Rights ordinance in the state.

After adoption, the Mayor is required to sign the ordinance. However, to date, Mayor Alfonso Ortiz has refused his signature.

A recall for Mayor Alfonso Ortiz is in full swing for his refusal to sign and publish the ordinance. He has also declared a veto of the ordinance and has implemented an oil and gas moratorium, both by executive order. The Mayor lacks the authority for each of these actions under the City Charter.

The current petition boasts 1,400 signatures with less than a week to go – 937 are required. Four by eight signs posted around the city “Take Back Your City—Recall the Mayor” are popping up around town.

The local Optic newspaper and KFUN radio station give regular opportunities for the mayor to counter citizen claims. Yet little can come close to local organizer Lee Einer’s summary of the democratic problem at hand: “Ortiz has maintained support through the following principle: Keep the privileged, the vocal, and the influential happy and you can ignore the voiceless and the powerless.”

Democracy is alive and well in the City of Las Vegas, New Mexico.

For more information, write info@nmccr.org.

New Mexico Community Rights Organizing

With the passage of the *Mora County Community Bill of Rights* ordinance banning oil and gas extraction in April the phones have been ringing off the hook for the *New Mexico Coalition For Community Rights* (NMCCR) with people calling from across New Mexico and southern Colorado.

Building on our growing organizing in New Mexico, in June 2012, CELDF and Drilling Mora County launched the NMCCR to bring this organizing statewide. Modeled on our organizing in other states where “Community Rights Networks” have been formed, the NMCCR’s mission is to support communities across New Mexico to advance their Community Rights through education, outreach, and organizing support, laying the groundwork for a statewide initiative to drive Community Rights to the state level.

In southern New Mexico, citizens are facing a proposed sewage treatment plant located in the most picturesque part of their county, just 300 feet from the Rio Grande. In Guadalupe County, south of San Miguel County, citizens are being approached by big oil for their water rights. And northern county folks are concerned about water withdrawals and water sales intended for genetically-modified crops in southern New Mexico.

NMCCR is organizing a fall conference to bring community leaders together around strategizing and writing protective community Bill of Rights. This conference is for people to come together to learn more about how to assert their rights to a sustainable energy future, local self-governance, clean water, air, land, and healthy ecosystems. To move the work forward, NMCCR will use the recently passed Mora County Community Water Rights and Local Self-Government Ordinance as a model for other communities across the state.

For more information, contact Kathleen Dudley at info@nmccr.org or call 575-666-2529.

Broadview Heights, OH – Ready to Enforce Charter Amendment

Residents of Broadview Heights, where a Community Rights charter amendment banning fracking was adopted overwhelmingly in November 2012, are ready to take action against a drilling company to enforce their Bill of Rights.

Bass Energy and Ohio Valley Energy have taken steps to begin drilling a new well, where directional drilling will pass under many residen-



tial homes in a sub-division. In June, the Broadview Heights City Council voted 7-0 to retain CELDF and the law firm Robert E. Sweeney Co., LPA, in their first steps to enforce the charter amendment and stand behind the people's vote to protect their community from fracking.

For more information on Broadview Heights and our organizing in Ohio, contact Tish O'Dell at tish@celdf.org.

Athens, Oberlin, and Bowling Green, OH – Petition campaigns

CELDf is working with three communities in Ohio that are successfully moving forward with their Community Rights ordinances for November's ballot.

In Athens, residents are well on their way to gathering more than enough signatures to place the *Athens Community Bill of Rights and Water Supply Protection Ordinance* on the ballot. Determined to protect their water and public lands, the Athens community group, The Bill of Rights Committee, is exploring how they

can expand their work to protect regional watersheds through Community Rights as well.

And in Oberlin – home of the Abolitionist Movement – residents have begun gathering signatures to place their *Community Bill of Rights and Obligations Ordinance* on the November ballot.

Residents of Bowling Green are hard at work as well, circulating petitions and gathering signatures to place a Charter Amendment Bill of Rights on their November ballot.

Ohio citizens are realizing that if they want their Community Rights to local self-government, they have to do it themselves!

For more information on these and other community efforts in Ohio, contact Tish O'Dell at tish@celdf.org.

Oregon: Sustainable Food Systems at the Center of Local Rights Efforts

In a relatively short amount of time, Oregon has come up to speed in fighting for greater local self-government and rights of nature. These efforts are mainly on the county level and focused on protecting sustainable food systems from unsustainable corporate practices, such as genetically modified crops and pesticide use.

The right to sustainable food system campaigns are underway in Benton and Lane counties, with efforts beginning to emerge out of Jackson and Josephine counties.

CELDf was in Oregon in April giving presentations and meeting with local community groups in six different counties, as well as teaching a Democracy School in McMinnville, in early May.

Community rights interest continues to come out of Yamhill County (McMinnville) and the communities of Newport, Albany, and Salem.

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

Key Contacts

REGIONS

Pennsylvania

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

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

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

Washington

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

Hawaiian Islands Prime For Community Rights Work

Though known the world over as a tropical paradise, the Hawaiian islands are sadly ground zero for open-air testing of genetically modified organisms (GMO's) by some of the world's largest GMO and chemical corporations. This corporate experimentation comes with nearly a daily dose of pesticides, which is poisoning people and damaging ecosystems.



Photo by Kevin Vanden

At the beginning of May, a public presentation and Democracy School were held on the island of Kauai. Local community rights efforts centered on the right to sustainable food systems are beginning to take root on Kauai and Maui – the first islands in the state to begin organizing around these rights.

CELDF is also working on organizing the Hawaiian Islands Farm and Food Rights Summit for the end of September.

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

Spokane's Community Bill of Rights Challenged by County Commissioners and Corporate Powerbrokers

After qualifying the Community Bill of Rights for the November 2013 ballot, then mounting a campaign to stop the Spokane City Council from authorizing legal action by the mayor to block the duly qualified initiative, there is now another attempt to stop the Community Bill of Rights from a vote by the people of Spokane. Envision Spokane – proponents of the Community Bill of Rights – is now facing a legal challenge from the Spokane County Commissioners (the measure is for the City of Spokane, not the county) and fifteen other plaintiffs, made up of every major corporate lobbyist organization in the region, and three city council members.



In 2011, the same measure was narrowly defeated by 500 votes.

Brad Read, President of Envision Spokane, stated, "This lawsuit is a clear attempt by business interests to interfere with our ability to mount a campaign in support of the Community Bill of Rights. Rather than educating voters, we are forced to spend resources fighting simply to maintain the

(Continued on pg. 7)

right of citizens to the initiative process and the right to vote – rights that we thought we’d won generations ago.”

The right to initiative has been constitutionally protected in Washington for over 100 years.

Read goes on to say, “Polling shows that the vast majority of Americans believe corporations have too much control over our elections, spending millions of dollars to influence how we vote. Now they want to go even further, as corporations seek to control not only how we vote, but whether we can vote.”

Efforts to defeat the measure are on multiple fronts: In addition to handling the legal challenge, the group must also fight the City Council on advisory questions to be on the ballot, placed ahead of the vote on the Community Bill of Rights. These leading, untrue questions, suggest taxes will need to go up and services will be cut if the Community Bill of Rights passes. Similar questions preceded the vote of the Community Bill of Rights in 2009.

Why are corporate lobbyists and elected officials working so hard to defeat this measure? The Community Bill of Rights would empower residents to make decisions on certain major development projects in their neighborhood, provide greater protections for the Spokane River and aquifer, democratize workplaces for workers, and subordinate “rights” claimed by corporations to community rights when they come into conflict.

More information at www.envisionspokane.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

**Yes, I support the Community Environmental Legal Defense Fund!
 Enclosed is my contribution of:**

\$30 \$50 \$150 \$500 Other \$ _____

Name: _____

Address: _____

Phone: _____

Email: _____

Credit Card: MC / Visa / Disc / AmEx **(Circle One)**

Name on Card: _____

Account#: _____

Expiration Date: _____

3 or 4 Digit Security Code: _____

Please make checks payable to:

CELDF

P.O. Box 360

Mercersburg, PA 17236

All contributions are tax deductible.

To contribute online, visit our website: **www.celdf.org**

I would like to receive the CELDF newsletter via email.

Add my email to the CELDF News Listserve.

Youngstown, OH: Big Money Sells Lies and Buys Votes

The people of Youngstown went to the polls in early May and enough of them were persuaded to vote against themselves that the Community Bill of Rights charter amendment was defeated.

The Community Bill of Rights would have established and protected Youngstown residents' right to clean air and water, the right to local self-governance, and the right to a sustainable energy future. It would have recognized the rights of ecosystems to exist and flourish. And it would have banned fracking and related activities as a violation of those Community Rights, as well as Nature's Rights.

The cannonade of disinformation that hit mailboxes and home phones, funded by fracking profiteers, rattled the community like the past years' unnatural earthquakes, reportedly induced by D&L Energy Group injecting toxic frack waste deep underground. Robo-calls and poll workers informed credulous citizens that a "yes vote" meant their jobs would go away and that a "no" vote on the amendment was a stand against fracking. The local newspaper echoed the falsehoods of the Chamber of Commerce by claiming that a local pipe manufacturer, the V&M Corporation, would have to close its doors and lay off its workers if the measure were adopted.

This barrage of deceit fits neatly alongside the nighttime illegal dumping of chemical and toxin laced fracking waste from D&L Energy Group's operations into the Mahoning River by the Hard Rock Excavating Corporation -- not once but more than twenty times. Both companies are owned by Ben Lupo, who has been charged with criminal actions.

The frackers and their backers cannot endure the scrutiny of truth, won't be bound by the same laws as the rest of the community, and can't allow the people to protect themselves against the plunder they inflict. Instead, they have once again been protected from democracy by state law, federal exemptions and cold, hard cash. This time.



THE COMMUNITY ENVIRONMENTAL LEGAL DEFENSE FUND
P.O. Box 360
Mercersburg, PA 17236
www.celdf.org

