

The CELDF logo consists of the letters "CELDF" in a bold, sans-serif font. The letters are white with a green outline, set against a black square background.

# SUSQUEHANNA

*A Publication of the Community Environmental Legal Defense Fund*

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## CELDF CELEBRATES 20 YEARS!

*The Community Environmental Legal Defense Fund turned twenty years old this month! Launched by two people in November 1995 in a small, rural township in Pennsylvania, CELDF has grown into ten staff, a dozen attorneys, and countless volunteers working in ten states.*

What began as a mission to help communities fight permits for unwanted incinerators and trash dumps, has evolved into a mission to build sustainable communities by assisting people to assert their right to local self-government and the rights of nature.

That's a long way to come in two decades, and we've done it in partnership with communities in more than a dozen states. Regardless of the single issue, CELDF and the hundreds of communities we've worked with have learned that we don't have a trash, incinerator, Keystone XL, fracking, or other problem; what we have is a democracy problem - the failure of our governmental system to recognize the self-governing authority of the people in the places where they live.

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## TWO LANDSLIDE WINS IN PA

On Tuesday, November 3<sup>rd</sup>, history was made in Pennsylvania: Grant Township voters adopted the first rights-based municipal charter in the country with 68% of the vote. (See page 8 for background.) The charter reinstates a ban on injection wells, despite a recent ruling from a federal judge that had overturned portions of an earlier Ordinance. The people of Grant Township spoke loud and clear: they have rights, they will protect those rights, and nobody – not a corporation, not the state government, and not a federal judge – has the authority to tell them that they have to accept toxic frack waste in their community.

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# BUILDING A GLOBAL MOVEMENT FOR THE RIGHTS OF NATURE

During his trip to the U.S. in September, Pope Francis stated that we must recognize “right of the environment.”

CELDF has long advocated for recognizing rights of the environment to exist and thrive, assisting the first communities in the U.S., and the first country - Ecuador - to recognize the Rights of Nature in law.

Over the past year, CELDF has expanded its work both in the U.S. and abroad, to advance the Rights of Nature, recognizing legally enforceable rights of ecosystems and natural communities to exist, thrive, and regenerate - and empowering people and their governments to defend and enforce these rights.

In 2015, CELDF engaged with groups in countries in-

cluding Ghana, Cameroon, the United Kingdom, the European Union, Serbia, Nepal, India, Australia, Mexico, and Canada on the Rights of Nature. In India, we are partnering with civil society organizations to draft and advance the National Ganga River Rights Act. In Nepal, CELDF engaged with members of the Constituent Assembly drafting their new constitution.

This summer, CELDF staff traveled to the San Andres Archipelago of Colombia, to meet with the indigenous Raizal people. As the marine and island ecosystems face increasing development and extraction, CELDF is now working with them to develop Rights of Nature frameworks to recognize rights of the people of the islands to self-governance and a healthy environment, and rights of the island and marine ecosystems to exist and thrive.

## SECOND NATIONAL COMMUNITY RIGHTS NETWORK GATHERING

In the little town of Granby, Colorado, on the weekend of October 23-25, delegates from seven states gathered for a meeting of the National Community Rights Network (NCRN). The NCRN - a coalition of state-based organizations building the community rights movement - was created to assist the national growth of rights-based organizing, and to draft a proposed federal constitutional amendment protecting that organizing.

Community leaders from Oregon, New Mexico, Washington, Colorado, Pennsylvania, Ohio, and New Hampshire came together over the weekend to share stories of people across the country who are adopting local bills of rights that ban fracking, factory farms, GMO's, pesticide spraying, and other

corporate projects harmful to their communities.

Among other projects, the NCRN decided to expand its endorsement process, which has been used over the past several months to endorse the campaigns of people in the Town of Barrington, New Hampshire, to stop corporate gravel mining and water extraction, and Youngstown, Ohio, to ban fracking within that City.

In addition, the NCRN finalized and approved a proposed 28<sup>th</sup> Amendment to the U.S. Constitution that would create a federal constitutional right for municipal communities to reject corporate projects, and that would shield them from lawsuits brought by affected corporations.



# PACRN HOSTS CONSTITUTIONAL SUMMIT

Do you know the process for amending your state's constitution? Most people don't, and perhaps for a good reason: It can be disheartening to find out that the people don't have access to their own constitution anymore. Here's the bad news when it comes to changing the constitution in Pennsylvania:

*An amendment can be introduced in either the House or the Senate, but then it must be approved by a majority of both chambers in order to move to the next phase. Then, in the next session of the legislature, the exact same amendment must be proposed again, and then approved again by both chambers. Yes, twice. Only then may the amendment go up for a vote of the people. And no amendment can be run more than once every five years.*

Never mind Article I, Section II, of the Pennsylvania Constitution, which declares: "All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness."

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## WINS IN PA - CONTINUED FROM PAGE 1

Meanwhile, on the other side of the state, the voters of West Chester Borough adopted a rights-based amendment to their charter, banning fracking activities including wells, waste disposal, and pipelines. That amendment was passed with a clear mandate, receiving over 73% of the vote. Community members in West Chester are now planning to build off of the ban, and move towards a policy for the Borough that would require transitioning to sustainable forms of energy.

The wins in both Grant and West Chester highlight the growing movement across Pennsylvania that is demanding real, substantive change. Feel-good measures aren't going to cut it, and politicians in Harrisburg or Washington, D. C. aren't going to provide the remedies that are desperately needed. The answers are coming from us - we the people - within our own communities.

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I'm reflective as I sit on a plane headed to Denver for a second national gathering of community rights activists. Twenty years ago we were fighting permits.... Today, we're working to finalize a federal constitutional amendment that would recognize a federal constitutional right to local self-government. We've had many milestones getting here:

- Assisting the people of Wells Township, Pennsylvania, to draft and adopt the nation's first CELDF Ordinance in 1999;
- Assisting the people of Licking and Porter Townships in Pennsylvania in 2002 to draft and adopt the country's first local laws which openly and directly challenge corporate "rights;"
- Launching CELDF's "Democracy School" in 2003, which has now graduated close to 3,000 activists, community leaders, lawyers, and municipal officials through its two day, intensive training focused on local self-government;
- Assisting the people of Tamaqua Borough in Pennsylvania in 2006 to draft and adopt the nation's first law recognizing the rights of nature and ecosystems;
- Defending the first legal challenge to a rights-based ordinance adopted by the people of Blaine Township, Pennsylvania, to stop long-wall coal mining;
- Assisting the Pittsburgh City Council in 2010 to unanimously adopt a local bill of rights banning oil and gas extraction within the City;
- Assisting the people of Mora County, New Mexico, in 2013 to become the first County in the U.S. to adopt a local bill of rights banning oil and gas extraction;
- Assisting the people of Spokane, Washington, to propose a Community Bill of Rights and a Worker Bill of Rights for a vote by the people;
- Helping the people of Grant Township, Pennsylvania, to become the first municipality in

the country to draft and adopt a new home rule constitution for the Township that contains a local bill of rights banning frack injection wells within the municipality;

- Filing the first-in-the-nation court intervention motion on behalf of an ecosystem, in federal court;
- Assisting Ecuador's constitutional assembly to draft the world's first "Rights of Nature" provisions into Ecuador's Constitution;
- Helping the people of seven states to create state-based Community Rights Networks (CRNs), and to draft and advance new state constitutional amendments securing a state-protected right of local, community self-government; and
- Helping those Networks to draft and propose a federal constitutional amendment securing a federally-protected right of local, community self-government.

Across the U.S., in these twenty years, CELDF has helped close to two hundred communities in ten states to become the beginnings of a national community rights movement – a movement catalyzed by the growing recognition that "we the people" lack the legal authority to decide what happens in our own communities. It is a movement that, in the decades to come, will forever change the relationship between our communities and corporations, and between our communities and our system of government.

As the oil and gas industry recently declared, CELDF's community rights organizing "is the beginning of a social movement that is greater than just the oil and gas industry, it is a potential game changer for all of corporate America."

It's been a long time coming, but it's finally here. Join us!



# WHO STANDS FOR THE PEOPLE?

## OHIO RESIDENTS LEARNING: NOT THEIR GOVERNMENT

*From Broadview Heights and Medina County, to Meigs and Athens Counties, communities across the state are facing barricade after barricade to their right to democratic, local self-government.*

Dozens of residents collected thousands of signatures in Athens, Fulton, Meigs, and Medina Counties to put rights-based county charters to a vote by the people. Yet none were on this November's ballot. The efforts of the Secretary of State, County Judges and even the Ohio Supreme Court, have ensured the people would not have a vote this year.

In Broadview Heights - where 67% of the voters adopted a Community Bill of Rights banning fracking in 2012 - a judge granted the Attorney General's Motion to Dismiss the residents' class action lawsuit. The case was brought against the state, the oil and gas association, and two drilling companies. Residents sued to enforce their bill of rights, including their right to local self-governance. The people of Broadview Heights are appealing the decision.

There was a time when the people of Ohio believed the legislature was representing them, and would act to protect them from harmful activities such as fracking and injection wells. They discovered, instead, that their electeds act on behalf of industry, and against the will of the people.

There was a time when the people of Ohio believed the judiciary would recognize this injustice, and rule on behalf of communities to protect themselves and secure their rights. This year they discovered, instead, that these judges protect the rights of industry over the rights of the people.

They don't call Ohio the "battleground state" for nothing! It is crystal clear to the people of Ohio that they are "invisible" under the law. They are acting accordingly, determined to secure and protect community rights. Watch for more community rights action in 2016!

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# SPOKANE: BALLOT BOX FOR WORKER RIGHTS

## COURT ROOM FOR COMMUNITY BILL OF RIGHTS

A nation's first is once again claimed by Spokane, Washington. Voters on November 3<sup>rd</sup> cast ballots for the first Worker Bill of Rights containing a right to a family wage. Initiative supporters were up against a quarter of a million dollars of corporate money. In addition, Spokane's "progressive" city council prejudiced the ballot with "poison pill" advisory questions, claiming taxes would go up and services would be cut if voters said "yes" to the Worker Bill of Rights - also known as the City of Spokane Proposition 1. The measure was not adopted, but laid the groundwork for education, outreach, and future campaigns - both in Spokane and other communities across the country.

The Worker Bill of Rights, brought forward by the local community rights group Envision Worker Rights, would have secured a right to a family wage when working for a large employer, right to equal pay for equal work, and a right to not be wrongfully terminated, along with limiting the ability of corporations to override those rights.

CELDF provided assistance in the drafting of the Worker Bill of Rights as well as legal defense when the Mayor of Spokane attempted to use the courts to block the vote of the people. The local community rights group will be debriefing the campaign and discussing when it will reintroduce the Worker Bill of Rights.

Also in Spokane, on November 10th, the people's

Community Bill of Rights was in front of the Washington State Supreme Court with CELDF providing legal representation in defense of the community rights law.

Originally to be voted on in 2013 after duly qualifying for the ballot, the Community Bill of Rights has been in the court system for over two years, courtesy of corporate lobbyist groups who brought a pre-election challenge.

The lower court originally sided with the corporations, keeping the Community Bill of Rights from the ballot, but an appeals court overturned that decision in January 2015. The corporate plaintiffs then appealed to the Washington State Supreme Court, who agreed to hear the case in November. A decision by the court is expected sometime in 2016.

Spokane was the first community in the nation to bring forward a local community bill of rights. Spokane's Community Bill of Rights would recognize the right of neighborhood residents to have decision making power over large development, rights for the Spokane Rivers, constitutional rights for workers, and the limiting of corporate powers from overriding those rights.

Envision Worker Rights: [www.envisionworkerrights.org](http://www.envisionworkerrights.org)  
Envision Spokane: [www.envisionspokane.org](http://www.envisionspokane.org)



# TAKE TWO

## OREGON CONSTITUTIONAL AMENDMENT FOR COMMUNITY RIGHTS

In early spring of 2015, the Oregon Community Rights Network, through their political committee, Oregonians for Community Rights (O4CR), filed the nation's second state constitutional amendment to secure the right of local community self-government.

The constitutional amendment, drafted by CELDF, is titled "The Right of Local Community Self-Government." If adopted, it would codify the right of local community self-government, enabling people - through their local governments - to protect fundamental rights and prohibit corporate activities that violate those rights. The measure clarifies that local governments cannot interfere with or revoke existing civil, environmental, or political rights and protections already recognized at the state, federal, and international level.

Advancing the state amendment was the next step after three years of local organizing in the state; it also followed the groundwork laid by the Colorado Community Rights Network. In 2014 the Colorado Network filed the first-in-the-nation community self-government constitutional amendment.

The Oregon and Colorado Networks are linked not

only by their bold action to advance rights-based state constitutional amendments, but also by pipelines bringing fracked gas from Colorado, to the Coos Bay export terminal on the Oregon coast.

In May, O4CR submitted nearly double the required sponsorship signatures to the Oregon Secretary of State, which then triggered an administrative review of the measure. The review was required prior to beginning broader signature gathering. In July, the Secretary of State's office, through the opinion of the state's Attorney General's office, rejected further circulation of the charter amendment petition.

While O4CR and CELDF found the Secretary of State's opinion legally inaccurate, rather than challenging the decision, O4CR determined to withdraw the amendment and strengthen the language for another submission. The measure was refiled. Once the necessary signatures are collected, the Secretary of State will perform an administrative review. O4CR aims to qualify for the November 2016 election.

For more information, contact the ORCRN: [www.oregoncommunityrights.org](http://www.oregoncommunityrights.org).

## USING COMMUNITY RIGHTS TO PROTECT NEW HAMPSHIRE

Unsustainable corporate projects threaten to cut through New Hampshire communities and across the state, attempting to bulldoze over the will of the people. Granite Staters are not taking these threats lying down.

The central south-eastern part of the state is threatened by corporate water withdrawals, toxic dumping, and gravel mining, which are detrimental to ecosystems and sustainability. In the central western area, communities have been bullied by multiple industrial wind developers seeking to decimate pristine ridgelines and contaminate

drinking water with "not clean, not green, and not cheap" energy. From the North Country of the Canadian border down through three-quarters of the state, numerous towns continue to be a target for the highly controversial Northern Pass transmission line project that is viewed as an extension cord to southern New England states, to satisfy their demand for more power. And seventeen communities across southern New Hampshire are now targeted as resource colonies for the Kinder Morgan, Northeast Energy Direct pipeline to pump fracked gas to the east coast for export.

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# A GOVERNMENT STUDY COMMISSION IN GRANT TOWNSHIP

Threatened with a frack wastewater injection well siting in their community, Grant Township, Pennsylvania, residents worked with CELDF on a community rights strategy to protect themselves. In June 2014, Township Supervisors adopted a rights-based Ordinance prohibiting toxic injection wells. In an effort to further protect the community and expand the right to local self-government, a Government Study Commission (GSC) was formed in May of 2015 to consider adopting a Home Rule form of government for the Township.

Becoming Home Rule in Pennsylvania is a two-step process: First, a GSC must be elected; second, a charter must be drafted by that GSC, and voted in by a majority of the community.

The GSC in Grant Township was elected with more than 80% of the vote, and consisted of 7 members. CELDF was contracted to serve as legal, historical, and research consultant to the GSC. Per state law, the function of the commission is as follows:

"The government study commission shall study the form of government of the municipality...and determine whether or not in its judgment the govern-

ment could be strengthened or made more clearly responsible or accountable to the people."

Thus, the GSC first studied the existing Township form of government, and then made a critical judgment as to whether or not it was sufficient to meet the needs of the community. The findings of that study are codified in an extensive final report, though the GSC's conclusions may be summed by this quote from its report, commenting on the existing form of government:

"It is 'one size fits all' legislation that does not allow Grant Township to make governing decisions that would differ from more than a thousand other Townships in the State."

The GSC proceeded to draft a Home Rule Charter that would remedy the insufficiencies that were identified. The proposed Charter includes a Bill of Rights for the community, initiative and referendum, a prohibition on injection wells, and a first-of-its-kind Emergency Town Meeting process. See page 1 to read about Grant Township's win at the polls on November 3<sup>rd</sup>.

## YOUNGSTOWN RESIDENTS JUST SHY OF CODIFYING COMMUNITY RIGHTS

Election night on November 3<sup>rd</sup> was a nailbiter to the end in Youngstown, Ohio. In a strong showing of support for community rights, the people of Youngstown garnered 49% of the vote for their Community Bill of Rights - despite being well outspent by special interests, electeds, and industry.

The rights-based charter amendment would have protected the City's clean air, clean water, and local self-government, and banned fracking activities as a violation of those rights.

Youngstown residents have been working with CELDF since 2012, when the first frack-related earthquakes

struck the area. Spurred by concern for protecting their air and water, residents have engaged in five campaigns to advance their bill of rights. Each time, opposition by well funded elected and business interests has placed community members at a significant disadvantage in campaigning. Despite this, they have made tremendous gains at the polls.

Supporters of the Youngstown Community Bill of Rights reveal their courage and determination as they renew their vow to forge ahead, refusing to give up their rights.

Learn more: [www.protectyoungstown.org](http://www.protectyoungstown.org) or [www.facebook.com/ProtectMahoningValley](https://www.facebook.com/ProtectMahoningValley)





# COMMUNITY RIGHTS TAKING ON GMOS, TOXIC PESTICIDES, AND COAL AND OIL TRAINS IN OREGON

CELDF-assisted local community rights efforts are underway in Lane, Lincoln, and Columbia counties in Oregon. In Lane County there are two rights-based petitioning campaigns underway. One is a charter amendment to protect the right to a healthy, viable local food system from threats such as GMOs. Petition signatures are being collected by Support Local Food Rights, aiming for the May 2016 ballot. Individual and local, state, and national organizations are supporting the effort.

As well, Lane County is circulating a charter amendment entitled “Right to be Free from Aerial Sprayed Herbicides Bill of Rights.” Lane County is one of many counties that is heavily logged by corporations. Common practice under industrialized logging is helicopter spraying of toxic chemicals over the logged area, poisoning people and the ecosystems in its path. Lane County’s amendment codifies the right to a healthy environment, free of corporate-sprayed toxic chemicals.

The Lincoln County Community Rights group joins Lane County to advance community rights and ban aerial spraying. For two years, CELDF has been working with the Lincoln County group, building support

for the campaign. The group filed a rights-based law to begin gathering signatures. However, the corporate logging industry filed a legal challenge and is attempting to block circulation of the petition. A hearing will likely be set for November or December.

Columbia County is ground zero for various fossil fuel projects, including increasing shipments of coal and oil by trains. After winning a legal challenge similar to the one Lincoln County is facing, the group is mobilizing to place their Right to a Sustainable Energy Future ordinance on an upcoming ballot in 2016. CELDF is assisting the local community rights group – Columbia County Sustainable Action for Green Energy – through that process.

For more information, contact:

Support Local Food Rights: [supportlocalfoodrights.org](http://supportlocalfoodrights.org)

Community Rights Lane County: [communityrightslanecounty.org](http://communityrightslanecounty.org)

Lincoln County Community Rights: [lincolncounty-communityrights.org](http://lincolncounty-communityrights.org)

Columbia County Sustainable Action for Green Energy: [ccsage.org](http://ccsage.org)



## RIGHTS-BASED EFFORT TO PROTECT COMMUNITIES FROM PIPELINE BUILDS IN SOUTHERN OREGON

Southern Oregon residents are facing a liquid natural gas (LNG) pipeline and export terminal. As the various regulatory permits are approved, what once seemed simply a possibility is quickly becoming reality - as are the rights-based actions of three Oregon communities determined to protect themselves from yet another expansion of fossil fuel infrastructure.

Jackson, Douglas, and Coos Counties are partnering with CELDF to advance community rights to clean air, water, and democratic, local self-government - banning unsustainable infrastructure projects as a violation of those rights.

The Coos Commons Protection Council is nearing completion of the petitioning process, aiming to qualify their CELDF-drafted Right to a Sustainable Energy Future ordinance for the May 2016 ballot. In addition to protecting the community's right to a sustainable energy future and environment, the law would prohibit the pipeline and terminal.

CELDf is also assisting neighboring Douglas and Jackson Counties to build community rights efforts to protect residents and local ecosystems.

For more information, contact the Coos Commons Protection Council at [cooscommons.org](http://cooscommons.org).

## NEW CELDF WEBSITE

We, at CELDF, are pleased to announce the launch of our new website as we also celebrate twenty years of grassroots organizing, education, and legal assistance for communities.

We are grateful to the blue egret that symbolized CELDF for so many years, and are excited for the clean, bold CELDF logo that now launches us into our third decade - a decade that promises further growth as our community rights work continues to expand beyond environmental issues, to include worker rights, democratic rights, and other social justice issues.

Thank you to HKW, based in Spokane, Washington, for their guidance, creativity, and design for both our logo and website!

Check us out today: [celdf.org](http://celdf.org), and check out HKW: [hkw.io](http://hkw.io)

### ***USING COMMUNITY RIGHTS - CONTINUED FROM PAGE 3***

The people of Barnstead, Nottingham, Barrington, Sugar Hill, Easton, Plymouth, Grafton, Danbury, Alexandria, and Hebron have responded to the threat of being used as resource colonies for profit by working with CELDF and using their New England Town Meeting to express their right of democratic, local self-governance. Through adopting Community Bills of Rights, residents established local laws that protect the health, safety, and welfare of the residents and the ecosystems they depend upon for survival; elevate community rights above those of corporations when corporate activities would violate those rights; and call for change at the state and federal levels to codify and protect community rights.

For more information on New Hampshire, please contact Michelle Sanborn at [michelle@celdf.org](mailto:michelle@celdf.org) or 603-524-2468.

# NHCRN CALLING FOR CONSTITUTIONAL CHANGE

From across New Hampshire, communities have come together to fulfill the New Hampshire Community Rights Network (NHCRN) mission: calling for state constitutional changes that recognize community rights and the rights of ecosystems.

NHCRN has begun challenging their elected officials at the state level to respond to the growing, grassroots demand that New Hampshire communities have the inherent and unalienable right to local community self-government, and are the decision-makers in determining what happens in the places where they live.

CELDF, NHCRN, and its supporters recognize that sustainable environmental and economic development can be achieved only when the people affected by governing decisions are the ones who make those decisions. In order to realize sustainability, and to protect the health, safety, and welfare of natural persons and the environments they depend upon for survival, New Hampshire communities are frontally challenging the current structure of law - a structure that, today, allows corporations to violate community rights and the Rights of Nature.

As a non-profit, non-partisan, network of local communities, NHCRN has proposed adding CELDF-draft-

ed *Article 40. Right of Local Community Self-Government* to the Bill of Rights of the New Hampshire Constitution for the 2016 New Hampshire Legislative Session. NHCRN calls upon the legislature of the State of New Hampshire to place this amendment before the people, which recognizes their right of local community self-government and their right to pass and enforce protective local laws that are not subject to state preemption or corporate "rights," and which prohibits projects by corporations and other business entities that violate our rights.

House Representative Susan Emerson (R - Cheshire, District 11) is the prime sponsor for the proposed Right of Local Community Self-Government state amendment, with commitments to co-sponsor the measure from Representatives Suzanne Smith, Mary Cooney, Wayne Burton, and Senator Jeanie Forrester. The 2016 New Hampshire Legislative Session begins January 6th. New Hampshire requires approval of three-fifths of the House and three-fifths of the Senate to place a Constitutional Amendment Concurrent Resolution (CACAR) on the next biennial ballot, which then requires at least two-thirds of qualified New Hampshire voters to accept adding the Community Rights Amendment to the state constitution.

## ***PACRN - CONTINUED FROM PAGE 3***

Despite the language declaring all power is inherent in the people, the process for changing the Pennsylvania constitution has now been firmly lodged in the hands of the legislature. That's right, Pennsylvanians have to ask their legislators in Harrisburg for permission to change their own constitution.

Most Pennsylvanians, when they find this out, are outraged. Enter the Pennsylvania Community Rights Network (PACRN), whose stated mission is:

"To organize a people's constitutional convention of delegates, representing municipal communities, to secure the inalienable right to local self-government free

from corporate and state preemption."

With this in mind, representatives from twenty Pennsylvania counties - nearly a third - met on October 3 in Spring Mills to discuss what changes need to be made to the constitution, and how to achieve that change.

Language is currently being drafted, and a campaign will be launched in the coming months. Stay tuned, as the power "inherent in the people" begins to be exercised.

For more information on PACRN, contact Chad Nicholson at [chad@celdf.org](mailto:chad@celdf.org) or 207-541-3649.



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The CELDF logo consists of the letters "CELDF" in a bold, white, sans-serif font, centered within a dark teal square.

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