



New Frontiers: Building a Grassroots Movement for Community Rights and the Rights of Nature

Explaining the Problem
Outlining the Solution



COMMUNITY ENVIRONMENTAL LEGAL DEFENSE FUND

Broadview Heights, Ohio

Population: 19,247 (2011)

Area: 13.1 sq miles



Hidden in Backyards



Wells Around Town

At Schools



By Playgrounds



By Picnic Areas



Preparing the site



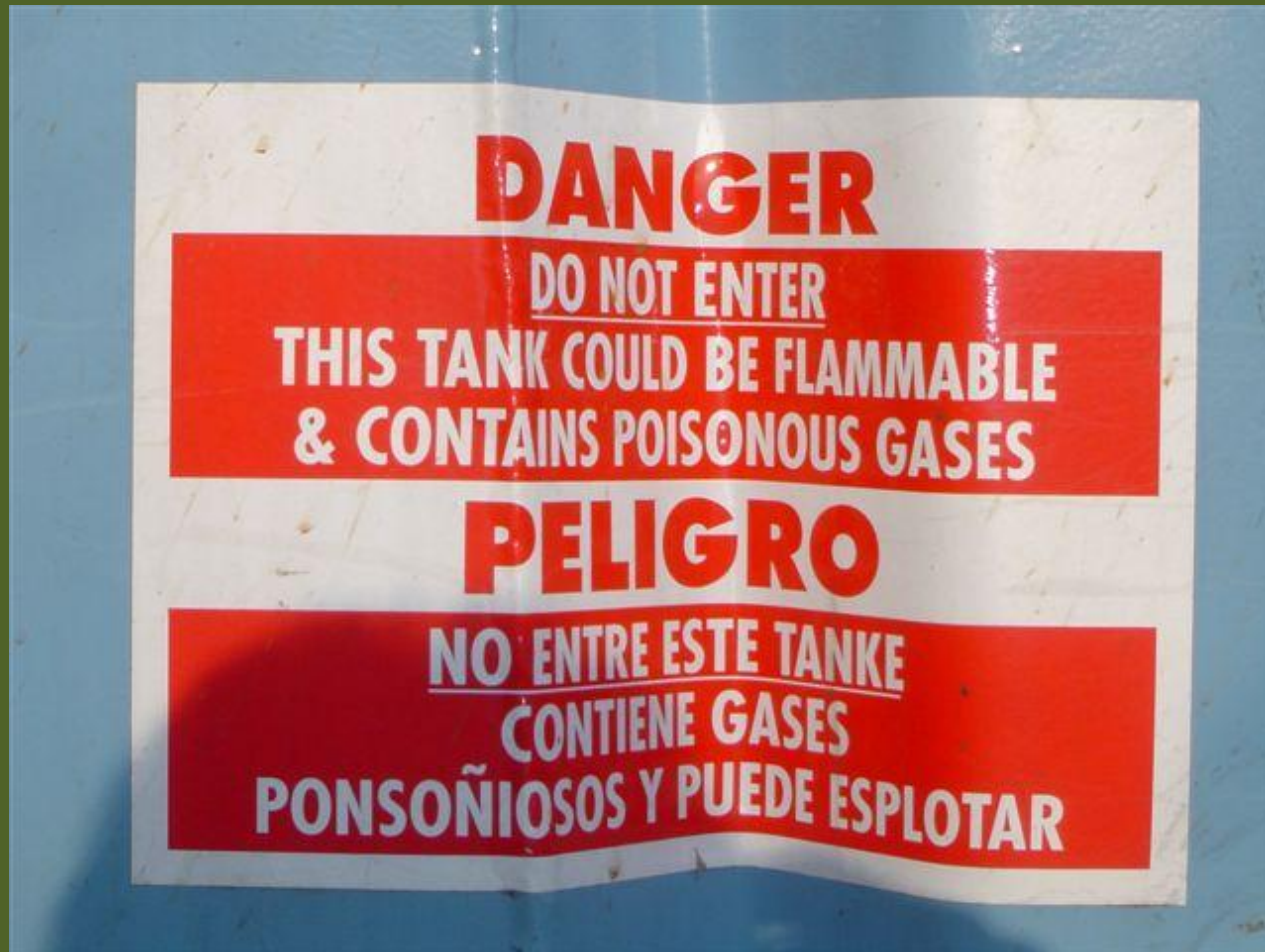
Rig Going Up



Equipment, Tanks and Chemicals



Signage on the tank



Strange Workers, strange sights and smells



Air Pollution



Damage to our roads



Damage to our soil and water?



Pollution, explosion risks, illness, decreased property values...for what? Who gets to decide if risks are worth it?



Who is CELDF?

- The Community Environmental Legal Defense Fund (CELDF) was established in 1995 as a public interest law firm, offering free legal services to community-based conservation organizations.
- Today, our work is focused on grassroots organizing in communities across the U.S.
- We employ 11 community organizers and lawyers in 7 states.

The Problem

Forty years after the adoption of our landmark federal environmental laws, by almost every major environmental statistic, things are worse now than they were before those laws were passed.

The Problem

In the United States alone....

- 90% of all original forests have been cut;
- 2 trillion pounds of livestock waste are discharged annually into waterways and onto land;
- 11 million people live within 1 mile of a Superfund site;
- 4 billion pounds of toxic chemicals – including 72 million pounds of carcinogens – are emitted annually from 20,000 industrial polluters; and
- 80,000 industrial chemicals are currently in use – with more than 700 found within every human body – and more than 1,800 new chemicals introduced annually.

The Problem

Globally...

- 2/3 of all biodiversity on the planet has been destroyed; and
- Climate change is acidifying the oceans, raising the sea level, eliminating species and habitat, and destroying ecosystems.

Recent Headlines

- Coast Guard: Shell Pipeline Spills Oil Into Houston Area Bayou
- April 4, 2013
- Massive Spill from Train Derailment in MN Confirmed as Carrying Toxic Tar Sands
- March 28, 2013
-
- \$1.7M penalty proposed for ExxonMobil oil spill into Yellowstone River
March 24, 2013
- Fracking's Latest Scandal? Earthquake Swarms
- **March/April 2013**

Recent Headlines

- Officials admit communication breakdown in Youngstown dumping incident
- April 2, 2013
-
- **Exxon's oil spill in Arkansas leaves neighborhood like a scene from 'The Walking Dead': official**
THURSDAY, APRIL 4, 2013
-
- EPA survey shows most rivers, streams in U.S. in poor condition for aquatic life
- **By Cliff Pinckard, The Plain Dealer on March 27, 2013**

The Problem

Not only has federal law failed to protect the environment, the current structure of law prevents those communities most affected by environmental destruction from adopting local laws to protect themselves.

The Solution

Each of these communities has adopted a **new local law** that stops the corporate projects. These laws:

- Establish **Community Bills of Rights** – establishing the right to local self-government, the right to a healthy environment, the right to water, and protections for the natural environment;
- **Prohibit corporate fracking and other activities** that would violate those rights;
- **Re-define corporate “rights”** and powers of corporations violating the local law; and
- **Invalidate state permits** that violate the local law.

The Solution

This local law making is *provoking controlled confrontations*, forcing corporations to reveal how our *structure of law empowers them to override our communities*, through forcing them to. . .

- Become the aggressors in lawsuits against communities;
- Openly wield the rights and powers specifically challenged by the local laws; and
- Use our State legislatures to pass laws preempting local decision making (in an attempt to control these “renegade” communities).

The Solution

From carefully designing the “response” by corporations and state governments –a critical mass of communities is now building.

As prior people’s movements learned, revealing how the current structure of law strips us of our basic democratic rights builds a movement focused on *changing that structure.*

“All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have a right to alter, reform or abolish the same, whenever they deem it necessary.”

Article I, Section 2 of the Ohio State Constitution

“We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with inherent and inalienable Rights; that among these, are Life, Liberty, and the pursuit of Happiness; that to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed; that whenever any Form of Government becomes destructive of these ends, it is the Right of the people to alter or abolish it, and to institute new Government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.”

The United States Declaration of Independence

The Solution

Our organizing is now leveraging this escalation into the creation of **statewide community rights networks** to begin to drive **constitutional change** at the State level, to eliminate doctrines embedded in state law.

-**Pennsylvania** Community Rights Network (PCRN)

(February 20, 2010)

-**New Mexico** Coalition for Community Rights (NMCCR)

(June 2, 2012)

-**Washington** Community Rights Network (WCRN)

(July 27, 2012)

-**New Hampshire** Community Rights Network (NHCRN)

(February 3, 2013)

The Solution

And from there...

The movement will then change the U.S. Constitution to strip corporations of their claimed constitutional “rights” while guaranteeing a federal right to local self-government.

The Solution

Where We Stand:

- Working with CELDF, **150 communities in 8 states** have adopted these local laws;
- State community rights networks** have been launched in 4 states;
- Constitutional amendments** have been prepared for introduction in 4 state legislatures; and
- Over 5,000 community activists and lawyers have graduated from CELDF's **Democracy School trainings**.



COMMUNITY ENVIRONMENTAL LEGAL DEFENSE FUND

To Learn More:

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717-498-0054

info@celfdf.org

Accidents in the Neighborhood

Gas leak in Broadview Heights sickens neighbors, prompts well to be shut down
October 27, 2011

Clean up, concerns continue following North Royalton 200 gallon oil spill into Chippewa Creek
September 14, 2011

Oil bubbling up from ground on Wyatt 300 ft. from Broadview Heights drilling site
September 24, 2011

Fire Department called about gas permeating Broadview Hts. Neighborhood
March 17, 2012

And More Accidents in the Neighborhood

**Valley Vista Elementary School Wellhead Releases Oil Spray Near
Playground During Recess** **September 30, 2008**

**Broadview Hts. Resident near several wells experiencing noises
from underground. ODNR trying to determine cause. March 2012**

**Apollo Drive homes in North Royalton evacuated around 10:00 PM
due to gas odors. March 13, 2012**

**Kallis Well in N. Royalton venting more gas than should. Drilling
company trying to determine cause. February 2012**

More Accidents. . .

**Bainbridge House explosion and water contamination
due to fracking** **December 15, 2007**

**1 Killed, 4 Wounded In Gas Well Accident In Guernsey
County, Ohio** **September 10, 2009**

**Local Tap Water Is Catching Fire!
Cady Road, North Royalton** **March 2003**

ODNR Links Youngstown Earthquakes To Fracking
March 9, 2012

The Solution

Start by organizing those communities facing the largest corporate threats, including:

- Pittsburgh, PA (hydro-fracking for shale gas);
- Sugar Hill, NH (commercial transmission lines);
- Spokane, WA (big-box stores);
- Shapleigh, ME (corporate water extraction); and
- Las Vegas, NM (oil and gas drilling).

The Solution

These state-based movements will change State Constitutions to recognize a **Right to Local Self-Government** which “legalizes” local lawmaking by eliminating two corporate doctrines – preemption and Dillon’s Rule.

The escalation will build from there, forcing corporations to respond by using federally-guaranteed corporate constitutional “rights” to quell these state uprisings.