

# Community rights stands up to federal overreach

One of the first things an elected official does upon taking office is to swear an oath to uphold and defend the U.S. Constitution. Unfortunately for local communities and the environment, the Commerce Clause, which gives Congress the power “to regulate commerce with foreign nations, and among the several states...” is an integral part of the constitution.

According to the Cornell School of Law, “Congress has often used the Commerce Clause to justify exercising legislative power over the activities of states and their citizens, leading to significant and ongoing controversy regarding the balance of power between the federal government and the states. The Commerce Clause has historically been viewed as both a grant of congressional authority and as a restriction on the regulatory authority of the States.”

Imploring Oregon Governor Kate Brown to say “NO” to Jordan Cove Energy Partners’ LNG project is literally asking her to violate her oath of office and assumes she has plenary authority to stand up to federal preemption. She does not.

Brown can do nothing more than enforce regulatory guidelines designed specifically to permit projects like Jordan Cove rather than to protect local communities from non-sustainable and environmentally damaging projects. Until we change the system sustainability will continue to be illegal in the US and some Washington bureaucrat on the other side of the continent will get to decide what is in the best interests of

folks on the Oregon Coast.

Not that there haven't been brave elected officials willing to stand up to federal overreach and to violate unjust laws in our history. If not for such intrepid souls, we may never have abolished slavery and women may still not have the right to vote. Clearly, Brown isn't cut from the same cloth.

We can help Brown, however, by enacting local rights of nature ordinances and community bills of rights to shift the dispute away from the Commerce Clause and toward constitutional protections of fundamental human right to protect ourselves to higher standards than the environmental regulatory system allows.

To learn more visit [cooscommons.org](http://cooscommons.org).

---

## **Add #rightsofnature to your activism toolbox**

A principal goal of environmental regulatory agencies is to grant permits that enable corporations to legally pollute our air, water and even to destroy whole ecosystems. So it comes as no surprise that the FEIS (Final Environmental Impact Statement) released by the Federal Energy Regulatory Commission found, in summary, that construction of the Jordan Cove LNG export terminal and pipeline would have cumulative

“temporary, long-term and permanent impacts” to the environment, air quality, public safety, natural and cultural resources and more. These impacts will, according to the report, be rendered “less than significant” if staff recommendations and mitigation measures are followed.

This FEIS is essentially identical to a previously favorable FEIS for the Jordan Cove LNG project despite tens of thousands of public comments filed by project opponents. This unfortunately predictable outcome happens because our current system does not employ a zero-tolerance policy and has a liberal view of what constitutes damage or impact offering nary a word about climate change. The environmental regulatory system is designed to tolerate “legal” limits of toxins in our air, water, and soil as an unpleasant albeit necessary consequence of commerce.

This is also the same system that tolerates the surveillance of environmental activists because it is designed to protect the corporation in its pursuit of pollution by commerce over the environment, communities or even threatened landowners. No sheriff’s deputy will be standing in uniform to stop bulldozers from seizing American land via eminent domain to benefit the foreign shareholders of a Canadian company. The governor will not call out the National Guard to protect Oregon citizens from this foreign corporate invasion. Landowners are on their own.

It is neither acceptable nor is it necessary to poison the environment to engage in commerce. In fact, it is the antithesis of a sustainable and responsible economy. But to stop harmful unsustainable developments like Jordan Cove and Pacific Connector

Gas Pipeline determined environmental activists must first

acknowledge that working within an “environmental protection” system complicit with industry is activism’s failure not the system’s failure. Rather than pledging obedience to an unjust system, activists across the country and around the world must become civilly disobedient in the name of justice, true sustainability, climate and the environment.

In 2019 alone, Uganda, Bangladesh, Columbia and Sweden have introduced or recognized the right of nature, ecosystems and rivers to flourish, thrive and naturally evolve as a direct means of collapsing the regulatory destruction of the environment. The Yurok Tribe recognized legal rights of the Klamath River. Exeter and Nottingham, New Hampshire enacted laws securing the right to a “stable and healthy climate” and freedom from “chemical trespass.”

Even the National Lawyers Guild just this year amended the organization’s constitution to include the rights of nature, stating “human rights and the rights of ecosystems shall be regarded as more sacred than property interests....”

Stop cooperating with and legitimizing a corrupt system. Don’t be complicit with the regulatory degradation of nature that we depend upon for our very lives. Join the rights of nature movement and help change the system. Our planet depends on you. [Cooscommons.org](https://www.cooscommons.org) or email [cooscommons@gmail.com](mailto:cooscommons@gmail.com)

---

# How are we going to stop Jordan Cove?

Given a FERC Final Order regarding Jordan Cove is expected in November 2019 it is good that Wim DeVriend has reminded us that local citizens who don't stand to lose their property to eminent domain enabled a foreign corporation to interfere in a local election that would have protected landowners who are threatened by the project. Unfortunately, DeVriend misspoke about the Coos County Right to a Sustainable Energy Future ordinance ballot measure from the May 2017 ballot as providing "civil liberties for trees". This is a false reading of what establishing a legal framework to protect the rights of nature would accomplish. The truth is, both in the failure of current environmental law and much more critically for our very survival, is that by acknowledging ecosystems having the right to thrive and flourish and naturally evolve its really a necessary and common sense recognition of our symbiotic relationship with nature.

DeVriend is right, leaders of the local anti-LNG group opposed the ordinance, but these same people also spread a rumor that I was personally "bought off" by Jordan Cove LNG so I wouldn't hold their opinion in too high esteem.

While many opponents of the LNG terminal have thrown all their eggs into the regulatory basket, including the local group here in Coos County, many communities across the country are thinking out of the box in order to stop harmful, non-sustainable development like Jordan Cove. Just up the coast from Coos Lincoln County has successfully stopped poisonous aerial spraying of pesticides by industrial timber since their community bill of rights ordinance passed in May 2017. The foundation they and others have worked from is that aerial

spraying or fracking or LNG terminals are really issues having to do with fundamental rights that is the rights to a healthy environment, rights to clean air and water, and the right for the community itself to be the primary decision maker on such corporate proposals like LNG terminals instead of being treated as a door mat to corporate raiders. The shorthand here is that community rights not only matter but that they are superior to that of the corporate state itself who is looking to undermine those very rights of the community, nature included.

FERC is in the business of granting permits, not denying them and the agency is funded by the very industry it is supposed to be regulating. Statistical evidence says Jordan Cove will receive its long-fought permit next year. The question then becomes what are we willing to do to stop this albatross when all else has failed?

---

## **Communities battle state preemption and corporate privilege to legalize sustainability**

*"We are going to defend our property rights like any other property owner would. That means defending our rights under the state and federal constitutions."*

Those following the heroic efforts to stop the proposed Pacific Connector Gas Pipeline might attribute these words to any one of the more than 600 affected landowners along the 234-mile route.

Indeed, almost the identical words have been spoken by Ten Mile resident and second generation Marine, Frank Adams.

After serving in Vietnam, Adams spent decades fighting his government before it would acknowledge his chronic health issues are a direct result of exposure to Agent Orange. Now, that same government wants to allow a pipeline company to bisect his property with a 36" diameter pipeline and spray it regularly with herbicides all to benefit a handful of Canadian shareholders.

Those words could have been uttered by any of us in the course of a lifetime. In fact, those words came from Rob Boulware, a representative of Texas based Seneca Energy Resources. In 2013, the plucky little community of Highland Township, PA asserted its right to local self-government and democratically enacted, by a wide margin, an ordinance to prohibit Seneca from injecting fracking waste under the community. Last year Seneca, a multibillion dollar company, sued the township, population 495, in federal court claiming the ban violates the constitutional rights of the corporation.

This week, Josephine County Circuit Court Judge Pat Wolke struck down a pro-sustainable agriculture law democratically adopted by the people of Josephine County in May 2014 banning GMO crops.



A crop duster applies chemicals to a field of vegetation.

State preemption is a judicial invention dating back more than 60 years, legalizing state control over local communities. In Oregon, preemption laws like SB-863 passed in 2013 and dubbed the Monsanto Protection Act, are written and designed to protect industrial agriculture over sustainable agricultural practices by centralizing power at the state level.

“The state law says that the localities may not legislate in this area; and the voters of Josephine County have attempted to legislate in the exact same area.” Wolke said in the May 16 ruling.

One day after Wolke’s ruling Hood River County voters, again by a wide margin, passed an ordinance effectively banning Nestle Waters from bottling 100 million gallons annually from Oxbow Springs, near Cascade Locks and distributing under its Arrowhead brand.

For the moment, at least, Nestle, unlike Seneca, seems resigned to the outcome. A company spokesman said Nestle is ‘disappointed’ but, “we respect the democratic process.” Proponents of the measure, however, fully expect Nestle to sue.



It remains to be seen whether Nestle will have a change of heart and sue Hood River County but communities across the nation are discovering that democracy holds little sway when corporations claim their constitutional rights trump the fundamental rights of the community to clean air, water and sustainability.

Therein is the essence of a struggle taking place all over America. Under our current regulatory system, communities cannot say NO to corporate harm and the courts have little judicial discretion except to side with the corporation over the community. The net effect is that corporate boards of directors are making life changing decisions for communities rather than the people who live and work in them.

Tired of being constrained within the regulatory fallacy, more and more communities are nonetheless attempting to use law to defend against non-sustainable industrial practices that threaten their way of life. Hood River and Josephine counties are prime examples. Time and time again these efforts to determine their own fate are preempted by state and federal regulations.

These battles have become so contentious that another feisty community, Grant Township, PA, just made civil disobedience a civic duty. The township passed an ordinance that asserts "the right to participate in nonviolent acts of civil disobedience/direct action in the effort to prevent the construction of a deep injection well that's inconsistent with the township charter that ostensibly protects its members' right to clean water."

The Oregonians for Community Rights qualified a citizen

initiative earlier this year to amend the Oregon Constitution to confirm the right to local self-government. The political arm to the Oregon Community Rights Network, the amendment would secure decision-making authority at the community level so that visions for sustainable agriculture, energy, and economies, can be adopted and protected from state action to overturn such laws. Oregon's Right of Local Community Self-Government amendment is currently involved in a legal challenge with the state regarding broader initiative petition circulation.

Coos County voters will have an opportunity to establish a countywide bill of rights this November that expands upon the existing Bill of Rights. Rather than leaving our fate to regulators, The Coos County Right to a Sustainable Energy Future Ordinance will affirm our right to be self-determining and will elevate the rights of the community over corporate privilege.

Visit [cooscommons.org](http://cooscommons.org)

---

## **In This Passionate Anti-Fracking Town, Civil Disobedience Just Became Protected Civic Duty**

Published on Wednesday, May 04, 2016 by [Common Dreams](#)  
by [Andrea Germanos, staff writer](#)

For one community attempting to stop fracking wastewater injection wells, civil disobedience just became a sanctioned civic right.

The community is Grant Township, Pa., which, in November 2015, had fought off the Pennsylvania General Energy Company (PGE) and the Pennsylvania Independent Oil and Gas Association (PIOGA), assertion that fossil fuel companies had a 'right' to inject wastewater by [adopting](#) the country's first municipal charter establishing a local bill of rights codifying environmental and democratic rights.

**"I will do whatever it takes to provide our residents with the tools and protections they need to nonviolently resist aggressions like those being proposed by PGE." –Stacy Long, Grant Township Supervisor**

But facing ongoing litigation with PGE, the township has taken another creative approach to protect itself by passing a new ordinance on Tuesday that protects those taking direct action to uphold the charter from arrest. According to a press release from Community Environmental Legal Defense Fund (CELDF), which has helped the township craft its charter and wage its legal battle:

*If a court does not uphold the people's right to stop corporate activities threatening the well-being of the community, the ordinance codifies that, "any natural person may then enforce the rights and prohibitions of the charter through direct action." Further, the ordinance states that any nonviolent direct action to enforce their Charter is protected, "prohibit[ing] any private or public actor from bringing criminal charges or filing any civil or other criminal action against those participating in nonviolent direct action."*

"We're tired of being told by corporations and our so-called environmental regulatory agencies that we can't stop this injection well!" stated Grant Township Supervisor Stacy Long. "We're being threatened by a corporation with a history of permit violations, and that corporation wants to dump toxic

frack wastewater into our Township.”

Long continued, “I live here, and I was also elected to protect the health and safety of this Township. I will do whatever it takes to provide our residents with the tools and protections they need to nonviolently resist aggressions like those being proposed by PGE.”

Among those expressing support for the ordinance is noted climate activist Tim DeChristopher, who said, “I’m encouraged to see an entire community and its elected officials asserting their rights to defend their community from the assaults of the fossil fuel industry.”

He took to Twitter to praise the move as well, [calling](#) it “one of the boldest moves to stop the natural gas industry’s attacks on our communities, climate and democracy.”

This work is licensed under a Creative Commons Attribution-Share Alike 3.0 License

---

## **Maybe it is time to revoke our consent to be governed**

*“Extending standing to the real party at risk of harm – the environment – would preserve “priceless bits of Americana” before they become “forever lost or are so transformed as to be reduced to the eventual rubble of our urban environment.”  
US Supreme Court Justice William Orville Douglas*

During an especially heated primary debate with Senator Bernie Sanders, Secretary Hilary Clinton made an interesting

admission. "The Palestinian people," she conceded, "have a right to self-government."

As an advocate for community rights and local self-government my ears perked up. Of course the Palestinians have the right to govern themselves, but I had to wonder if Clinton, or Sanders for that matter, or any of the presidential hopefuls would agree that Coos County, OR or Pittsburgh, PA have the right to say no to harmful projects that violate the fundamental rights of their citizens.

Last October I had a heated albeit brief debate of my own with a lawyer who, like me, opposes the proposed Jordan Cove LNG project here on the Southern Oregon coast. We disagreed on just what are fundamental or unalienable rights. A law professor might define fundamental rights as enumerated rights that have been recognized by the Supreme Court requiring a high degree of protection from government encroachment. Fundamental rights, however, require no validation from a governmental authority.

My granddaughter has an inarguable fundamental right to clean air and water and not to be trespassed upon by toxic chemicals. So too do I have an unalienable right to my blue eyes and the ninth amendment allows for the protection of unenumerated rights. Yet, when a small rural farming community in Pennsylvania says NO to a fracking waste injection well because it risks contaminating groundwater and therefore the very health and livelihood of the inhabitants, state and federal regulations preempt these people from protecting themselves and their children.

The lawyer argued that property rights are fundamental rights rather than a privilege granted by government. However, owning property doesn't give you the right to use that property in a way that violates the rights of your neighbors. And, just like gun rights can be taken away from felons, property rights can be taken away from landowners. Fundamental rights such as due process and the right to be healthy cannot.

### **What is regulation and who writes the regulations?**

In short, industry regulation is legalized harm. The regulatory agencies permit industry to violate fundamental rights and in so doing shelter the offenders from civil liability for the environmental damage and health issues they cause.

The industry itself helps write the very regulations it is supposed to comply with. When was the last time you were consulted about how many parts-per-billion of toxins your granddaughter should breathe or drink?

The regulatory agencies effectively set a cap on how clean your air and water can be. It's like setting a maximum wage law limiting how much you can earn. Instead of setting a floor constraining industry to zero harm the regulators set a ceiling constraining the public. There is a plausible view that the only thing the regulatory agencies regulate are environmentalists.

*Governments are instituted among Men, deriving their just*

*powers from the [consent of the governed](#) – Declaration of Independence*

Recently, The World published a story about a statewide citizen initiative of which I am involved to amend the Oregon Constitution. The amendment will confirm our right to local self-government and prohibit the state from preempting local ordinances protecting the fundamental rights of citizens.

The Coos County Right to a Sustainable Energy Future Ordinance is one such local law that when passed will prohibit non-sustainable energy projects like Jordan Cove and will run up against state and federal preemption. State and federal regulators believe they are more expert about our communities than we are and we have inexplicably empowered them to make decisions for us instead of making them ourselves.

Needless to say the industry doesn't like communities using direct democracy to say NO to corporate harm. The law firm of Davis Wright Tremaine has targeted rights based ordinances filed in Columbia and Douglas Counties. Supposedly filing on behalf of individuals willing to be the qualifying local resident affected by the initiative it is highly unlikely the firm's fees are paid by the signer and very likely they are funded by the industry.

***Section 1. Natural rights inherent in people.*** *We declare that all men, when they form a social compact are equal in right: that all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper.– Oregon Constitution*

This same firm filed a comment to the statewide initiative, this time using pro-gas booster Keith Tymchuk, Mayor of Reedsport as the qualifying resident. Anyone laboring under the false belief that we operate under a representative democracy take note that an elected official opposes direct democracy allowing communities to be self determining. Tymchuk is representing the industry, not the electorate.

State Senators Arnie Roblan and Jeff Kruse who coauthored a preemptive state law dubbed the Monsanto Protection Act are representing the industry. They are not representing their constituents who want protection from GMO and chemical encroachment on their organic farms.

Justice Douglas supported the rights of nature to thrive and flourish. He believed that an ecosystem is not a slave to mankind existing only to be plundered and exploited to the benefit of corporate shareholders. He believed they are living breathing things independent of man and at the very least deserved standing in a court of law.

Since Douglas' time Ecuador and Bolivia have amended their constitutions giving nature rights. Italy and Ireland are also considering rights of nature as a way to protect "priceless bits" of their environment that will not survive under the regulatory model.

So what are our choices?

We can choose to do nothing which is an ethical choice and



leave our children and grandchildren with the consequences. Doing nothing will not stop Jordan Cove or any other industrial harm.

We can continue to abide by and validate the regulatory fallacy. We can submit comments to the regulatory free speech zones and ignore the fact that what is regulated is allowed. Doing so will also not stop Jordan Cove, although hopefully the market has done that for us.

We can declare that a government that does not protect the fundamental rights of its people is illegitimate and revoke our consent to be governed by amending that government.

Community rights is about making corporate privileges subordinate to the rights of a community. In so doing we legalize sustainability and make it possible to protect the health and welfare of our children and our environment.

---

## **Bucking the establishment anti-LNG crowd**

The more I engage in community rights work the more sense the right of local self-government makes to me. Whether it is banking regulators, energy regulators or environmental regulators the working class communities are getting the short

end of the stick because the industry writes the rules. One of the main rules is that communities don't get to decide whether they want fracking waste injected into their ground water, or sewage sludge spread across their fields, or toxic emissions in the very air they breathe. In short, the rules say communities aren't even allowed to protect their children from chemical assault. The very concept of sustainability, of developing a sustainable economy is illegal because of these rules, because we cannot say NO to non-sustainable practices. Shucks, we must live with the consequences of fracking waste injection wells, or coal and gas emissions, or aerial pesticide and herbicide spraying so we ought to have some say. That is what democracy is all about.

Presently, my efforts are focused upon the environment and sustainability but I see the potential for using the rule of law to the benefit of social and economic justice as well. Centralized decision making, a sort of one size fits all approach to everything from fossil-fuel regulation to banking regulations and environmental regulations just allow bureaucrats appointed by the oligarchy to control the masses. So begging FERC or the governor or LUBA or DOE or DEQ or fill-in-the-blank has never set well with me. Perhaps this is why it was so easy for me to embrace the concept of affirming that communities are self determining, I don't like groveling.

So a group of us formed the [Coos Commons Protection Council](#) and began circulating a citizen initiative to establish a local bill of rights that expands upon the existing Bill of Rights and will elevate community rights over corporate rights. When it passes, Coos County will make history as the first US county to ban a LNG terminal on the grounds that it violates our right to a sustainable energy future. Naturally, we expected push back from the pro-LNG booster crowd but we were more than a little dismayed when local anti-LNG activists turned out to be the biggest obstructionists.

For the most part Coos Commons has tried to stay out of the

weeds and ignore these people although we spend an enormous amount of valuable time correcting the misinformation they put out. After attending the [PIELC](#) (Public Interest Environmental Law Conference) in Eugene we got another taste of how far and wide their efforts to thwart us have gone. Throughout the conference we were approached by fellow activists, most expressed similar dismay and sympathy for our plight and offered to help us. One woman from Portland, however, told us that “we need to get along” as if Coos Commons has any control over the “rift.” The only way to get along, as far as we can tell, is to stop using direct democracy and stop our initiative, something we are unwilling to do.

To provide an example of the kinds of bad information we are regularly having to correct I am including my response to an email thread from a few weeks back. The thread is quite long and I was only brought in on it towards the tail end.

*Thank you [redacted] for including me on this thread. Unfortunately, the Denton, TX example [redacted] is providing below is not a rights based ordinance and has nothing in common with community rights work. The same is true with some of the ordinances in Colorado but unfortunately people not involved in community rights are often confused and mix these ordinances up. Your statement below that these ordinances are always overturned in court is incorrect. Out of the 200 rights based ordinances passed just five are being challenged in court and those cases are yet to be decided. You are correct the ordinance allows for renewable energy used sustainably. The ordinance title is the Coos County Right to a Sustainable Energy Future after all so of course renewable energy is allowed. (it is possible to use renewable energy in a [non-sustainable way](#)).*

*You are also right that we need to decentralize power production. We should have a conversation about that*

*sometime.*

*No one working on community rights expects a miracle fix, we are in it for the long haul and working at the state level not just the local level. Changing decades of bad policy will not happen overnight, think abolition or suffrage. Change will not happen, however, unless and until we actively start defying the rules just like they did in order to free the slaves and give women the right to vote. See my [op-ed](#)*

*As for comments about the fracking fight in Colorado I refer you to an [op-ed penned](#) by Cliff Willmeng from Lafayette, Colorado. Cliff would be happy to correct any misconceptions you may have about the effort there.*

*Not to diminish the efforts of those filing comments but regarding Principal Power, I contacted Kevin Banister a few months ago and the decision to separate from Jordan Cove had nothing to do with public comment but was a business decision influenced by their acquisition by another company.*

*Mary*

One of the [points of contention](#) is that the ordinance will prohibit the non-sustainable use of renewable energy. From the ordinance: "Non-sustainable energy systems means those systems that are controlled by state and federal energy policies, rather than community controlled energy policies; hydroelectric power and industrial scale wind power when it is not locally or municipally owned and operated..." Flopping a floating wind farm smack dab in the middle of a prime hake fishery and using Coos County as a highway to allow a corporation to sell power to California is not sustainable for Coos County. Without even getting into the enormous footprint these farms require and the toll on the ocean bed beneath them there is really nothing in it for the county to participate in

this very costly scheme. In fact the State of Oregon agrees and Principle Power is, pardon the pun, pretty much [dead in the water](#).

It may come as a surprise to many but large scale hydroelectric power is not a clean source of energy. Consider this piece from EcoWatch: [The Hydropower Methane Bomb No One Wants To Talk About](#)

*A few months before visiting Costa Rica I had written a post for [EcoWatch](#), "[Dams Cause Climate Change: They Are Not Clean Energy](#)." Based on research I'd done in fighting dam proposals on my own river, the Cache le Poudre, as well as my work advocating for the already-dammed Colorado River, I've come to believe that [hydropower](#) is one of the biggest environmental problems our planet faces. Construction of hydroelectric dams around the world is surging dramatically, guided by the false premise that they produce clean energy, even as study after study refutes this claim.*

Make no mistake, Coos Commons doesn't claim to have all the answers but we do know that many communities are learning how to become sustainable. Some communities have developed [creative ways to finance](#) their own wind farms, for example, providing local power and keeping energy dollars local. Solar is becoming more and more affordable and the less money we spend importing power from companies like Pacific Power the more money we have to reinvest right here.

Coos Commons Protection Council along with Coos Community Radio in conjunction with area students will be holding a sustainability fair April 21. More details will come as we get closer to the event.

---

# Exporting gas is not patriotic

By John Fett

Roseburg

The World editorial about maintaining civil discourse was brought to my attention, along with another opinion written by Mark Wall. First, I want to thank the paper for making the right decision not to publish an ad depicting the Salem anti-LNG protesters as unpatriotic because one guy was standing on a flag.

Second, I want the pro-gas boosters to know that many of the people attending the Salem rally are veterans like me who fought for the right to petition the government for redress against grievances.

As for Mr. Wall, there is nothing patriotic about allowing a foreign company to export fracked American gas to Asia. Especially, when that gas comes at the expense of the health of American people living near the fracking fields. There is nothing patriotic about letting a foreign company use Eminent Domain to take private property from US citizens to benefit foreign shareholders.

A fellow Marine Corps veteran has owned his property in Douglas County for three decades. It took years for the

government to admit his health problems were caused by Agent Orange. Now Jordan Cove and Pacific Connector Gas Pipeline want to take his land and spray it with herbicides. There is nothing patriotic about what the Jordan Cove LNG project plan to do to this Vietnam veteran.

Samuel Johnson once said, "Patriotism is the last refuge of a scoundrel."

It is time we standup for our right to be the decision makers and stop leaving our future up to a handful of Washington bureaucrats, foreign corporations and local special interests.

This is why I joined the community rights movement and why I support our right to local self-government.

Visit [CoosCommons.org](http://CoosCommons.org) or [facebook.com/cooscommons](https://facebook.com/cooscommons)

---

**Community rights network  
seeks constitutional  
amendment asserting local**

# self-government

The Coos County Right to a Sustainable Energy Future Ordinance notes that the adoption of the ordinance will *call for an amendment of the Oregon Constitution and the federal constitution to confirm the existing right to local self-government free from governmental preemption and or nullification by corporate "rights."*

The Oregon Community Rights Network (ORCRN) has submitted a proposed constitutional amendment to the state's Elections Division. The citizen's initiative effort, which will be run by Oregonians for Community Rights, is aiming for the November 2016 ballot.

The constitutional amendment is titled "The Right to Local, Community Self-Government" and would codify into law the right to local, community self-government, enabling local governments to protect fundamental rights and prohibit corporate activities that violate those rights. It would secure the authority of communities to put in place stronger rights and protections than those recognized at the state, federal, or international level.

"A growing number of communities in Oregon are finding that, in the face of corporate exploitation, they don't have the recognized authority to protect public health, safety and welfare, economic and environmental sustainability, property value, and overall quality of life", said Eron King, board president of the Oregon Community Rights Network.

Today corporations have more power to decide the future and fate of communities than the people in those communities. Corporations are legally protected and have greater "rights" over people, communities, and the environment that permits them to:

- Grow GMOs



- Build LNG pipelines
- Spray toxic pesticides
- Gentrify neighborhoods
- Factory farm animals
- Take private property for corporate use
- Silence workers
- Transport unwanted coal and oil
- Maintain poverty wages

King continued by saying, “It is clear that the current legal structure allows corporations to treat our communities as property. We – the people – have become mere tenants of the corporations. It’s time we change that by changing our constitution to reflect that our right to local, community self-government is above corporate control.”

The text of the amendment may be found here [OR Amendment – Final](#)

---

## **Community rights, the challenge ahead**

More than 160 ordinances banning unsustainable and harmful development have been adopted in communities around the US using the right of local self-government. Out of that number only 9 have been challenged. Five of those did not include a bill of rights like the Coos County initiative and the elected officials caved to pressure from the industry and or the state and rescinded the ordinances. Four ongoing lawsuits include communities in Colorado, New Mexico, Ohio and Pennsylvania and the latter includes a watershed as an intervenor because its

right to thrive is threatened by proposed gas development. In Colorado and Ohio, class action lawsuits have been filed against the state for violating the community's right to local self-government.

During a packed public meeting the supervisors of Conestoga Township, Pennsylvania ignored overwhelming public support for a Community Bill of Rights Ordinance that would have superseded state and federal laws and prohibited the Atlantic Sunrise pipeline from being built through the township. Amidst cries of "shame on you" and "you should be fired" the [supervisors voted 3-0 to reject the ordinance](#) on the advice of counsel who convinced the board the ordinance violated both state and federal constitutions. Like most municipal counsel, this lawyer has been trained to work only within the narrow confines of the Box of Allowable Remedies. One frustrated Conestoga resident observed that by the counselor's reasoning just a few generations earlier he would be arguing that she had no constitutional authority to vote.

In every other instance, where the elected boards and the residents have stood behind their rights based ordinances the targeted harms have not crossed their borders. The corporations have voluntarily withdrawn their applications rather than face the costs, time and negative publicity of a lengthy legal battle. So communities can do one of the following:

- Do nothing and the unwanted project takes place
- Continue to battle within the rigged regulatory framework and the project takes place
- Assert the community's right to decide and expose the illegitimacy of the current system

There are those who genuinely believe the Jordan Cove LNG project and the privatization of tax dollars for purposes of speculating on economic development via the CEP will bring long term economic benefits to Coos County. We will be

covering this topic more closely in upcoming posts but for now  
read [The LNG prosperity myth](#)