

## **PAUL CIENFUEGOS**

We the People

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What I want more than anything else in the world is for we the people of these United States to figure out how to bring authentic participatory democracy to this country. I totally believe that we could create a society where local communities have the right to define what they want to look like in the future, have the right to govern themselves, the right of self-government. If cities and towns had these rights, they could pass laws that would protect their communities in a whole variety of ways: laws which would guarantee the right to defend the safety of their drinking water, laws which would guarantee the right to keep their air and their soil free from poisons, the right to decide what kind of economies they want, the right to a sustainable future with sufficient renewable energy for all, the right to have meaningful work and a livable wage.

By governing authority, I don't just mean the right to vote for a candidate who just so happened to raise more money than their opponent did. I mean the kind of governing authority that is talked about at the beginning of every state constitution in the country. Here's the first paragraph of the state constitution of Oregon.

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 the right to alter, reform, or abolish the government in such manner as they may think proper."

Imagine if we the people of this state and every state started to take that language to heart and to insist that all power really is inherent in the people. I'm here to speak to you about an extraordinary political development taking place in this country in more than 120 communities in six Northeastern states—Pennsylvania, Maine, New Hampshire, Virginia, Maryland, and Massachusetts. More than 120 communities which have made a truly profound shift in the way they think about themselves. More than 120 communities which have passed historically groundbreaking local ordinances that give the people of those places the right to govern themselves, the right to decide and then to create the kind of community they want to leave to their children and grandchildren and seven generations beyond them and so on. What's most intriguing to me is that many of these are rural, conservative, Republican communities.

I have been a community organizer for more than three decades, and this is the most exciting and profound shift in American politics I have ever seen. But before I share more details about this, I want to first explore with you the political state, the legal state, but also the emotional state of all of the other communities in this country; to reflect on what hasn't yet happened in all of those other towns and cities, which are still feeling mostly powerless. I want to start by asking you a few questions to ponder. Why is it such a stretch for we the people of almost every community in this country to actually envision this kind of potential? Why is it such a stretch for you, the people of Eugene and neighboring towns, to not only imagine what sort of community you want to live in but actually to envision the steps you might take to get there? How did it come to pass that we the people of this country, born out of revolution, have become totally locked out of the rooms where pretty much every decision is made that affects all of our lives? And just as important a question that needs to be asked and then grappled with, what steps do we need to take to place ourselves back at the center of power, to create governing structures that offer authentic democratic decision making as the normal way of building sustainable communities together? I don't believe we have any other choice but to grapple with these huge questions, and quickly, while there is still possibly sufficient time left to respond to the ecological crises, the social crises, and the economic crises that are engulfing us on planet Earth.

To respond boldly to these crises, we are going to have to make a kind of commitment that we're not used to making. Here are three things we're going to have to commit to if we want our grandchildren to have a healthy future.

Number one, we are going to have to step out of our comfort zone and get really honest with ourselves about how our economic privilege and our skin-color privilege directly affect those of us who don't have these privileges and thus struggle every day in ways many of us can scarcely imagine.

Number two, we're going to have to step out of our comfort zone and start mingling with and building authentic relationships with people who think very differently about the world than we do. Simply networking with like-minded people isn't going to cut it.

Signing online petitions with thousands of our political allies isn't going to cut it. Marching in opposition to this issue or that issue and then going back to the comfort of our private lives isn't going to cut it. Hoping or assuming that other people who have more time than we do will solve these problems for us isn't going to cut it. Very few liberals and leftists and Greens have ever had a single conversation with a Tea Party activist. It's way more fun to mock the Tea Party, to make insulting comments about his how stupid or politically naïve they are. The same is generally true in the reverse direction. This kind of behavior is the perfect way to guarantee that majorities can never be built across that supposedly huge political divide.

And who benefits the most when we behave in this way? The very, very small minority of mostly very wealthy white men who make all of the governing decisions in this country. Divide and conquer. It works so well. It always has. And it always will, until we recognize it for what it really is: It's the most effective method the system has to keep we the people fighting each other instead of realizing how much common ground exists between us.

Here are just two examples of the substantial common ground that exists between so-called left- and right-wing Americans. Number one, a majority of Americans across the political spectrum are opposed to the continuing occupations of Iraq and Afghanistan. A president who ended these two occupations would be wildly popular. No surprise when you remember that about half of all your tax dollars go to a bloated military budget. Half. The federal government will lie to you and tell you it's much smaller than that, but it isn't true. You can view the actual budget numbers by going to the website of the War Resisters League.

Number two, a majority of Americans across the political spectrum are opposed to those endless international trade agreements that both Republicans and Democrats love to pass—trade agreements which have destroyed the industrial base of this nation and caused massive environmental harm. They have names like NAFTA, the North American Free Trade Agreement, CAFTA, the Central American Free Trade Agreement, and GATT, the Global Agreement on Tariffs and Trade. Conservative presidential candidate Pat Buchanan ran a very effective campaign years ago on this issue. So did Ralph Nader running as a Green. So did Libertarian Republican presidential candidate Ron Paul in the last election. Even candidate Obama ran against so-called free trade agreements in 2008, because he knew that most Americans oppose them.

So here we have two issues of enormous political importance that affect all of us: U.S. policy and spending on war, and trade agreements that wreck our economy and our environment. And on both issues the vast majority of

Americans, both left and right, are in full agreement. Given that fact, you would think that active citizens from across the political spectrum would be working closely together to end these ridiculous policies. But you would be wrong. We have been divided and conquered. The left and the right would rather be booing and hissing at each other. It's way less work and way more fun. And then we can act outraged that those crazy people on the other side of the fence are the cause of the problems. Divide and conquer. It's such a great strategy. It works so well. It always has.

What would it take to break out of this way of thinking and acting? What would it take to find that common ground between us rather than focusing on the issues which divide us? On these two issues we the people are almost all on the same side. Who cares if a majority of us can't agree on everything? What matters to me is that we stop losing almost every battle that we're fighting. I want my democracy back.

Earlier in my speech I said there were three things that we're going to have to commit to if there's going to be any hope of solving the great problems that we face. The first one was the urgency of stepping out of our comfort zone and looking squarely at our own economic privilege and skin-color privilege. The second was the urgency of building real relationships with people who think very differently than we do.

Here's number three. We are going to have to get a lot more honest with each other about whether our existing activism is up to the task. We need to really think about this with our colleagues in whatever issues of concern we are actively working on. Is our existing activism to end the occupations of Iraq and Afghanistan getting us any closer to ending those occupations? Is our activism to protect the safety of our drinking water actually producing safer drinking water? Is our activism to stop the planting of GMO crops actually stopping the planting of GMO crops? Is our activism to try to ensure this all Americans have comprehensive, affordable health care actually moving us in that direction? Is our activism to end our dependence on fossil fuels before they're in short supply actually causing our fossil fuel use to start dropping dramatically? Is our activism to get corporate money out of our elections actually succeeding in getting corporate money out of our elections? As far as I can tell, the answers to all of these questions are the same. No. Our activism is not achieving its aims, even though more and more people are battling more and more single-issue crises each and every year.

The central question that everyone here needs to be asking themselves, and soon, is this: How can we the people get a lot more effective, and quickly, in order to tackle the enormous problems we're facing? What should we be doing differently, and when are we going to start?

Our communities are under assault day in and day out, mostly by large corporations, whose decision makers

don't give a hoot what we want for our communities; and by higher levels of government that seem to be in cahoots with the corporate decision makers. We've been taught that we need to respond to each corporate assault one at a time. But the assaults just keep coming. There are assaults on our air, and our water, and our food, and our soil, and our economy, and our elections, and our health, and our climate.

Many of you are experts in responding to assaults one at a time, right? What kind of actions do we almost always try to do to stop the ongoing assaults? We organize rallies and marches and pickets. We organize letter-writing campaigns to government and corporate officials. We organize endless online petitions. In other words, we beg, we plead, we demand of some higher government or corporate power holder. We place ourselves below them. We act powerless. This is the nature of single-issue activism. Remember that line in the very first paragraph in the state constitution, "that all power is inherent in the people"? What if all of these single issues we're working on are merely symptoms of what happens when we the people forget who we are, symptoms of what happens when we the people fail to exercise our power?

Remember that I told you right at the beginning of my talk that more than 120 communities in this country had made a profound shift in the way they see themselves? Every one of these places had spent years battling corporate assaults on their communities until one day they said, Enough is enough. If our elected officials at the state and federal level won't pass the laws we need to protect the health and welfare of our communities, we will. One community after another started passing local ordinances that are designed to defend their right of local self-government. They're working closely with the Community Environmental Legal Defense Fund based in Pennsylvania, which is helping them to draft these ordinances.

I'm going to spend the rest of my talk focusing on these local democratic uprisings. I want you to listen very carefully to what these communities are doing, because Eugene and Springfield and Cottage Grove and Corvallis and Albany and any other town or city in this country could be following in their footsteps. What they're doing is fundamentally different from single-issue activism. They have stepped outside of the existing paradigm that tells them that they are powerless to stop these corporate assaults on their communities. They are refusing to abide by the threats being shouted at them by corporate lawyers and state governors and state attorneys general, who are all insisting that they do not have the legal authority to pass these laws. They are committing community-wide acts of civil disobedience. They are breaking existing laws openly and bodily, daring corporate and governmental officials to try to stop them.

It started in Wells Township, a rural conservative community of just 500 people in Pennsylvania, where the townsfolk got sick and tired of pleading with state government to stop corporate hog farm factories from setting up shop in their town. The townsfolk discovered that if they used the regulatory law structures they had always been told were their only option for opposing these operations, that all they could do was testify about the specific harms of the proposal, such as how the inevitable Wal-Mart-sized lakes of manure would be managed. They didn't want to testify about lakes of manure; they wanted to say, No, we don't want these massive 15,000-head hog factories in our town. So they abandoned the dead-end regulatory process and stopped begging the state to protect them and instead pass a local anti-corporate farming ordinance in September of 1999 that banned corporate engagement in farm factories.

Five other Pennsylvania townships passed similar ordinances over the next year. Other towns quickly followed their lead, passing ordinances that banned corporations from engaging in other types of activities, such as mining, logging, groundwater extraction for bottling, dumping of urban sewage sludge on farmland, et cetera.

Jumping ahead to today, in order to give you up-to-date details, I am thrilled to report to you that there are now cities and towns in six states—Pennsylvania, Virginia, New Hampshire, Maine, Maryland, and Massachusetts—which have thus far passed similar initiatives. As you can imagine, this growing number of local ordinance did not go unnoticed by the state government or the corporations they were trying to exclude, which started making threats against the communities and claiming they didn't have the legal authority to pass such laws. Which just further irritated the locals and their elected officials, who, let's not forget, were elected to defend the interests of the local inhabitants. The heavy-handed responses from state government and corporate attorneys just made the local communities more interested than ever in understanding how it could be that they had ended up with so little power to govern themselves at the local level when everyone had been taught in school that all power is inherent in the people.

At this point the Community Environmental Legal Defense Fund started offering sessions they called "democracy schools," which uncovered an extraordinary history that few people knew. I offer similar workshops, and I would be delighted to offer one here or anywhere that there's sufficient interest. The residents of these communities learned that under the existing paradigm of the U.S. legal system, people have very little power to stop what they don't want in their communities. Federal law trumps state law. State law trumps local law. The whole system is based on English common law, which

was designed to preempt and centralize power in the hands of a few.

We may have been taught that the Constitution is a great and wise document that enshrines all sorts of rights for people, but that's actually not true at all. What it enshrines is private property rights and protections for the free flow of commerce. None of us should be surprised by this, given that the people who drafted it were some of the richest landholders in the country.

James Madison, one of the Founding Fathers, believed that the primary role of government was "to protect the minority of the opulent against the majority." Madison was the main author of the Constitution. When the Constitution was finally completed behind doors that were literally locked and we the people got to read it for the first time, the primary response across the colonies was outrage. And thus began a demand from the citizens of this country to add what became the first 10 amendments to the Constitution, which we now refer to as the Bill of Rights.

Again, most Americans assume that these 10 amendments guarantee us all sorts of rights, like free speech. But that's not quite true either. These amendments do protect our rights against infringement by our government. But government is no longer the only powerful institution in this country. Corporations can sometimes now eclipse government power. Corporations violate our constitutional rights all the time, and the Constitution says nothing about those violations of our rights. Every day corporations violate our free-speech rights, our rights against unreasonable search and seizure, our contract rights, and our property rights. It's an absolutely fascinating history that all of us really need to know if we're going to exercise our right to local self-government.

There are a number of specific legal barriers that are used quite effectively to stifle the rights of we the people. Some of them have been used for almost two centuries. Here's a list of some of these legal barriers., that's the commerce clause of the Constitution, which enables corporations to sue local and state governments in order to overturn state laws that have been adopted to protect health, safety, and welfare of people and communities. This structure of law prevents people from implementing our visions of environmentally and economically sustainable communities.

There's the contracts clause of the U.S. Constitution, which makes it quite difficult for government to prohibit or require various corporate actions.

There's Dillon's Rule, which authorizes municipal governments to have decision-making authority only in explicitly specified areas of governance. And there's the flip side of Dillon's Rule, known as preemption, which specifically prohibits municipal governments from doing anything that they haven't explicitly been given

permission to do. In addition, a municipal government is prohibited from banning any corporate activity that the state considers legal. The Wells Township hog factory ban is a good example of the use of preemption.

And finally, there's corporate constitutional so-called rights—the claim that corporations should have the same rights as flesh-and-blood human beings, like free speech. The 1886 Supreme Court case of *Santa Clara County v. Southern Pacific Railroad* is the most well-known case and has been credited as the one which first granted personhood to corporations. Yet it's only one of many important cases granting rights to corporations. The January 2010 *Citizens United* case is just the latest expansion of corporate free speech rights.

That's quite a lot to chew on, isn't it? So as these communities were learning about all of these legal barriers to their right of self-government, each new local ordinance that was drafted became more comprehensive in directly addressing these barriers head-on, and thus the ordinances became less anti-corporate and more pro-rights. They were moving from no, what we don't want in our communities to, yes, what we do want in our communities.

Here are three recent examples of ordinances around the country. Number one, in Mount Shasta, a town of 3500 residents at the base of Mount Shasta in northern California, the local residents collected enough signatures to place an initiative on the ballot in November 2010 which they called the Community Water Rights and Self-Government ordinance. Let me read you the first paragraph of the ordinance.

"An Ordinance to assert and secure the right of the people of the City of Mount Shasta to natural water systems and cycles through the exercise of community self-government by enumerating certain rights held by the people and natural community and prohibiting activities that would deny those rights; By protecting the health, safety, and general welfare of the citizens and environment of the City of Mount Shasta; by not allowing corporations to engage in weather manipulation; by establishing strict liability and burden of proof standards for chemical trespass;..." They're defining chemical trespass as your toxic chemical ended up in my body. "...by not allowing corporations to engage in water withdrawal for export and resale beyond the City of Mount Shasta; by removing claims to legal rights and protections to corporations that would allow a few people hiding behind the corporate shield to subordinate the people and the City of Mount Shasta to them; and by recognizing and enforcing the rights of residents to defend the rights of natural communities and ecosystems."

The county clerk pulled some last-minute shenanigans and removed it from the ballot before voters ever had a chance to cast their ballots. So the organizers

are now preparing to place it on the November 2011 ballot instead.

Number two, in Spokane, Washington, local residents collected enough signatures to place on the ballot in November 2009 an amendment to their city's home rule charter that would have added a comprehensive community bill of rights. The campaign was launched by an impressive group of neighborhood and other community organizations as well as labor unions. It was opposed by every local politician and all of the business associations, which greatly outspent the campaign and lied about what might happen if it passed. In the end, only one quarter of the Voters supported it, which you could argue was a serious defeat for the campaign, or you could argue that nothing this boldly democratic had ever been put on a city ballot before, so getting one-fourth of the voters to vote yes was an early victory in a longer campaign.

The group is now preparing to place a scaled-down initiative on the ballot in November 2011, which includes four objectives: first, neighborhood residents shall have the right to determine the future of their neighborhoods; second, the Spokane River, its tributaries and aquifers shall possess inalienable rights to exist and flourish; third, employees shall have the right to constitutional protections in the workplace"—how many people know that you don't have constitutional protections in the workplace?—and, fourth, corporate powers shall be subordinate to people's rights." You can learn about it in much more detail at [EnvisionSpokane.org](http://EnvisionSpokane.org).

By the way, Eugene also has a home rule charter, which gives you some added options. You could amend it rather than passing an ordinance.

Number three. Perhaps the most significant victory so far is what happened in Pittsburgh, Pennsylvania, in November 2010, when the city council, on a unanimous vote of 9 to 0, passed the Pittsburgh Community Protection from Natural Gas Extraction ordinance banning corporations from conducting natural gas drilling, also known as fracking, in the city. Pittsburgh sits atop the Marcellus Shale natural gas deposit. Fracking poses an enormous threat to surface and groundwater and has been blamed for fatal explosions and the contamination of drinking water and local rivers and streams. Other damages include lost property value, ingestion of toxins by livestock, and threatened loss of organic certification for farmers and communities.

In a press release after the vote, Pittsburgh City Councilman Doug Shields stated, "This ordinance recognizes and secures expanded civil rights for the people of Pittsburgh and it prohibits activities which would violate those rights. It protects the authority of the people of Pittsburgh to pass this ordinance by undoing corporate privileges that place the rights of the people of Pittsburgh at the mercy of gas corporations. With this vote we are asserting the right of the city to make critical

decisions to protect our health, safety, and welfare. We are not a colony of the state and will not sit quietly by as our city gets drilled. We encourage communities across the region to take this step and join with us to elevate the rights of communities and people over corporations." How about that?

Under the ordinance, corporations that violate the ordinance or that seek to drill in the city will not be afforded personhood rights under the U.S. or Pennsylvania constitution, nor will they be afforded protections under the commerce clause or contracts clause under the federal or state constitution. In addition, the ordinance recognizes the legally enforceable rights of nature to exist and flourish. You can read the full text of these and dozens of other ordinances at the Community Environmental Legal Defense Fund's website, which is [celdf.org](http://celdf.org). I urge you to check it out.

It's fascinating to me that no major news media reported the full story on what Pittsburgh did. Not CBS, not NPR, not Fox, not *Democracy Now!* It was a nationally ground-breaking ordinance. It happened in a major American city. But the media missed the main story. Perhaps because it didn't fit into any of the existing sound bites about left versus right or workers versus environmentalists. Perhaps because no one is used to reporting on rights-based organizing regarding environment at issues. And because the media missed the story, it's important that you not miss the story and that you spread it far and wide.

I want to speak for a few minutes about the Supreme Court's January 2010 Citizens United decision, that further expanded the so-called free-speech right of large corporations to make even huger donations to manipulate our elections than they already legally could. Corporations won First Amendment free-speech rights long ago, contrary to the news reporting from such diverse sources as Fox, NPR, and *Democracy Now!* The reason I want to talk about this case is that it has generated an enormous amount of citizen response, and I want to the contrast that response with what the more than 120 local communities have already achieved.

The Supreme Court's decision was opposed by 76% of Republicans, opposed by 81% of independents, opposed by 85% of Democrats. That's 80% of all of us—once again piercing the myth that Democrats and Republicans can't agree on things that matter. What was the response to the Court's decision from the two corporate-funded parties? The Republicans praised the ruling as a victory for free speech. And the Democrats put forward some spineless new legislation to blunt its impact and then proceeded to do nothing more to get it passed. You can't ask for a clearer example of why we the people of these United States, be we Republican or Democrat, Green, Libertarian, independent, need to stand together to end the corporate stranglehold on our elected officials.

In response to this quite logical expansion of free-speech rights that the courts keep granting, two competing Internet-based national campaigns sprang up to urge everyone to get involved in efforts to challenge the Court's decision. The sponsors of my talk tonight, We the People Eugene, are actively involved with one of these two campaigns, called [movetoamend.org](http://movetoamend.org). The campaign's goal is to pass a constitutional amendment that ends corporate personhood. As you can see from the list of laws that corporations use day in and day out to stifle our rights, ending corporate personhood would only tackle a portion of this huge pile of legal powers that corporations wield against us. The other national campaign, known as [democracyisforpeople.org](http://democracyisforpeople.org), has as its goal the passing of a constitutional amendment that ends free-speech rights for corporations. It doesn't address any of the other personhood rights, nor does it address any of the other legal powers that corporations wield against us.

Having been a community organizer now for more than three decades, I have a very strong opinion about these two campaigns. Neither of the campaigns tackles the full set of legal powers that corporations now wield. I can't see the point of trying to pass a constitutional amendment unless you're tackling all of the ways that corporations violate our rights. And both of the campaigns require a monumental effort across the country to convince an enormous number of elected Democrats and Republicans in both state and federal government to do the right thing by voting yes on the amendment. Let's not forget that these are the same elected officials who are dependent on donations from large corporations to get themselves reelected. And if, by chance, only 37 states voted yes instead of the necessary 38, three-quarters of the states, the entire campaign collapses under its own weight, which is what happened in the 1970s when the women's movement tried to pass the Equal Rights Amendment and failed after 10 years, falling short by just one state.

I personally think the strategy is a huge strategic blunder, especially when more than 120 communities in six states have already demonstrated to the rest of us they've found a strategy at the local level that appears to be very powerful politically and legally. I do not believe in top-down organizing. I don't think it has the stamina or the long-term stability to win this kind of battle. What more than 120 communities are reminding us is that bottom-up organizing works.

I know that We the People Eugene is working right now on a resolution asking the city council to support this constitutional amendment. I say, by all means, do some effective grass-roots organizing and get your city council to pass it. And if a majority of them won't vote against corporate personhood, then it's time to elect a council that will. But once they've voted, get busy figuring out what corporate assaults on your community are most upsetting, and then figure out how to work together to pass a legally

binding ordinance, not a resolution, that ends this corporate assault on your community and that puts in place a new set of locally enforceable rights for all residents. I am not claiming this it will be easy, but it's a way more effective strategy than trying to stop one corporate assault at a time or to beg your state legislature to join 37 other states in passing a constitutional amendment.

Let me share with you a current example of a rural community here in the state that is stuck in the classic single-issue campaign mode that I described earlier and what it could be doing differently. I led one of my weekend workshops a few years ago in the Illinois Valley of Josephine County in the southwest part of this state. Their lands are under constant assault by logging and mining companies. Recently, a single-issue group formed there to try to stop the herbiciding of forests owned by a local logging corporation with the ironic name of Perpetua. The company has been spraying 24D and atrazine on its forests, and the chemicals are ending up in a public lake and in people's bodies. The community group is reacting the same way every single-issue group reacts: petitions, rallies, letters to elected officials, meetings with the corporation's representatives, appeals to the Oregon Board of Forestry. All of this activity to try to stop the herbicide spraying. These citizens are running head first into a maze of regulatory rules and agencies which they have to navigate. According to an article in the *Register Guard* newspaper in Eugene, it's a dilemma as to how the Oregon Board of Forestry can and should respond. While the Board oversees the rules governing application of herbicides on forest land, it's the Department of Agriculture that has at regulatory responsibility for making sure the state complies with federal law; while another board, the Pesticide Analytical and Response Center, investigates and responds to complaints like those raised by groups like this one. Whoof! What a perfect system, eh? Perfect if you're the CEO of Perpetua Corporation and you don't want those pesky locals interfering in your right to poison them.

Here's a bit of background history. The regulatory system was created in the late 1800s to protect the interests of the nation's first giant corporations, the railroads, that were under attack by an absolutely enormous populist social movement. President Cleveland's attorney general explained to the railroad executives that the new railroad agency was to be "a sort of barrier between the railroad corporations and the people." It was understood by both government and corporation that what was desired was "something having a good sound but quite harmless, which will impress the popular mind with the idea that a great deal is being done when in reality very little is intended to be done." Doesn't that sound familiar? And these regulatory agencies are still working exactly as they were designed, to tie us up in

knots. As my colleague Jane Anne Morris says, “The main thing environmental regulations do is regulate environmentalists.”

What could the good people of Oregon’s Illinois Valley be doing to stop the herbicide spraying? Instead of pleading with numerous regulatory agencies, they could be passing local ordinances that prohibit corporations from spraying cancer-causing herbicides. Let me repeat that. Instead of pleading with regulators, they could be passing local ordinances that prohibit corporations from spraying cancer-causing herbicides. I’ve met with them in person and by phone. I’ve sent them a lot of information linking them to what other communities are doing in the Northeast states. And yet they aren’t shifting gears yet.

Why not? I can only guess. Perhaps because it’s really scary to try some new strategies that they have absolutely no experience in, or to stop doing what they already know how to do, even if they are very unlikely to succeed. Perhaps because it seems like such an up hill battle that probably isn’t winnable anyway. Perhaps because most of us have become hard-wired to prevalent against the powerful rather than to exercise power ourselves. Perhaps because most of us have already given up any home whatsoever that our actions will make any difference at all. That most of us feel powerless, exhausted, angry, depressed, filled with sorrow, or numb. Perhaps it’s other reasons that haven’t occurred to me yet.

All I know is this: In six states in the Northeast people are actually winning their right to stop corporate assaults on their communities. And more towns are joining this movement all the time. As of today there are active community rights ordinances being considered in Washington, California, New Mexico, Ohio, New York, and Colorado. In fact, just yesterday I received the draft ordinance that Pittsburgh, Pennsylvania, is considering. It’s a sustainable energy ordinance, again the first of its kind. But let me just read you Section 7, titled “People’s Right to Self-Government.”

“The foundation for the making and adoption of this law is the people’s fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and pursuit of happiness. Any attempts to use other units and levels of government to preempt, amend, alter, or overturn this Ordinance, or parts of this Ordinance, shall require the City Council to hold public meetings that explore the adoption of other measures that expand local control and the ability of residents to protect their fundamental and inalienable right to self-government. Such consideration may include actions to separate the municipality from the other levels of government used to preempt, amend, alter, or overturn the provisions of this Ordinance or other levels of government used to intimidate the people of the City of Pittsburgh or their elected officials.” That’s quite extraordinary.

I’m hoping that the people of Eugene will give these ideas serious consideration, and I’m crossing my fingers that the good folks in the Illinois Valley south of here will come on board soon.

Before I conclude my speech, I want to respond to something that I hear a lot from longtime activists, who have become very, very gloomy about the state of the world. I want to speak directly to those of you in the audience who might be saying to yourselves right now, That’s all well and good, but it’s already too late to turn this mess around. The climate is already too destabilized to get it back to normal. Peak oil is behind us. And it’s too late to transition to a sustainable society. I say to you, even if this is true—and it may very well be true—wouldn’t you still rather be living in a society that is collapsing but has worked as hard as it possibly could to put in place truly democratic structures so that as it collapses, its citizens are actively responding with passion and love and empathy, rather than to be living in a society that is collapsing and which is moving towards more and more civil unrest because its people never figured out how to work together to create the kind of community they wanted to live in, so now they’re just fighting each other for a shrinking pie. I am very clear which of these two societies I would prefer to live in.

Regardless of how optimistic or pessimistic you are about the possibility for real structural change in this country, I urge you to start paying attention very closely to the growing movement for community rights. I urge you to discuss what you’ve learned tonight with your friends, your co-workers, and your neighbors. Are you prepared to try something new? Are you prepared to reconsider your role in your community, not just as a private citizen who simply votes for candidates but as a public citizen who joins with others year in and year out to design and create the kind of community you want your children and grandchildren to live in. To be a part of a great, ongoing democratic experiment, rubbing elbows with people who are not like you, people who may not agree with you on many issues but who also want to create a more livable, more participatory, more fair, more sustainable community.

For some of you, getting active in this way may be really scary; for others it may be exciting and exhilarating. Please call on me for support. It’s time for us to put some real meaning back in those sacred words in our state constitution “that all power is inherent in the people.” We may not believe it yet, but it is true. We the people are the most powerful force in this country. Are you with me? I can’t hear you. I can’t hear you. Thank you very much.

#### Q&A

The question is, surely these kinds of ordinances are not pleasing to the corporations that are being excluded or to

other layers of government. What kind of response has there been?

A small number of the ordinances have been legally challenged. In Pennsylvania, the corporations have been so effective in—how do I say this?—I can't remember which ordinance it is, but because corporations pretty much play government layers against each other as their pawn pieces, they really just play us off against each other, and they're used to that, corporations in Pennsylvania have gotten so good at this that their lawyers now basically just pick up a phone and call the governor or the speaker of the house of the state legislature and they demand that the state come down on the township because it violates the commerce clause or the contracts clause or something. Increasingly, the corporations are actually acting as if they're not that involved. It's initiated by them.

And what's happening is, there's not a lot of backbone. There have been some lawsuits, but 120 ordinances are now law. The day before the Pittsburgh, Pennsylvania, ordinance banning corporate fracking was passed, the Natural Gas Association—I forget what it's so-called in Pennsylvania—sent a formal letter to all the city council members saying they would sue if it passed. They still passed it 9 to 0. And the association didn't sue. Because they would have to argue that the natural-gas fracking company has more rights to drill in the city of Pittsburgh than the people in Pittsburgh have the right to say no. And that just generates a whole other level of democratic uprising.

You folks have to decide how serious you are. It's very easy to pass a resolution compared to an ordinance. You have to do some serious slogging to pass an ordinance. As I said at the beginning of my speech, you have to talk to people who you can't imagine talking to. But you're going to actually find some very interesting possible cooperation in those ways. I think it's pretty obvious what the difference is between the two.

So, again, are we the people or aren't we? If we are the people, then of course we have the right to abolish, amend, etc., our government documents. But obviously this is a paradigm shift. So it's not like you read for 2 hours and you learn about nuclear power or you learn about GMOs, and now you understand the basics and now you can be organizing around that issue. This is paradigm-shifting work. This is a whole different way of thinking about who we are in relation to our government and our corporate institutions. So it takes a much higher level of commitment, organizing commitment, intellectual commitment.

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