

Thomas Alan Linzey on What Now

Extended interviews with accomplished thinkers, writers, artists, farmers and scientists addressing the global crisis

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What Now is hosted by Ken Rose

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On July 12, 2010 Ken interviewed Thomas Alan Linzey, cofounder, executive director and chief legal counsel of the Community Environmental Legal Defense Fund, a non-profit, public interest law firm providing free and affordable legal services to communities facing threats to their local environment, local agriculture, the local economy, and quality of life. Below is the written transcript of the interview.

KR: On the phone from Spokane, WA Thomas Alan Linzey. Thomas Alan Linzey is the cofounder and executive director of the Community Environmental Legal Defense Fund which was founded 15 years ago and Mr. Linzey serves as chief legal counsel. The territory is corporate personhood and Mr. Linzey in one of his previous incarnations was special counsel to the Green Party. How's that for an intro?

TL: Sounds fine.

KR: Let me read the mission statement of the Community Environmental Legal Defense Fund (CELDF). The mission statement reads "Building sustainable communities by assisting people to assert their right to local self government and the rights of nature." So in preparing for this interview, I'm an average Joe and I was rather startled to understand that we really don't have the legal structure or I guess the right to say "no" to the corporate intrusion into the intimacies of our local lives. Is that pretty accurate?

TL: I think it is and I think what is more tragic in many ways is that we think that we do. So when folks get into fights and generally at least from our perspective and what our work has been about is these fights that involve things like a Walmart corporation moving into a community that doesn't want it or a ten thousand or fifteen thousand head hog factory farm that doesn't want it. Some corporate assault coming in from elsewhere

that ends up in your lap or ends up in your neighborhood or ends up in your particular township or town or city. Because we think that we have the legal authority to govern our own communities, we tend to believe because it has been inculcated in us since birth in most places that we have the authority to say “no” to something coming in which means that most people are under the illusion that their city could pass a one paragraph ordinance that says “no big box stores here in the community.”

As it turns out for a little over a hundred years the corporations have been concocting legal theories and shaving off parts of the law and building other parts of the law to make sure that communities don't have that ability, don't have that authority to simply say “no” to something that wants to come in especially if saying “no” means saying “no” to something that's been permitted by the state or federal government. It's known as a legal use and all the nasty stuff or what some of us think of as nasty stuff like a fifteen thousand head hog factory farm is actually a legal use under use under the law, an L E G A L, a legal use. If it's a legal use, our municipalities are prohibited from banning that use from operating within the community and so the first thing that happens when they see a Walmart Corporation coming in or some other facility or project that they don't want, the first thing they think to themselves is “hey we have a remedy because of course, under the system of law we must be able to say ‘no’ to things that won't be good for our community from our perspective,” sustainability, you know from a sustainable perspective.

A lot of people are concerned about viable downtown communities and what Walmart does when Walmart moves into those downtowns and so what people think to themselves is well that's bad in our eyes that our downtown would suffer, so surely we have the legal authority to actually say “no” to something like that coming in and the fact of the matter is that we don't and you can talk to corporate lawyers, you can talk to the environmental lawyers, you can talk to the good guys, you can talk to the bad guys. It doesn't matter who you talk to, they will all admit that it's what's called well settled law that communities do not have the power to prohibit those legal uses that are attempting to come in.

Now what a lot of people will say to you when you explain that to them is they will resist you and say “well, of course we have that power. We have zoning and land use ordinances and zoning ordinances allow us to say ‘no’ to something coming in” and that's just not true. Zoning ordinances are about separating out incompatible land uses like commercial from industrial and industrial from residential. The reason for zoning ordinances in the first place were to separate out those uses so that you as a residential individual, a person living in a residential area wouldn't have a commercial use thrust up against your property line. They were not about communities actually exercising democratic control to say “no” to something coming in.

In fact if you use your zoning ordinances to actually prohibit a legal use, what happens next is the corporation whose legal use has been infringed has a cause of action against you as a municipality for failing to allow that legal use within the municipality. That lawsuit is now brought because you have now violated something called corporate

constitutional rights which is the next step to all of this because a lot of people think they have rights within their community to determine what it's going to look like. When they find out that they don't, sometimes it's in the form of a lawsuit brought by Walmart or Costco or one of the big corporations that's trying to come in that says to the community, we're suing you, most times in federal court for violating our corporate right as a person under the law to due process and not a constitutional right, so they attempt to slam those communities that attempt to say "no" to them and over the years we've had a learning process kind of like Pavlov's dogs where we've gotten whacked enough times where our communities don't even dare to imagine what a system of law might look like in which their community or their neighborhood actually has binding legal authority to say "no" to the things that they don't want coming into their community because they have a different vision for it.

KR: It's a shock.

TL: Yes, and it's a huge shock in one way because it forces us to rethink what we think we already know. Since kindergarten we've had the IV drip in our arms that says, you know, the United States is the best, brightest country ever, the founding fathers were the best folks that ever trotted the planet, and the system of law they put in place via the constitution in which we all have a remedy when a wrong happens to us and therefore in some ways it's our own fault when we as a community can't say "no" to something coming in. So we actually blame ourselves and I think there's a lot of parallels between what happens with communities going through this learning process where people are shocked and find it tragic how the system of law disempowers them. I find a lot of parallels between that and other psychological things that we have, theories that we have in which people undergo abuse but are actually unable to separate from their abuser and in some ways, in many ways the legal system is that abuser because when communities rise up to take on a Walmart for example surprisingly they don't run into the Walmart necessarily. They run into a structure of law that has enabled Walmart to override what a majority within that community wants and so we almost have a special layer of law that applies just to this relatively small number of corporate decision makers who have been given access to a certain privilege of the law to override community majorities. I don't know about you, but one thing I learned from kindergarten from that IV drip in my arm that carried some good stuff was that majorities should be able to govern, not minorities and when you have a minority of corporate decision makers making decisions that override community majorities, there is something inherently wrong with that. I think that's the conclusion that a lot of people across the United States are starting to come to.

KR: yeah, I suppose we are. There's a great saying, William Burroughs, the beat writer, he wrote "sleepwalkers awake to daytime nightmare" and that's about as concise as I've ever heard it expressed. Also, RD Lang said that "the law is terror put into words," so what we're awakening to slowly maybe but progressively is that we've been behind the eight ball very quietly unbeknownst to us for a long time and now we are really feeling the tooth of it. We're really feeling that the whole system is set up for us to get rolled.

TL: Yes, and in many ways the slowness of that awareness and the building of that awareness because usually these individual fights, they take place in fairly isolated conditions, so you have people in a community in California fighting Walmart and you have people in a community in Maine fighting Walmart and they're fighting in different ways because most communities don't even attempt to say "no" frontally. They try to find things like wetlands being disturbed or endangered species that may be impacted or putting in place regulatory ordinances to limit truck traffic or the hours that dock lighting can be on so that it doesn't interfere or interrupt neighbors to the facility. So there are folks out there doing a number of different things. First of all, they are diverted from saying "no" and actually making a stand on democratic principles, about "hey we govern our own community. We should decide what's right and what's wrong for it and if something's bad for it, we should be able to ban it or prohibit it." That they are driven away from that because the past hundred years like sanitizing meat have really beaten it out of us to say "you can't do that. It's illegal and unconstitutional to tell a corporation that they can't come in and do x, y, & z. That they're all diverted into a place where they are just dealing with after effects because when we regulate something which is usually what that other path means, we're automatically allowing it in because you only regulate an ongoing operation. That's what the verb means. And so we're relegated away from deciding what our future's going to be frontally and actually driven like cattle down a shoot into this regulatory process where we're told the only thing we can do is do after the fact kind of stuff. And it's all isolated because when you do that and it becomes about wetlands in one place and ??? effect in another and some kind of emissions or trucking in another place we don't see the common denominator about what we're working on and so we're all very isolated.

The groups rise up. They usually become fundraisers for the lawyer that they hire to deal with the regulatory permit approval process at the state and federal level and then they burn out after sometimes two years, sometimes four years after sometimes eight years and in fact in our experience the regulatory system is built precisely to do that, to burn people out. And so there isn't even... E.O. Wilson talked about extinction as being the death of birth. We can't even create a movement that liberates communities towards self governance because we don't see other people doing it and we're not doing it ourselves because we're diverted into these dead ends. The regulatory dead ends. And so in reality it's tough to build a movement at all when nobody's practicing what the movement needs to become and number two as an offshoot of that nobody sees other people doing it.

So the corporate boys have been doing a really good job of isolating us, throwing out the common denominators, making every case special and after a hundred years of being whacked with that, most communities don't even have a knowledge of what it was like before that time. And so these Democracy Schools that we began back in 2005 going back to the specific point you made about growing awareness and how slow it is, we came to an understanding that it wasn't enough for us to respond to communities and go and help them draft ordinances and legal frameworks. We actually had to set up a school that people could come into and we teach them their own history and we say "this is where your structure of law came from and this is what it means" because in the

U.S. we tend to do activism without any understanding of what the history is that has dropped us into this place in the first instance. We want to do the hand to hand combat and so we look for the nearest stick to beat the Walmart coming in or whoever's coming in and the nearest stick has actually been created by Walmart because they put into place the regulatory mechanisms that deal with land development so we grab onto it because it's the easiest thing to grab onto. We don't stop and think about how that tool has been created for us by the folks that ostensibly we're supposed to be opposing.

So the Democracy Schools which are these two or three trainings that we do in 24 states across the country were really intended for people to come in and learn that we've been snookered and that there's actually a method to the process that we've been put through to change how we think, to change how we, what we pursue as activists and to really control our activism. We talk about our activism being regulated itself which means that we're following a script that someone else wrote for us when we do our activism which makes us predictable and the big question about Democracy School is how do we make ourselves unpredictable and how do we begin writing a script that the corporations have to follow rather than always following the script that the corporations wrote for us through the regulatory process and that's been a big chunk of our work over the past ten years now.

KR: Well, this is brilliant stuff and it speaks directly to the place where we remain fundamentally asleep. I think we can make a sharp distinction between authority, our authority and legal authority. We, if we have any desire whatsoever to have any say so in our lives, in our own local community lives, it's us who are, it always comes back to us to penetrate into the riddle of why we're so perpetually hog tied and ineffective and as I said getting rolled and see just where we are failing to adequately perceive the man behind the curtain or to perceive the mechanisms that keep us tied, tied up and like that. So if we're trained to bow down to the law, to always bow to the law then the price of doing that is that we sacrifice or we give up our native authority or our generic authority to any sort of self-determination. We're in fact slaves to a system that's been created by institutions or entities that have private motives that don't include our welfare.

TL: I think that's absolutely on target. I think a lot of the work that we do is really aligning native authority, in other words, this idea from the Declaration of Independence and of course from the diggers and levelers and folks way before we stumbled on self-government as an inherent right rather than something handed down by a king.

KR: No kidding.

TL: That our job is to take that great language in the Declaration of Independence and as people we are born with certain inalienable and fundamental rights and we create governments to actually protect those rights. After all it wouldn't make any sense if we're born with rights and we create governments that actually destroy those rights, but in most cases that's the situation we've found ourselves in. That our job is to align those, that native authority, that inherent right to govern ourselves, our inherent right to local self government with law. So when we go into a community who's facing a factory

farm coming in, at the beginning people think that's an issue of odor or manure pollution or of water pollution or something along those lines because they've been colonized to think that way. That it's about the impacts and effects rather who's making decisions about what agriculture is going to look like. When a factory farm comes in, it's not just a new method of production for industrial livestock production, it's actually someone else has made a decision that livestock production and agriculture's going to look a certain way within a certain community and it's not the majority of the people within the community making that decision. It's actually a small minority of corporate decision makers who have said, "hey, we're going to remake agriculture in this vision because it's beneficial to us to do so."

So when that facility comes in, our primary job as organizers is actually to work with the community to deepen their understanding of what the true structural problem is and then to begin engaging in a community wide discussion about what the structure of law needs to actually subordinate the decision makers' decision, in this case to remake agriculture in their vision with the vision to subordinate that to the vision of the community majority and to actually align the native authority and inherent governing authority and the right to self-governance with the structure of law that's operable within that community. To date over a hundred communities we've worked with to actually make that transition so that folks are no longer saying "well, the problem here is odor or water pollution but the problem here is the corporatization of agriculture and that someone else and in fact a minority is making decisions and then actually shoving it down our throats at the community level about what ag is going to look like in our community."

What we found is that the only thing that's powerful enough to make people rethink what the system of law and the structure of law has delivered to them is really something that happens next door that is imminent. Some kind of an assault that threatens their homes, their land, their families, their children. Something that is that upfront and in your face that you can then sit down and have a conversation with people about the why. The Democracy Schools all came about because of the question "why?" It sounds so simple, but that's how they happened which was we would go into a community and people would say "well, we don't want this thing" and we would say "well, you have no legal authority under the current structure of law to say 'no' to it" and they would say "why is that?" and we would say "well, it's because basically you're in a box that's been created over the last hundred years whereby you're allowed to do certain things but not others and if you try to do the others then you get smacked down by the system of law enforced by the corporation that's attempting to put something into the community." And people would then say "well why is that? Why are we in that box? We want to know the answer to that." And that why goes back to the constitutional structure which was actually a replica of something called English Common Law which was created at a time, rise of capitalism in England and the use of the law to actually legalize some of the worst aspects or some people would say the core aspects of capitalism like privatization of water supplies which happened back in the 1600s.

So the law was being used to legalize not only the taking of the commons, privatization of the commons, in the instance of water privatization, taking something that was commonly, seen as commonly owned to being privately owned but also to legalize the violence that was necessary to suppress the folks, the relatively small number of people who stood up courageously to say “we don’t like the direction things are going. We want to stop it” because you had folks dependent upon the commons and whether it was the fencing that happened, the enclosure movement, whether it was privatizing the water, the structure of law was created during that time after the Norman invasion in 1066 all the way up to the 1600s. That finalized and perfected this English structure of common law which basically put the interest and values of property and commerce above the interest and values of the people, communities and nature. And our folks here, using that “our” loosely because the folks that wrote the U.S. Constitution of course were white men of property. If you were a woman, no need to apply. If you were an African American, you certainly weren’t participating with full rights. If you were white male without property in fact you couldn’t get in the door and the structure of law that was written unsurprisingly to us used English common law because the lawyers that wrote the U.S. Constitution were basted in it.

In fact culturally in addition to bringing over that English common law which they viewed to be the best in the world, they also brought it over for another reason which was that they looked out at the American landscape and saw unlimited natural resource base that had to be exploited because the way you gained economic growth and thus progress and became a world player was to most efficiently use the natural resources that you had not only augment your base but also to export out to grow the wealth of the country and so it fit in very nicely for them because putting the interest of property and commerce above people, communities and nature made sense because they were looking to exploit those natural resources as quickly as possible. This is not to pass judgment on them. This is just to say that was the reality of the times. They didn’t know about deforestation or global warming or any of these other things. In fact the concept that we could even have an impact on the planet at that point was probably way beyond their understanding and so it’s no surprise that we ended up with the structure of law that we have. It’s a logical progression from A to B. The question is now is can we build the types of communities we need to build from a sustainable perspective when we’re stuck within a structure of law that’s an archaic holdover from the 1700s. This is not to say you throw the baby out with the bath water because when most people say “do you like the Constitution” and people say “absolutely! You know, freedom of speech, freedom of association, the 14th Amendment right to due process, equal protection.” They’ll go through a litany of Bill of Rights protections and the 14th Amendment; most of them don’t understand that the Bill of Rights and the 14th Amendment were pushed in. They had to be forced into the constitutional framework by the anti-Federalists and by the abolitionists dealing with the 14th Amendment so these were movement based additions to the Constitution that came in afterwards. Most people don’t understand that piece of it.

When people talk about the parts of the Constitution that they’re really supportive of, it tends to be the Bill of Rights rather than the structural pieces of the Constitution which

were actually put in place to put the rights of property and commerce over the rights of people, community and nature. In a roundabout way the Democracy Schools, the one fundamental question that they ask in the end is “can we build sustainable communities that are built on democratic right to local self government when we’re stuck within a structure of law that is constitutionally DNA’d us as one in which the rights of property and commerce supersede the rights of people, communities and nature and the answer we’ve come to as an organization is “no, you can’t” and so structural change is needed and the only way to drive the structural change is for communities to come to that conclusion on their own and then stitch themselves together to then push upwards so that more structural change occurs so they’re not always on the receiving end of the Walmart or hog farm corporation or whatever else is seeking to come into their community.

KR: Right. Your mission statement includes the rights of nature and I’m a great fan of the late Thomas Berry who demonstrated pretty conclusively that the constitution that we’re currently operating under needs to be reconfigured, rewritten to account for the fact that this is 2010 and not 1800 anymore. That like what you said about our behaviors in centuries past were appropriate to that stage of our development and that historical context that we were in at the time, but we’ve moved on and things have changed and we need to see to it that the institutions that govern us that we live by reflect today’s reality and of course sustainable is just a synonym for survivable.

TL: Absolutely. The interesting thing about the rights of nature work which for folks who haven’t heard of it before, as you mentioned, Thomas Berry laid the philosophical groundwork for it and other folks have added other practical considerations about how environmental laws work in the United States today. For example, the environmental laws...

You know people think about their stated regulatory or EPA as actually protecting the environment because after all it’s in the name of the regulatory agency, the Environmental Protection Agency for example, but when you look more closely at it, they’re actually, the EPA and the environmental laws in this country are really about development. They’re about permitting certain actions that would otherwise be illegal under the system of law. So for example, it was interesting to go back and read the Clean Water Act. I went back and perused through it. I hadn’t done that in a couple of years. Reading through it, Congress would call for the end of all discharges into waterways by a date certain. I think it was the late 1970s and what happened instead was a permitting system was set up so that if you wanted to put something into a waterway, you had to apply for a permit from the agency and in essence the permit that the agency gives out is a legalization mechanism. It’s to say it’s okay to dump fifty pounds of phosphate into such and such waterway. It actually permits something that would otherwise not be permitted. So it’s a different way to look at the regulatory agencies which is even when working perfectly, the regulatory agencies are simply regulating the rate at which we destroy the natural environment. They’re really not about environmental protection. They’re about regulating the rate at which we go about environmental destruction.

The reason why the rights of nature work is so different and like Thomas Berry says the reason why it's so needed and the reason why as you mentioned, the structure has to be changed to incorporate it, is that under the rights of nature material, instead of only the people that use a natural resource having rights from it...So for example when a stream gets polluted under our current system of law, the only folks that have legal standing to come in and try to defend the river somehow are the folks that use the river, like the fisherman for example who fishes in the river. The pollution has now cut off his right to fish the river and so he goes to court and says "I fish here once a week and because I can no longer fish here, I've suffered damages." In the eyes of the judge and the eyes of the court, the court doesn't see the river itself. The court only sees the fisherman and in fact only sees the damages suffered to the fisherman. In others words only individuals who have exploited or used the resource in the eyes of the law are entitled to damages. The river never appears in the court. The ecosystem that it supports never appears in the court. What the judge does, he calls up the fish market and says "what's the value of the fish that the fisherman used to catch" and then awards damages to the fisherman.

The rights of nature material is based on a different assumption, a different premise. It is that the river itself has rights and that people from the communities in which that river exists and functions and lives should be able to step into the shoes of the river itself to actually defend its rights. It's a fascinating shift because it means that rights do not only apply to humans. Rights are being extended out in this case to ecosystems not just because it's a pretty thing to do and not just because it's the right thing to do. Although it's both of those, but if we don't, then the only damages and the only recourse that exists within a court of law is to those people that have exploited the resource. If we do not recognize that the resource itself in this case the river itself has the right to exist and flourish, number one there is no way to score damages or obtain damages for redress to bring the ecosystem back to its pre-damaged which of course people mouth all the time that it's the goal of the environmental laws, but it really isn't because the monies never go back to restore the resource to its undamaged state, but also to allow the community itself to claim stewardship or claim some kind of interest to be able to stand in the shoes of the river so that environmental protection becomes not just something that just a small sliver of folks do but it's understood as integrated into the community itself.

The rights of nature stuff, the work is very exciting. Two dozen communities in the United States, municipalities across the United States, have passed local ordinances that recognize that ecosystems within their boundaries have rights of their own and actually grant legal standing to individuals within the community to bring suits to recover damages whenever those rights are infringed or violated on behalf of those ecosystems.

A couple years ago we were asked to come down to Ecuador to assist the Ecuadorians with writing their new constitution to include rights of nature within their national constitution. That language made it in. They used among their own indigenous understanding of nature because of course all we're doing is reinventing and codifying

an indigenous understanding of what nature should be in terms of its place in part of this holistic model or holistic system that we have. In addition the Ecuadorians used some of the material from the U.S. municipalities, the language and how those municipalities have codified the law and used that as well. What became was an amalgamation of those concepts which was then ratified by the people of Ecuador, so Ecuador became the first country to make this transformation from a regulatory based environmental system to a rights based one. It is a very exciting transition for the entire country to make and in fact the rights of nature is now being talked about more and more in Ecuador as people try to fight off some of the oil corporations that are attempting to come in and drill for oil again and again in the Amazon. The rights of nature stuff we see as a companion to democratic rights being liberated in that it's all about community rights so it's not just about people living in the community, it's also about the natural systems that support life in the community. So moving forward in a holistic way to figure out how to reverse the coin so that property and commerce don't always trump people, communities and nature, but the people, communities and nature actually trump, in terms of interest and values, property and commerce, which means turning the constitutional structure on its head. That is what I find particularly interesting in the whole rights of nature conversation.

KR: Right. Well, this is life and death. This is vitally crucial if we're going to have any future at all. That this conversion become, permeate our collective understanding and begin to make inroads into our institutions. It brings to mind the old saying that "we know the price of everything and the value of nothing."

TL: Yes.

KR: I'd like to read a quote from something I took off one of the websites. These may be your words or maybe perhaps a colleague of yours or someone else's. The quote is "It is essential to recognize the political nature of law. The rule of law has distinct biases. It is not impartial, not disinterested." Just to come full circle to the beginning of our conversation, just preparing to engage you on the radio here, I'm shocked. I didn't know and I suspect that very few of my friends and neighbors know or understand how this whole thing is set up.

TL: A lot of people don't want to know. [TL laughs] It tends to be in the communities in which we work that there's always a slice of the community that when you tell them the truth, when you tell them exactly how the system operates and the Democracy Schools are actually built as one big proof. It's almost like a mathematical proof because you can prove this stuff. It's not Tom Linzey coming in or Mari Margil or the other folks on our staff who work with communities and do organizing. It's one thing to listen to us come in and tell you stuff that sounds maybe kind of crazy from what you've know in your past, but it's a whole other thing to lay out the examples and to say here's what happened in Wells Township, Fulton County, south central Pennsylvania. Here's what happened in Mount Shasta, California, a small town in northern California that's now faced with cloud seeding. A corporation, PG&E, wants to seed the clouds to fill their hydropower reservoir so they can maintain a certain level of electrical production. This

is what's happened in Bethel, Alaska where a company wants to ship chemicals up the river to aid in gold mining. This is what has happened in Nottingham, New Hampshire where folks have said "no" to... A water withdrawal corporation wants to withdraw 300,000 gallons a day from their aquifer to sell overseas. This is what it looks like in places in southern Maine where activists have risen up to stop Nestle Corporation from taking their water.

In other words all these communities run into the same thing when they stand up and want to say "no" to something. They run into the same structure of law and if they're really interested in building a movement that's going to change that structure of law permanently or as permanently as we can within the system, the fact is that those communities have to understand that they are all working on common denominators. It doesn't matter whether you are dealing with factory farms in central Pennsylvania, whether you're dealing with water withdrawals in New England, whether you're dealing with sewage sludge being dumped on land in Virginia, whether you're dealing with the Marcellus gas, natural gas drilling that's occurring in New York. It's all the same because on its surface it may look different. In fact when you go to our environmental conferences, we censor ourselves, and we isolate ourselves because we break up into each of those categories. Timber activists over here. Drilling activists over here. Water activists over here. In reality it's all the same common denominator because when these communities rise up to say "hey, we should be the ones to decide what our community looks like in twenty, forty or sixty years, not seven members of a board of directors from three thousand miles away coming in and telling us what our community is going to look like." They run into the same structure of law which says to them "you have no legal authority under this structure of law to make those decisions for your community."

If we're really interested in building a movement, we would chuck all of the differences that we find, all of the minutiae differences like paper versus plastic or how many gallons is okay to take out from this particular aquifer or should we have four thousand head hog factory farms instead of fifteen thousand head hog factory farms. Get rid of all the minutiae that we've become experts on which a lot of us worked very courageously over the years to become experts on and focus on the structural problem which is that until our communities are liberated from a legal perspective and a cultural perspective to begin making decisions that govern themselves, we will never be able to reach the goals that we set, that some folks set forty years ago which was to build economically and environmentally sustainable communities. Until more communities start challenging the existing structure and driving their own structure into place then we're screwed because at least from our perspective, it's like moving deck chairs around on the Titanic. We have no interest in appealing permits within state regulatory agencies anymore because we understand that those rules have been written for us in the unlikely event that we actually win one, we don't win much because even the remedy has been established for us within the script that's been written for us since we go through the regulatory stuff. Throwing all that off means a huge amount of education, a huge amount of organizing, a huge amount of courageous people that are willing to stand up and sacrifice. In fact sometimes sacrificing their land, sometimes sacrificing

themselves, sacrificing money and resources and all of the other things that we talk about. That's the only way a movement is going to build is when people see those common denominators as worth sacrificing for and then stitching those communities together to do something higher up the line.

It's interesting to note and I have been excited to watch Pennsylvania communities, and there's over a hundred now, who have passed these laws, came together several months ago to spark a campaign to change the Pennsylvania constitution to actually take what they're doing at the grass roots level within these communities and codify it further up the chain at this point to muscle their power as communities to begin driving something at the state level as state constitutional change. In New Hampshire the first group has formed. You have a number of communities in New Hampshire that have passed these ordinances who have come together to also talk about state constitutional change.

I think as crazy as it sometimes sounds, the movement that we're seeking which is to liberate this community self government to actually align local governing authority with a structure of law that recognizes that inherent authority to community and local self government, that that movement, for that to actually happen, it's got to be communities passing laws codifying something into their local structures and uncolonizing their brains in the process of doing so. Then in different places they come together to force state constitutional change and then as crazy as it sounds also because we have a federal constitution that's DNA'd about property and commerce over rights of people, communities and nature that eventually at some point, those state groups coming together to force state constitutional change have to force federal constitutional change. What that looks like we don't pretend to know. It could be a rewrite that actually recognizes community local self government as well as driving economic and environmental sustainability into that document. Not only do we not know, but we also understand that it's not our role to know. It's the role of those people who are merging out of those grass roots things to actually put it together in the end. Without changing that constitutional structure, we're left banging our heads against this archaic system of law that doesn't recognize us as self governing citizens, a self governing resident.

KR: Right

TL: It doesn't recognize our communities as having any kind of local governing that would supersede what the corporations using the state government to maul communities would be. It needs to change that structure and the only way to do that, I think, is through these community struggles through which people open up their brains to understand that they've been misled. They've been fooled and that they need to write a new structure of law that's not based on the same thing that's two hundred years old.

KR: Right. We literally can't afford to continue to be suckers.

TL: I believe that we can't afford to live with... There's a quote not coming to my mind right now, but it's something about when the present needs of survival outstrip the stories of the past, that's when change occurs. It may have been Howard Zinn. It may have been somebody else. We're coming to that point. We're over the precipice now.

KR: Right.

TL: People talk about "are we going past the edge of sustainability or where are we?" Our opinion is that we're way past it and we're talking about basic survival on the planet. This isn't just about a pretty idea about democracy. It's about are we going to survive on this planet or not and what are we going to take, what are we going to destroy in the process before we come to the conclusion that we have to build a different kind of society. In essence the organizing is about going into communities when they call us because we're kind of like vampires. We can't come in unless we're invited. The community says "come on in and help us" and we go in and the community says "what do we need to do." We say "well, you know here's the map." We draw the map for them. This is what you're going to run into. This is the structure of law you are stuck in and it's up to you guys as to whether you're ready to take this thing on or not or whether you're just going to accept the ten thousand head hog farm or whether you are going to move away from the property that's been in your family for the last thirty generations. People in communities have to step up to the plate to say "yes, we're going to do this." When they do, all kinds of creativity emerges. We charge our batteries best when we're working with those communities. I've learned that those folks are the ones on the cutting edge of change. It's not the environmental groups. It's not the other organizations that in some ways pretend to be doing real structural change. It's the folks on the ground who when they come face to face with that structure, then decide internally that something's wrong and that they need to invest time and resources to try to change it. That's going to be the marker of success in terms of whether the constitutional structure is actually changed.

KR: Right. I can't thank you enough for coming on the show. Your clarity, the presentation you've just delivered to us is just clear as a bell and I can't imagine anything more important. Well, it's tied for first place with a lot of other things, but certainly you educate us and point us in the direction that we want. I think we really want with our very hearts and souls, I think we want to survive. We want to have a life for our children and grandchildren and a good life. We can have it if we can regenerate our self respect and pay attention and take responsibility for our own lives. The way, the path is clear. I've just really enjoyed your presentation to us and I thank you so very much.

TL: Well, thanks for having us on the show.

KR: Speak to you again

TL: Thank you.

KR: Thank you , sir. Thomas Alan Linzey from Spokane, Washington. The Community Environmental Legal Defense Fund, CELDF. He's the co-founder, executive director and chief legal counsel. Brilliant stuff.

For more information about the Community Environmental Legal Defense Fund go to <http://www.celdf.org/index.php>.

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