

A DECLARATION of RIGHTS

and

A CALL for UNITED ACTION

by the

Itasca Progressive Caucus

Rights Project Committee

Roger Francis, Chair

David Alban

Barb Anderson

Vicki Andrews

Valerie Conner

Mel Thoresen

PREAMBLE

We live in perilous times. Climate change is seriously disrupting ecosystems; species extinction is occurring at an alarming rate; fracking is polluting aquifers; pesticides are killing bees and other pollinators needed for agriculture; and soils, water, and air are all seriously polluted. Corporate agri-business is destroying small family farms, and the cost of corporate pollution is being subsidized by the taxpayers. Dissent is being suppressed by an increasingly militarized police, and our government is spying on its own people. We may protest these actions, but our government often supports and even subsidizes these activities, so further citizen action is absolutely necessary to address these critical problems.

The will and values of the people of the United States of America have been suppressed and denied by corporate capitalism and a government corrupted by wealth. With property and commerce enshrined in the Constitution, the wealthy elite have gained control of our political process, our government, and our day-to-day lives, making most Americans indentured to an economic enterprise designed to siphon wealth from the 99% to the top 1% with a total disregard for the needs and values of the people. Individual and Community Rights have been overridden by rich and powerful corporations seeking even more money and power, taking over control of cities, states, and even our national government.

We believe that we, the people, have the power to build a better future for our children and all future generations—of all species. We believe that if we stand together and work together for the critical changes needed in our country, we cannot fail. We dare not fail!

From childhood we have all heard about the Individual Rights that we enjoy as citizens of the United States of America. The basic human rights of life, liberty, and the pursuit of happiness and the additional rights enumerated in the Bill of Rights and subsequent amendments are held sacred by most Americans. We are proposing that we, as geographical communities of people, are in need of additional considerations to prevent the super-rich and powerful corporations from destroying our homes, our towns, our ecosystems. To that end, we have added Community Rights to our document. We also believe that the Rights of Nature have too long been ignored, which has led to the environmental disaster that is now facing; thus, we have added Nature's Rights.

The rights of individuals, communities, and future generations to a clean and healthy environment is inalienable and cannot be bought or sold. Communities have the right to self-representation and self-determination, including the right of free, prior, and informed consent to activities that could harm nature and/or affect future generations. Communities and their residents have the right to environmentally sustainable economies that include work practice, commerce, and economic systems that do not sacrifice ecosystems nor put them in jeopardy.

Residents of Denton, Texas recently tried to protect their lands from Vantage Energy, a Colorado based natural gas developer. Fracking in and near their town was causing many problems for the people, and the people had had enough. They gathered together and passed a legal referendum banning fracking in their community. Their success was short-lived. The corporate lobbyists went to the state legislature to overturn this local initiative. The Texas legislators voted against their own constituents and for the big money interests of the corporation. Governor Greg Abbot signed a law prohibiting cities from banning fracking in their jurisdictions. After a seven month moratorium, the fracking began again. In February 2015 in Ohio, the state supreme court ruled that the state has "exclusive authority" and that cities can neither ban nor regulate fracking. On

Saturday, May, 15, 2015, Oklahoma Governor Mary Fallon signed a bill that similarly prohibits cities from enacting drilling bans despite rising concerns over the growing numbers of earthquakes tied to fracking activity in the state. (Maria Gallucci in *International Business Times*, June 1, 2015.) This is less “government of the people, by the people, and for the people” and more “government of the corporations, by the corporations, and for the corporations.”

Human governance systems are failing to prevent humans from degrading the natural systems and processes which support life. Most contemporary governance systems are designed to facilitate the domination and exploitation by humans over “the Earth Community”: the soil, the air, the trees, and all the beings who call Earth home, including mammals, reptiles, fish, birds, and insects.

It’s time to realize that our very lives and those of our children and grandchildren depend upon the health of our planet. We need to see ourselves and all those around us as a part of the natural world. We have considered and addressed Nature’s Rights in this Manifesto. We believe that it is time that we join other nations in recognizing the needs and rights of Nature. The Ecuadorian people ratified a new system of environmental protection when they rewrote their constitution. Bolivia, New Zealand, and some U. S. communities have also worked on this issue and have paved the way for us. Now is our time to stand up for Individual, Community, and Nature’s Rights.

We believe that the individual owes his or her existence to the community, and the community in turn depends upon and adapts to its environment. The individual, the community, and its environment are all interrelated, interconnected, and interdependent. The rights of individuals, communities, and future generations to a clean and healthy environment are inalienable and cannot be bought or sold. The rights of all communities—human and ecological—are superior to the rights of corporations.

A Brief History of the Failure of Our Government and the Rise of Corporate Power

Ever since the Supreme Court's Dartmouth College Case in 1819, corporations have been afforded some rights of individuals. But it was the Fourteenth Amendment, adopted in 1868, that over the years the Supreme Court used to extend the individual rights and privileges of due process and equal protection to corporations. Since then, corporations have fought for and largely won the rights to participate in political debate in every way short of casting a corporate ballot. As money has become more influential in the outcome of elections—be it ballot issues or candidate elections—this legal fiction of Corporate Personhood has allowed the deep pockets of corporations to have disproportionate influence on public opinion and therefore in effect supersede democracy. Making the most money possible has always been a prime objective of corporations. Increased political influence has allowed corporations to write the laws and regulations under which they operate, which in turn allows them to maximize their profits without regard for the public good.

With the global corporatization of our economy and the rise of trans-national corporations, loyalty to any one government or nation is diminished. Coupling that diminished loyalty with increasing political influence can only lead to a dramatic undermining of our democratic system. Anytime the choice is between corporate profits and the public good exhibited in such issues as fracking, environment-threatening pipelines, worker rights, human rights, and even war and peace, powerful, amoral corporations with their armies of lawyers and lobbyists have through legislation, regulation, and propaganda turned our democracy into a mythical illusion. This gives the corporations the power to ignore the sustainable future of mankind for a favorable balance sheet at the end of each quarter.

We, the People, do have rights, which are delineated in the Bill of Rights and in later Amendments. Too many of our elected representatives give lip service to these rights but do the bidding of their corporate paymasters who fund their campaigns. The primary problem we face is that it is the very structures of law that have alienated us, the people, from our rightful place as the primary decision makers. Over the years, our government has given the corporations enormous power and then protected their privilege and property with government resources and power.

We need to stand up for ourselves and for future generations and exercise our authority to take back our sovereign rights as people. To do that, we need to be clear and united in what those rights are. The need to reclaim these rights and to acknowledge others in order to protect our communities and the environment is the bedrock on which this proposed action is based. Recently, the United Nations, Ecuador, non-governmental organizations (NGOs), and others have attempted to update and expand upon these rights. We embrace those efforts but find them incomplete; therefore we offer the following as an expanded list of rights of all humans as well as communities and Nature itself.¹

SECTION I

INDIVIDUAL RIGHTS

Findings and Authority

We, the People of the United States of America, operate politically as a representative democracy, which means we elect representatives at federal, state, and local levels of government in the expectation that they will enact legislation consistent with the will and interest of the people.

As asserted in our founding documents of the Declaration of Independence and the Preamble of the Constitution, governments are instituted to secure and protect the rights of the people and affirm that all political power is inherent in the people. The Declaration of Independence recognizes as inalienable—those that cannot be taken away, denied, or transferred—the rights of Life, Liberty, and the Pursuit of Happiness. We now refer to these “inalienable” rights as human rights, those that exist because we are human. (For an expanded list of current and proposed individual rights, go to Appendix A)

Life presupposes the right to acquire the basic necessities of life.

Liberty is the freedom to be, to make decisions, and to act in terms of one’s interests and concerns. The First Amendment delineates these human rights as Freedom of Religion, of Speech, of the Press, of Assembly, and the right to petition the government for redress of grievance.

The Pursuit of Happiness involves rights and freedoms in everyday life. To that end, the Constitution also provides civil or legal rights to citizens including: protection of life, liberty, or property, equal protections under the law, and voting rights. Citizens also have specific legal rights if accused of a crime.

We believe that these rights need to be expanded to coincide with this time in history. These additional rights include:

Gender Rights involve the rights of all people to be treated equally, fairly, and without bias. These include the rights to be treated with the same consideration as others, to be protected from sexual and domestic violence, to be treated with dignity when victimized, and to be able to have access to appropriate contraception as well as safe and legal abortions as necessary.

Labor Rights need to be delineated because many of these rights are stated not as rights but as restrictions preventing the government from denying those rights. These include our First Amendment rights being extended to the workplace, a living wage, collective bargaining, due process, and no punishment or dismissal without just cause.

Education Rights benefit both the nation and the individual. These include an education free from bias, free public education, knowledgeable teachers, and a safe learning atmosphere.

Healthcare Rights include the right to affordable healthcare including preventative, emergency, medical, dental, and hospital care. People also should have the right to reject medical care which involves access to informed end of life decisions.

SECTION II

COMMUNITY RIGHTS

Findings and Authority

Community Rights differ from Individual Rights in that groups of individuals, specifically a land-based, place-based community, have rights separate from the rights of individuals. Community Rights only make sense if the community has the power to make decisions based on the needs and best interests of the people who reside within that space and have an opportunity to participate.

We recognize that environmental and economic sustainability cannot be achieved if the rights of community majorities are routinely overridden by corporate entities claiming legal powers, and we believe that local legislation that embodies the interests of the community is **mandated** by the doctrines of the consent of the governed and the right to local community self-government.

We believe that the protection of residents, neighborhoods, and the natural environment constitutes the highest and best use of the governing powers of a community; therefore we set forth, as essential to effective self-government on the local level, residents have the right:

- To approve, as neighborhoods within the community, all zoning changes proposed for their neighborhood involving significant commercial, industrial, or residential development.
- To have justice and a police force managed by civilian oversight. This police force must be appropriately trained and held fully accountable for all its actions to an elected panel of citizens.
- To participate in a locally-based economy to ensure local job creation and enhance local business opportunities. This right shall include the right to have local monies reinvested locally by lending institutions and the right to equal access to capital, credit, contracts, incentives, and services for businesses owned by community residents.
- To access, use, consume, produce, and distribute foods generated from sustainable farming practices, and to produce crops free from infection or infestation or drift by any means from genetically engineered life forms or genetically modified organisms (GMOs).
- To have sustainable access to use, consume, and preserve water drawn from natural water cycles that provide water necessary to sustain life within the community.
- To have access to a free and open Internet (net neutrality), which shall include, but not be limited to, the right to access, use, send, post, receive, or offer lawful content, applications, or services of the user's choice without government surveillance. This right shall not be abridged by a governmental entity or by private enterprise. This right is an extension of the right of a citizen not to have one's library usage examined.

- To have an open, honest, and transparent government, which shall include the right to a legislative process free from corporate financing, lobbying, and involvement.^{2 & 3}

Communities have the right to self-representation and self-determination, including the right of free, prior, and informed consent to activities that could harm Nature and/or affect future generations. Communities and their residents have the right to environmentally sustainable economies that include work practice, commerce, and economic systems that do not sacrifice ecosystems nor put them in jeopardy.

SECTION III

NATURE’S RIGHTS

Findings and Authority

Human governance systems are failing to prevent humans from degrading the natural systems and processes which support life. The main reason for this failure is that most contemporary governance systems are designed to facilitate the domination and exploitation by humans over the other members of the community of beings, “the Earth Community,” and often also enable the interests of a property owning elite to prevail over the common interests of human society.

Since human health and well-being are derived from and depend on the continuous and healthy functioning of natural systems and processes, the legal, political, and institutional structures of society must be restructured so that their primary purpose is to facilitate and guide people to live in ways that both benefit humans and contribute to the health of the whole Earth Community. This will require governance systems that protect and balance the interests of all members of the Earth Community and that prevent the actions of a privileged minority from overriding the rights of the community as a whole.

Law is at the heart of human governance systems, and rights are central to the functioning of contemporary legal systems; therefore in order for human governance systems to be effective in promoting and protecting the whole Earth Community, legal systems must change by recognizing and upholding the rights of other than human members of the Earth community and of future generations.⁴

The Earth as a living system and everything living upon it have the inherent right to exist. The environment must be free from contamination, pollution, and toxic or radioactive waste. All creatures have the right to clean and sufficient water, clean air, and biodiverse food sources. Respect for Nature and its creatures means humans have no right to drive other species to extinction.

The individual owes his or her existence to the community, and the community in turn depends upon and adapts to its environment. The individual, the community, and its environment are all interrelated, interconnected, and interdependent.⁵

The right of individuals, communities, and future generations to a clean and healthy environment is inalienable and cannot be bought or sold. The rights of all communities—human and ecological—are superior to the privileges that have been granted to corporations.

SUMMARY

We have reviewed our nation's founding documents and studied such terms as *Life* and *Liberty* as well as the human and civil rights discussed. We went on to look at additional rights that we believe individuals and communities should enjoy at this time in history.

Since these additional and updated rights are not contained in the Constitution, we believe adding them is an important step in our country's development and that the time has come to incorporate them into the U. S. Constitution. These rights include the right to a locally based economy, protection in the workplace, a living wage, safe and affordable housing, affordable healthcare, a good education, and neutral Internet access. These can be accomplished by funding a good locally managed public education system, by supporting a justice system with a fully accountable police force with civilian oversight, by providing healthy, non-contaminated foods and clean and adequate water, and by demanding true local zoning control. This is only possible with an open, honest, and transparent government monitored by an engaged public.

We declared that individuals and communities have a right to a clean and healthy environment and informed consent of activities that could harm future generations as well as sustainable economies that will not sacrifice ecosystems. We concluded by stating that the rights of all communities—human and ecological—are superior to the privileges granted to corporations.

We concluded our review of rights with findings and authority of the Rights of Nature and enumerated those rights that we believe are critical for the future health and well-being of the Earth Community. We listed the rights that we believe Nature possesses including processes that sustain all life forms, biologically diverse and healthy ecosystems, and the Earth's rights as a living system.

The rights of Individuals, Communities, and Nature are all interconnected, interrelated, and interdependent. We will not have a healthy community in a polluted environment, nor well-developed individuals in a dysfunctional community. What we do have is a dysfunctional governance system created by wealth that has hijacked our rights and is on the verge of destroying civilization.

A CALL FOR UNITED ACTION

We like to think that we live under a government “of, by and for the people,” but that is an illusion. We “the people” are little more than indentured servants to an economic system rigged to benefit the wealthy .01 percent. Extreme inequality dominates our nation, with twenty billionaires possessing more wealth than the bottom half of our population.⁷ The current federal minimum wage of \$7.25 does not lift anyone out of poverty. The American Dream, once vibrant and alive, now lies buried under the horrendous debris of corporate capitalism.

The wealthy wrote our Constitution and with **PROPERTY, COMMERCE and CONTRACT LAW** enshrined in this document they were able, over time, to corrupt our legal system and **refashion our government into a plutocracy.** Money rules, and profits are the holy grail of the gospel of wealth.

Following our Declaration of Independence the people enjoyed sovereignty – local and state autonomy – but that changed when the Constitution was ratified and the Supreme Court began to strike down laws and regulations that threatened the profits and power of the wealthy. Now, after decades of petitioning the Supreme Court, corporations have “rights” where before they were subservient to the states and enjoyed only those privileges allowed them by the states.

The wealthy are not going to relinquish their power without a fight and we the people will not gain our rights unless we can come together as a mass movement to reclaim them. People are speaking out about our dysfunctional government and how money has corrupted our political system. Tax breaks for the wealthy and austerity for the people results in increasing economic inequality and a crumbling infrastructure. Secretly- created trade deals favor corporations and strip nations and states of the right to protect the interests and needs of their citizens. Fossil fuel corporations, concerned only with enhancing their profits, promote climate change denial, with many in Congress echoing agreement. A plethora of articles fills the internet detailing the corruption, fraud, and malfeasance of both corporate and governmental agencies. The corporate media, on the other hand, turns a blind eye to how serious the consequences are to society and to our environment.

People are beginning to take social change seriously but it is only when people come together, organize and protest as communities and states that real change is possible.

- In Pennsylvania cities and small towns have passed local laws and ordinances successfully banning fracking and feedlot farming
- Sixteen states have passed legislation calling on the federal government to abolish “corporate personhood”
- Cities and states have raised the minimum wage
- Cities and states have rejected the federal government’s war on drugs
- A group of high school students is taking the federal government to court over its failure to protect and preserve public lands

- The Sierra Club and other non-governmental organizations (NGO's) are now advocating for social activism to effect change
- After forty communities in New York State banned fracking, the state finally did so as well.

As we enter the 2016 election cycle, political dissatisfaction is at an all-time high. In both parties non-establishment candidates are garnering unimagined support. It is beginning to look like this election could signal a seismic shift away from the status quo and a real opportunity for the people to gain control of their government.

A real political revolution is possible but it will only happen if **we the people** can come together and demand it. **It is with this in mind that we have put together our Declaration of Rights. We believe that, in spite of our individual concerns, we have a lot more in common than we may have previously recognized.** Once more people come to realize this we then need to become better informed; take this message to our communities; and build alliances with others who are striving to restore political power to the people.

Individual and corporate wealth has corrupted our government and buried our rights under outrageous greed. **We will not have a democracy, community rights, or a life-sustaining environment if we fail to recognize the seriousness of our predicament and take the steps necessary to gain control of our government.** It's time to come together and fight for our rights.

¹http://www.archives.gov/exhibits/charters/constitution_history.html

²<http://thefutureofoccupy.org/2011/12/11/model-community-bill-of-rights-template-for-occupy-communities/>

³<http://www.yesmagazine.org/people-power/a-bill-of-rights-for-occupied-communities>

⁴ Cullinan, Cormac. "The Rights of Nature: The Case for a Universal Declaration of the Rights of Mother Earth." p. 89, in Ayma, Evo Morales, *et al. The Rights of Nature*. The Council of Canadians. San Francisco. 2011.

⁵*A Declaration of Rights of All Waters*, developed by Women's Congress for Future Generations, Minneapolis, MN 11/14.

⁶ <http://futurefirst.us/get-involved/take-action/> and Cullinan, Cormac; *Wild Law: A Manifesto for Earth Justice*. 2nd ed., Chelsea Green Publ., White River Junction, Vermont 2011. pp. 192-5.

⁷<http://www.cnn.com/2015/12/04/top-20-billionaires-worth-as-much-as-half-of-america.html>