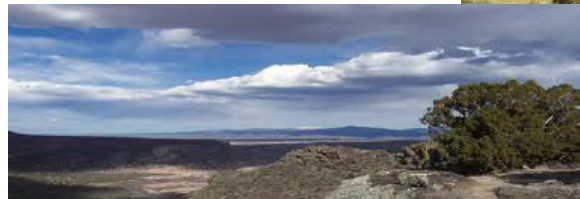


## Mora County and the Parachute Organizers

*Environmental extremists target a poor county for a ban on all drilling, not just fracking*

By Marita Noon

**Summary:** *In northern New Mexico, in one of the nation's poorest counties, environmentalists wage war against efforts to drill for oil and gas. They hope to take this fight to cities and counties across the country. Behind Mora County's ban on drilling—not just on fracking, but on all drilling for hydrocarbons—lies a Pennsylvania group that uses “Democracy Schools” to spread its message and that wants to extend “rights” to plants. (Really.)*



Scenes from beautiful—and controversial—Mora County, New Mexico.

In April 2013, county commissioners voted 2-to-1 to make Mora County, New Mexico (population 4,481), the first jurisdiction in the country to ban all oil and gas exploration and production outright. It was a triumph for an organization, the Community Environmental Legal Defense Fund, based some 1,700 miles away in Pennsylvania.

The Mora County ordinance states: “It shall be unlawful for any corporation to engage in the extraction of oil, natural gas, or other hydrocarbons within Mora County.” In June 2013, the commission voted to expand the ban to individuals as well. Additionally, under the ordinance, any permits or licenses issued by either the federal or state government that would allow activities that would compromise the county’s rights would be considered invalid.

Governments in other places have banned or imposed a moratorium on fracking (hydraulic fracturing). In some localities, such as nearby Santa Fe County, officials have enacted regulations that so

restrict drilling practices as to create an *effective* ban on oil and gas drilling. But only Mora County has been so extreme as to totally outlaw all development of hydrocarbons.

John Olivas was elected to the county commission in 2010 on a pledge to enact the ban—the sole plank in his platform, according to the *Roswell Daily Record*. With the support of another commissioner, he took over in 2013 as chairman of the three-member body, ousting a ban opponent from the chair. (She remained on the commission as a member, and cast the dissenting vote on the ban.)

Sofia Martinez, a local “environmental justice” activist who supports a moratorium on drilling, but not a ban, complained that, at the session where the ban was passed, most participants were outsiders. “From the record, we know that 31 people spoke on the ordinance,

[and] at least 2/3 were not from Mora County,” she wrote. “They were in the majority of cases ‘parachute organizers’ from Santa Fe and San Miguel County. Poor Mora County, so far from Heaven, so close to Santa Fe and Pennsylvania.”

Chairman Olivas, it should be noted, wears two hats. In addition to chairing the county commission, he is described on the website of an environmentalist group, the New Mexico Wilderness Alliance (NM Wild), as the organization’s Traditional Community Organizer:

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As Traditional Community Organizer, Olivas represents traditional communities in northern New Mexico focusing his conservation work with grazing permittees, land grant members and Acequia Mayordomos [managers of irrigation ditches or canals] and Parciantes [people who receive water allotments from the ditches and canals]. In addition to his role as traditional community organizer for NM Wild, Olivas is chairman of the Mora County Commission.

[The term “traditional community” refers to an area that has been populated mostly by the same families for generations.]

The ban has been challenged in two separate lawsuits. In response, Olivas asked, “Why is it wrong for citizens of Mora Country to say no to corporations?”

Olivas characterizes himself as part of a great crusade, noting that “we see these lawsuits as merely a beginning of a waking up that must occur across our communities and the country to understand that we are caught within a system that virtually guarantees our destruction.” The anti-drilling effort, he has said, is part of a movement that is bigger than it seems—bigger than an oil and gas ban in an area that doesn’t have

any current drilling activity. He said he wants to “not only call out corporate decision-makers for what they do, but begin to dismantle what they’ve spent so many years building.”

Claiming that 150 communities “have now begun to walk the path the people of Mora are walking,” he told *New Mexico Watchdog*: “I think it can lead to a domino effect.”

### To New Mexico via Pennsylvania

If the drilling ban spreads, that would fulfill the goals of the Pennsylvania-based group that is behind the ban and similar measures in effect or under consideration across the country.

The Mora County measure, known as the Community Water Rights and Local Self-Government Ordinance, was drafted with assistance from the Community Environmental Legal Defense Fund (CELDF), which calls itself a “public-interest law firm.” Local activists involved in the drafting process were affiliated with the Democracy School, CELDF’s training program for activists. (The head of the Mora County Democracy School, by the way, is Anita LaRan, the mother of Commission Chairman Olivas.)

According to CELDF’s website—

The Community Environmental Legal Defense Fund is 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. Our mission is to build sustainable communities by assisting people to assert their right to local self-government and the rights of nature.

Established in 1995, the Legal Defense Fund has now become the principal advisor to community groups and municipal governments struggling to transition from merely *regulating* corporate harms to stop-

ping those harms by asserting local, democratic control directly over corporations.

CELDF states on its site that it “has assisted more than 150 communities across the country to establish Community Rights ordinances that today are protecting communities from a range of harmful practices, from shale gas drilling and fracking to the land application of sewage sludge.” The organization claims that more than 350,000 people live under “governing frameworks” that CELDF has helped create.

CELDF was behind a 2006 push to enact an ordinance in Blaine Township (located in Washington County, Pennsylvania, with a population of 597) that would have stripped corporations of the status as a legal person—a status, longstanding in the U.S. legal system, that prevents individuals from losing their rights when they join together to form businesses or charitable organizations. Another CELDF-backed ordinance in Blaine demanded detailed reports from any corporation doing business in the township, and a third banned mining by corporations. Local supervisors attended one of CELDF’s Democracy Schools and, according to Blaine solicitor Dennis Makel, “thought, based on those presentations [at the school], that they would prevail.” They didn’t. The measures were thrown out by the courts.

CELDF has spawned numerous organizations around the country, including the Colorado Community Rights Network, which is currently attempting to put an anti-drilling initiative on that state’s ballot in November 2014. The *Boulder Daily Camera* reported in January: “A movement is under way to put a ballot measure before Colorado voters in November that would give local governments across the state the power to protect the health and safety of residents by banning or restricting oil and gas drilling and other industrial activities now permitted by state law.”

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**Editor:** Steven J. Allen  
**Publisher:** Terrence Scanlon  
**Address:** 1513 16th Street, NW  
Washington, DC 20036-1480  
**Phone:** (202) 483-6900  
**E-mail:** [sallen@CapitalResearch.org](mailto:sallen@CapitalResearch.org)  
**Website:** [CapitalResearch.org](http://CapitalResearch.org)

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The Colorado Community Rights Network reportedly claimed 50 members as of January.

### Plants have rights

From Ohio to Colorado to New Mexico and beyond, CELDF wields its influence. It even bragged on its website that its ideas made their way into the constitution of Ecuador, which guarantees the “rights” of animals and plants, including (as the *New York Times* put it) nature’s “right to the maintenance and regeneration of its vital cycles, structure, functions and evolutionary processes.”

According to an NPR story to which the CELDF website links:

The Community Environmental Legal Defense Fund argues that greenery does have interests—and rights. The Pennsylvania-based nonprofit works with communities around the world to “craft and adopt new laws that change the status of natural communities and ecosystems from being regarded as property under the law to being recognized as rights-bearing entities.”

Establishing a legal system in which natural communities and ecosystems have an inalienable right to exist and flourish, says Mari Margil of CELDF, “places the highest societal value on those natural systems and communities.”

Under such a rights-based system of law, Margil says, “a river may be recognized as having the right to flow, fish and other species in a river may be recognized as having the right to exist and evolve, and the flora and fauna that depend on a river may be recognized as having the right to thrive. This legal framework seeks to protect the natural ecological balance of that habitat.”

Funding for CELDF has come from such sources as the Heinz Endowments of Pittsburgh, chaired by Secretary of State John Kerry’s wife, Teresa Heinz

(\$162,000 from 2000-2002); the Norman Foundation of New York City (\$180,000 from 2003-11); the Jessie Smith Noyes Foundation of New York City (\$165,000 from 2001-11); and the Park Foundation of Ithaca, New York (\$135,000 from 2008-11). It has also received support from RSF [Rudolf Steiner Foundation] Social Finance, a leader in what the magazine *Inc.* calls “do-gooder finance.”

CELDf’s Board of Advisors includes a number of well-known environmentalists and left-wing activists, including:

► Josh Fox, director of the Oscar-nominated 2010 documentary *Gasland*, which depicted flammable water emerging from water faucets and blamed it on fracking. (It turned out that the water in that area had been flammable—mixed with methane—for hundreds of years, at least.)

► Jerry Greenfield, co-founder of Ben & Jerry’s Ice Cream and president of the Ben & Jerry’s Foundation. The foundation has funded leftist groups such as ACORN, Global Exchange, the Institute for Policy Studies, Physicians for Social Responsibility, the Tides Foundation, and the Union of Concerned Scientists.

► Randy Hayes, founder, Rainforest Action Network. The May 2005 issue of our sister publication *Organization Trends* described RAN as “a tax-exempt nonprofit [that] shakes down corporations with intimidation and ‘direct action.’” The group, which has shared officers with Greenpeace and Code Pink, has received funding from the Foundation for Deep Ecology, the Tides Foundation, and the Ford Foundation, and from foundations associated with Ted Turner, Barbra Streisand, and the Rockefeller Brothers.

► Jules Lobel, president, Center for Constitutional Rights. CCR, co-founded by the legendary radical attorney William Kunstler, has received funding from such sources as the Ford Foundation and George Soros’ Open Society Institute.

► John Strauber, founder, Center for Media and Democracy. The organization has called for amending the Constitution to restrict First Amendment rights, which in CMD’s view play into the hands of corporations.

CELDf’s legal philosophy is referred to as “earth jurisprudence,” described by various sources as “based on the idea that humans are only one part of a wider community of beings and that the welfare of each member of that community is dependent on the welfare of the Earth as a whole.” This philosophy is associated with the work of the late Thomas Berry, a Catholic priest sometimes called an “eco-theologian.”

The liberal publication *The American Prospect* reported:

In 2010, heeding calls and e-mails from constituents worried about fracking, Pittsburgh City Council President Douglas Shields introduced a radical ordinance that intentionally flew in the face of American jurisprudence. Shields’s proposal started by banning natural-gas extraction within city limits. Then it went further, stripping gas companies of their rights under the U.S. and Pennsylvania constitutions. The ordinance granted rivers, aquifers, and other “natural communities” the inalienable right to flourish, and gave enforcement powers to all city residents. It invalidated federal and state permits. It prohibited gas companies from using federal and state laws to challenge the drilling ban. And it threatened to secede from any level of government that tried to weaken or overturn its action. The ordinance passed 9-0 and was subsequently adopted by four surrounding suburbs. . . .

The language in these ordinances came from a Pennsylvania nonprofit called the Community Environmental Legal Defense Fund (CELDf), which has worked with communities



nationally to pass similar measures opposing factory farms, sewage-sludge spreaders, water withdrawals by corporate bottlers, and electrical transmission lines that cut through scenic woodlands. One of CELDF's co-founders, an attorney named Thomas Linzey, describes the enact-

ment of these bills not as a legal strategy but as a political-organizing tool. Linzey expects the outrageous ordinances to attract lawsuits by industry and state government, and he hopes the inevitable courtroom defeats will provoke citizen outrage. Linzey believes this will spark a snowballing

cycle of municipal defiance, which will eventually lead to successful efforts to amend state constitutions and even the federal one.

Such tactics are a form of what is sometimes called "lawfare"—warfare conducted via the legal system.

## **“Profoundly radical individuals” like the CELDF**

*In November, following the second defeat of a CELDF-sponsored ban in Youngstown, Ohio, pro-fracking activist **Tom Shepstone** of the Northeast Marcellus Initiative wrote:*

There are three types of fracking opponents: those with true environmental concerns, the trust-funder/NIMBY [not-in-my-backyard] set, and the radicals who use the issue as leverage to promote socialistic schemes.

We don't need to worry that much about the first, as their goal is simply to get the best deal and ensure regulations are as tough as possible. One can reason with them and negotiate win-win solutions.

The second group funds all the opposition and ultimately wants only to protect its own narrow NIMBY interests. They operate with little principle and work behind the scenes to manipulate the others. . . .

[T]he third group . . . consists of profoundly radical individuals determined not to protect the environment but, rather, overturn civil society and replace it with their own special brand of tyranny.

The natural gas industry likes to talk facts and avoid wallowing in the political swamps, and well it should, but when it addresses the work of these wanna-be dictators it tends, as a result, to treat them simply as extreme environmentalists or kooks. They are both, to be sure, but they're much worse.

They are radicals in the mold of the worst the 1960s (my own hopeless generation) had to offer. It's easy to dismiss them as being so far out there they cannot possibly prevail, but we're seeing them make very tiny inroads that are costing everyone a great deal in time and money to fight. They are scoring enough otherwise meaningless little victories to embolden the trust-funder/NIMBY set. They are also making it ever more difficult for any true environmentalists to work with the industry in constantly improving fracking and other natural gas development processes for the good of our economy, our country and our environment.

We see examples of these seemingly inconsequential but, nonetheless, damaging victories in the work of the Community Environmental Legal Defense Fund (CELDF) to promote fracking and natural gas bans in Pennsylvania, Ohio, Colorado and Mora County, New Mexico.

[In Youngstown, Ohio, they failed] to get approval of a mindless natural gas ban in a city where over 88% of homes are heated with it. [They lost two referenda within six months.] Their local spokesperson promises they “won't stop until they win,” which tells us they don't mean a word of that democracy rhetoric they spout. If they did, they'd respect the outcome and admit the people spoke.

They never do and never will, though, because their particular movement isn't about democracy, the environment or the people. Rather, they're about finding a way to throw off the bounds of civil society as we know it and impose some socialistic utopian scheme that puts them in charge of us so we don't make decisions they don't like. They are little more than spoiled children still living the “if I ruled the world” fantasy we've all had from time to time.

Fracking, and environmental issues more generally, are simply convenient vehicles for getting noticed and for making little advances here and there. But, the sad history of man tells us this is how some very evil people have also come to power briefly but horrendously; by riding common sentiments to the reins of power, convincing others they are about this or that issue when they're really about something much bigger. Along the way, their little victories convince others they are part of the mainstream and not the radicals they are.

This is why it's usually a mistake to argue natural gas development or environmental issues per se with the sort of radicals who run the CELDF. That only plays into their hands by giving these extremists a platform where they can appear reasonable. Instead, the focus should be on what they actually are: a radical leftist group looking to leverage their way into power.

## Asking for a fight

The people of Mora County and of New Mexico as a whole depend on tax revenues from oil and gas drilling to help fund local schools, universities, and hospitals. The *Roswell Daily Record* noted that Mora County has received significant funds from the allocation of severance taxes on oil and gas: “The sparse county of 4,700 residents received \$2.1 million in severance tax funds from the oil and gas industry in New Mexico last year [2012]. That money [equal to \$447 per resident] paid for a \$1.8 million payment to its county courthouse complex, \$16,300 for senior center meals program equipment, \$100,000 for the Morphy Lake Dam rehabilitation project design and \$175,000 for a Wagon Mound Senior Center construction project.”

Mora County Commissioner (and former Commission Chairman) Paula Garcia cast the “no” vote a year ago. Like her two colleagues, she opposes oil and gas drilling in Mora County, but she voted against the ordinance because, she told an *E&E (Environment and Energy)* reporter, “the ordinance is so ambitious and experimental that it leaves the county vulnerable to a legal challenge by industry and then the county will have to go back to square one if it loses in court.” Garcia told the *Albuquerque Journal*, “It’s very experimental in that it has a lot of provisions in there that haven’t been tested. Most of the attorneys I’ve talked to said this is not likely to hold up in court.”

Even some supporters of the Mora County ban admit that the ban violates the state and federal constitutions. Marino Rivera, whose family has been in Mora County for generations, supports the drilling ban but told the *Santa Fe New Mexican* that he expected a lawsuit over the ban because “The ban is unconstitutional. I think we all knew that going in.” Still, it was worth a fight in court just to “make a statement,” he said.

Karin Foster, executive director for the Independent Petroleum Association of

New Mexico (IPANM), who helped file the first of two lawsuits challenging the ban, doubts that the ordinance would stand up. “I don’t know if attorneys actually wrote it; it’s extremely unconstitutional,” she says. “The person who wrote it doesn’t understand constitutional law, doesn’t understand New Mexico law, and doesn’t understand the importance of state trust land to New Mexico and education.”

The plaintiffs, led by IPANM, argue that the ban violates their rights under the First, Fifth, and Fourteenth Amendments. They say that Mora’s ordinance violates the First Amendment in that it is unconstitutionally broad, deterring constitutionally protected expression. The Fifth Amendment claim is that it is an abuse of government authority to infringe on people’s interest in real property. The Fourteenth Amendment claim is that the ordinance violates the plaintiffs’ fundamental property rights. The landowner plaintiffs all own mineral rights that are believed to contain hydrocarbon fuels. If it were not for the ordinance, the plaintiffs could seek to lease their hydrocarbon for extraction.

One of the landowners in the suit is Mary Vermillion, an attorney, who said, “My feeling is regardless of where you stand on the oil-and-gas issue, the idea that a County Commission has the right to nullify constitutional rights is insane. And that’s what this ordinance proposes to do.”

On the other hand, six members of Nevada’s Committee for Clean Water, Air and Earth (CCWAE) defended the Mora ordinance in a letter to the *Las Vegas Optic*, explaining that constitutional objections to the ban are invalid because, after all, “slavery was upheld under the constitution. Slaves were considered property. And as we know, it took a Civil War to eliminate slavery. Also, women did not have the right to vote until the 1920s and this was upheld under the constitution. Just as these unjust laws were followed under the constitution, it

should be transparent that the Petroleum Association has a false argument in their suit against Mora County simply for wanting to protect its people.”

Kathleen Dudley, CELDF New Mexico Community Rights organizer, was quoted in *Platts Gas Daily*: “The focus of the lawsuit won’t be on fracking, but on challenging the current fact that corporations like the plaintiffs have more rights than the people of Mora County. . . . We don’t have a fracking problem. We actually have a democracy problem.” The U.S. Constitution was “written by privileged white men,” Dudley told the *Roswell Daily Record*.

## Headed to court

The Mountain States Legal Foundation represents plaintiffs in the first of two lawsuits that have been filed against the ordinance. The Foundation asserts that the county lacks authority over oil and gas activities, and that the state, under the 1978 New Mexico Oil and Gas Act, has the sole authority to regulate drilling. William Perry Pendley, the foundation’s president and CEO, linked the case to lawbreaking that has become part of the national political climate.

The lawlessness we have seen emanating from Washington, D.C. has spread like a wildfire across the country. When elected politicians, senior administration officials, and career bureaucrats proudly proclaim that the Constitution is irrelevant and the law is whatever they say it is, it is little wonder that officials across the country follow their bad example. From coast to coast, isolated units of local government have declared that, regardless of what the federal and state constitutions or federal and state laws provide, they will bar their residents from using their property, creating jobs, and generating revenue and if the locals do not like it, then they can sue.

The second lawsuit was filed by Shell Western E&P Inc., a subsidiary of Royal

Dutch Shell PLC. In 2010, Shell Western leased 144,000 acres with the intention of exploring for oil and natural gas. (There has been no recorded oil/gas production in Mora County during the past 20 years, but geologists believe there is natural gas potential.) The Shell lawsuit asserts that Mora County's ordinance violates the Constitution's Equal Protection Clause and its Commerce Clause, that it conflicts with U.S. Supreme Court rulings that gave legal "personhood" rights to corporations, and that it violates other state and federal laws.

Because the ordinance divests the company of its property interests by preventing it from pursuing oil-and-gas drilling on private and state trust lands it leased in the county, the suit claims the ordinance amounts to the "taking of property without compensation." Private property owners from whom Shell leased the mineral rights claim that the ordinance robs them of their planned retirement funds and their children's.

Shell Western is asking the court not only to overturn the ordinance, but also to award the company damages. Those potential damages especially endanger Mora County, because in its pursuing of a radical ideological agenda it is opening itself to legal liabilities that dwarf the county government's ability to pay.

### Being used

Many locals were, at first, filled with pride by the idea that little Mora County was going to lead the nation in a "community rights" movement. Now, in the face of costly lawsuits, many feel they've been used. Community meetings on the issue that previously attracted more than 100 participants now have the same 30 people or so who attend repeatedly.

Residents have been quoted in the news media expressing their remorse. "People want to support a cause until they realize it is expensive," said one. "Outsiders are trying to bring California to Mora," said

another. Still another: "The county is out of control. It is broke."

The *Santa Fe New Mexican* reported many Mora County residents "believe the ban was an ill-advised move that will have high costs for an already cash-strapped county government and it will gain it nothing except attention. Others say the ordinance is an example of an outside Anglo group using a poor, minority county for its own ends."

Defending the ordinance, Chairman Olivas told the *Los Angeles Times* that the "remarkably untouched" environment "provides a sustainable living for most people." He said he wants the oil and gas folks to "leave us alone. Let us enjoy what we have." Just what does Mora County have?

According to Olivas: "We are one of the poorest counties in the nation, yes, we are money-poor, we are not asset-poor. We've got land, we've got agriculture, we've got our heritage and we've got our culture." A 63-year-old resident, Roger Alcon, told the *L.A. Times*: "We've lived off the land for five generations. . . . We have what we need. We've been very happy, living in peace." He added: "We have what we need. To me, the fresh air and the land, and water. It's better than money."

No one discounts the importance of clean air and water, but this struggle has little or nothing to do with that. And to the poor and the unemployed, money and jobs and economic growth can be important.

The New Mexico Department of Workforce Solutions reported in March that Mora County had the second-highest unemployment rate in the state, at 14.4%. It was one of only two of New Mexico's 33 counties to have an unemployment rate in double digits. The *Santa Fe New Mexican* noted that "Jobs are hard to come by. The primary employment is local government, the schools, the Mora Valley Health Services and the rural

electric cooperative. The county budget is under \$1 million."

► Mora County resident Audrey Keller hoped oil-and-gas development could provide jobs, including one for her husband, a construction worker who has had to rely on work in other parts of the state. She is a certified nurse's aide who currently works as a waitress because of the lack of local jobs in her field. "I kind of feel like a few people took the power out of our hands," she said. "It just doesn't seem like a democracy here at all. I think we should have had a discussion of what the good things could be."

► Frank Trambley, whose family has lived in Mora County for six generations, said he believes the ordinance puts the county at a "sincere disadvantage compared to other parts of the state." He says: "This decision appears to have been made with a total lack of knowledge in the process of oil-and-gas extraction. When looking at the facts, we must ask if these commissioners have ever been to the areas where the oil-and-gas industry flourishes. Those in oil producing areas, no doubt, can speak to the benefits of the industry. However, extreme Progressives apparently believe that there is no clean air or clean water in these areas. It is truly maddening to see such sweeping bans being made without accurate knowledge."

► Sofia Martinez, quoted earlier in this article, is president of the 13-year-old Concerned Citizens of Wagon Mound and Mora County. She said, "I personally attend most of the Mora County Commission meetings, and many of us are appalled at the non-transparency, unethical practices that have become common practice" since the current local government took over." Our communities are tired of being used." Martinez believes her group is now being used by CELDF to Mora County's detriment. "CELDf is clear they want this to be challenged all the way to the high court. That's fine. Just don't use us to do it."



► Samuel Valdez was born and raised in Mora County and served in the U.S. military. He is concerned for the younger generation, noting that the county needs economic development. He said he views the ordinance as a taking of property rights, that “they are taking corporations’ rights now, next they’ll come and take mine.”

Linzey and his on-the-ground operative Kathleen Dudley, who is working to get a similar ordinance passed in other New Mexico towns and communities, have convinced the commissioners and some of the people of Mora County that they are taking the moral high ground. In fact, Mora County is a guinea pig for the environmentalist/anti-corporation cause. As *E&E* reported, “Ultimately CELDF is hoping that Mora’s ordinance, one of 34 other local oil and gas ordinances it helped put on the books, will be challenged in court. It wants to test its legal argument that community rights should trump corporate rights.”

Mora County doesn’t have any drilling activity and many question whether it ever will, regardless of whether the ban is struck down. There are more than 120 leases on state lands that will all expire in months if no drilling occurs. Wells must be commercially productive to maintain the leases.

Given that there is no current drilling in Mora County, why all the fuss? Because the local law is part of a national plan. *La Jicarita*, which calls itself “an online magazine of environmental politics in New Mexico,” states that “CELDF works in a national arena and sees itself as taking the high road, a radical approach to social change that asserts the ‘rights’ of communities and ecosystems and works towards ‘federal constitutional change.’”

In November 2013, seven fracking bans were on ballots, three in Ohio and four in Colorado. Several were in locales with no potential for oil/gas develop-

ment. Fracking and drilling bans and/or moratoria are part of an attempt to build a national movement. Symbolic votes in places with no potential development are part of a strategy to organize left-leaning constituencies even in small communities, where ordinances can be passed and momentum built.

On February 28, 2014, the Los Angeles City Council passed 10-0 a largely symbolic ban on hydraulic fracturing within city limits. Officials from the agency that oversees oil drilling in Southern California said there have been no recent reports of fracking within L.A.’s city limits. Although there are 1,800 oil and gas wells in the city, only about 10% are active.

CELDF-affiliated groups have popped up in San Luis Obispo and Santa Barbara, California, and are preparing their own community rights ballot measures aimed at outlawing fracking. The CELDF website brags of involvement in these efforts. The “environmental justice” group Global Exchange has said that “in Santa Barbara, following a [CELDF] Democracy School and a crowded public event, residents have decided to work with Global Exchange to explore what a rights-based ordinance could mean for their community.” Remember that the CELDF Democracy School is what launched the effort in Mora County.

Sandra Postel, director of the Global Water Policy Project and “Freshwater Fellow” of the National Geographic Society, wrote that “Mora County’s decision—to keep more climate change-altering fossil fuels in the ground so as to preserve and safeguard local water supplies for its people—draws a more precautionary line in the sand. It’s a line other counties may want to draw, too—because without adequate supplies of safe drinking water, no region’s future is bright.”

The Left, understanding the potential

national implications, is paying attention to what happens in Mora County. ThinkProgress.com’s ClimateProgress asserted that “the amount of resources now unavailable to the oil and gas industry does not matter as much as the precedent the ordinance sets for other counties, cities, and even states that want to put an end to fossil fuel extraction. . . . If the [Independent Petroleum Association] lawsuit against Mora succeeds, there will be a strong basis for future challenges to any other similar law or ordinance. However, if Mora’s ordinance holds up in court, it will become that much harder for the oil and gas industry to challenge future bans on fossil fuel extraction that may crop up in other places.”

In short, the Mora County story isn’t just about Mora County, and it isn’t just about oil and gas drilling or about fracking. It reflects a battle being played out across America. As Karin Foster of the Independent Petroleum Association observes, “It is about business and our American way of life. It is time for industry, business and the general public to fight back to expose the hypocrisy of the people who drive their cars, turn on their lights, take hot showers, wear their Patagonia jackets, and drink their Starbucks coffee at town hall meetings in Mora County.”

*Marita Noon is the executive director of Energy Makes America Great Inc. and the Citizens’ Alliance for Responsible Energy in New Mexico. A Townhall.com columnist, she is the author of Energy Freedom (2011).*

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# GreenNotes

After **Malaysia Airlines Flight 370** disappeared, why couldn't authorities find the plane quickly? The answer, of course, is Global Warming. Plus the ozone hole. The left-wing magazine ***Mother Jones*** interviewed scientists claiming that ocean currents such as the **Antarctic Circumpolar Current** and the **Indian Ocean Gyre** have been altered, and as one interviewee put it, "it looks like that's largely due to human activities . . . Both the ozone hole and greenhouse gases are working together to change the winds over the **Indian Ocean**."

You may have heard of the "**Giving Pledge**," promoted by **Bill Gates** and **Warren Buffet**—a pledge that billionaires take, to give away half their fortunes to charity. Billionaire hedge fund manager **Tom Steyer**, formerly of **Goldman Sachs**, has taken the pledge, but at least some of his money is going to "charities" that promote Global Warming theory. Steyer and his wife have pledged \$15 million as seed money for the **Center for the Next Generation** (co-founded by Steyer and his brother **Jim**), which seeks to emulate, on such issues as Warming, the role that the **Kaiser Family Foundation** played in laying the foundation for healthcare rationing under **Obamacare**. The **Ford Foundation** has already contributed \$500,000 to the Center, and, as the ***New York Times*** noted, "given the brothers' network of connections, fund-raising is the least of the organization's worries."

Steyer has already pledged \$100 million pushing the Global Warming issue in the 2014 elections—as the *Times* put it, "seeking to pressure federal and state officials to enact climate change measures through a hard-edge campaign of attack ads against governors and lawmakers." As we noted in January, Steyer has said his goal regarding "deniers" is to "destroy these people."

*Washington Post* columnist **Charles Krauthammer**, who was a speechwriter for **Vice President Walter Mondale**, has noted the rising intolerance of the Left on Warming and other issues. He wrote that, in February, "a petition bearing more than 110,000 signatures was delivered to the *Post*, demanding a ban on any article questioning global warming. The petition arrived the day before publication of my column, which consisted of precisely that heresy. The column ran as usual. But I was gratified by the show of intolerance because it perfectly illustrated my argument that the Left is entering a new phase of ideological agitation—no longer trying to win the debate but stopping debate altogether, banishing from public discourse any and all opposition. The proper word for that attitude is totalitarian."

Of course, Warmers have a hard time keeping their stories straight. As proof of the danger facing humanity, they often point to disasters of the past—disasters that did, in fact, occur. Climate change is thought to have played a role in historical events ranging from the collapse of the **Roman Empire** to the Black Plague that killed perhaps 30% of **Europe**. One recent study, reported by the **British** newspaper ***The Independent***, held that "A long period of warm, wet weather spanning several decades helped one of history's most fearsome tyrants [**Genghis Khan**] to conquer most of **Asia** and **Eastern Europe** and form the largest continuous land empire the world has known." The problem is that such research disproves the idea, central to Global Warming theory, that the earth's climate is normally stable but is now being ruined by emissions from human industry, transportation, and energy generation. (There were no SUVs or coal-fired power plants during the time of the **Mongol Empire**.)

In July 2013, we reported on the corrupt practice of "sue and settle," in which environmentalist organizations file lawsuits designed to expand the power of federal bureaucrats, and those bureaucrats roll over and let the environmentalists win in court. The practice is particularly egregious with regard to the designation of "endangered species" that, often, aren't even species. Now **Oklahoma** and a coalition of energy groups have filed their own lawsuit challenging the practice. *Washington Examiner* columnist **Ron Arnold** wrote that the leader of the effort, Oklahoma's attorney general, **Scott Pruitt**, is "fed up with **Big Green**'s outrageously destructive sue-and-settle attacks using endangered species as a weapon to obliterate America's burgeoning oil and gas production."

Meanwhile, **U.S. Rep. Bill Huizenga** (R-Mich.) and 12 co-sponsors have introduced legislation to fight sue-and-settle by limiting attorneys' fees to \$125 an hour (same as the standard in most lawsuits against the federal government). Companion legislation would require agencies to post endangered species data online, require the reporting of money and personnel dedicated to such litigation, and require that the feds include data from affected states, localities, and Indian tribes as they make these decisions.