

COALITION TO PROTECT NEW YORK

MAY 18, 2018 9:00-10:00

MS. MAURA STEPHENS: Good day. My name is Maura Stephens. I'm a journalist, educator and activist based in the central part of New York state in the United States of America.

First I would like to thank Tom Kerns and his colleagues and all of you jurists and participants for this very important tribunal. And for shedding light on the egregious harms done by this destructive industry of fracking to people around the globe.

The testimony we present here and the evidence earlier submitted will be in support of our argument that fracking is clearly in violation of numerous articles in the Universal Declaration of Human Rights and in the Universal Declaration of Rights of Mother Earth.

I won't take time to restate them here but I have excerpted some of them on this slide. This is not a presentation of technical evidence. We have submitted that in exhibits with our Brief but we will share information that might not have come to light in other presentations.

I'm speaking today on behalf of myself and the  
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1 Coalition To Protect New York and all the people who  
2 volunteered their time, energy, resources and big hearts  
3 to our regional grassroots organization and its  
4 affiliated local groups.

5 I want particularly to credit the smaller  
6 group of co-contributors to our Amicus Curiae Brief  
7 filed in March with the Tribunal.

8 We have kept each other going through many  
9 failed campaigns, grief and despair even though we've  
10 also shared joys, delights of Mother Nature and a few  
11 small victories.

12 Many of us have been engaged in what some  
13 people call non-violent direct action but which I like  
14 to call CPR, that is creative peaceful resistance, for  
15 people and the planet.

16 I'd like to acknowledge these contributors  
17 here, Kate Bartholomew, Doug Couchon, Betty Ek, Jack  
18 Ossont, David Walczak, Susan Walker and Dwain Wilder.

19 The Coalition To Protect New York is  
20 determinedly grassroots and 100% volunteer and we are  
21 self-funded. We thrive to protect the water rich,  
22 wildlife abundant, clear air filled, fertile lands on  
23 which we're fortunate to find ourselves.

24 We bear the burden of the knowledge that these  
25 lands we love so much were seized in what we would  
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1 certainly now consider criminal acts by European  
2 colonists. And we recognize and honor the original  
3 human inhabitants of those lands, the Haudenosaunee  
4 Confederacy or the People of the Longhouse. In their  
5 governance structure nature, law and society are equal  
6 partners, each playing an integral role.

7           That makes sense to us. The Haudenosaunee  
8 Confederacy is known as the longest participatory  
9 democracy on earth. Its first Five Nations, the Cayuga,  
10 Mohawk, Oneida, Onodaga and Seneca were later joined by  
11 the Tuscarora and became known as the Six Nations. Some  
12 of the beautiful finger lakes in our area have adopted  
13 the names of these nations.

14           I want to give you a sense of where we are on  
15 Mother Earth. This is North America. Now we'll zoom in  
16 a little closer to show some of the southern eastern  
17 Canada and the northeastern United States. As you see  
18 New York state's northern border is Canada as well as  
19 lakes Ontario and Erie, two of the five great lakes, the  
20 largest group of freshwater lakes on earth by total area  
21 and second largest by total volume.

22           They contain 21% of the world's surface  
23 freshwater by volume. That is rich indeed and we are  
24 very aware that we live in the one of the places most  
25 blessed with freshwater in a time of decreasing water  
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1 around the globe.

2 Most of our region falls within the Great  
3 Lakes watershed. We are in the central and southern  
4 part of the state, which includes the Finger Lakes. The  
5 region is mostly rural but we do have a few cities,  
6 including Binghamton, Syracuse and Rochester and the  
7 smaller cities of Corning, Elmira and Ithaca.

8 We work very closely with allies throughout  
9 the rest of New York state, including New York City,  
10 which is about four hours drive to the southeast.

11 We also maintain close ties with people in  
12 other states and countries, most notably our very next  
13 door neighbors to the south in Pennsylvania, about whom  
14 we will talk at length in a little while.

15 The Finger Lakes region has become famous for  
16 not only the beauty of the landscape, rolling hills,  
17 gorges and rivers and water falls, middle growth  
18 forests, farmland increasingly devoted to organic crop  
19 growing, but also for its festivals and cultural  
20 offerings and especially the vineyards that makes the  
21 region one of the top wine producing areas on the North  
22 American continent. Tourism and agriculture are among  
23 our biggest industries.

24 But lest I make it seem like a mecca there is  
25 a dark side to all of this loveliness. The region has  
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1 been in an economic depression for years. Rural poverty  
2 in the region is desperate, as is urban. And like in  
3 other parts of the world the two populations don't  
4 interact or seem to want to.

5 Census data released in 2015 show that in the  
6 biggest central New York City, Syracuse, half of the  
7 children, 50.2% live in poverty. Syracuse was poorer  
8 than all the other major upstate cities at 34.4%  
9 poverty.

10 This is New York state, home to the symbol of  
11 capitalism, Wall Street, and some of the biggest  
12 concentrations of wealth on the planet. Politicians,  
13 both in downstate New York City and in its suburbs and  
14 in upstate, the best rest of the state of which we  
15 constitute a part, like to pit us against one another  
16 when it comes for competing for dwindling resources.

17 And we have found that financial insecurity  
18 rampant in our area, as in most parts of the country,  
19 makes world dwelling people more susceptible to  
20 believing or refusing to not believe that leasing their  
21 land for fracking or other fossil fuel infrastructure  
22 projects or working in the industry will make them rich  
23 and not hurt their families.

24 This has helped to widen the rift that is in  
25 our communities just as the rest of our nation has  
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1 become polarized to the point of paralysis.

2 I'd like to add that the people who work  
3 within the Coalition To Protect New York are not all  
4 scientists, although a few are, and only a few have law  
5 degrees and only a few are medical professionals or  
6 engineers. Some have been activists for decades. Some  
7 would have never considered themselves environmentalists  
8 until fracking made them pay attention to what is  
9 happening to people and other species above ground and  
10 the rocks the other ecosystems below us.

11 Some would never have become activists until  
12 their own land, home, family or community was  
13 threatened. Some are pure NIMBYs, that is, Not In My  
14 Backyard, and freely admit when they defeat an immediate  
15 threat they'll go back to business as usual, perhaps a  
16 little more cognizant of their own climate change  
17 footprint.

18 In any case by now most of us have spent years  
19 researching, studying, reading complicated technical  
20 medical, engineering and legal documents. We have  
21 learned from the professionals and become experts in our  
22 own right, no less important contributors to the  
23 conversation and the policy-making that will affect the  
24 future of us all, even those without impressive  
25 pedigrees.

1           We have also learned from people on the  
2 ground. We've learned especially from our neighbors in  
3 Pennsylvania, so many of whose residents suffer from  
4 PTSD, that is not "post" but "permanent" traumatic  
5 stress disorder.

6           They, in their natural environment, and  
7 members of other species that have paid a terrible price  
8 because their state officials first permitted fracking a  
9 little over a decade ago.

10           For the first few years they were as if shell  
11 shocked, too stunned to know what was hitting them. It  
12 happened so quickly. As in other places the industry  
13 had prepared years in advance, often securing permits  
14 before anyone knew what was happening.

15           Wells were contaminated. More and more people  
16 got sick. An entire neighborhood in Dimock just a few  
17 miles southeast of where I sit today lost access to  
18 clean water when their wells were poisoned.

19           They tried to fight back registering thousands  
20 of citizen complaints but their state's department of  
21 "Environmental Protection" and their legislators and  
22 governors seemed more interested in enabling more  
23 drilling.

24           These good people and many other  
25 Pennsylvanians began sharing their stories with us north  
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1 of the border hoping to keep our state from becoming the  
2 next fracking zone.

3 At that time one of them said to us, "We are  
4 already collateral damage. Our lives are ruined but  
5 yours don't have to be. Fight back."

6 We have seen some of them, victims of greed  
7 and hubris, sicken and die. Some with almost certainly  
8 fracking contamination related illnesses, cancers and  
9 others but, of course, that can never be proven.

10 The wonderful grassroots activist Jenny Lisak  
11 began compiling the List of the Harmed, a document that  
12 when we submitted it as an exhibit to the Tribunal in  
13 March 2018 contained 22,320 officially reported cases of  
14 people, homes, communities and lands that had been  
15 harmed by fracking around the United States.

16 Among them was Terry Greenwood whose story was  
17 among the first I learned during travels to  
18 Pennsylvania, Ohio and West Virginia in 2008. The  
19 farmer, Terry and his wife, had bought their beautiful  
20 property with ponds and woods and fields back in the  
21 1970's.

22 They learned, to their horror, three decades  
23 later that a lease in perpetuity had been signed by a  
24 previous owner in the 1920's and they tried to fight it.

25 In the end they were forced to watch their land be  
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1 fracked, their cows and calves die mysteriously, and  
2 their children forced to move away despite life long  
3 plans to build houses on their parents' land.

4           The story is even more heart rending than I  
5 have time to relate here. Terry came to New York on  
6 several occasions to share his story and many of us were  
7 very fond of him. He contracted a very rare form of  
8 cancer himself and died in 2014.

9           Throughout all their suffering many of the  
10 Pennsylvania families who were harmed, whose children  
11 had unexplained rashes, respiratory infections, gastro-  
12 enterological disorders, bleeding and other symptoms,  
13 whose homes lost all their value even when they had to  
14 continue paying mortgages on them, whose stress levels  
15 were through the roof, continued to seek redress to hold  
16 the offending corporations accountable.

17           But the courts and other remedial bodies sided  
18 again and again and with the offenders. That's because  
19 in New York law and United States law, corporations have  
20 been enshrined as "persons" and because the corporations  
21 have found it all too easy to buy off local officials  
22 with a few thousand dollars here and there, buying  
23 baseball outfits for the school team or throwing the  
24 occasional community hot dog barbecue with  
25 entertainment.

1           Sometimes the long suffering people have been  
2 forced to take a buy-out from the corporations being  
3 left with no alternative. Every time they have been hit  
4 with gag orders.

5           In 2012 the Pennsylvania legislature even  
6 enacted a law forbidding doctors treating people for  
7 possible chemical contamination from fracking from  
8 telling the patient's family or the patient herself what  
9 the chemical might have been. This was later over-  
10 turned but the mere fact that it was passed was most  
11 telling about whose rights were being respected.

12           Only a few stalwarts among the Pennsylvanians  
13 persecuted and prosecuted by the fracking industry have  
14 been able to hold firm, including Ray Kimball, whose  
15 home is surrounded by fracked wells and who has cancer  
16 and other illnesses.

17           And Vera Scoggins, the citizen journalist, who  
18 has given scores of what she calls frack tours of  
19 Pennsylvania to people from around the world and somehow  
20 continues to soldier on despite having been hit with  
21 lawsuits by the industry she monitors.

22           We honor all of these people, too, in this  
23 presentation and indeed in all of our work. We fight  
24 not just to keep fracking from New York but to bring  
25 them relief and peace as well, all of them.

1           We have been visited by people from other  
2 areas of the country and the world who have been  
3 affected by fracking and those who are fighting to keep  
4 it from ruining the places that they love.

5           Some of those beloved homelands will, in the  
6 not too distant future, cause them to become climate  
7 refugees. They may be coming our way.

8           That is another reason we all need to protect  
9 the clean water and air currently enjoyed by regions  
10 that still have them. Newcomers by the tens of  
11 thousands will need to be fed, sheltered and welcomed  
12 into these communities.

13           We have had visits to and from people in the  
14 fracked sand exploitation states of Wisconsin, Ohio,  
15 Minnesota and Illinois, from fracked Texas, Colorado,  
16 Michigan, Ohio, Oklahoma and from Alberta, Canada, from  
17 frack-fighters in South Africa, England, Ireland and  
18 Australia and other regions that I don't have time to  
19 list. We honor and speak for them, too, because we  
20 understand how interconnected we are. And how our  
21 fights are always interconnected, understanding the  
22 butterfly effect, but even more so in this time of  
23 global capitalism and our shared threats of  
24 environmental destruction and hastening climate change.

25           Early on the Coalition To Protect New York  
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1 realized the intersectionality and universality of  
2 fracking. We used fracking from 2008 on to mean all the  
3 processes involved in this extractive process. But we  
4 also recognize how much other fracturing this  
5 unconventional drilling and its off-shoots encompassed.

6 Fracturing not only of our air, water and crop  
7 lands, of our health and our property values, for those  
8 who owned homes, but also of our local state and federal  
9 legislatures, our judicial system, our media, our sense  
10 of safety and perhaps most insidiously, our communities,  
11 our friendships and often our families, in some cases  
12 our marriages and life partnerships.

13 Our human rights are being violated on so many  
14 levels, our ways of life, our very future and the future  
15 of our next generations were being fracked.

16 Over the next few years, thanks to the work of  
17 scientists, including Robert Howarth and Anthony  
18 Ingraffea of our own local Cornell University, we  
19 learned that fracking is also a huge fracture in  
20 hastening catastrophic climate chaos.

21 A lot of people celebrated in December 2014  
22 when Governor Andrew Cuomo announced his so-called ban  
23 on fracking in New York state. This was an insidious  
24 misinformation campaign.

25 Although the threats from one type of  
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1 unconventional shale gas drilling might have been halted  
2 until the governor or the legislature or the next  
3 governor changed his mind, many former activists went  
4 home thinking the job was done. But other drilling  
5 persisted around the state unabated as you can see in  
6 this recent map by FracTracker. Meanwhile industry had  
7 been planning all sorts of fracking projects in poor and  
8 even relatively rich communities around the state.

9 We and our allies have been fighting thousands  
10 of miles of fracked gas pipelines and their attendant  
11 compressor stations and paraphernalia.

12 This is a project that we participated in and  
13 continued to help update called the You Are Here map  
14 spearheaded by our allies in New York City in the same  
15 energy project especially the great artist activist Kim  
16 Frauchek.

17 One of these pipelines runs under the  
18 beautiful Hudson River to our east where it passes just  
19 yards from the decrepit Indian Point nuclear power  
20 plant.

21 We have bomb trains taking tarsands oil from  
22 Canada to near New York City for export passing just  
23 across the river from that plant.

24 Fracking brine from Pennsylvania is spread on  
25 New York roads. New York landfills accept radioactive  
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1 fracked waste from Pennsylvania which, amazingly, is not  
2 permitted to be dumped in its own borders.

3 To our eyes all such fracking activities were  
4 crimes against people and nature and we thought they  
5 should be crimes in the law as well with serious  
6 consequences as opposed to the tiny slap-on-the-wrist  
7 fines that were being levied against fracking companies  
8 in Pennsylvania where thousands of spills, leaks,  
9 explosions and other violations were taking place each  
10 year even without fracked waste dumping.

11 We signed on to Peoples Law No. 1 written by  
12 our sister group Sovereign Peoples Action Network and  
13 Frack Busters of New York of which some of us, including  
14 myself, were also founding members as was the late great  
15 historian, author and thinker, Richard Grossman.

16 This innovative law criminalizes fracking and  
17 related industrial activities and infrastructures in New  
18 York state law. It calls for mandatory prison sentences  
19 and very heavy fines for the principals of corporations  
20 that are found guilty of causing harm to humans and  
21 natural communities.

22 We were left out of all sorts of forums,  
23 including several run by big green organizations whose  
24 leaders seemed to have lost sight of their missions.

25 But subsequently people have come to agree  
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1 that these activities are crimes and those who  
2 perpetrate them are criminals who should be punished to  
3 the full extent of the law. But in current governance  
4 structures we are being prevented from introducing, let  
5 alone implementing, this law written by We The People  
6 for the benefit of us all and of our natural  
7 environment.

8 That brings me to the most critical underlying  
9 point of our participation here today. We do not  
10 believe the laws as written, either in our own country  
11 or internationally, are worthy or viable under present  
12 conditions.

13 No law is worth the papers its printed on if  
14 it won't be rigorously enforced by transparent and  
15 capable regulatory agencies or entities.

16 In the United States we have witnessed the  
17 erosion of our legislative, judiciary, executive,  
18 electoral systems federally and on the state and local  
19 levels. And the increasingly rapid roll backs of rights  
20 and protections that those of my generations and even of  
21 a couple of generations after mine have always  
22 considered inalienable.

23 Many of us have been arrested and persecuted  
24 for exercising these basic so-called guaranteed rights  
25 to life, liberty and the pursuit of happiness.

1           We have seen our national government defend  
2 its practice of torture, debase and ignore international  
3 law that defends human rights and walk away from  
4 important and hard won environmental treaties on so many  
5 occasions and in so many arenas.

6           Although it seems to us only basic common  
7 sense that people should not want to commit mass  
8 suicide, which is what ecoside is as well, and it seems  
9 insane for people to engage in such activities that  
10 hasten their own demise, yet that is what we all see  
11 before us.

12           We do not believe that current systems of law,  
13 politics and economics in the United States and  
14 internationally are pertinent. A growing number of  
15 people worldwide seem to support this view.

16           We hope that this Tribunal recognizes as well  
17 that it is imperative upon us all to swiftly find  
18 methods by which to make human rights and the rights of  
19 nature first and foremost in the minds of policymakers.

20           Who gets to decide our fate? If we leave it  
21 in the hands of corporate capitalists and their  
22 political cronies we may remain their victims in a  
23 deadly game. We must stop being acquiescent in our own  
24 demise.

25           So we must seize this moment and muster our  
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1 numbers, however small, and became more assertive or  
2 dare I say more aggressive in our demands and in our  
3 actions.

4 I will stop here and invite questions or  
5 comments. Thank you.

6 Thank you everybody. Blessings on you all.

7 DR. THOMAS KERNS: Thank you.

8

9 [youtube.com/watch?=zp4eOzjQsfE&t=81s]

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