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A CALL TO RESIST ILLEGITIMATE AUTHORITY

July-August-September 2012

Confronting Energy Tyranny

Grassroots activists defend community, democracy and the planet

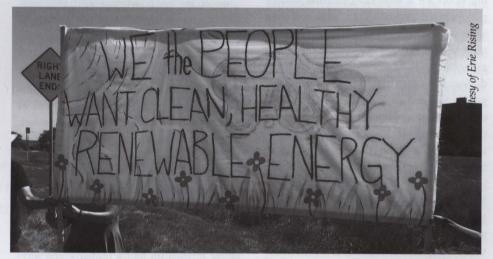
By Ceal Smith

An aggressive energy boom is sweeping across the country. And although the technologies are new, the consequences for the people and the planet are familiar. For those of us caught in the crosshair, hydraulic fracturing (or "fracking") and massively scaled, remote-concentrated solar are two of the newest yet most disastrous dangers being forced upon our communities and the planet.

To those of us fighting back, the right to clean and healthy energy sources that do not undermine our health and our planet is paramount; the right to have our elected government representatives hear and respond to our concerns is pivotal. But both are under attack.

People's health, safety, welfare and their lifelong dreams of sustainability are routinely crushed by what can only be called a form of tyranny—"energy tyranny." Every day, we witness and feel government exerting oppressive power on behalf of big energy interests—the biggest and most powerful industry in human history.

Unless we act, energy tyranny will force us to live with dangerous oil and gas wells in our backyards while millions of acres of rooftops, parking lots and other point of use "solestate" bake in the sun. It will wield its considerable political and economic power to monopolize the sun by promoting massive industrial solar (and wind) power plants on vast tracts (more



Grantees Erie Rising and Citizens for Huerfano County have been leading the anti-fracking charge in Colorado.

than 22 million acres) of our ecologically valuable public lands.

The Dark Side of Renewables

Against the odds, activists are taking a stand against this tyranny, and we are doing so in unexpected and innovative ways. We are laying the foundation for a rational and equitable energy future that empowers communities, protects the planet, and moves us back from the brink of a runaway climate crisis.

Six years ago, working at the grassroots of this new energy activism, I joined with small but determined groups of citizens seeking to protect rural Colorado communities, first from oil and gas development, then from massive industrial solar development. More recently, I've engaged

in the larger quest for a democratic energy system that empowers communities and paves the way for a truly independent and renewable energy future.

The first of these new efforts entailed a five-year lawsuit that halted US Fish and Wildlife Service plans to allow oil and gas drilling and fracking in the Baca National Wildlife Refuge in southern Colorado's San Luis Valley. Following a favorable federal court ruling, negotiations are underway for a federal minerals buy-back that will put an end to the threat of drilling in the Refuge.

The San Luis Valley has long been known for its solar-energy-generation potential. Its high altitude "cool sun" and clear skies drew solar innovators in

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Confronting Energy Tyranny

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the 1960s. In the mid-1980s, the federal Solar Energy Research Institute (now the National Renewable Energy Lab) recognized the valley for having the highest per capita number of residential and small commercial solar installations in the nation. Naturally, we advocated for solar energy as an alternative to oil and gas development.

So in 2007, we were shocked to discover that the Department of Interior, the Department of Energy, and then-Governor Bill Ritter's Energy Office were advancing plans for a new kind of solar energy generation. Remotely sited "concentrating solar power," as it is known, enables investor-owned utility and energy developers to monopolize the solar commons by bull-dozing and industrializing vast swaths of public and private lands. This is the same environment and community-destroying model as conventional fossil fuel energy extraction, a distinction overlooked by many mainstream environmental groups.

Then in 2009, Tessera Solar launched a bid to install 8,000 forty-foot high, hydrogen-powered solar disk mirrors on 1,500 acres in the heart of the valley's centennial organic, grass-fed ranching community. An eclectic group of citizens (including several lifelong solar advocates) quickly united to defeat Tessera's misplaced plan to transform the valley's century-old

sustainable ranching community into a massive corporate-owned energy industrial zone. After two years of community scrutiny that was likely to result in a lawsuit, Tessera withdrew the project.

The irony of engaging in environmental activism to oppose solar energy wasn't lost on us. To fill the gap, a few of us founded the Renewable Communities Alliance in January 2010. Our goals are two-fold. First, to educate our neighbors, the larger energy activist community and public officials about the destructive potential of remote concentrated solar power. The second is to educate and advocate for distributed renewable energy generation -- the faster, more efficient, cost-effective, and equitable model that renews whole communities without further harming the environment.

My work with the Renewable Communities Alliance instilled a deep appreciation for the revolutionary potential of distributed renewable energy generation. Localizing renewable energy production shifts the power from irresponsible energy corporations to people, local businesses and communities. It incentivizes energy conservation and efficiency and revitalizes local economies.

In contrast, the "all of the above" policy being pushed on us by industry and government will only deepen our dependence on increasingly costly and destructive energy sources, while doing little to stem global-warming.



Grantee Erie Rising is literally on the frontlines of fight against fracking. They have been educating, organizing, and mobilizing mothers and community members in Erie, Colorado against fracking.

Gas and Oil Back Again

In the midst of all this, the oil and gas boom hit Colorado – part of the new wave of environmental crimes that energy companies are committing across the country.

In July 2011, a friend sent out a call for help from Huerfano County, on the eastern side of the Sangre de Cristo Mountains from where I lived. It was a familiar story.

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For information and grant guidelines, write to:
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One City, Two Worlds

Refusing to be a corporate throw-away community

By Lisa Arkin

Josefina lives close to the train tracks in West Eugene, Oregon. As a Latina, a mother and a person who lives among rows of industrial polluters, she knows why her family does not enjoy clean air and water. "When we take our children to the playground, the smell of chemicals overwhelms us," she says. "We can't stay outside. It's awful... as if a wall of chemical gas is enveloping us."

Dharmika, another mother, lives along the same train tracks. Her kids play at Trainsong Park. To the north of the park lies the Union Pacific rail yard. To the south, chemical tanker cars sit on a rail spur that wraps around the homes and park. And right behind the baseball diamond is a veneer plant that hemorrhages clouds of hazardous gas from its windows, doors and wall seams.

"I'm trying to grow a vegetable garden to teach my kids about healthy foods," says Dharmika. "But I'm not sure it's safe because we have contaminated ground water...You can see and smell how polluted the air is."

Josefina's and Dharmika's stories aren't unusual. They are the stories of many families living in West Eugene—side by side with, and politically part of, Eugene, but it's a completely different experience.

Speaking Truth to Power

Josefina and Dharmika, along with their neighbors, showed up when Beyond Toxics held its 2012 Environmental Justice Bus Tour this spring. They described what it is like to live in the West Eugene industrial corridor, speaking to a crowd that included key elected officials and state and federal agency staff. An organization dedicated to toxics use reduction and environmental justice, Beyond Toxics was formed in 2000. Serving the whole state, its headquarters are in Eugene.

Beyond Toxics and Centro Latino-Americano led two school buses packed with local residents on a tour of neighborhoods and the toxic industries that affect them. Participants included Mayor Kitty Piercy, Commissioner Rob Handy, City Councilors Andrea Ortiz and George Brown, and councilor candidate Juan Carlos Valle. Ben Duncan, chair of Governor Kitzhaber's Environmental Justice Task Force and others representing state and federal interests attended as well.

The residents and Beyond Toxics wanted to make the West Eugene community visible and valued, instead of Eugene's castoff—a place that catered to absentee developers and factory owners. Josephina made a passionate appeal: her family has a basic right to clean air and healthy lungs despite being low-income recent immigrants and despite the fact her children are growing up across the street from a creosote plant.

...that's a cavalier attitude. Coal executives and high-ranking congressional representatives don't live near train tracks.

The message of the tour was clear. Eugene is actually two different communities, with two different standards for the environment and public health. And when one of those communities is home to poorer families, more immigrants and more people of color, it seems to have fewer rights to health and safety. And the polluters come knocking.

Mayor Piercy echoed the narrative, promising to shine more attention on the neighborhood's conditions. But corporate polluters don't give up. Even as we gathered at those poisonous playgrounds, we learned of a new threat foreshadowing more cancer and asthma: coal trains.

But this time they messed with the wrong community.

Here Comes the Coal Train

Beyond Toxics and families in West Eugene are leaping from the frying pan of air toxics into the sizzling fire of coal trains. We have been called upon to respond to the news that a multinational coal company (and possibly more than one) has chosen western Oregon to build a coal export terminal. Beyond Toxics filed a Public Information Request in March 2012 to learn their names, but the companies identities are being kept secret under a confidential negotiating agreement.

West Eugene's rail line, bisecting the neighborhoods where we are organizing, would be used for open-car coal trains. One train alone, with as many as 150 cars, can stretch a mile and a half. The coal will be shipped from the Powder River Basin in Wyoming to Coos Bay, a nearby harbor with an environmentally fragile marine estuary. Why? American coal companies see a chance to profit by supplying power plants in Korea.

Not Going to be Left in the Coal Dust

Big coal will line its pockets with fortunes from subsidized mining and rail infrastructure, but in towns like Eugene, children's lungs will be lined with diesel fumes and coal dust. Breathing diesel particulates and coal dust cuts life short. It causes cancer and deals serious damage to the heart and lungs. In neighborhoods already burdened with high asthma and lung cancer rates associated with industrial air toxics, the scenario of coal trains belching coal and diesel pollution is a call to action.

Within weeks of receiving the news, Beyond Toxics organized two rallies to protest coal, one of which took place at the entrance to the Union Pacific Rail Yard on the day the company declared "Eugene: a USA Train City." We also created a parade of two-legged (cardboard) coal cars and banners warning Coal Kills, published guest commentaries in the newspaper, made speeches at the Eugene City Club, and met with U.S. Senator Jeff Merkley.

We filed a public records request to uncover who was behind the secret export deal, but we were immediately slapped with a \$22,000 invoice from the Port of

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Huerfano County residents had just learned that Shell Oil had a green light from state regulators to drill a 14,000-foot-deep exploratory well a stone's throw from the rural community of La Veta. I drove over the mountain to lend my support at the public hearing where county commissioners would decide on approval of Shell's conditional use permit.

Hundreds of people poured in from all corners of the county, many waiting up to 5 hours to testify. Person after person called on their commissioners to deny Shell's permit, asking them to instead place a moratorium on oil and gas drilling until new regulations could be adopted that protected their health, homes and communities. But the concerns of the commissioners' informed and distraught constituents fell on deaf ears. They approved Shell's plan as though the meeting had never occurred.

Despite the distressing failure of their elected officials to hear or respond to their concerns, or perhaps because of it, community members quickly moved to organize Citizens for Huerfano County (CHC). CHC immediately filed a lawsuit against the Colorado Oil and Gas Conservation Commission for approving Shell's permit without proper notification, thus depriving the public of its right to comment and request a hearing - routine oversights that

regulators are not used to being called on. A year and numerous legal briefs and sixhour drives to Denver later, CHC's lawsuit is still pending. Attorneys on the case have called it, "one of the very few meaningful things happening in the state to address the concerns citizens have over granting drilling permits without adequate review".

Just as Tessera threatened Saguache County's range-fed ranching economy, Shell Oil's scheme to develop 2,600 oil and gas wells is undermining hard-fought efforts throughout the county to transition to resilient and self-sustaining communities—a dream that has drawn many sustainable-minded people to the pristine rural area since the 1960s. Since Shell came to town, many are locked in a high-stakes battle for a livable future.

Under direction of a smart and highly dedicated board of directors, CHC grew quickly to more than 530 members—no small feat in a rural, low-income county of less than 8,000. As a neighbor, member and consultant, I've watched, and at times helped CHC plan and implement an exhaustive campaign to inform, involve and empower its citizens and create state and local government accountability and transparency where there has been none.

Guided by its mission to protect the public health, safety and environment from the effects of oil and gas development, CHC takes community defense very seriously. Members organized well adjudication workshops and partnered with the Colorado Water Institute and Colorado State University to launch a water-testing program to help local residents get drinking wells tested in advance of drilling. On top of it all, they've maintained a strong fundraising campaign to finance the ongoing COGCC lawsuit.

Despite these efforts, Shell pushed four new well approvals through this past June. CHC's activities have led to improved protections including water quality testing, but many concerns have still not been addressed. CHC plans to ramp up its community defense program to address critical gaps caused by industry exemptions to the Safe Drinking Water Act, Clean Water Act, Clean Air Act and other environmental laws.

Defending Community, Democracy and the Planet

By shutting out the voice of the people and affected communities, the force of energy tyranny blocks our ability to forge a sane and sustainable future. We are simultaneously told that industrial energy development will bring jobs and energy independence, but that local, distributed solar energy is too expensive, unreliable and insufficient to meet our growing energy appetites. We experience firsthand rising temperatures and extreme weather events-like the wildfires that raged through Colorado earlier this year—as our governor declares fracking safe and natural gas a necessary "bridge fuel" to combat global warming.

Awakened by these new threats to our lives and livelihoods, communities, neighborhoods, public lands, schools and backyards, people are seeing through the lies and deception. More than a dozen new citizen groups have organized to defend Colorado communities against what has become an aggressive assault on community rights, democracy and the environment. In the counties of Rio Grande, El Paso, Delta, Park, Routt, Elbert, Adams and Boulder, citizens are organizing. In the towns and cities of Colorado Springs, Commerce City, Denver, Loveland, Erie, Longmont and Fort Collins, farmers, artists, parents and other ordinary citizens



Beyond Toxics assembling their own anti-coal train.

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Polluters: Kiss Your Profits Goodbye

New tactics in the fight against coal in Appalachia

By James Kane

It's a cold, rainy November morning on the slopes of an abandoned strip mine somewhere in the southern Appalachians. Dead grass carpets the slowly decaying, slumping piles of mining waste, hurriedly piled against the vertical gashes in what was once a mountain ridge. Mining companies abandoned this place long ago, but someone refuses to forget.

In the distance an engine is heard and moments later a mud-splattered ATV rolls into sight, making a beeline for a blowout in the mining debris which is gushing muddy water across the gravel road and into a nearby stream.

As the engine idles, a GPS unit is consulted, notes are taken and a shutter clicks a dozen photos. Minutes later, the ATV is gone, vanished downstream – seeking more violations.

A week later, an innocuous envelope appears at the offices of a mining corporation. Another letter arrives at the Environmental Protection Agency as well as the state environmental protection office. Inside each piece of certified mail is an exhaustive breakdown of dozens of environmental crimes. In 60 days, if each and every violation is not repaired or remediated, the corporation gets taken to court.

Paper-wrenching

This strange sort of activism is a new front in the so-called "paper-wrenching" battle, a collection of tactics used to slow down the industrial machine by filing petitions, submitting formal comments and asking for public hearings – tactics which have historically delayed but not deterred polluters. Now, however, paper-wrenching has teeth.

In 2011, we at United Mountain Defense (UMD) brought together volunteer legal interns under the People's Appalachian Center for the Environment and asked them to research permitting processes and statutory procedures. What they discovered was stunning. If UMD simply discovers and documents water flowing off mine sites in any kind of ditch, channel or fissure containing any kind of pollutant (including sediment), UMD can sue and can potentially be awarded legal fees which come straight off the bottom line profit of corporations.

The importance of this revelation is hard to overstate. Suddenly, instead of the time and money-intensive process of lab testing water samples from individual streams, UMD can concentrate on highly visible, rapidly documented sources of pollution into any source of flowing water. And because a typical

UMD's volunteers used to take pains to avoid showing up in court, but these new tactics have turned everything on its head.

mine site spans miles and contains thousands of cracks, slumps and fissures emitting a variety of pollutants, UMD's job just became a lot easier.

UMD's volunteers used to take pains to avoid showing up in court, but these new tactics have turned everything on its head. Now, going to court is the point—along with forcing polluters to show up there, too. New technologies have made it possible to easily tag violators for point source pollution originating on their property.

Point and Shoot

At minimum, all it takes to document violations is one piece of equipment: a geo-referencing point and shoot camera. Armed with a relatively cheap waterproof Panasonic camera that records the GPS coordinates whenever a photo is taken, we create an indelible record for later use in court. By locating the point a photo

was taken on a map, and then looking up property records (commonly available on state websites) one can rapidly assess ownership of a parcel of land.

Once photos have been taken and the owner of a property is known, the rest of the process is a cakewalk. For each site that is visited, a 'Notice of Intent' (NOI) is written up, containing details of each violation which was discovered. A typical NOI might contain two to fifteen violations. The details are important: the GPS location, alleged standards violated (metal contamination, sediment, sewage, etc.), date of violation, name of property owner, name address and phone number of person(s) alleging the violation, and a short description of the violation. Certified copies are sent to the violator, the Environmental Protection Agency, and state regulators.

Then UMD waits 60 days. If the violations aren't fixed within this time, the violator is sued. The magic is that even if polluters respond- requiring lawyers- they are spending money. And if they ignore NOIs- they get sued.

At present, UMD is awaiting its first court appearances. Several dozen violations have been documented, with several notices served. The cycle of violation seeking, documentation, and litigation has just begun, but one thing is clear: one way or another, polluting industries are going to pay for what they've done.

Somewhere on an Appalachian mountainside, mud tires and boot prints mark the path of a UMD investigator. Wherever industry is dumping under cover of night and negligence, justice is on the way with a big stick in hand.

James Kane is the president and director of field operations at United Mountain Defense, an environmental nonprofit dedicated to protecting Tennessee's environment and communities in Knoxville, Tennessee and a RESIST grantee.

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are putting their regular lives on hold to defend their children, their communities and their dreams of a better future.

To reclaim our backyards and our energy future, we must fight for energy democracy. As Hermann Scheer, the German parliamentarian widely recognized for his nation's solar success, once pointed out:

We're in a race between centralized and decentralized, energy monopoly and energy democracy. The mobilization of society is most important and once people realize they can't wait for the government or utilities, but can do it themselves, it will change. . . . People need to act to overcome administrative and bureaucratic barriers that hinder renewable energy. The rules favoring conventional energy and blocking decentralized renewable energy need to be exposed and dismantled.

Through many twists and turns, my ultimate vision is of a grassroots movement for energy democracy that unites anti-fracking, community rights, clean energy and climate change citizen activists. Such a movement will necessarily include millions of ordinary citizens who just want affordable energy that doesn't destroy anyone's backyard, schoolyard, park or the planet.

Ceal Smith is a biologist, community organizer and consultant. She works with Citizens for Huerfano County, a RESIST grantee. She is the founder of the Renewable Communities Alliance, project manager for the Grassroots EnErgy activist Network (GREEN) and cofounder of Solar Done Right.

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Coos Bay. The high fees were meant to send a chilling message to environmental justice advocacy groups like Beyond Toxics, expecting us to give up when faced with the burdensome costs. However, working with the Oregon chapter of the Sierra Club, which also requested public records, we are appealing the excessive fees in state court. The legal outcome is

still undecided, but we continue to fight for the public's right to know about and oppose the project based on the facts.

Beyond Toxics has helped bring the issue to the Eugene City Council for an upcoming October vote on banning coal trains within the city limits. We must increase our activism because Rep. Peter De Fazio, Oregon's 26-year veteran Democratic congressional representative, told the Eugene Weekly that, "There's really nothing to support or oppose" when it comes to coal exports. "It is entirely feasible to ship coal in an enclosed car" to control dust, he said, and added it's unclear whether enclosed shipping can be required and that might require legislation.

We say that's a cavalier attitude. Coal executives and high-ranking congressional representatives don't live near train tracks.

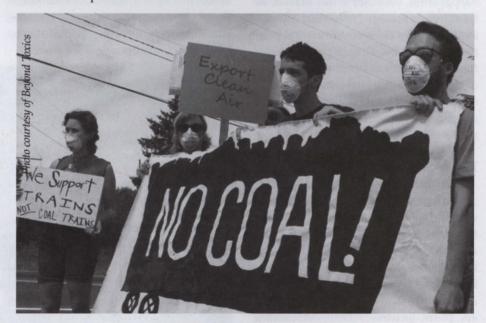
Achieving Environmental Justice

As Alison Guzman, Beyond Toxics' Environmental Justice Organizer, puts it,

To achieve justice, we need to help major decision makers face some of the injustices that exists. . . . To achieve justice, we need to challenge the current structures in place so that vulnerable communities also gain access to political attention and social resources that may not normally be readily available. Unveiling the hidden discomforts that exists in our society forces both believers and nonbelievers of environmental injustices to take a second look and determine the action needed.

Beyond Toxics' door-to-door canvas showed that 66 percent of the families in Eugene's industrial corridor say they are sickened by the millions of pounds of industrial chemicals that foul local air. With surgical masks over our mouths and banners in our hands, Beyond Toxics and our allies refuse to resign ourselves to the machinations of dirty coal and their sooty backroom deals. Community leaders like Josephina and Dharmika who won't let that happen. They are part of the environmental justice community in West Eugene now demanding their rights to clean air and a healthier future, and none of us will stop until what goes into a child's lungs is more important that what goes into a corporate CEO's pockets. We will work until we achieve our vision of justice and health for all.

Lisa Arkin is the executive director of Beyond Toxics, a RESIST grantee.



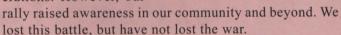
Two of the largest coal companies in the US plan on shipping coal through the Pacific Northwest to markets in Asia. Coal is the dirtiest, most carbon intensive fossil fuel and Beyond Toxics, who has had their hands full with keeping corporate toxic waste out of their community, has stepped in and been there every step of the way to make sure coal does not come into their community - or anyone's community.

Corporate Power Versus Mom Power

Fracktivists in Erie, Colorado are taking on the gas industry

Our fight initially started as construction began on a well pad within 600 yards of our two elementary schools. We collected 20,000 signatures, with the help of Food & Water Watch, begged Encana Corporation not to drill next to where our children would be spending most of their days. We also held a peaceful protest at the be-

ginning of June, rallying approximately 300 people together with music and speakers. We had support from Angela Monti Fox, Sierra Club, Mark Ruffalo and Natalie Merchant. Unfortunately, Encana came in full force the following day to set up their drilling operations. However, our



Last month, Erie Rising joined with the Global Community Monitor, and began a Bucket Brigade in our community. We are currently collecting air samples, looking

for chemicals in our air around oil and gas operations. These levels will be analyzed for potential health impacts. Also earlier this month, Erie Rising joined actors Raphael Sbarge and Ed Begley Jr. in an online Public Service Announcement, urging others to join in the fight against hydraulic fracking. Erie Rising is so grateful to

Resist for believing in our efforts. The grant funds from Resist will enable us to continue to raise awareness and keep fighting an industry that is destroying our environment and ultimately our health.

Our goal is to bring awareness to the issues related to hydraulic fracturing. We have been very busy over the past

few months, standing up to the trillion dollar oil and gas industry that continues to drill next to our homes, parks and schools.

-Wendy Leonard, co-founder of Erie Rising, a RESIST grantee



Support grassroots social justice organizing today.

Your contribution to RESIST supports hundreds of progressive groups across the country. Please send what you can, as often as you can. The groups we fund count on us, and **we count on you**.

Signature

RESISTance Wear Order Form | Fidel Hat: \$16. How many? ___ | | Protest Hat: \$16. How many? ___ | | Tote bags: \$12. How many? ___ | | (price includes shipping) | Please fill out contact information below and include credit card info or send payment with your order.

Become a Pledge – a sustaining donor – today! Pledges give RESIST a reliable base of support and keep us going. In return for your pledge, we will keep you up-to-date on the groups your contributions make possible.

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- ☐ Please automatically deduct my pledge from my credit card (note card information below).
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Inside this issue:
Confronting Energy Tyranny



GRANT RECIPIENTS

RESIST awards grants six times a year to some of the most effective grassroots groups across the United States who are organizing for social, economic and environmental justice. Here are a few grant recipients from our most recent allocation cycle in August of 2012.

Meet RESIST

For more information, visit the RESIST website at www.resistinc.org

Ka Lei Maile Hawaiian Civic Club

327 Kaimake Loop, Kailua, Hawaii 96734

Ka Lei Maile Hawaiian Civic Club promotes Hawaiian rights and culture, the restoration of Hawaiian sovereignty, peace and justice, and educates the community about the true history of the Hawaiian nation.

A RESIST grant of \$1,500 will support Ka Lei Maile Hawaiian Civic Club educate and organize around issues of soverignty, the long history of oppresion of the people and land of Hawaii, and fight for justice for all Hawaiians.

Migrant Justice

294 North Winooski Avenue, #130, Burlington, Vermont 05401, www. www.migrantjustice.net

1,500 migrant workers sustain Vermont dairy farms for the most part in complete isolation while experiencing human rights and workers' rights abuses. Migrant Justice has been organizing workers through campaigns that link food justice, immigrant rights, and workers rights.

A RESIST grant of \$4,000 will allow Migrant Justice to continue to bring these issues to light and develop the leadership of migrant dairy farm workers in order for them to launch and sustain campaigns that ensure their safety and livelihood in the state of Vermont..

Queerocracy

163 South 1st Street, #2F, Brooklyn, NY 11211, www.queerocracy.org

Queerocracy began in fall of 2010 as a small group of individuals, primarily

immigrants, students, people of color, LGBTQ youth, women, people living with HIV/AIDS and low income folks. Queerocracy works to promote queer economic and social justice through direct action, community engagement and education.

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A RESIST grant of \$2,500 will enable Queerocracy to continue building a movement that is open to all people, particularly those most marginalized by mainstream gay advocacy.

The Interfaith Alliance of Iowa

P.O. Box 41086, Des Moines, Iowa 50311, www.iowatia.org

The Interfaith Alliance of Iowa was formed in 1995 in response to the strpng religious right in the very red state of Iowa.

A RESIST grant of \$4,000 will allow the The Interfaith Alliance of Iowa to continue to amplify the collective voices of faith to create progressive social change by encouraging civic participation and facilitating community activism.