

Rural Communities Act to End Corporate Domination

by Ruth Caplan

The Alliance was created to "End Corporate Domination." When corporations invade every nook and cranny of our existence, where do we begin to respond to this daunting call to action?

The answer lies with action that can be taken right in

our own communities, which, when such actions reach a critical mass, have the potential to overturn "settled" law created by our courts and drive the rights of nature straight into the U.S. Constitution.

It all began in the most unlikely of places—rural, conservative Pennsylvania townships. This was not the result of progressives getting together. In fact, it was in reaction to a coalition made up of labor, environmentalists, the Pennsylvania Farm Bureau, and the Democratic governor, which succeeded in getting a law passed to establish regulations that would reduce the pollution from CAFO's (Concentrated Animal Feedlot Operations).

Trouble was, farmers did not want these corporate hog farms in their communities period. They called Thomas Linzey with the Community Environmental Legal Defense Fund (CELDF) in rural Chambersburg and said they wanted him to help them keep the CAFO's out. Well, Linzey knew from his previous legal assistance to communities that the regulatory system was not going to do it. Together they took a radically different approach. The towns passed local ordinances that banned corporate farming altogether, with an exception for local family-based corporations. Instead of focusing on the regulatory action, the ordinances focused on the corporate actor.

These towns did not get down on their knees and plead with the corporations to be "responsible" or "accountable" to the community. They asserted their local authority over the corporations in order to protect their local farms and the health and welfare of their communities.

Then two teenagers drove their all-terrain vehicles over a field freshly spread with sludge from municipal treatment plants. Within days, Daniel Pennock, one of the teenagers, was dead from inhaling toxics from the sludge. It was a wake-up call. Farmers had been sold a bill of goods. What was supposed to be a boon to farmers—free fertilizer—

was in fact laced with an unknown mix of toxins.

Townships now knew how to respond. They banned corporations from spreading sludge in their towns.

The idea spread to western Pennsylvania, deep in mining country, where the coal companies were using long wall coal mining techniques to tunnel horizontally deep under homes and farms without supporting pillars. Homes cracked. Ponds disappeared. Water had to be trucked in to feed the livestock. Blaine Township, knowing that in the not too distant future the long walls would be coming to their township, has taken the incredibly brave step of passing an ordinance banning corporate mining in their town. Are our towns that brave?

As with the 19th century Populists, these farmers were learning just how the system of corporate domination works. They learned about how corporations had gained protection as "persons" under the Bill of Rights through "settled" law and they learned how in our history citizens have created movements to overturn "settled" law—the abolitionists and the suffragettes. In some townships they themselves took on "settled" law by denying corporations the rights of persons within the township as part of their ordinances against corporate farming or sludge spreading or coal mining.

Today over 100 communities in Pennsylvania have passed laws grounded in asserting community rights over corporate rights.

Inspired by Pennsylvania, the citizens of Barnstead NH became the first town in the country to pass an ordinance banning corporations from taking their water. The ordinance also denies corporations the rights of persons in Barnstead, as well as denying them protection under the commerce clause and contracts clause of the U.S. Constitution or similar provisions in the NH Constitution. The Alliance's Defending Water for Life campaign triggered local interest in taking this approach and provided strategic support such as sponsoring a Democracy School in Barnstead.



Tom Linzey helping citizens to establish local control and end corporate domination.

photo: CELDF

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