

**Shifting into a Different Gear:  
Empowering Communities, Protecting the Environment,  
and Building Democracy by Asserting Local Control  
Over Factory Farm and Sludge Corporations in Pennsylvania**  
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"I serve as an elected Supervisor at the request of the people of this community, not a corporation."

*--Chairman Bruce Bivens, Thompson Township, Fulton County, Pennsylvania*

In Pennsylvania, the Community Environmental Legal Defense Fund is pioneering a new model of community organizing -- one based on enabling residents of rural parts of the State to secure their community's right to a sustainable future. Instead of struggling to make environmental regulatory agencies enforce their regulations, those citizens -- who live and work in conservative, rural America -- are instead asserting their right of self-government to protect the natural environment and their communities. In reaching for that goal, they are passing laws that define and implement their sustainable visions for agriculture, waste management, and land development. In the process, they are defining democracy -- asserting their right to govern themselves and contesting the authority of corporations to govern them.

An old adage declares that Pennsylvania has Philadelphia on one side of the State, Pittsburgh on the other, and Mississippi in the middle. The Legal Defense Fund works in this "Mississippi". It is here where rural residents -- politically active for the first time in their lives -- are actively using their local legislatures to assert peoples' rights over the "corporate rights" that have long denied them their ability to protect and preserve their communities.

Close to a dozen communities have protected family farmers and residents from factory farms by banning agribusiness corporations from owning or controlling farms. Over forty communities have banned sludge hauling corporations from dumping sewage sludge onto farmland. So far, two communities have passed laws stripping corporations of their ability to use state and federal constitutional powers to crush the rights of communities to self-government.

What people have launched in these rural communities is now spreading -- provoking confrontations between these communities and the corporations that have long held sway over them. Agribusiness, waste, and land development corporations are turning to state and judicial officers to protect them, and these communities are increasingly confronting those officials intent on forcing corporations into them. From village squares and town halls, those communities are now taking on the state legislature, state courts, and the Governor's mansion.

A new breed of Pennsylvania activists focused on democracy has thus crossed a crucial artificial boundary -- one that has always guided communities towards regulatory agency dead-ends and away from seizing the reins of governance. In many ways, these new activists are seizing the legacies of those -- like the Populists and the Abolitionists -- who crossed that boundary in efforts to vindicate the rights of people and communities.

Efforts in Pennsylvania flow directly from the work of the Program on Corporations, Law, and Democracy (POCLAD). That group has invested time and effort over the past decade researching and exposing the corporate history of the United States in the context of people's struggles to govern themselves. Spreading an analysis of that history, POCLAD has been teaching growing numbers of groups -- including the Legal Defense Fund -- how corporations wield the law to govern communities, and how groups must rethink their organizing tactics and strategies to redirect the law to protect people, communities, and the planet.

Beginning in 1995, over two hundred communities organizing in rural Pennsylvania turned to the Legal Defense Fund for that type of help. The result has not been the passage of laws to regulate odors or waste from factory farms, or to "permit" the land application of sewage sludge. Instead, the result of those partnerships has been to bar factory farm and sludge corporations from operating in those communities. In several places, communities have taken the next logical step and stripped corporations of "rights" used by them to override local control.

The laws have been unquestionably successful. No new factory farms have been sited, and no new sludge has been applied, in communities passing those laws.

Over the past two years, those laws have triggered the inevitable public relations, judicial, and legislative responses from corporations and public officials representing them. No longer about odor, noise, or waste disposal, however, these issues have been transformed into a crucial and pointed question about who has the authority to govern communities. In effect, each new response by corporations and officials to strong-arm local control triggers a new round of organizing focused on building democracy.

In Pennsylvania, corporations and their elected officials have been manipulated into a position where they must wield the state legislature to forbid local governments from protecting the health, safety, and welfare of their citizens. Those attempts are simply incompatible with this nation's fundamental principle -- that governments are created to secure, not deny, the rights of people. They are thus shoved into an indefensible position.

People's new consciousness and their willingness to adopt laws confronting corporate lawyers, elected state officials, industry associations, and judges, has generated great organizing energy. Fueled by that energy, an expanding coalition of civic groups, labor unions, farmers' organizations, municipal governments, and environmental groups has rebuffed attempts by state legislators to ban local lawmaking.

That organizing was strong enough to force Governor Ed Rendell to veto the most recent legislative attempt to eliminate local control over factory farms and agribusiness corporations. This anti-democratic legislation had passed the Senate by a vote of 47-3.

Previously disempowered people are now seeing that "environmental" problems are a direct result of the denial of self-government. They are now working to vindicate the fundamental constitutional guarantee that all governing authority rests with "We the People", not with corporations chartered by the State.

People in Pennsylvania, and the many who are watching from other states, are discovering that endless defensive community struggles are the result of laws and judicial doctrines that enable corporations to supersede the rights of people. They know now that people struggling to defend communities against incinerators, quarries, toxic dumps, clearcutting, genetically engineered crops, water privatization, and Wal-Marts, have all been disempowered and intimidated by the ascendance of corporate "rights".

As people see that regulatory laws and agencies are products of a system structured around those "rights", they are liberating one another to think straight about the lack of democratic governing processes that caused the mess in the first place.

The result? People in the "Mississippi" of Pennsylvania are finally demanding what they actually want, and not settling for regulatory solutions. What they want is pretty simple -- to stop the relentless corporate assaults and implement logical transitions to sane, democratic, and sustainable communities. To do so, they know that they must forge new, provocative, and effective activism by breaking from conventional environmental regulation.

Under great pressure and with scant resources, these people are reframing the problems that they face -- building energetic campaigns to secure people's fundamental rights in rural communities. They are demanding, clearly and unabashedly, that democratic self-governance be driven into all parts of this country's federal system.

Endless single issues -- now characterized as "environmental", "labor", and "consumer" issues -- now await reframing. Millions of the most unlikely people can soon get to work not to merely regulate corporate harms, but to make real the enduring promise of government of, by, and for, people.

Intensifying our efforts in rural Pennsylvania, and working with people in other communities to replicate this work, will require additional resources, staff, trainings, and funding. The 2003 launch of the Daniel Pennock Democracy Schools at Wilson College in Chambersburg, Pennsylvania -- as a training ground for activists engaged in this work -- will also require a longterm commitment by individual and organizational donors.

For that reason, we are now reaching out to those interested in supporting this new activism that promises a new day -- those who wish to help people already mobilizing to protect public health and safety, preserve the natural environment, and build good government, to actually get the job done.

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See Also:

- Model *Amici Curiae* Brief to Eliminate Corporate Rights, by Richard L. Grossman, Thomas Alan Linzey, & Daniel E. Brannen, 23 September 2003
- Sins of the Fathers: How Corporations Use the Constitution and Environmental Law to Plunder Communities and Nature, speech by Thomas Alan Linzey at the University of Pittsburgh School of Law, 4 March 2004

<http://www.ratical.org/corporations/SiaDG.html>