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## **Americans Revolt in Pennsylvania**

### **- New Battle Lines Are Drawn**

by Thom Hartmann

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The good citizens of Pennsylvania have done it again.

Back in 1776, they hosted at Liberty Hall in Philadelphia a gathering of people radicalized by the predations of the East India Company. The world's first multinational corporation then held a virtual stranglehold on commerce and politics in North America, and brazenly used British troops as its enforcers. On the first week of December, 1600, when she created the East India Company, Queen Elizabeth I became the first CEO monarch, and by 1776 King George II was following in her footsteps with his sizeable holdings in and open advocacy of corporate rule.

The American colonists were offended by the idea they should be vassals of a corporation and a kingdom that supported and profited from it. Thomas Jefferson wrote the Declaration of Independence, which explicitly stated that humans were born into this world endowed by their Creator with certain rights, that governments were created by humans to insure only humans held those rights, and "That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it . . ."

Stating flatly that "it is their right, it is their duty," to alter their government and thus claim their unique human rights, 56 men defied the East India Company and the government whose army supported it by placing their signatures on the Declaration of Independence, saying, "with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor."

Thus began America's first experiment with democracy.

The first week of December of that same year, Thomas Paine wrote in a pamphlet he published a few weeks later that, "Tyranny, like hell, is not easily conquered . . . What we obtain too cheap, we esteem too lightly: it is dearness only that gives every thing its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed if so celestial an article as FREEDOM should not be highly rated."

Exactly 226 years later, another small group in Pennsylvania also met in early December to sign a document that claimed the same right -- their duty -- to alter their government in a way that would restore the democracy the original Founders were willing to fight and die for. The

democratically elected municipal officials of Porter Township put their signatures to an ordinance passed unanimously on December 9, 2002. It reads, in part:

"A corporation is a legal fiction created by the express permission of the people . . . ;

"Interpretation of the U.S. Constitution by the Supreme Court justices to include corporations in the term 'persons' has long wrought havoc with our democratic processes by endowing corporations with constitutional privileges intended solely to protect the citizens of the United States or natural persons within its borders;

"This judicial bestowal of civil and political rights upon corporations interferes with the administration of laws within Porter Township and usurps basic human and constitutional rights exercised by the people of Porter Township; . . .

"Buttressed by these constitutional rights, corporate wealth allows corporations to enjoy constitutional privileges to an extent beyond the reach of most citizens;

"Democracy means government by the people. Only citizens of Porter Township should be able to participate in the democratic process in Porter Township and enjoy a republican form of government therein; . . ."

And then, with an audacity and willingness to take on overwhelming multinational corporate power similar to that displayed by the Founders, the elders of Porter Township said that "Corporations shall not be considered to be 'persons' protected by the Constitution of the United States or the Constitution of the Commonwealth of Pennsylvania within the Second Class Township of Porter, Clarion County, Pennsylvania."

It became the law of that land five days later.

In 1773, the East India Company had claimed the "right" to participate in the political processes of England and, with wealth and power greater than the average citizen, got passed for themselves a huge tax reduction on tea and an overall tax rebate so large they could undersell and wipe out their small Colonial competitors. The response of the entrepreneurial colonists to the Tea Act of 1773 was the Boston Tea Party revolt against that transnational corporation, setting the stage for the Declaration of Independence and the beginnings of what Lincoln called "government of the people, by the people, for the people."

Similarly, in 2000, one of the largest sludge hauling corporations in the United States sued Porter Township, claiming that as a "person" the corporation had rights equal to the citizens of the township, and therefore they couldn't "discriminate" against the corporation under the due process and equal protection clauses of the 14th Amendment, which was passed after the Civil War to free the slaves.

Porter Township, supported by a coalition including the Pennsylvania Farmers Union, the Pennsylvania Association for Sustainable Agriculture, The Sierra Club, the AFL-CIO, the United Mine Workers of America, Common Cause, the Program on Corporations, Law, and Democracy (POCLAD), the Community Environmental Legal Defense Fund (CELDF), and other pro-democracy groups, fought back. They bluntly asserted that -- as it was from the founding of this nation until the bizarre *Santa Clara County v. Southern Pacific Railroad* Supreme Court case in 1886 -- only humans are entitled to human rights in their community.

In the law they passed on December 9, 2002, they explicitly said, "The judicial designation of corporations as 'persons' grants corporations the power to sue municipal governments for adopting laws that violate the purported constitutional rights of corporations. For example, in September 2000, Synagro Inc. filed a federal lawsuit against Rush Township (Centre County) Supervisors, forcing the Township to spend tens of thousands of taxpayer dollars to defend its health-related sewage sludge testing ordinance against claims that the ordinance violated the corporation's constitutional rights."

The implications of this are staggering. For example:

- Before 1886, it was a felony in most states for corporations to give money to politicians or otherwise try (through lobbying or advertising) to influence elections. Such activity was called "bribery and influencing," and the reason it was banned was simple: corporations can't vote, so what are they doing in politics? Their concern is making money, and they don't need clean air to breathe or fresh water to drink; leave them to making money and leave the administration of the commons to We, The People.
- Before 1886, it was a crime in most states for corporations to own others of their own kind. The need to keep corporations from becoming so large that they could usurp democracy was so clear to the Founders that Jefferson and Madison proposed an 11th Amendment to the Constitution that would have banned "monopolies in commerce," restricting each company to performing a single purpose, making it responsible to its local community, and barring it from owning other corporations. The amendment didn't pass because everybody at the time knew that the states already had such laws in place.
- Before 1886, only humans had full First Amendment rights of free speech, including the right to influence legislation and the right to lie when not under oath. Now corporations have claimed that they have the free speech right to influence public opinion and legislation through deceit, and a case based on a multinational corporation asserting this right is poised to go before the Supreme Court as you read these words. That corporation reserves the right to fire and even prosecute human employees who lie to it, however.
- Before 1886, only humans had Fourth Amendment rights of privacy. Since then, however, corporations have claimed that EPA and OSHA surprise inspections are violations of their human right of privacy, while at the same time asserting their right to perform surprise inspections of their own employees' bodily fluids, phone conversations, and keystrokes.
- Before 1886, only humans had Fifth Amendment rights against double jeopardy and the right to refuse to speak if they'd committed a crime. Since 1886, corporations have asserted these human rights for themselves: the results range from today's corporate scandals to 60 years of silence about the deadliness of tobacco and asbestos.
- Before 1886, and following the Civil War, only humans had Fourteenth Amendment rights to protection from discrimination. Since then, corporations have claimed this

human right and used it to stop local communities from passing laws to protect their small, local businesses and keep out predatory retailers or large corporations convicted of crimes elsewhere.

Porter Township has fired the first shot in the New American Revolution with this first binding law denying corporate personhood. It's a revolution that will be fought not with guns but in the courts, in the voting booths, and on the battlefield of public opinion. (Far from harming corporations, returning human rights solely to humans will lead to an entrepreneurial boom in America -- only a small handful of very large corporations abuse these rights to deceive people, hide crimes, or make politicians violate the will of their own voters. The millions of ethical corporations will thus be freed from the tyranny of the few while democratic government will be returned to its citizens.)

As Thomas Paine -- another Pennsylvania resident -- wrote on that 1776 December night and published 2 days before Christmas, "Let it be told to the future world, that in the depth of winter, when nothing but hope and virtue could survive, that the city and the country, alarmed at one common danger, came forth to meet and repulse it."

Thom Hartmann is the author of *Unequal Protection: The Rise of Corporation Dominance and the Theft of Human Rights*, a book containing a version of the above ordinance customized for each of the 50 states. He holds the copyright to this article, but grants permission for reprint in print, web, and email media as long as this credit is attached.