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## **Confronting the Corporate Constitution in Pennsylvania**

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**June 2004**

Invoking the people's constitutional maxim: "Where there is harm, there must be remedy," Friends and Residents of St. Thomas Township (FROST) have turned a conventional defense against a giant quarry-asphalt-cement corporation into a confrontation over corporate claims to constitutional rights.

FROST members live in South-Central Pennsylvania where over the last several years townships have banned corporate ownership of farms and corporate dumping of sewage sludge. A few townships have passed laws declaring that corporations have no constitutional rights or authority within their jurisdictions. People in St. Thomas Township see their and neighbors' struggles in the tradition of great people's movements to create a liberty constitution. Those movements got going by challenging "settled laws" that enabled a privileged minority to wield government violence to deny people (African Americans, women, white workers, Native Peoples, family farmers, immigrants, union organizers, war protesters, imperialism opponents, the different . . .) their most fundamental rights.

So FROST chose not to focus on proper quarry configuration, or on the asphalt/cement factory's potential for ravaging public health. FROST members do not debate state officials over how many feet this corporate project should be from the elementary school. Having analyzed this corporation's invasion of their community in historical and constitutional contexts, FROST concluded that the Pennsylvania legislature enabled corporate directors to violate their privileges and immunities guaranteed in the US Constitution. Learning from Abolition and Anti-Segregation struggles that exposed how law and government helped a few deny rights of many, FROST designed its research, demonstrations, speeches, publicity, actions and lawsuits to dramatize government complicity in the corporation's "legal" violations of citizens' rights.

The quarry corporation's directors do not like FROST's attitude. They are not only pressing United States District Court Judge Yvette Kane to throw out FROST's case. They are also demanding that the Court punish FROST's attorney, Thomas A. Linzey, of the Community Environmental Legal Defense Fund (CELDF) in Chambersburg PA by imposing "severe monetary" sanctions. They claim that Linzey's representation to the community and to the Court of FROST's constitutional interpretation is "outlandish," "pernicious," "nonsensical," "specious" and "frivolous." There "is no reasonable or even rational basis for asserting, as Mr. Linzey does, that corporations, such as St. Thomas Development, possess 'no legal authority under the Bill of Rights to the US Constitution or under the Pennsylvania

Constitution . . . ' "

So the quarry directors instructed "the law" to silence Linzey -- and send a message to other lawyers who might be thinking about representing people organizing to challenge the nation's corporate constitution.

FROST members have also confronted their elected public officials. The attorney general and secretary of state now admit:

- Yes, the Commonwealth of Pennsylvania chartered St. Thomas Development Corporation. Yes, the Pennsylvania Constitution defines people as the source of all governing authority. Yes, state law gives corporations the rights of natural persons. But the State and its officers are not responsible when corporations violate people's rights. This is called settled law.
- Yes, the Bill of Rights, the 14th Amendment and civil rights laws require the United States Government to step in when people's fundamental rights are violated -- especially when government is the violator. But the United States has no authority to stop corporate denials of people's rights. This is called settled law.
- The corporate constitutional maxim says: since no remedy is available for FROST members in Federal Court, no harm has been perpetrated by corporate directors and their agents, or by the State and its agents. FROST, therefore, has no legitimate cause of action. FROST members must not be seen nor heard in Federal Court. This is called settled law.

The corporate constitution's "settled law" is pouring from corporate and public officials like water over Niagara.

FROST members can envision citizen groups in other communities moving -- as FROST has moved -- beyond endless argument with regulators and corporate directors armed with their corporate constitution. They understand that people's strategies have always had to evolve . . . for example, that after the Supreme Court declared "No argument as to woman's need of suffrage can be considered," women drove their rights and liberties into the male constitution.

They understand that for FROST to have a snowball's chance in St. Thomas, hundreds of communities must join them in picking up the nation's unfinished struggle for a liberty constitution -- a struggle first obstructed by slavemasters, then by corporate directors . . . and always by the long arm of the law.

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