

This model ordinance was drafted by the Community Environmental Legal Defense Fund (www.CELDF.org) and passed into law in Porter Township, Pennsylvania.

Document source:

ReclaimDemocracy.org/corporate_accountability/porter_township_ordinance.html

The full story on this first-of-its-kind initiative, enacted by Porter Township on December 9, 2002, is included there, along with a link to this document. Learn all about “Corporate Personhood” at ReclaimDemocracy.org/personhood

AN ORDINANCE BY THE SECOND CLASS TOWNSHIP OF _____, _____ COUNTY, PENNSYLVANIA, ELIMINATING LEGAL PRIVILEGES FROM CORPORATIONS DOING BUSINESS WITHIN _____ TOWNSHIP

Section 1. Name. The name of this Ordinance shall be the “Corporate Personhood Elimination and Democracy Protection Ordinance.”

Section 2. Authority. This Ordinance is adopted and enacted pursuant to the authority granted to _____ Township by all relevant state and federal laws, including, but not limited to, the following:

The general authority granted by the Constitution of Pennsylvania and the Second Class Township Code to make and adopt all such ordinances, bylaws, rules, and regulations as may be deemed expedient or necessary for the proper management, care, and control of _____ Township and its finances and the maintenance of the health, safety, peace, good government, and welfare of _____ Township;

The Constitution of Pennsylvania, Art. 1, § 2, which provides that all power is inherent in the people, and that all free governments are founded on their authority and instituted for their peace, safety, and happiness; and

Pennsylvania Statutes, Tit. 53, Municipal and Quasi-Municipal Corporations, § 66506, which authorizes _____ Township to enact ordinances necessary for the proper management, care, and control of the Township and its finances and the maintenance of peace, good government, health, and welfare of the Township and its citizens, trade, commerce, and manufacturers.

Section 3. Findings and General Purpose. The _____ Township Board of Supervisors recognizes that:

(1) A corporation is a legal fiction created by the express permission of the people of _____ Township as citizens of this State;

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

(3) This judicial bestowal of civil and political rights upon corporations interferes with the administration of laws within _____ Township and usurps basic human and constitutional rights exercised by the people of _____ Township;

(4) 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 the 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;

(5) The judicial designation of corporations as “persons” requires that municipal governments recognize corporations as legitimate participants in public hearings, zoning hearing board appeals, and other governmental matters before _____ Township;

(6) The judicial designation of corporations as “persons” gives corporations First Amendment rights and unfettered access to elections. This enables corporations to control public debate and dictate public policy on important issues.

For example, in the 2002 federal Farm Bill, the agribusiness corporations that make large donations to political parties received federal support for industrialized agriculture to the detriment of family farmers, rural communities, and rural environments in Pennsylvania.

Another example is state Senate Bill 1413. If enacted in its current form, the bill will penalize Township governments that try to protect themselves from the health, safety, environmental, and economic harms posed by the industrialization of agriculture. The agribusiness corporations that make large donations to political parties pushed SB 1413 through the Pennsylvania Senate by an astonishing vote of 48-2 despite strong opposition by Pennsylvania citizens and Township governments.

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

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

(9) Interference by corporations in the democratic process usurps the rights of citizens to participate in the democratic process in _____ Township and to enjoy a republican form of government therein;

(10) The ability of citizens of _____ Township to establish laws to protect the health, safety, and welfare of township residents has been diminished by the exercise of constitutional privileges by corporations.

Section 4. Specific Purpose. The specific purpose of this Ordinance is to eliminate the purported constitutional rights of corporations in order to remedy the harms that corporations cause to the people of _____ Township by exercise of such rights.

Section 5. Statement of Law. 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 _____, _____ County, Pennsylvania.

Section 6. Severability. The provisions of this Ordinance are severable. If any section, clause, sentence, part, or provision of the Ordinance shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect, impair, or invalidate any of the remaining sections, clauses, sentences, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of _____ Township that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

Section 7. Effective Date. This Ordinance shall take effect five days after enactment by the Board of Supervisors of _____ Township.