

Corporations from pg. 16

FROST case was whether Linzey's argument rejecting corporate constitutional rights was frivolous. If sanctioned, Mr. Linzey could have been forced to pay the corporation's attorney fees for defending the corporation against FROST's lawsuit.

According to Judge Kane's written opinion, this was a "very close" case for her. She acknowledged that the corporation's letter had caused the members of FROST "substantial angst regarding a perceived infringement on their right to self-government and other fundamental constitutional liberties." But these "genuinely passionate feelings," as Judge Kane described the citizens' angst, simply were not injuries that a court could redress. This was because Judge Kane believed that the existing case law was clear: corporations were, in fact, persons with constitutional rights.

Nevertheless, Judge Kane held that Linzey's arguments were not frivolous, and she denied the corporation's motion for sanctions. She wrote that "[m]any of [Linzey's] arguments regard fundamental constitutional concerns about which there has been longstanding debate, albeit settled law contrary to [Linzey's] arguments." And, she wrote, "Attorney Linzey has obviously endeavored against unfavorable precedent to convert his clients' feelings and concerns into a constitutional framework." Although she seemed to sympathize with FROST members' concerns about the threat corporations pose to democracy, she suggested that the law was on the side of the corporations.

This case leaves unanswered the question of how the idea of corporate constitutional rights became so well settled that a lawyer who questioned it in court was nearly sanctioned. The answer may be that the idea has rarely been questioned by citizens. According to Judge Kane's opinion, there

Having the lawsuit dismissed wasn't good enough for Saint Thomas Development, Inc. It also wanted the judge to punish Linzey for filing the lawsuit in the first place.

has been "a long-running argument among scholars on this legal issue." But ordinary citizens have not had the opportunity to engage in the debate. Perhaps the FROST case will be remembered as the beginning of a much-needed public debate about whether democracy is possible when corporations wield the same constitutional rights that flesh and blood persons possess.

For a copy of Judge Kane's opinion, write to the author at jlc256@psu.edu. To find out what you can do to help defend democracy against corporate power here in Pennsylvania, you may also write to Thomas Linzey at CELDF (www.celdf.org/).

For other resources on this issue, check out the Project on Corporations, Law Democracy (www.poclad.org).

Clean energy from pg. 16

Pennsylvania. You can buy wind power in blocks of 100 kilowatt-hours (kwh) at a cost of 2.5 cents per kwh. Suppose you choose to buy four blocks each month. Your monthly utility bill will increase by \$10, or 4 blocks x 100 kwh/block x \$0.025/kwh.

In this way, you can choose how much extra you can afford to pay to encourage the development of clean wind energy. If you want all of your electricity to come from wind, then you choose the second option in the table. There will be an added cost of \$.025/kwh on your monthly bill. In my all-electric, baseboard-heated house, our monthly average use is about 2,000 kwh and the average bill is \$130. Going to all wind power would add about \$50 to our monthly bill, or about \$600 per year.

Neither of these first two options requires switching utility companies.

The next two options, provided by Green Mountain Power, involve switching from Allegheny Power to Green Mountain. Green Mountain Energy is produced from 10% wind and 90% hydropower, while Nature's Choice is 85% existing renewable and 15% new landfill gas and wind. The premium for this power at just over 8 cents per kwh compares with Allegheny Power at about 6.5 cents per kwh. That option would make my monthly bill about \$168, or \$38 more per month.

The last option listed, *CoolHome* by Native Energy, is purchased in blocks and only costs an additional 0.8 cents per kwh. This money is used to fund family farm projects to produce methane from

Birdwatch from pg. 17

techniques. After that the big woodpecker disappeared into oblivion.

As Gallagher explains: "The bird has a kind of glamour...It's big. It's beautiful. And its disappearance went hand in hand with the destruction of the most neglected habitat in North America; the vast southern bottomland hardwood forests." During the following decades a handful of observers reported catching glimpses of large birds they believed to be ivory-bills or hearing its nasal kent, kent call or the unmistakable double rap of this woodpecker called BAM-bam. Often they were not believed or told that they had seen the smaller but similar appearing pileated woodpecker, abundant in the south.

The *Nature Conservancy* magazine gives this description of the ivory-billed woodpecker:

"The size of a large crow, the ivory-bill is the biggest woodpecker in North America, glossy black with wide, white patches on the wings, a crest that in males is scarlet, and the bone-white beak for which it was named.....An inhabitant of deep riverine forests full of dead and dying grub-rich trees, the ivory-bill was originally found from the Carolinas to Texas and up the Arkansas and Mississippi Rivers as far as southern Illinois." Dorothy Bordner's drawing shows a male ivory-billed woodpecker grasping the side of a tree.

Gallagher knew he must report his ivory-bill sighting to his boss, Cornell Lab director John Fitzpatrick. He was as white as a sheet said Fitzpatrick "who was afraid I was going to tell him I had an incurable illness. If ivory-bill fever is an illness, he wasn't far from right." This began an intensive search by a number of scientists, especially in the Cache River National Wildlife Refuge where

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that trio had spotted the ivory-bill. Eventually, after many dedicated observers had dealt with stifling heat, mosquitoes, cotton-mouth water moccasins, and the difficult swampy bayous they needed to traverse, they came up with several convincing sightings and a snippet of a blurry videotape. All of this put together became an overwhelming body of evidence that the "Lord God Bird" (a popular nickname in the South) still exists.

"Having survived the timber-cutting of the past, the future should only get brighter for any surviving ivory-bills, as the southern bottomlands continue to mature. The bottleneck is gone," Fitzpatrick says. "If we manage these lands properly, they could return to the old, primeval forest of the South. And we have a chance to use the ivory-bill as a flagship of the highest order of the Holy Grail of birding, a champion for recovering, restoring and protecting a genuinely significant piece of those bottomland forests."

Costing Out Clean Energy

<u>Clean Energy Provider</u>	<u>Product</u>	<u>Residential Cost/kwh</u>
Community Energy	NewWind Energy® WindblocksBlocks of 100 kwh each	2.5 cents (2-block min.)
Community Energy	NewWind Energy®	2.5 cents
Green Mountain	Green Mountain Energy®	8.19 cents
Green Mountain	Nature's Choice sm	8.17 cents
Native Energy	CoolHome sm with Remooable Energy sm	0.8 cents

agricultural wastes and then to produce electricity from the methane.

Using farm-generated methane to produce electricity reduces carbon-dioxide emissions, displaces fossil fuels, and lessens local water pollution and odors. For my household, the additional

monthly cost would be only \$16.

So you can see we have many options right now to support renewable clean energy production. Even though it adds a little to our monthly utility bills, it is a way for those of us who can afford it to walk our talk.