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## How Your Town Can Keep Its Water Out of Corporate Hands: A Test Case

Another Maine Town Votes to Reject Corporate Control

By [Jamilla El-Shafei](#), organizer SAVE OUR WATER, steering committee member of the Maine Water Justice Allies coalition

On Saturday, March 14th the voters from the Maine town of Newfield said No to Nestle! Townspeople voted in a secret ballot, 228 for a Rights-Based Ordinance and 146 opposed. This is not only a victory for water justice activists and environmentalists, but for grassroots democracy. This is the second Maine community to recently reject what some would consider an assault by the largest food and beverage corporation in the world, based in Switzerland; Nestle SA, to extract water from the (protected) Vernon Walker Wildlife Preserve for their Poland Springs label. [Shapleigh, Maine, was first.](#)

This is certainly not the first time that a multi-national corporation treated Maine as if they were a colonial power entitled to our resources. In the past, international paper companies have turned our rivers brown from pollution and huge timber companies have exploited our forests. But the battle over our pure groundwater resources has become the tipping point in Maine. Community after community are now resisting corporate control.

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The battle in Newfield and Shapleigh began when resident Ann Wentworth was hiking in the Wildlife Preserve and discovered that Nestle had (illegally) drilled several “test” wells without notifying the townspeople. The community was shocked, which galvanized support of the activists efforts to stop Nestle.

This was not an easy victory, as Nestle sent “representatives” out into the community to convince the residents of both Newfield and Shapleigh that they would be “a good neighbor.” Nestle also spent tens of thousands of dollars on advertising in the community and it is alleged that they offered money to the fire department for new equipment. However, to quote activist Sol Linowitz, “The way to beat organized money is with organized people.”

The P.O.W.W.R. water activists and allies know their neighbors, and once people understood that it was in fact the Nestle Corporation who was after their water and not the small Maine- owned Poland Springs company of years past, the townspeople did their homework and decided that this was not a company that they wanted to do business with. Nestle has been on the non-profit Corporate Accountability’s Hall of Shame for years, as one of the world’s worst corporations. This bad reputation goes back over 30 years during the baby formula scandal in Africa to the present baby formula scandal in China.

Activists from P.O.W.W.R, which stands for protecting our water and wildlife resources, consulted with attorney Thomas Linzey, the founder of the C.E.L.D.F., the Community Environmental Legal Defense Fund who helped write the language for both the Shapleigh and Newfield’s Rights-Based Ordinances.

The ordinances affirm the right to self-government by the townspeople at the municipal level by requiring that the corporate entities wishing to conduct business in the municipality defer to the will of The People by foregoing any constitutional right, privileges, power, or protections which would enable them to challenge or nullify the ordinance. In other words, it strips corporations of the status of “personhood” which they obtained under the U.S. Constitution following the misinterpretation of an 1886 ruling by the U.S. Supreme Court. In the case of Shapleigh and Newfield Maine the people are saying “Nestle, we don’t want your business in our community and we are shutting off the tap.”

Before Saturday’s vote, the town of Newfield had a regulatory ordinance that set the rules to obtain a permit to extract and sell water for profit. Unfortunately, a regulatory approach, such as the one that a municipal planning board uses, cannot allow citizens to vote on whether or not they would approve of such large scale water extraction in the community. Also, it did not protect the town from potential harm caused by the corporation such as Nestle Waters N.A.

Activists did not want to spend years in court, as they had watched their neighbors in Fryeberg battle with Nestle for six years over “regulations.” Rethinking the organizing strategy from a regulatory approach to a rights-based approach was the only solution.

[Swanson speaking in Arlington, Va.](#)

February David Swanson debating a war supporter in Boston, Mass.

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Across America there are communities struggling to fend off corporate assaults by such offenders as Wal-Mart, or Bio-solids (sewage sludge) companies and the like, and as long as these communities continue trying to work within the regulatory system they will ultimately lose because corporate lobbyists have written the regulations to serve the profit motive of the corporation, not to protect the community.

When communities consider writing Rights-Based Ordinances, they can look to their own state constitutions for affirmation. In all but 6 states in the country, there are “home-rule” provisions written within state’s constitutions. Laws should work for The People, and corporations are not people, they are entities which have been created but work against us. I liken them to Frankensteins! It is time to dismantle the monster! We can do it, one community at a time. Organize!

Here is the powerful and instructive Section 2 of the Shapleigh and Newfield ordinances:

*We the people of (insert your town’s name here) declare that all of our water is held in public trust as a common resource to be used for the benefit of (your town) residents and of the natural eco-systems of which they are a part. We believe that the corporatization of water supplies in this community—placing the control of water in the hands of a corporate few, rather than the community—would constitute tyranny and usurpation; and therefore we are duty bound, under the (your state) Constitution, to oppose such tyranny and usurpation. That same duty requires us to recognize that two centuries worth of governmental conferral of constitutional powers upon corporations has deprived people of the authority to govern their own communities, and requires us to take affirmative steps to remedy that usurpation of governing power.*

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