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Nittany Valley Water Coalition

State College, PA



Sep 28, 2017 — <http://nittanyvalleywatercoalition.org/index.php/2017/09/28/penn-state-shame/>

(Note to readers - the ClearWater Conservancy Slab Cabin Run Initiative and the Nittany Valley Water Coalition fight to protect water and farmland in the Slab Cabin watershed are two different, but related campaigns. ClearWater recently announced that the community successfully raised \$2.75 million to preserve 300 acres of Meyer and Everhart farmland. The NVWC fight is to keep intensive land development out of an additional 500+ acres upstream of the ClearWater parcels but in the same groundwater recharge area. The NVWC fight is not yet over.)

Penn State Shame.

The opposite of Penn State Pride.

A recent flare-up of the entitlement complex suffered by Zack Moore, Charima Young and other Penn State corporate executives is prompting an emergency meeting of Nittany Valley Water Coalition and its supporters, on Friday, September 29 at 5 p.m. at Foxdale's board room.

Essentially, the dispute boils down to the same key issue we keep running into in this painful running battle between corporate exploitation and community sovereignty.

Is Penn State a public institution, such that Penn State land is public land, the notion of “trespass” upon it is incoherent, and citizens have a Constitutional right to protest thereupon?

Or is Penn State a private institution, such that Penn State land is private land and corporate executives have the right to invoke the police power of the state to forcibly evict and/or arrest protesting citizens as trespassers?

Related questions:

Are community residents subject to corporate Penn State “Administrative Directives” on such issues as authorized free speech sites?

Or are community residents – non-university, along with university employees and students – free to speak whenever and wherever they choose, because they are independent human beings with inherent rights beyond the control of the corporate university?

See, for reference, AD51, which purports to restrict all citizens’ rights to free speech to 12 small sites from among Penn State’s thousands of acres of campus and non-campus land, and AD57.

Email thread below.

It’s an exchange between Zack Moore, PSU Vice President of Government and Community Relations, Charima Young, PSU Director of Local Government and Community Relations, and David Hughes, Penn State Professor of Entomology and one of the water coalition’s most vocal and visible leaders, about Penn State’s desire for water coalition activists to pack up the Whitehall Road protest site, go home, sit down, and shut up.

Sept. 27, 8:27 p.m. – Charima Young to David Hughes

"I just wanted to follow up on our previous conversations about the removal of items from the Penn State Whitehall Road Property. On August 21st we provided notification that all items should be removed, which is in accordance with the No Trespassing signs. This is our FINAL no trespassing notification. It is our hope that members of the Nittany Valley Water Coalition will comply.

As mentioned before, we will continue to be open to dialogue during this process."

Sept. 27, 9:50 p.m. – David Hughes to Charima Young

"I very much doubt whether the coalition will change their stance. I will of course mention this to them.

Given that you say it is FINAL, can you tell me what PSU intends? Will you send the police? I know that the coalition will ask this question.

Speaking now as a professor at PSU, I suggest that is not a good move."

Sept. 28, 8:40 a.m. – Charima Young to David Hughes

"I would advise the coalition members to consider complying with the law and respecting the no trespassing signs that have been posted. How the University responds will be dependent on how the coalition responds.

We have always tried to work with the coalition members in a gracious and respectful manner. We hope that they will do the same and respect the University’s rights as land owners of the Whitehall Road property."

Sept. 28, 10:22 a.m. – David Hughes to Charima Young

"You ducked the question. Let’s assume the coalition decides not to move. Will you send the police to forcefully evict?

I just need a clear answer on this to bring to the coalition in our meeting tomorrow evening.

Yes or no.

Just to help us (Penn State) manage the community relations here, I can assure you there are people in the coalition who are willing to be arrested.

Another question I received since last night is why is this happening now? We are just about to write to Charles Elliot as his 60 days period of (Toll Brothers) research on the (alternative) West College Avenue site comes to a close. Why do you want to evict now?"

Sept. 28 – Zack Moore to David Hughes:

"We've been asking you to do this for more than a month. Charima sent her email on August 21st. This is not a recent request.

From the university's perspective, there is very clear law and policy on this.

If we do not enforce it, it makes it more difficult to enforce policies in the future.

As a professor, what would you have us do?"

CRITICAL ANALYSIS

Poor, poor Zack Moore, and his cowardly overlords standing in the shadows behind him and Charima Young.

They seem so frustrated.

"What can be done!?" they cry...

What can be done about the orderly, non-violent behavior of competent adults and their children, acting for over 100 days as if they have freedom of speech and freedom of association, sitting and standing by the side of the road on putatively public land – land owned by Pennsylvania's only land grant university, which enjoys massive direct and indirect public funding, subsidies, and tax-exemption as an IRS-registered nonprofit organization – informing passersby about Penn State's shameful attempts to threaten public water supplies for profit?

I'm not a professor at Penn State.

But here's my answer to Zack Moore, as to what I would have Penn State do.

From the community's perspective, there is very clear law and policy on the Constitutional principles of freedom of speech and freedom of assembly, and Penn State is a public institution, not a private institution.

So not only do our Constitutional rights supersede your "Administrative Directives," but as a public institution, your administrative directives should be fully aligned with Constitutional principles, because you are a government entity.

In a battle between your unconstitutional administrative policies and our Constitutional rights, our rights will win, even if it takes us years to vindicate those rights in protracted court battles.

So in this particular case, Zack, I'd have you void the sales contract with Toll Brothers, request that Ferguson Township Board of Supervisors zone the land back to Rural Agricultural, and apologize to the community at large for your abusive, disrespectful, exploitative behavior over the last 14 years, since you initiated the upzoning that led to this horrible mess to begin with, back in November 2003.

If you did that, the protestors would pack up their shit and go home, because this particular battle between the corporation and the community would be over at last.

-Posted by Katherine Watt

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Nittany Valley Water Coalition

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[Arthur Curtze](#)

[Sep 28, 2017](#)

Penn State officials, heed these words and rectify the horrible mess you've created! The community around you will settle for nothing less!

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[**tom neff**](#)

[Sep 28, 2017](#)

Katherine, from way out here in Oregon I say: Keep the pressure on. PSU may have a great football team, but administrators...not so good.

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