

Gas drilling company imposes lifetime gag order on Pennsylvania children

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Two children, ages 7 and 10, were barred from publicly discussing the health effects of hydrofracking, as part of a 2011 settlement made between their parents and an oil drilling company, according to a court transcript made public last week.

The transcripts clearly showed that the children's parents, Stephanie and Chris Hallowich, believed they signed an agreement binding their children never to speak about the case or hydraulic fracturing, because they said they needed to settle with the drilling company, which was poisoning the local water supply, in order to move their children out of the area.

The Hallowich family brought legal action against Range Resources, a major gas drilling company, for polluting their domestic water supply as a result of the company's use of hydraulic fracturing near their home to extract natural gas from the Marcellus Shale formation, which underlies a large portion of Pennsylvania and adjacent states.

Mr. and Mrs. Hallowich said that the pollution, emanating from four wells, gas compressor stations and a 3-acre wastewater impoundment adjacent to their 10-acre farm, was making the family sick, but they were financially unable to leave their home. Increasingly desperate to escape the poisonous environment in which they were living, the parents ultimately agreed to a settlement with the company, which included an order preventing their children from speaking on the issue of fracking.

According to the court records, Peter Villari, the Hallowich's lawyer, asked them, "You both understand and accept that as written the settlement agreement may apply to your children's First Amendment rights as well?," to which Mrs. Hallowich replied, "Yes."

Villari continued, "And you accept that because you, as adults and as legal guardians and parents of these

children, are accepting these terms and conditions because you believe it is in the best interests of not only them but your family?," to which Mr. Hallowich replied, "Yes, and health reasons. We needed to do this in order to get them out of this situation."

Drilling companies typically seek to silence claims that their activities have caused health injuries to local residents through a combination of intimidation and cash settlements, which typically include confidentiality agreements that prevent the injured parties from speaking publicly.

In this way the drilling companies seek to suppress public disclosure of the true extent of health problems caused by fracking at relatively minor cost, allowing them to publicly maintain the claim that the extraction of gas by hydraulic fracturing is safe.

The Hallowich case is the first reported instance in which not only the adults, but the under-age members of the family as well are subject to a gag order, and sets yet another precedent for the destruction of democratic rights by corporations.

The family's lawyer told the judge, "I, frankly, your Honor, as an attorney, to be honest with you, I don't know if that's possible that you can give up the First Amendment rights of a child." He said that his research had turned up no examples of prior cases in which gag orders were imposed on children.

Federal and state governments have also gone to great lengths to support the energy industry and minimize public knowledge of the health dangers of fracking. For example, in 2012, under Pennsylvania's right-wing Republican governor, Tom Corbett, a major promoter of hydrofracking, the state legislature passed a law which, in effect, is a gag order against the entire medical profession in the state.

The law allows doctors to ask companies carrying out

hydrofracking activities to provide them with lists of the chemicals being used in order to diagnose individual poisoning cases, but requires that they sign confidentiality agreements that would effectively prevent doctors from sharing such information with their colleagues. This, renders difficult if not impossible epidemiological studies which could identify patterns of disease related to fracking.

Although Range Resources has subsequently made statements suggesting that the gag order is not legally binding on the children. The legal settlement agreement has not been altered, and stands as a precedent which corporations will seek to draw on in the future.



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