

By What Authority

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BEYOND PROTEST

From Antiwar To Democracy

by Mike Ferner

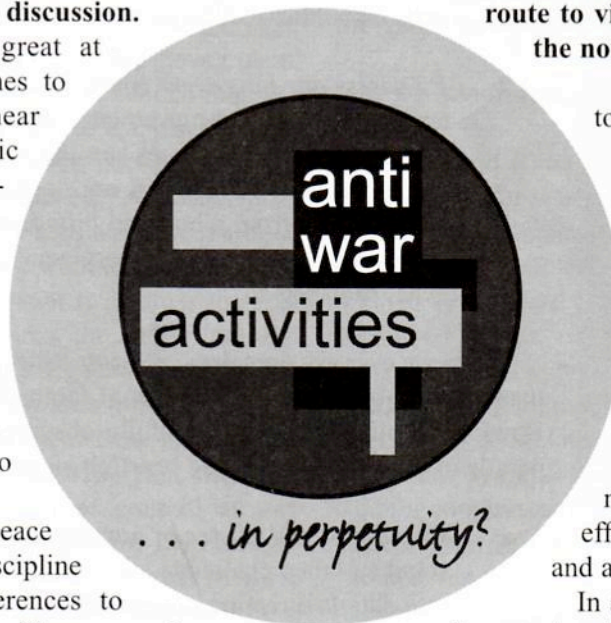
NOT A DAY TOO SOON the antiwar “movement” has begun a desperately needed discussion.

As a movement we are great at activism, deficient when it comes to real organizing, and damn near devoid of long range, strategic thought and debate. So congratulations to former Marine Corps Major Scott Ritter for writing, “The Art of War for the Antiwar Movement,” provoking us to stop and think for a minute, and to Cindy Sheehan, Max Obuszewski and others for responding. I add here a few thoughts of my own to our collective wisdom.

First, we who promote peace needn't reject appeals for more discipline within the movement, nor references to strategic geniuses of *any* stripe – military or pacifist. Dismissing useful methods because of their source is like spurning modern public relations techniques in our work for peace because the Procter and Gamble Corporation uses them to sell toothpaste and deodorant.

One of the intellects Ritter mentions is Sun Tzu, whose *Art of War* should not be dismissed because of its title. It contains such gems as:

- a. “To win one hundred victories in one hundred battles is not the acme of skill. To subdue the enemy without fighting is the acme of skill.”
- b. “There is no instance of a country having benefited from prolonged warfare.”



c. “Strategy without tactics is the slowest route to victory. Tactics without strategy is the noise before defeat.”

The last is particularly relevant to today's antiwar movement. If anyone out there knows what our strategy is, please report to the public address office at once. On the other hand, ‘round the clock tactics comprise our activism, which we then repeat, and try once more, and yet again, and... All of which is to say, dear colleagues, that this may indeed keep us busy but (1) it is not organizing and (2) even organizing is not effective without a coherent strategy and accompanying tactics.

In an e-mail to peace activists around the country, Max Obuszewski, of the National Campaign for Nonviolent Resistance, refutes Ritter's view that the antiwar movement “is not just losing, but is in fact on the verge of complete collapse,” by citing more than 600 actions around the country last month commemorating three years of war.

Cindy Sheehan responded to Ritter: “The antiwar movement is not on the 'verge of collapse' because we are not organized or because we don't take a 'warrior's' view of attacking the neocons and the war machine, but because two-thirds of Americans who philosophically agree that the war is wrong... will not get off of their collective, complacent, and comfortable behinds to demonstrate their dissent with our government.”

By What Authority (ISSN: 524-1106) is published two times a year by the Program on Corporations, Law & Democracy. The title is English for *quo warranta*, a legal phrase that questions illegitimate exercise of privilege and power. We the people and our federal and state officials have long been giving giant business corporations illegitimate authority. Today, a minority directing giant corporations and backed by police, courts, and the military, define our culture, govern our nation, and plunder the earth. **By What Authority** reflects an unabashed assertion of the right of the sovereign people to govern themselves.

POCLAD is a group of nine people instigating democratic conversations and actions that contest the authority of corporations to govern. Our analysis evolves through historical and legal research, writing, public speaking, and working with organizations to develop new strategies that assert people's rights over property interests.

BWA is a tool for democracy proponents to rethink and reframe their work. To that end we encourage readers to engage us with comments, questions, and suggestions.

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BEYOND PROTEST

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I'm encouraged to hear there were over 600 actions around the country marking the third anniversary of the invasion of Iraq (even though Max's use of the word "commemorating" says a lot about how we view our role in this struggle). And who among us has not felt Cindy's frustration with a system that successfully keeps millions of our fellow citizens sitting on their complacent butts, even when they tell pollsters they are against this criminal war?

If next year the antiwar movement organizes 1200 actions "commemorating" the fourth anniversary of the invasion of Iraq, it will not be enough. Neither would it be sufficient were we to roust millions of our fellow citizens off their backsides and out onto the streets.

"Well, that's easy enough for you to say, Mr. Smartypants!" I already see this admonition in my inbox, and agree with the messenger – it certainly is easier said than done. This is true because what we really need to do is:

- a. **Reevaluate and embolden our tactics.** For example, why are we content to have 500,000 people march in the streets of Washington on Saturday (September 24, 2005, to be precise), but wait until Monday, after everyone's returned home, for a polite, orchestrated civil disobedience action? If only 10 percent of that half-million wanted to sit down on Pennsylvania Avenue and stay for as long as it takes to dislodge the criminals, shouldn't that be part of our plan?
 - b. **Re-assess our long-term goals.** For example, ask ourselves if we're content to be an antiwar movement – meaning that our opponents define our existence and purpose. When the agents of empire decide it's time to march the nation off to war once again, the antiwar movement reassembles activists from a hundred different fronts, throws itself into the fray, and works against the government's well-oiled killing machine until exhaustion sets in.
- Do we ever ask ourselves, as Scott Ritter does, whether we want to be more than "a walk-on squad of high school football players taking on the NFL Super Bowl Champions," or, as I painfully observed recently in Washington, a brief parade of colorful banners and heartfelt slogans passing an empty White House?
- c. **Reexamine the source of our opponents' power** so that we might understand and then challenge and change a critical fact: that a narrow corporate elite is directing government toward warring policies often opposed by the many.

As for bolder tactics, the leadership of many antiwar groups will tell us that we can't risk upping the ante because grandparents from Duluth (my apologies, Duluthans) will not participate in civil disobedience, and tradition dictates we cooperate with the police in our own arrests. In regard to the first, I lay odds that people in this movement have more gumption than its leaders. And to the second, I admit I'm not a master student of civil disobedience theory, but I know when our actions are not commensurate with the misery our government is causing, and the antiwar leadership does not.

As for long-term goals, we can work our way toward them by not merely demanding "troops out now" but "bases out now;" by paying billions to repair the physical damage we've caused and not funneling that money

through U.S. corporations; by not saddling Iraqis with the odious debt from Saddam Hussein's reign; and by removing the clutches of empire from the rest of the globe.

That last goal, of course, requires that we determine the sources of our opponents' power and find the means to take it away. I would hardly be the first to suggest that our adversaries – those agents of empire in corporations and government – acquire political power by concentrating economic power, and that the time-tested mechanism for doing so is the corporation. I do, however, propose a more helpful approach to analyzing the problem and determining what to do about it than the one we typically follow – which, with all due respect, rarely goes beyond trying to elect more Democrats, or writing your Congressperson, or petitioning for impeachment, or even protesting and getting arrested.

TO GET THE FLAVOR OF WHAT I'M TALKING ABOUT, consider our modern environmental movement.

Environmentalists have become expert at fighting on corporate terrain (regulatory law and its co-optive hearings) to reduce the poisons in our air and water by a few parts per million, or stop a toxic waste dump or a nuclear power plant, one at a time, until we're worn to a frazzle. We call this success. But the corporate form continues to exercise its legal rights and economic and political power, because long ago we surrendered democratic control of energy and transportation corporations, settling instead for regulating them around the edges – a Faustian bargain. If we want to control energy and transportation policies, if we want to address the root causes of pollution, if we want to treat the disease and not just the symptom we have to engage the question of "who's in charge?" not just plead and petition for a little less poison.

How are we to redirect sufficient time and energy to this more fundamental work, knowing that the individual fires we fight will rage out of control at any moment? We do it by learning how to fight fires and do fire prevention at the same time, by taking this historic opportunity to evolve the antiwar movement into a democracy movement.

It won't be easy, but it will be necessary if we want to do more than postpone the next war or end the suffering of the current war a few weeks sooner; if we actually want to build a sustainable peace. We need the discipline to understand that fighting fires limits us to reacting against injustice in fire after fire after fire. In contrast, fire prevention can lead to removal of the matches and flammables. It requires relearning our histories to discover how and where power is vested, to familiarize ourselves with how people's movements of earlier generations understood their situation and organized to gain basic rights. **To exercise our democratic right to make fundamental change, we must strip**



corporations of the Constitutional rights and powers they usurped and put people's self-governing rights into the Constitution and then into practice.

Can we now focus our learning and organizing on these goals?

As Scott Ritter prophetically writes, "America is pre-programmed for war, and unless the antiwar movement dramatically changes the manner in which it conducts its struggle, America will become a nation of war, for war and defined by war, and as such, a nation that will ultimately be consumed by war."

In painfully personal terms, Cindy Sheehan writes, "Looking back on my life until Casey was killed in Iraq, on April 4th in 2004, I have tried to analyze over and over again what went wrong. I knew that our leaders were bought and paid for employees of the war machine, and yet, when Casey came of age, he put on the uniform and marched off to another senseless war to bring his employers that rich reward of money and power. The warning for American mothers and fathers is this: the war machine will get your children, if not now, then your grandchildren. It is a hard and steep price to pay for the certain knowledge that the people in power think of us, not as their employers and electorate whom they swear to serve, but as their tools to be used as cannon fodder whenever the impulse strikes them."

If we want Scott's and Cindy's intellectually stimulating words to be more than idle entries in our inbox, we'll need to commit to transforming the antiwar movement into a democracy movement. Our reward will be a chance to move at last beyond opposing one war and then another to building the kind of just and peaceful world that we deserve and the planet now demands. ■

PATRIARCHY AND DEMOCRACY

An Oxymoron

By Mary Zepernick

DESPITE THE RINGING IDEALS and revolutionary rhetoric of the United States, "We the People" have not exercised genuine self-governance. The few rule the many most everywhere – in this country with the help of the giant corporation and its ill-gained rights.

With few exceptions, human societies – and thus people's *relationship* with one another and the Earth itself – have been organized for some nine or ten millennia on a patriarchal or dominator model. In this world view, basic human differences are assigned dominant and subordinate value by those in control, with power and resources distributed accordingly. Power thus becomes something exercised over others – those in the subordinate categories of human differences.

Patriarchy is not solely a gendered word, but an age-old ruling

system. However, females remain the universal "other," and we humans ignore at our peril the fact that males continue to control institutions at all levels of our lives. We are creatures of nature, with balance a cardinal principle of nature – and we are seriously out of balance with one another, with other animals and the Earth itself.

The modern giant corporation is arguably the most powerful patriarchal institution ever invented, and there is a budding democracy and justice movement in reaction to the realization that *corporations virtually govern*.

C. Douglas Lummis, author of *Radical Democracy*, describes democracy "not as a 'system' or a set of institutions but as a state of being... a performance art, like music, dance and theater." As such, the democratic arts must be learned

and practiced: for example, decision-making without losers, conflict resolution without violence, shared leadership and democratic meeting practices.

The poet Adrienne Rich said that "Until we can understand the assumptions in which we are drenched, we cannot know ourselves." And of course, until we know ourselves and believe in our capabilities for power-sharing, as a species as well as individuals, we have little hope of governing ourselves.

It's a challenge to change thousands of years of a predominant dominator model and to create a democratic life and society. But that very effort connects the struggles for nonviolent relationships, economic and social justice, ecological sanity and survival, peace and global cooperation.

POCLAD recently added a new face and enriching mind to its ranks. Lewis Pitts of Greensboro, North Carolina has been engaged in issues of racial and environmental justice, children's rights and participatory democracy for more than 30 years. He bears an honorable history of six arrests for "active opposition" to nuclear power, and has appeared on national broadcasts as a resource voice on children's rights. Lewis presently heads Advocates for Children's Services within Legal Aid of North Carolina. He is active in the North Carolina Bar Association on children's issues and, through public speaking, reaches audiences on all of these important subjects.

CLOSING THE CIRCLE



INCREASING CONCERNS have been raised since the 2000 U.S. elections about the accuracy and reliability of electronic voting machines. Charges have surfaced in Florida, Ohio and elsewhere that, among other problems, voters touched the name on the screen for one candidate but a vote was cast for another candidate. In 2004 according to the federal commission charged with implementing election reforms, upwards of one million ballots were spoiled by faulty voting equipment – about one for every 100 cast.¹ No small or subtle matter, this is the difference between winning and losing – an odious state of affairs in a country claiming democracy.

Yet this is but one example of the massive corporatization of our

The Corporatization of Elections

by Greg Coleridge

electoral process – another step in a closing circle that puts this critical feature of self-governance beyond the authority of “We the People.” At the outset of the United States, only 20 percent of the population were qualified to vote. **For more than two centuries, people have struggled to gain and protect the right to vote, only to find this right usurped by the propertied few behind their corporate shield.**

At the “front end” of the process, this corporate class measures the competitive success and electability of possible candidates by their capacity to bring in big money from wealthy individuals and business corporations. This power to meddle in, shape and control election processes, candidates and outcomes is largely a consequence of federal court decisions declaring that corporations are “persons” in the eyes of the law² and that corporate political campaign contributions are expressions of these “persons” protected “free speech.”³ Such vital bits of corpo-

rate legal history help us grasp how corporations came to acquire the largest “voice” on the electoral scene.

Once these “viable” candidates pass the initial cash-raising test, it’s time to head out, hat in hand, to raise the major contributions⁴ required to run an effective campaign. Sizable chunks of this campaign support originate from corporate coffers directly or from corporate-backed Political Action Committees (PACs). Corporations and corporate PACS donate to candidate campaigns and to national, state and local political parties with great deliberation and in expectation of commensurate political returns.

As the election cycle proceeds, business corporations invest tens of millions of dollars in “independent” advertisements and messaging, using the people’s airwaves to enrich a corporate media. Through these well-financed and pervasive strategies, corporate/campaign managers and publicists

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CLOSING THE CIRCLE

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select the issues to be contested, frame the debates around them, insinuate favored candidates, and skew voting results. Corporations then poll voters and announce election outcomes. At the national level, they virtually underwrite the Republican and Democratic political conventions. The same goes for Presidential "debates," especially since the League of Women Voters was bounced from their long-standing coordinating role.

At the "back end" is the corporatization of voting itself. One aspect of this is a nifty corporate "sponsorship" program in Broward County, Florida, where companies "adopt" one or more polling places.⁵ Organized as a "fundraiser," with proceeds going to the area United Way, corporations place signs near precinct voting sites trumpeting their sponsorship while company employees, donned in corporate t-shirts, perform the duties of poll workers. It's all legit, of course. It's all for charity and "good neighborliness"!

Another concern is that **only employees of electronic voting machine corporations have access to the computer codes, allowing the possibility of vote total manipulation, while public officials are excluded from the vote count and certification equation. These antidemocratic actions are carried out in the name of "proprietary information" and "trade secrets."** Public officials with Boards of Elections are replaced by programmed



Editors note:

Humboldt County in Northern California passed a June 6 election referendum that bars corporations not headquartered in the county from contributing funds to local campaigns. By a convincing 55-45 margin the people backed Measure T, an initiative introduced by Democracy Unlimited of Humboldt County and supported by the county's Green and Democratic parties, labor unions and many public officials.

The referendum campaign, grounded in the governing authority guaranteed to the people by state and federal Constitutions and laws, carried the slogan "Vote Yes for Local Control of Our Democracy." Clearly, these voters took California's Constitution to heart in its declaration that "All political power is inherent in the people." They learned about the 9th Amendment to the U.S. Constitution, which recognizes and secures the fundamental and inalienable right of people to govern themselves, and found that corporate involvement in their political life denies that right to self-governance. In this county, the corporation's status as "persons" under the law with its accompanying access to our political process has been democratically challenged, as has the tyranny of concentrated wealth and power in the corporate form.

No matter the outcome of Measure T's anticipated buffeting in the courts, this assertion of our governing rights is a win for the people. The learning, organizing and actions of this community will help other jurisdictions make similar claims to their promised democratic rights. In this way a movement to put property organized in the corporate form subordinate to the people will take root.

The next issue of *By What Authority* will include the full story of this Humboldt County campaign as told by its primary organizers.

machines manufactured by the Election Systems & Software (ES&S) Corporation and the Diebold Election Systems Corporation to tabulate votes and declare election winners.

The 2006 elections can only bring more of this fear and confusion with some election officials assuring us that Touch Screen voting machines are preferable to Optical Scan equipment and its "voter-verified paper audit trails (VVPAT)," while other election officials make the opposite case. Either way, it is flatly illegitimate for corporations to control the machinery and vote tabulating processes in a democracy.

Corporatizing the vote count by the ES&S and Diebold Corporations amounts to the corporate closing of the election cycle – a taking of the one remaining public piece of the election process: tallying the people's choice. Corporate machines will now do the allocations and additions rather than human minds and hands.

And lastly, not to be picky or anything, is the inappropriateness of corporations sponsoring election parties, balls, receptions, and other frivolities leading up to and following swearing-in ceremonies of "the people's" representatives at all levels of government.

Is it any wonder that the interests of business corporations dominate public policies in cities, states and the nation, whether it be a Republican or Democratic administration? Is there any question why politicians are more concerned with serving the will of campaign investors than that of the voting public?

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

—Declaration of Independence

Opening the Circle

Isn't it time to ask new and better questions? To figure out how business corporations have acquired constitutional "rights" to be involved in *any* part of the political circle? Isn't it time to ask ourselves why we have allowed this situation to develop to the point where it now envelops us in corporate-defined elections and corporate-defined governance from beginning to end?

Should we not be launching campaigns to abolish all corporate rights and powers to invest in political candidates and issue campaigns, to run political and issue ads, to poll voters, to bankroll political conventions

and debates, to collect voters at the polls and count votes inside any machine? None of these functions are public. Elections are.

Every phase of the electoral process must be public and transparent but one, the privacy of voters when going into the voting booth. All other aspects of a democratic election cycle should be open, legally *beyond* the reach of corporations and fully *within* the reach of "We the People."

Endnotes

1. "A Summary of the 2004 Election Day Survey, How We Voted: People, Ballots & Polling Places; A Report to the American People by the United States Election Assistance Commission," September 2005, p. 10.
2. *Santa Clara County v. Southern Pacific Railroad Company*, 118 U.S. 394 (1886).
3. *First National Bank of Boston v. Bellotti*, 435 U.S. 765 (1978).
4. In the context of money changing hands in political elections, some prefer the term "investment" rather than "contribution" or "donation" – especially when large sums of funds are involved. The premise is that the giver (i.e. wealthy individual or corporation – the two largest sources of funds in political races) expect to receive a pay-back or "return" on their "investment" in terms of tax breaks or abatements, subsidies, giveaways, preferential contracts, law or rule changes, etc.
5. For a description and comment on this, go to <http://ohiodemocracy.org/?q=node/52>.