

Richard Grossman Letter to Sarah Ruth van Gelder

co-founder, Program on Corporations, Law & Democracy (POCLAD)

25 November 2002

The following letter is reproduced with permission of the author.

Richard Grossman

email: people@poclad.org

25 November 2002

Sarah Ruth van Gelder
Executive Editor
Yes! A Journal of Positive Futures
Bainbridge Is, WA 98110

Dear Sarah,

Glad to see your winter issue's big focus on democracy. *Yes!* offers important food for thought.

I'd like to engage you on the theme of your "Dear Reader" page, and on the intro to the very excellent interview with Vandana.

You quote Scott Ritter: "thanks to our constitution, we the people of the United States of America are the government." On page 12, we read: "America's founders designed the Constitution of the United States to resist tyranny . . ."

You, Vandana and others in this issue offer evidence to the contrary.

According to you, a majority of Americans are not eager to start a new war in the Middle East. "Americans want action on climate change, contrary to Bush administration policies. Ninety-seven percent believe the US should increase the use of new technologies that improve fuel efficiency and conserve energy. Sixty-seven percent of us think the federal government should guarantee health coverage for every American. Seventy percent think corporations have too much power, and 79 percent of us say it should be illegal to sell genetically modified fruits and vegetables without labeling.

Where are the majorities clamoring for corporate + government tinkering with the basic biological building blocks of life -- like, for pig genes in fish? For the USA to be the number one arms seller to the world? For workers to give up their constitutional rights in exchange for employment? For more toxic chemicals produced each day than the day

before? For a handful of corporations to control 80% of every industry? For giving away the people's airwaves to a few corporations which not only vacuum up big bucks but also lie? For denying workers control of their own pension funds? For clearcutting remaining forests? For laughable mass transit? For judges routinely nullifying people's laws passed by our elected representatives?

And on and on.

Years ago, I had been taught that despite what historians called "flaws," the Constitution provided adequate remedies for people suffering harms and denials of rights, that the nation's plan of governance created rational mechanisms for majority-supported change through relatively neutral political processes.

But how long--and how much organizing and agitating--did it take for:
chattel slavery to end?
for women to vote?
for unions to become legal?
for Jim Crow laws to disappear?
for African Americans and other oppressed classes to vote?

These labors took generations. In each instance, people had to contest prevailing values of minority elites. They had to challenge laws and constitutional doctrines backed by the armed might of government. Ending chattel slavery took a war which killed 600,000.

And of course, the work continues.

A little over a century ago, family farmers knocked themselves silly building a mass democratic movement to make railroad, banking, grain, land and information corporations subordinate to public authority. They worked to stop their "public servants" from printing money and giving it to bankers to sell back to the people.

These farmers were crushed in diverse ways by minorities directing corporations and government to deploy police, judges, jails, and militias.

Did a majority of people want their government to declare unions criminal conspiracies? To seize the Philippines, kill 200,000 Filipinos in that country's war of independence and become an imperial power? To join the carnage of World War I? To throw Eugene Debs in jail for speaking out against all wars? To create and empower corporations to help arm Nazi Germany? To unleash the CIA upon the planet and overthrow governments of Iran, Chile, Guatemala and the rest? To nurture great Red Hysterias after each world war? [I, II] To bomb Indo-Chinese people with more tonnage than the USA dropped in World War II?

Look again at your own list of contemporary majority desires, and see how far today's public servants are from embracing the goals you say the majority of Americans want. Take "campaign finance reform:" how many years how many marches and agitations and books and meetings have taken place and what is the result? (I think about Granny D's sore feet!) How limited and narrow the public and Congressional debates have been. And how

worthless is the McCain-Feingold law.

Twenty five years ago, a vigorous safe-energy movement stopped the construction of 850 radiation factories and laid out plans for solar+efficiency transition. What happened?

Fifteen years ago, a vigorous anti-toxics / environmental justice movement arose to end death and suffering by corporate chemicals in communities around the land. It educated, agitated, organized . . . and so?

Why have so many majoritarian values and desires been thwarted, delayed, diluted, destroyed, declared un-American? Why are citizen-activists always on the defensive? Why haven't we succeeded in making any major investment, production and ownership transitions in energy, health care, food, transportation, education . . . *ad nauseam*?

Why haven't we subordinated the corporate form?

Doesn't logic compel us to ask: Why has it been essentially impossible for majorities to govern these United States?

Logic, alas, leads to heresy: the nation's plan of governance has always enabled ruling minorities to wield the coercive force of government against majorities.

"America's founders" -- at least those founders who wrote the Constitution -- designed a plan of governance to deny the majority their right to govern. Didn't that make sense? They were, after all, only 20% of the bipeds in the 13 states.

Chomsky keeps advising people to look at the facts. Well, it's a fact that their constitution enshrined black chattel and white indentured slavery into the law of the land. It's a fact that their constitution bestowed enormous privileges upon men with property and capital.

Those "founders" who wrote the Constitution were eager to resist tyrants -- like King George and Parliament. They did not want to take orders from Spanish, Dutch French or any other absentee owners or monarchs. But didn't they feel the need to keep the mob, the rabble (which is what they called the majority of people) at bay in their own communities?

So of course they used "the rule of law" to deny 80% of the people around them their fundamental rights.

Of course they made it exceedingly difficult for whole classes of people to function as We the People should they ever organize to win the right to vote, hold property, gain educations. Of course they got the law to declare unions "criminal conspiracies" as long as they could, and made it much more difficult for workers to combine than for capital.

Imagine if Quakers and freed slaves and family farmers and housewives and Native peoples and artisans had gathered in Philadelphia in the summer of 1787 to write a new plan of governance. What a different constitution they could have written. Maybe they would have written one which empowered human rights over property interests.

But these folks were denied. So isn't it logical that today's "rule of law" enables elites to wield property, commerce, contract, the Supreme Court, indirect elections and other constitutional creations against the majority?

And isn't it a diversion to conclude that the "corporate personhood" Thom Hartmann writes about was a "legal error?"

Such a conclusion denies that after the Civil War, Southern and Northern men of property united again to govern the nation again. It is to deny that they chose the corporation as their governing institution.

They did not have to look far for tools. A monarchical Supreme Court was there to wrap their corporations in their forebear's Constitution. With relative ease, they bestowed upon their agglomerations of property the rights and privileges which white men of property had seized in 1787.

That didn't stop their propgandists from instructing us about consent of the governed, about all political power lodged in the sovereign people. The Populist Era was the last time folks understood these were ideals to strive for, not the reality they lived.

Their propagandists and their historians have been so relentless, so persuasive, that not only today's public officials say that they do what they do in We the People's names. Critics and civic activists choose goals and base organizing strategies on that very lie -- that this nation is characterized by democratic institutions; that here, the majority rules.

Contrary to what Scott Ritter says, many people in other nations assaulted by our government -- Chileans , Nicaraguans , Guatemalans , Vietnamese, and yes Iraqis -- understand the USA's reality better than most of us living in the heart of the American empire.

So of course it is a good thing that so many Americans cherish the wonderful ideals expressed in the Declaration of Independence, unleashed by the American Revolution, and aspired to/struggled for by people in every generation.

And it is a good thing that folks are getting hip. That's why there's been so much rethinking going on, why people are helping each other learning to trust their own experiences.

That's why Vandana reports that Indians are instructing corporate operatives and public officials: "This is not your jurisdiction. You cannot sign away these rights. They were not given to you. We never delegated them to you."

People are talking like that in many lands, including in these United States. And beginning to challenge corporate claims to the Constitution , to contest usurping public officials.

Unlearning and learning anew can be painful.

Of course there is much good stuff about this country -- the result of people in every generation who studied, analyzed, agitated, organized, struggled and even died for their values and ideals. So on some levels, aspirants to real change have an easier time here than elsewhere. But the perversion of history and ideas and language has been so great in this empire that liberating hearts and minds at home is difficult, labor-intensive work.

And lurking, always lurking, is the lavishly camouflaged history that when push came to shove in the US of A, governing classes have been ready to unleash their Constitution -- and therefore police, courts, jails, militias, snoops, etc., -- against slaves and Native peoples, against Abolitionists and Native people's independence struggles; against women's suffragists, freed slaves, civil rights advocates, white workers, environmentalists, sexual freedom and gender liberty advocates, war opponents and neighborhoods; against forests, rivers, mountains, other species.

And lately, against seeds, genes, outer space.

Three dastardly installments of "Red Hysterias" (with yet another one on the way) tell us that governing classes know how to unleash "the rule of law" against people thinking, talking and teaching.

The only times "our" governments have been even partially and occasionally "We the People's" were when great mass movements made them so.

For those accomplishments, data were necessary -- but never sufficient. Hope was necessary -- but never sufficient. Large numbers of people had to come together to help one another learn their truth, and to assert raw power against their own government.

Peter Singer opened his 1975 book on animal liberation by declaring: "To end tyranny we must understand it." Can people challenge today's constitutional tyranny if we mistake it for democracy?

Can people work effectively for positive futures if the only history we know is that taught to us by our tyrants?

Sincerely,

cc: Frances Korten, David Korten