

WE THE PEOPLE
Building a Truly Democratic Society
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MY TASK TODAY is an ambitious one: to persuade you in the brief time we have together to launch a "democratic insurgency" as a first step toward building a truly democratic society. In Daniel Quinn's extraordinary book, *Ishmael: A Novel*, which every person concerned about the human predicament should read, the narrator of the story answers an unusual ad:

Teacher seeks pupil. Must have an earnest desire to save the world. Apply in person.

To the narrator's surprise, his teacher turns out to be a gorilla named Ishmael. Then ensues an extended dialogue filled with insights about the human condition that only a non-human could have.

In a memorable exchange, Ishmael observes of the young people who were in the vanguard of the struggles of the 60s: "they made an ingenuous and disorganized effort to escape from captivity but ultimately failed because they were unable to find the bars of their cage."

So it is for us today. The bars to our cage are our colonized minds that have led us to surrender our sovereignty to giant corporations which increasingly dominate our society, not to mention the rest of the world.

The principle that We the People are in charge is clearly stated in the preamble to the Constitution:

We the People of the United States, in order to form a more perfect Union, establish justice, ensure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

But over the intervening decades we have abandoned that principle in practice if not in theory. "American society is disproportionately shaped by the outlooks, interests, and aims of the business community -- especially that of big business," observed Cornel West, the

social critic and Harvard Professor, "The sheer power of corporate capital is extraordinary. This power makes it difficult even to imagine what a free and democratic society would look like . . ."[1]

What, indeed, should a "free and democratic society" look like? Let us begin by considering the dictionary definition. Democracy, according to Webster's, has two major components: government in which the supreme power is retained by the people; and the less widely recognized belief in and practice of social equality. It is clear that we have strayed a long way from the ideals expressed so eloquently in our Declaration of Independence and the Preamble to the Constitution.

What went wrong? Why do we find ourselves in a plutocracy with such gross inequality? I think there are at least three critical factors growing out of our past. The first is that the foundation for our republic was deeply flawed by design. The political rights set forth in the Constitution were essentially restricted to white property-owning males. A continuing thread in our national history since then has been the struggle by all those excluded from Constitutional "personhood" -- women, African-Americans, poor whites, indigenous people -- to gain that personhood and the equally determined resistance of those empowered by the Constitution to prevent them from achieving that goal.

Second is the huge internal contradiction in the Constitution between its Preamble and the rest of the Constitution which seeks above all else to protect and give sanctity to property rights over human rights.

Third has been the usurpation of the peoples' authority by corporations, especially during the last 100 years. Although this process did not begin there, it stands exposed by the infamous 1886 decision by the U.S. Supreme Court in *Santa Clara v. Southern Pacific Railroad Co*, which asserted that corporations were like natural persons before the law. From this fundamental determination corporations worked assiduously through the decades to claim more and more constitutional rights of natural persons, including those protected by the First, Fourth, and Fifth Amendments to the Constitution. How ironic it is that corporations achieved their constitutional "personhood" before all of the other natural persons I have just mentioned. And how absurd it is that today corporations have more rights than mortals like you and me.

Closely aligned to this process was defining "liberty" to mean the right of the individual to do whatever he or she wanted to do with his or her property regardless of the social or environmental consequences. The expansion of property rights, carefully and methodically orchestrated by major corporations, has been inexorable. It now includes intangible rights such as managerial prerogative and the business judgment rule which effectively place much of what corporations do beyond democratic control.

The failure of our democracy has been tragically evident in the growing inequality of income and wealth, particularly in the last decade. During the 1980s the net worth of the 400 richest persons in America increased by 522%. During that same decade the bottom 99% lost over 5% of their share of personal income, while the top 1% almost doubled its share from 8 to 14%.

This growing inequality has achieved greatest visibility in the ratio of compensation paid to CEOs of Fortune 500 companies and their lowest paid workers. That ratio now stands at 160 to 1.[2] By contrast, in Europe it is only 20 to 1, and in Japan merely 15 to 1.

In 1993 Michael Eisner, the CEO of Walt Disney Corporation, received \$203 million in total compensation. That works out to \$84,000 an hour -- nice work if you can get it.

Even the much heralded expansion of participation in the closest thing we have to a national lottery -- namely, the Stock Exchange -- remains highly unequal and largely limited to upper income brackets. The richest 1% have 39% of the stock owned by individuals. The richest 10% own 81%.

This state of affairs leads to the fundamental question: How can we have a democracy when so much power and wealth is concentrated in so few hands? If we are to be true to the ideals of the Declaration of Independence and the Preamble to the Constitution, and to reassert our sovereignty as "We the People," then we must work toward replacing anti-democratic institutions that consolidate wealth and power with democratic institutions which disperse wealth and power.

But in the view of those who have pondered more deeply the meaning of democracy, we must look beyond building institutions. Douglas Lummis, in his seminal book *Radical Democracy*, argues that democracy is more than a set of institutions or a "system." It is rather a state of being.

He observes that many of the experiences most precious to human life can not be institutionalized.

Laughter cannot be institutionalized -- which does not mean that we should abolish institutions such as comic theater. Love cannot be institutionalized -- which does not mean that institutions of courtship and marriage are useless. Wisdom cannot be institutionalized -- which does not mean that educational institutions are a waste . . .[3]

We design institutions, Lummis states, hoping that they will bring about or preserve a certain kind and state of being. Sometimes they do and sometimes they do not. And sometimes that state of being may appear without the support of any institutions. The same uncertainty of cause and effect is certainly true of democracy. All of the institutions asserted to achieve democracy may be created, and yet still not achieve it. It is also true that all of the institutions designed to suppress it may be established, and democracy may break out before our very eyes.

The essence of democracy is politics -- the art of the possible. Democracy is a performance art like music, dance, and theater. We can construct theaters, and assemble troupes of dancers and musicians but the art exists only while it is being performed. So it is with democracy.

But if democracy can not be institutionalized, it none the less tends to take on certain typical forms when it does appear. Again in the words of Lummis:

People develop a desire to act together, and to talk with one another about their common life.

They tend to gather in groups small enough to make this talk possible in what have been called committees of correspondence, councils, soviets, affinity groups, sectoral groups, and so on. These become a form of 'civil society.'

That "civil society" has long been considered one of the distinctive characteristics of these United States, as Alexis de Tocqueville observed many decades ago regarding the propensity of Americans to join associations of all diverse kinds. But from the beginning of our history as an independent country, democratic values and process have been under severe stress.

No one has been more eloquent in advocacy of the task of building a truly democratic society than William Greider in *Who Will Tell the People*. His book is in my view the most important critique of U.S. society since Gunnar Myrdal's study of race relations in North America more than a half-century ago, *An American Dilemma*.

Building such a society, Greider insists, will require citizens to devote themselves to challenging the *status quo*, disrupting the existing contours of power and opening the way for renewal. Just how do we open the way for renewal? Ishmael's pupil was puzzled by the same question.

"What do I do if I earnestly desire to save the world?" he asked Ishmael.

Ishmael frowned at him through the bars of his cage for a long moment. "You want a program?" he asked.

"Of course I want a program" replied his pupil.

"Then here is a program: the story of Genesis must be reversed. First Cain must stop murdering Abel. This is essential if you're to survive . . . And then, of course, you must spit out the fruit of that forbidden tree. You must absolutely and forever relinquish the idea you know who should live and who should die on this planet." "Yes, I see all that," responded Ishmael's pupil, "but that's a program for mankind, that is not a program for me. What do I do?"

"What you do is to teach a hundred what I've taught you, and inspire each of them to teach a hundred. That's how it's always done."

So that is our program -- where we must begin. And we have just started, here today -- with this "democratic conversation" in Greider's choice phrase.

"Strange as it may seem to an era governed by mass-market politics, democracy begins in human conversation," Greider insists. "The simplest least threatening investment any citizen may make in democratic renewal is to begin talking with other people about these questions, as though the answers matter to them. Harmless talk around a kitchen table or in a church basement will not affect anyone but themselves, unless they decide that it ought to. When the circle is enlarged to include others, they will be embarking on the fertile terrain of politics that now seems so barren."

It is important to understand that a democratic conversation does not need elaborate rules and procedures or idealistic notions of perfect consensus. What it must have is a spirit of mutual respect -- that is, people talking among themselves critically, in an atmosphere of honesty and shared purpose. That respect must even extend to one's adversaries, since the objective of these conversations is not to destroy them but to reach eventual understanding. The very heart of democracy is as simple as that -- a society based on mutual respect.

Ishmael's pupil was less than satisfied with Ishmael's definition of the "program." "Yes, but" he asks Ishmael, "is it enough?"

Ishmael frowned. "Of course it's not enough but if you begin anywhere else there's no hope at all . . . You can't change these things with laws. You must change people's minds first. And you can't just root out a harmful complex of ideas and leave a void behind; you have to give people something that is as meaningful as what they've lost -- something that makes better sense."

So, too, will many of you ask: Is a "program" of "democratic conversations," of raising levels of consciousness about the myth of democracy in which we live, and of the possibilities and implementation of a democracy which rises to our highest ideals of self-governance, enough?

Of course it is not enough. But we must start there, for many of the same reasons Ishmael gives to his pupil. However, we all want to do something, not just sit around talking about the problem. And there are things we can do, but they should grow out of a deeper understanding of democracy, and they should yield real solutions, not cosmetic ones.

Take election campaign finance reform.[4] Persons of genuine commitment to democratic values are rallying around the McCain-Feingold-Thompson Campaign Finance Reform Bill, not because they are oblivious to its limitations but because it seems to be the only game in town.

But the great difficulty with that bill is that, assuming it is passed more or less in its present form, many of those supporting it will conclude that we have solved the problem, making it that much more difficult in the next round of struggle to get at the real causes of corruption of democratic values in our society.

Real campaign reform must address and work toward reversing the Supreme Court's decision in *Buckley v. Valeo* equating money with speech and asserting that, as a form of speech, spending money in election campaigns cannot be limited because it would violate the First Amendment protection of free speech.

For those who say that Supreme Court doctrines cannot be overturned, I respond by pointing to the long struggle for racial equality in the United States. A group of young black lawyers gathered together in 1930 and formulated a plan to overturn the Supreme Court doctrine of "separate but equal" which had been the law of the land since *Plessy v. Ferguson* in 1896. It took them almost a quarter of a century, but led by Thurgood Marshall, they achieved their goal in 1954 with the Supreme Court decision in *Brown v. Board of Education*.

In addition to working toward the overturn of the doctrine that money equates with speech, real campaign finance reform must also:

- Prohibit all paid political ads on radio and television.
- Require all radio and television corporations to provide free air time. (After all, they are using the people's airwaves).
- Mandate only signatures on petitions, not money contributed to a candidate, to qualify

for public financing. (Paying money is just what Blacks in the South had to do in order to vote when there was a poll tax.)

- Distinguish between natural persons and corporations, and prohibit profit-making corporations from making any kind of political contribution.

Those who think these are unattainable goals need to be reminded of a Wisconsin Law from 1905 to 1973:

No corporation doing business in this state shall pay or contribute, or offer, consent or agree to pay or contribute, directly or indirectly, any money, property, free service of its officers or employees, or thing of value to any political party, organization, committee or individual for any political purpose whatsoever or for the purpose of influencing legislation of any kind or to promote or defeat the candidacy of any person for nomination, appointment or election to any political office.[5]

Establishing our democracy must begin with citizens prepared to devote themselves to challenging the *status quo*, and to disrupting the contours of power. But the ultimate task, William Greider reminds us, is much more difficult -- creating something that does not now exist -- the basis for politics as a shared enterprise. "The search for democratic meaning is necessarily a path of hard conflict," Greider writes, "but the distant horizon is reconciliation. Americans coming to terms with themselves, that is the high purpose politics was meant to serve."

My modest hope for the time we are together is, as I suggested at the outset, to persuade you to launch what Greider calls a "democratic insurgency," individually and collectively.

This insurgency will not begin with abstract ideas or charismatic political leaders. Its origins will lie among ordinary people who have the will to engage themselves with their surrounding reality and to act on the conflict between what they are told and what they experience -- thus disrupting existing structures of power and opening up paths for renewal.

NOTES

1. West, Cornel, "The Role of Progressive Politics." In *The Politics of Law: A Progressive Critique*, edited by David Kairys. New York, N.Y.: Pantheon Books, 1982, pp. 468-469.
2. Today it is over 200 to 1. See "The Rising Costs of Inequality in the U.S." in this volume. --Ed.
3. Lummis, C. Douglas. *Radical Democracy*. Ithaca, N.Y.: Cornell University Press, 1996, p. 159.
4. See "Speaking Truth to Power About Campaign Reform" in this volume. --Ed.
5. Wis. Laws, Section 4479a. (Sec. 1, ch 492, 1905).