

Rumors of USA Democracy Discovered to be Counterfeit

Disbelief and Sadness Sweep the Nation . . .

Land of Plenty Run by and For a Few . . .

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How many people would be shocked to read these headlines in the morning newspaper? How many would cancel their subscription in outrage? Scratch their heads and think? Perhaps even be relieved to find they aren't crazy after all?

Along with Santa Claus, the Easter Bunny and the Tooth Fairy, an enduring myth of our society is the belief that the United States is a democracy. We learn it in school and hear it all the time in our popular culture, especially during this and every election year. While it is true that people have significantly expanded justice, equality and opportunity since the nation's founding, most such gains actually came about only as a result of great popular movements. At every step, these movements confronted a Constitution and government institutions arrayed against them, as do organizers for justice today.

For six years, we in POCLAD have been talking and writing about the relentless corporate seizure of the people's authority to govern. Over the past year we have focused on the undemocratic nature of the Constitutional Convention, the Constitution itself, and the subsequent denial of the people's governing authority by federal courts and legislatures. It may be painful to say "Uncle Sam has no clothes!" Yet all the digging and grappling, the discussing and analyzing, point in this direction.

For example, in many gatherings we have asked participants to identify and share a "democratic experience." Just a handful of people among scores came up with examples having to do with governing institutions and processes. It has been in family meetings, civic groups or volunteer projects in which people said they have participated fully in discussions and decisions. Clearly, elections do not a democracy make.

A protest sign outside the Republican convention warned: "The most serious threat to democracy is the notion that it has already been achieved." Let's face it, for many the cat has long been out of the bag.

A STOLEN BIRTHRIGHT

C. Douglas Lummis has noted, "Democracy was once a word of the people, a critical word, a revolutionary word. It has been stolen by those who would rule over the people, to add legitimacy to their rule." [1]

However defined, democracy surely is a *process* whereby decisions that shape life, work, community and the Earth are *public* decisions, framed, debated and made by diverse human persons in open forums not dominated and warped by wealth; whereby all institutions that shape ideas or make governing decisions are public in nature. How does the U.S. of A. stack up?

This nation was born in revolution against authoritarian absentee rule. Its first and second constitutions set up very different governments. The first -- the league established by the Articles of Confederation -- did not create a strong central government, and left ultimate authority in state legislatures rather than courts. Although far from perfect, it was good enough to enable 13 loosely-knit colonies to defeat the greatest global power of the day. Yet it has been cavalierly dismissed by historians, politicians and corporate apologists as cumbersome and inappropriate. George Washington revealed something about his values when he observed that "We probably had too good an opinion of human nature in forming our confederation. Experience has taught us that men will not adopt and carry into execution measures the best calculated for their own good, without the intervention of a coercive power." [2]

The second government -- established by the Constitution of 1787 -- reflects Washington's perspective. Celebrated in fable and song, its founding rhetoric extols liberty, equality and justice. However, much of its language made the United States government complicit in denying the rights of millions of people and hedging the power of the electorate. The presidency and Senate were not directly elected. The separation of powers and checks and balances kept the House of Representatives, the unit of government closest to the people, weak. The federal judiciary was insulated by presidential lifetime appointment and Senate confirmation. Constitutional amendment was made difficult, and there was no provision for national referendum or initiative. Not surprisingly, constitutional provisions like the Commerce and Contract clauses have been used to magnify corporate power, deny human rights and community authority, and generally stack the deck in favor of privilege.

The Bill of Rights, added to the Constitution by anti-Federalists as the price of ratification, was intended to safeguard citizens from government abuses of power. However limited this protection has been in reality (thanks to the Supreme Court), it never purported to safeguard people from non-governmental power. What's more, the Bill of Rights has been hijacked by corporations to turn government against human persons, communities and the Earth.

"To a large degree, the court was intended to enforce the lines of division set down in the Constitution, in order to ensure that the areas marked off from politics would not be subject to political revision. The boundaries set in the Constitution were thus to be unrevisable by electoral majorities -- a safeguard that would buttress the other institutional checks." [3]

The men who wrote the Constitution, and the men who refined it through the courts, have

done a wonderful job of privatizing government -- until just about every decision of importance is considered beyond the authority of the people. And what does the law most zealously protect? The constant corporate usurpation of people's rights, the relentless corporate denial of people's authority to govern, the absolute corporate squashing of working people's First Amendment freedoms of speech and association.

We in POCLAD have not studied all this history simply as an academic exercise, but to help us provoke conversation and debate among activists about rethinking organizational goals and strategies. We have been doing this work because as pragmatists, we concluded that despite the successes that hard working people and civic groups have achieved, we the people still have not gained the promised authority to govern ourselves.

Ask yourself: are the decisions which define our communities' energy, transportation, agriculture, health care, land use, education, work, money supply, etc., really made by "we the people"? Is foreign policy? Government spying? The production and sale of weapons of mass destruction? Do elections, lawmaking, legal proceedings, and education nurture vigorous public debate about history and the real choices the nation can make? Are institutions actually defined and controlled by the people? Do all people enjoy liberty -- that is, freedom of speech, freedom of association, equal protection, due process of law?

Who framed the issues in the recent presidential campaign? What do you conclude when the Democratic and Republican candidates for president and vice-president supported existing global trade agreements and fast track authority to create even more? When despite escalating popular protest the corporate press dismissed global corporatization as a campaign issue?

Why do state laws make it so difficult for third, fourth, fifth political parties to get on the ballot?

Do your congressional representative or senators take your views, or the views of your organizations, seriously? Do your state representatives? Do they treat you as they treat the CEO of the General Motors Corporation or the heads of the National Association of Broadcasters or the U.S. Chamber of Commerce?

A DIFFERENT VISION

POCLAD has been looking at two historical streams: one is about the decentralization of power, about public decision making and self-governance -- about democracy. The other stream is about the concentration of power, private decision making, governance by the few, and the corporation as their governing institution. We have been looking for and piecing together people's histories, like a tapestry -- in pieces, not necessarily chronological, with different threads and strands waiting to be uncovered and connected.

Our hope is that a critical mass of people will develop a clearer sense of how previous generations have struggled -- *not* to make rulers a little less destructive, a little kinder and gentler -- but *for* democracy. We sense that more people are now tracing the tensions that have long raged between government by the many and government by the few, and asking

fundamental questions about who's in charge.

To foster this process, we think it is vital to understand that the nation's great popular movements -- the American Revolution and the Abolition, Populist, Women's, Labor, Civil Rights, and Native people's struggles -- were not simply defensive efforts. Again and again, whole classes of people, many originally defined as *property* by the Federalist founders, organized to gain basic human and constitutional rights. In so doing they put forth visions of this nation quite different from the visions of those propertied few who sought to keep power in their own hands.

Look at the Knights of Labor in the 1880's. They were clear that the "transportation of knowledge," meaning the new communications inventions, must be public. Similarly, the millions of late-19th Century Populists understood that *all* the "necessaries of life" belonged in the hands of the people. However, we know that knowledge -- like land, money, food, health care, energy, and our very government -- has from the beginning been controlled by a small number of people. The propertied founders, Robber Barons and their descendants in today's corporate boardrooms and halls of government have consistently elevated property interests over human and species rights. The result is a global empire built on military force, expanding production and consumption without end -- all cloaked in the myth of democracy.

IMPLICATIONS FOR ACTIVISTS

To those who have looked at U.S. history, it is evident that simply regulating the authority of propertied men and their corporations to dictate the rules diverts people from the age-old struggle for democracy. So it should come as no surprise to find that creating and running organizations to *build* democracy is quite different from creating organizations to pry better terms from those in charge. There are hidden histories of past organizations to uncover and there are people's organizations -- formed in response to relentless assaults on life, liberty, property, and the Earth -- which need to retool into strategic vehicles for forcing government to disperse power and foster democratic institutions.

How can activists stop investing in hopes and strategies based on rules stacked against us? How do we evolve into a democracy *movement*, whose participants make clear that it's not labor and environmental side agreements, or better judges, or a tougher National Labor Relations Act, or public financing of campaigns that are needed, but rather the authority as a people to make all the decisions required to govern ourselves?

As a *By What Authority* reader recently asked, "What steps can the average citizen take to help in the process of securing and maintaining democracy . . . Divided as we are, how can this amorphous mass ever be defined as a sovereign people?"

Perhaps the first challenge is convincing ourselves that we are capable of self-governance. After all, the very Father of our Country chided himself and his compatriots on an overblown faith in human nature. Alexander Hamilton dubbed us the mob at the gate. Leaders throughout U.S. history have denigrated, denied and disregarded the aspirations and sovereignty of the people, all the while singing the praises of our counterfeit democracy.

For that matter, all of us -- ruler and ruled alike -- are infected by a millennia-old patriarchal world view that defines power as something exercised over others. This paradigm assigns to human differences dominant and subordinate status and parcels out power and privilege accordingly. Ruling minorities in every era have capitalized on such differences to divide and conquer. In the United States, for instance, race was socially constructed to justify slavery and keep the disenfranchised from making common cause. Racism, along with other forms of oppression, perpetuates inequity and continues to divide those who struggle to change the *status quo*.

No wonder we citizens harbor a colonized and oppressive self-image.

So the USA is not a democracy -- let's move on. After all, who among us collapsed when we learned there was no Santa Claus? We can free ourselves, and our liberation will pick up steam as we stop talking about and structuring our organizations around reclaiming, revitalizing or renewing something that never existed; as we analyze, plan and carry out strategies to uproot concentrations of so-called private power and build democratic institutions in their place.

POCLAD is cooperating with organizations seeking to make such a shift. For example, the U.S. Section of the Women's International League for Peace & Freedom has launched a three-year campaign to Challenge Corporate Power, Assert the People's Rights. Phase one is a study group curriculum featuring readings and discussion guidelines on the U.S. corporate power grab and on global corporatization; phase two is about crafting commensurate strategies in WILPF communities and coalitions.

This is hard work for all concerned:

- In an activist organization around which a mythology has grown as a means of survival, leaders often treat internal debate on mission and tactics as threats to their authority;
- Given that most organizations were created to gain relief from corporate and government assaults -- either in progress or looming-- money, time and even the inclination to "rethink" are generally in short supply;
- Whether the impetus for change comes from membership, staff, officers, board of directors, or funders, all must be involved in analyses and deliberations around how the organization can evolve; yet few activist organizations are really structured democratically, and many actually replicate the very hierarchical corporate model they purport to resist;
- People in existing and new organizations committed to building democracy need to study models throughout history and to practice the "democratic arts";
- When sufficiently pressured, the ruling class may concede some ground to unionization, higher minimum wages, limits to their spewing of poisons, etc.; however, they draw the line when it comes to sharing power and authority under law with those whom they, like Hamilton, regard as the mob, the rabble.

If people cannot make our own civic organizations democratic, we will be unable to gain our rightful power. As the late poet Audre Lorde put it, "You can't dismantle the master's house using the master's tools!"

When more and more people adopt democracy as their goal, it will become easier to see that the logical and efficient way to end corporate assaults is by contesting illegitimate corporate power; the logical and efficient way to right government wrongs is by challenging government's relentless denial of people's fundamental rights; and the logical and efficient way to practice democracy is not by making the bad less bad but by rewriting the rules of governance.

We can let C. Douglas Lummis cheer us on:

"The basic idea of democracy is simple . . . Democracy is a word that joins *demos* --the people -- with *krakia* -- power . . . It describes an ideal, not a method for achieving it. It is not a kind of government, but an end of government; not a historically existing institution, but a historical project . . . if people take it up as such and struggle for it." [4]

That's a tall order, folks. What do you think?

Endnotes

1. C. Douglas Lummis, *Radical Democracy*, Ithaca, N.Y.: Cornell University Press, 1996, p. 15.
2. Jerry Fresia, *Toward an American Revolution: Exposing the Constitution & Other Illusions*, Boston, Mass.: South End Press, 1988, p. 23.
3. Geoffrey R. Stone, Louis M. Seidman, Cass R. Sunstein, Mark V. Tushnet, *Constitutional Law*, Third ed., Boston, Mass.: Little Brown & Co., 1996, p. 19.
4. Lummis, p. 22.

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By What Authority, the name of our publication, is English for *quo warranto*. *Quo warranto* is the sovereign's command to halt continuing exercise of illegitimate privileges and authority. Evolved over the last millennium by people organizing to perfect a fair and just common law tradition, the spirit of *By What Authority* animates people's movements today. We the people and our federal and state officials have long been giving giant business corporations illegitimate authority. As a result, a minority directing giant corporations privileged by illegitimate authority and backed by police, courts and the military, define the public good, deny people our human and constitutional rights, dictate to our communities, and govern the Earth. *By What Authority* is an unabashed assertion of the right of the sovereign people to govern themselves. A publication of the Program on Corporations, Law and Democracy.

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