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Center for Research on Globalization

Cold Case Democracy and the Doctrine of "Corporate Personhood"

Part II: Smash and Grab

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Global Research, January 28, 2010
28 January 2010

Region: USA
Theme: History

> "There have been two principal aspects to the growth of democracy in this century (20th): the extension of the popular franchise (e.g. the right to vote) and the growth of the union movement. These developments have presented corporations with potential threats to their power..." Alex Carey & Andrew Lohrey, "Taking the Risk Out of Democracy"

Corporations have been a successful means to minority rule because they are a stunningly efficient means of accumulating and concentrating wealth and property, which can then be translated into political power. As long as the ownership of property determined eligibility to vote, minority rule remained intact, but as more people got the right to vote the threat of real democracy hung over minority rule like the Sword of Damocles.

Under the Constitution, corporations had no rights. They had only the privileges granted them by the people of their chartering states, because there are only two parties to the Constitution, the people, who are sovereign and have constitutional rights, and the government, which is accountable to the people, and has duties it must perform to their satisfaction.

The word "corporation" appears nowhere in the Constitution. Corporations are a creation of government, and government must perform to the satisfaction of the people. This meant that property – corporations – would have to discontinue being a creation of government – which serves the people – and, in effect, **become** people, entitled to the rights of the sovereign under the Constitution, if wealthy corporate shareholders were to continue minority rule.

Within 100 years of the ratification of the Constitution, corporate shareholders had animated a lifeless business arrangement into the legal equivalent of a living human being by using the Supreme Court as a scalpel to excise the protections and immunities of the Fourteenth Amendment from human beings and transplant them into their property – corporations. That operation allowed shareholder property to begin assuming control of the United States government by exercising the constitutional rights of United States citizens, and further, to assume the protections and immunities of the entire Bill of Rights under the mantle of "corporate personhood."

The doctrine of "corporate personhood" is based on a legally meaningless "obiter dictum," or offhand remark, made by Chief Justice Morrison Remick Waite **before** the decision was

read in Santa Clara County v. Southern Pacific Railroad (1886). It was **not** the decision. It was **not** part of the decision. But it subsequently found its way into the court reporter's summary, of the case.

Just three years later, in Minneapolis & St. Louis Railroad v. Beckwith (1889), Justice Stephen Field cited Santa Clara as precedent, giving it the force of law when the Court ruled that a corporation is a "person" for both due process and equal protection under the Fourteenth Amendment. But Justice Field **knew** that he was lying as he cited the obiter dictum that corporations were "persons" for the purposes of the Fourteenth Amendment, because he was there when Justice Waite made the offhand remark. Nevertheless, this fallacious precedent is still cited as if it were the law of the land.

And as shareholders secured more constitutional "rights" for their property, they used their accumulated wealth to infiltrate the people's legislatures, where they lobbied for, and often wrote, laws to strip citizens of their right to regulate the businesses they brought into being by granting corporate charters. States' governments found their attempts to regulate corporations struck down by Supreme Court decisions based on a series of new legal doctrines and practices that protected the corporate "person," such as "substantive due process" and "liberty of contract."

Under "substantive due process," the Court recognizes rights that do not appear in the plain text of the Constitution. What these implicit rights are is often unclear, but once recognized, laws that infringe on them are either unenforceable or very limited. Substantive due process was often used to shield railroads and trusts from government regulation.

Under the Fourteenth Amendment, no state can deprive any person of life, liberty or property without due process of law. The Court deemed the purchase of labor a right, implicitly recognizing it as part of the liberty protected by this amendment. The Court then proceeded to use the implicit right of "liberty to contract" to justify invalidating hundreds of state and federal laws regulating wages, hours and working conditions. The use of "substantive due process" would peak in 1905 with Lochner v. New York, when the Court held that a law limiting bakers' hours to ten a day violated the Fourteenth Amendment, calling it an "unreasonable, unnecessary, and arbitrary interference with the right and liberty of an individual to contract."

Corporations avoided market insecurity by working together as cartels, forming trusts and buying out their competitors. Mergers were extolled as lowering costs while creating "efficiency" in both production and distribution. Corporate property and contract rights let them pursue profit as they saw fit – without government involvement. This often meant selling products below cost until they bankrupted their competitors or forced them into a merger. The idea was to eliminate competition and become a monopoly in order to charge whatever prices and pay whatever wages they pleased. "Competition is a sin." – John D. Rockefeller

By 1880, Rockefeller had merged 100 refineries and controlled 90% of the U.S. oil business. He set up a board of trustees to control the stock of his interconnected companies to hide the fact that Standard Oil was a monopoly. Railroads, steel, sugar, tobacco and other corporations formed their own trusts. And as the country's wealth concentrated, hidden in these trusts, wages and prices were dictated by a few millionaires. Both newspapers and magazines followed the story. Progressives called for state laws to make trusts illegal. But though the states had created these corporations via charter, they operated across state

lines, so only the federal government, not the states, could regulate them.

In 1890, the Sherman Anti-Trust Act outlawed "every contract, combination in the form of a trust or otherwise, or conspiracy in restraint of trade." But the Supreme Court ruled that while Sherman could regulate interstate sales and transactions, it could not regulate the merger of corporate assets, even those of interstate commerce that had established monopolies, reasoning that manufacturing wasn't part of interstate commerce. In 1895 the Supreme Court upheld a 98% monopoly in sugar production on the grounds that the Sherman Anti-Trust Act applied only to commerce and not production (U.S. v. E.C. Knight Company). In 1918 the Court would strike down the Keating-Owen Child Labor Law which banned interstate commerce of goods produced with child labor on the same grounds.

And while Sherman was barely enforced in regard to business, the Court decided that it barred union strikes that interfered with interstate commerce, finding them in restraint of trade. So while enacted to combat trusts, Sherman was used as a major weapon against union organizing.

Prior to the turn of the century, campaign financing was done, in large part, by "assessing" a percentage of government employees' salaries as contributions. The Pendleton Act (1883) had put an end to this at the federal level, and political parties began to rely heavily on corporations and wealthy individuals to fund candidates.

Industrialist Mark Hanna, chairman of the Republican National Committee in 1896, raised $3.5 million to elect William McKinley by assessing the capital holdings and/or profitability of corporations, letting McKinley outspend his opponent 20 to 1. In the election of 1904, Theodore Roosevelt's opponent accused him of being secretly backed by insurance corporations, the same corporations seeking laws to limit the ability of their policy holders to sue them. (A New York State investigation proved the allegations true.)

In his 1905 State of the Union Address, Roosevelt acknowledged that corporations had accumulated such immense and powerful fortunes that it was "…a matter of necessity to give to…the people as a whole, some effective power of supervision over their corporate use." Addressing Congress, he proposed that "contributions by corporations to any political campaign for any political purpose should be forbidden by law." His proposal, however, placed no restrictions on contributions by the owners of those corporations.

The anti-trust suits begun by McKinley, and continued by Roosevelt and Taft, were attempts to rein in corporations. Regulations to monitor health, safety, wages and hours were put in place, but they failed to address the corporate infrastructure being built into the government, and redirected efforts into disconnected movements dedicated to reforming specific corporate "abuses" rather than the system of corporate control itself.

This quieted public protests by creating the illusion that something was being done, but each agency was dominated by the industry it was created to regulate. And since massive economic-cum-political power still needed justification, corporations actually welcomed the creation of "regulatory" agencies. Then they used their massive wealth to distort the political process, to limit agencies' funding, nullify their rulings, buy them off and sabotage them by having them staffed with their own employees. Thus the status quo was maintained and the legal basis for minority rule via corporate dominance continued to

grow. At the turn of the century, the U.S. Attorney General had assured corporate leaders that the regulatory system would serve as a "barrier between corporations and the people." It still is.

Corporate trusts were also busy employing the successive waves of immigrants enticed by Lady Liberty to come and toil in the "great dim sheds" of America's Industrial Revolution. Upton Sinclair worked undercover in Chicago's meat-packing plants and wrote "The Jungle," exposing conditions so horrible that public outrage contributed to the passage of the Pure Food and Drug Act and the Meat Inspection Act of 1906. Ida Tarbell exposed the workings of the Standard Oil trust in McClure's Magazine (1902-1904), condemning the railroad rebates that had been an open secret for years.

American corporate behavior was becoming an "international disgrace." And as the American legal system continued to metamorphose into an arm of the corporate infrastructure, workers and farmers looked to unions, Farmers' Alliances, and the Populist and the Progressive Movements for the justice denied them by their elected representatives and the judicial system itself, a fact the government found difficult to ignore.

While Roosevelt preferred regulation to trustbusting, public opinion forced him to order a federal investigation of Standard Oil, which concluded that the trust controlled oil production from the well to the consumer. In 1911, Standard Oil was broken into 33 corporations. Roosevelt also brought suit against the American Tobacco Company and Northern Securities, a railroad holding company. Both were ordered dissolved under the Sherman Anti-Trust Act. When Roosevelt ran as a third party candidate in 1912, though he believed monopolies were inevitable, he declared that "the enslavement of the people by the great corporations…can only be held in check by the expansion of governmental power."

The Supreme Court was still using Sherman against interstate labor strikes, in effect, using laws which were supposed to control monopolies to control the workers who were trying to protect themselves from the monopolies. In 1917, states began enacting "criminal syndicalism" laws meant to criminalize unionization. Aimed primarily at the Workers of the World (IWW), they also targeted the United Mine Workers, farmers' alliances, socialists and communists.

Syndicalism advocated a single union across all industries, since separate trade unions often worked at odds with each other. While laws against syndicalism stressed the need to protect public safety and state security, they were used to uphold minority rule. The threat to corporate economic and political supremacy from union organization was so great that "criminal syndicalism" laws explicitly criminalized both speech and association, guilt premised on membership in, or association with, the IWW, even conduct suggestive of such a relationship.

Seattle's shipyards were the setting for the first major strike after World War One. In 1919, ninety-five thousand workers went out in a general strike. The strike involved no violence – no one was even arrested – but workers were labeled "communists" and charged with trying to incite a revolution. That September, steel strikes shut down half the industry's mills and the Boston police went out on strike.

The Palmer Raids (1918-1921), initiated by Wilson's Attorney General, Alexander Mitchell Palmer, cracked down on dissent that had built in intensity throughout the war. A series of

well-publicized, warrantless raids on union offices, and communist and socialist organizations resulted in 10,000 arrests in 1919 and 6,000 more in 1920, targeting the IWW in particular, in a sweep that even Palmer's assistant, J. Edgar Hoover, admitted was unconstitutional.

This "Red Scare" decimated union organizing, but the social violence perpetrated by the "opulent minority" made it apparent that to them, democracy was just a public relations ploy as they went about crushing the workers in order to extract their labor for as close to free as possible.

The "Coolidge Prosperity" of the Twenties was bypassing the majority of Americans. While the work force increased manufacturing output by 32%, wages rose only 8%, productivity gains showing up as corporate profit. Tax cuts throughout the Twenties widened the wealth gap further, and the Supreme Court weighed in by ruling that a minimum wage was unconstitutional in Adkins v. Children's Hospital in 1923.

The intermingling of commercial and investment banks, rampant consumer debt, massive credit and land speculation, abusive bank practices, conflicts of interests and outright fraud culminated in the Great Depression, which crushed what there was of a middle class, and the farmers and small businessmen who had made up the Populist and Progressive movements.

By March 1932, two-thirds of Ford employees had been laid off. There was no unemployment. And when 80 chapters of the Detroit Unemployed Councils organized the Ford Hunger March on the River Rouge complex, the unarmed marchers were tear-gassed, the fire department turned their hoses on them in sub-zero weather, and the police fired into the crowd. As they began an orderly retreat, Ford's own "Service Department," armed with machine guns, opened fire.

As the Depression deepened, strikes spread. In 1934, weekly newsreels in movie theaters all across America showed footage of the strikes as they unfolded. Audiences cheered. Thousands of workers went on strike, joined by thousands of the unemployed who protested in support of them. Unions voted to strike in solidarity with other unions. Up and down the East Coast, 400,000 textile workers were on strike. The National Guard occupied New England. The governor of Rhode Island called it a "communist uprising."

When FDR signed the Wagner Act in 1935, it was finally illegal for corporations to refuse to negotiate with their employees' unions. It established minimum wages, maximum hours, Social Security and the National Labor Relations Board to investigate unfair labor practices. "The right to bargain collectively is at the bottom of social justice for workers… The denial or observance of this right means the difference between despotism and democracy…" – Franklin Delano Roosevelt

The high watermark of unionization came in 1937. Almost 100,000 workers seized, shut down and occupied three key GM plants. Workers all across America began "sitting down." By year's end there had been 477 sit down strikes, and GM broke its vow never to "allow" its employees to be represented by the United Auto Workers. Rapid unionization of heavy industry followed, and spread quickly into other industries.

New Deal regulation of the relationship between corporations and workers generated an instant backlash. Laissez-faire economists charged that unions had undercut capitalism,

creating the Depression by lowering corporate profit margins. (Ben Bernanke, Chairman of the Federal Reserve, has since accepted responsibility, in the Fed's name, for the Great Depression and promised that "We won't do it again.") And though corporate shareholders were free to come together collectively, e.g. to incorporate, and promote their agenda, they sought to deny the same right, to bargain collectively, to workers. Hundreds of bills were introduced to amend or repeal the Wagner Act. The Supreme Court spearheaded this defense of economic privilege in National Labor Relations Board v. Jones & Laughlin Steel Corporation (1937), ruling that Congress could "protect interstate commerce from the paralyzing consequences of industrial war," e.g. labor organizing.

The Great Depression, followed closely by World War Two, made the institution of social democratic policies not only possible, but necessary, to quell powerful undercurrents for radical change. Before the vote had been extended to the entire adult population, the crushing costs to society to support this "opulent minority" had been easy to push off onto the people, but with the Great Depression and the war, that privilege was becoming a danger to itself.

The New Deal, however, was never meant to be permanent. It was a political pressure valve designed to nip revolutionary change in the bud by putting millions back to work. And after more than five million American workers went on strike in the year after VJ-Day, 1946, the Taft-Hartley Act was passed to demobilize the labor movement. With that, shareholders resumed running their corporations in whatever they deemed the most "efficient" manner.

Taft-Hartley inserted corporate "free speech" into the union certification process, invalidating workers' right to "freedom of association" and cut the legs out from under their unions by depriving them of their most powerful negotiating tool, strikes. It prohibited jurisdictional, wildcat and solidarity strikes. It outlawed union donations to political campaigns and allowed states to pass "right-to-work laws," making union shops illegal.

Labor unions are "one of the few mechanisms by which ordinary people can get together and compensate for the concentration of capital and power. That's why the United States has a very violent labor history, a repeated effort to destroy unions anytime they make any progress." – Noam Chomsky

Still, after World War Two, the United States was the only industrial democracy left standing, and the afterglow of the war's cooperative effort gave rise to a so-called "social contract" between corporations and labor. As workers increased productivity and helped create the most prosperous period in America's history, they received a share of that prosperity in the form of a living wage, health care benefits and pensions. Returning soldiers went to college under the G.I. Bill and bought homes with veterans' mortgages.

Japan, Germany and South Korea spent those years rebuilding and modernizing their manufacturing capacity with borrowed U.S. dollars. As they recovered, becoming America's most serious economic competitors, the period of American corporations profiting from their misfortune was ending and the American middle class, whose ranks had swollen, had begun to assert itself both economically and politically.

The Sixties saw the Civil Rights Act, the Voting Rights Act, the Women's Movement, the War on Poverty, enforcement of fair housing standards, gender, disability and employment regulations, the EPA, the Endangered Species Act, Medicare and Medicaid. But the Sixties also ushered in identity politics, encouraged, especially, by the Democrats, who wanted to

shed their historical connection to labor.

Not only the Viet Nam War, but "Great Society" programs pitted Americans against each other – black v. white, men v. women, old v. young, employed v. jobless, college grads v. high school grads, gay v. straight, religious v. secular – splintering the solidarity of opposition to minority rule. Sold as empowerment, identity politics dis-united the American people, effectively stunting democracy, which requires the people's commonality to function. It forced splinter groups of the population to compete not only with each other, but with massive corporate solidarity, in pursuit of their rights through the courts.

LBJ's "Great Society" and the Viet Nam War also created enormous deficits. And as corporations sought higher returns on their investments overseas, they neglected the upkeep of infrastructure and the modernization of manufacturing facilities, leaving America a decaying, "post-industrial society."

In 1971, Paul Volcker, Undersecretary of the Treasury for International Monetary Affairs, proposed a solution, and Richard Nixon announced it. The world's reserve currency would henceforth be backed by nothing – but the "full faith and credit" of the U.S. government. (The unspoken threat to withdraw the U.S. nuclear umbrella over Japan, Germany and South Korea made it easy to "persuade" them to invest their surplus dollars in U.S. government debt.

Two manipulated oil "crises" in the Seventies provided a way to backpedal on social programs that worked against corporate economic interests. In order to compete successfully in a globalizing market, the US, e.g. corporations, needed a more "efficient" economy. Unions would have to settle for less. Corporations would have to be deregulated, public services privatized and free trade adopted. All of which served to lessen the bargaining power of workers.

The 400% increase in oil prices also created a demand for dollars with which to buy oil. The oil-producing countries deposited theirs in New York banks, and hundreds of billions of these "petrodollars" were recycled as interest-generating loans to oil-importing countries and "developing" nations.

This worked well until 1979, when Germany, Japan and even Saudi Arabia started dumping U.S. debt. But Paul Volcker, the new Chairman of the Federal Reserve, again provided the solution – shock therapy. "The standard of living of the average American has to decline." – Paul Volcker. Therapy consisted of a 21.5% interest rate that plunged the country into recession and doubled unemployment. But the therapy did work – for corporations. Profits were restored and the stock market began to boom.

The Reagan-Bush-Clinton-Bush Administrations oversaw saw wave after wave of deregulation, acquisitions and mergers, allowing the destruction of competition as long as it increased "efficiency." The Reagan Administration deregulated railroads, trucking and banking, which led to the Savings and Loans crisis, during which banks were allowed to underwrite a wide range of securities, just as they'd done in the Twenties.

The public's airwaves were auctioned off to corporations at bargain basement prices, turning them into private property. This led to the elimination of the Fairness Doctrine, which had required media to provide free airtime for debate, enforcing political "fairness" in radio and TV comment and coverage of campaigns and elections. This made buying millions

of dollars worth of advertising time from media the only way to run for public office.

The Clinton Administration gave away $70 billion dollars worth of digital TV licenses with the Telecommunications Act of 1996, initiating even more consolidation and a standardization of content and presentation into a one-size-fits-all point of view, that of the media's corporate owners. And where there had once been laws limiting how many TV or radio stations one person or one corporation could own, there were now **no** regulations on ownership or use.

At one time broadcasters would have lost their license if they "knowingly transmitted false or deceptive signals or communications," but by 2003 a Florida Court would be able to find for Rupert Murdoch's FOX News that "there is no rule against distorting or falsifying news in the United States." And since the media is corporate property, corporations have the right not only to decide whose political speech is heard and whose is ignored, but to use their free speech "right" to**broadcast their interests as news**, true or not, without having to present other points of view.

Bill Clinton rammed NAFTA through Congress against the will of the people, creating Ross Perot's "giant, sucking sound" as America's industrial capacity and jobs were siphoned out of the United States and ensconced overseas on cheap labor platforms by corporate "persons" seeking "efficiency" by lowering their costs to raise shareholder profits.

Wall Street banks took control of US finance when, in 1999, the Glass-Steagall Act, enacted in 1933 to prevent another Great Depression, was cancelled by the Financial Services Modernization Act. With that the fire wall between investment and commercial banks was breached and a new wave of consolidation swept through insurance companies, banks and stock brokerages, taking the financial system back to the pre-Depression Twenties.

The George W. Bush Administration put all of these assaults on the people on behalf of the corporations on steroids, bringing the original intent of the "opulent minority" to the point of fruition.

With Dartmouth v. Woodward (1819), corporations had begun acquiring, from both the legislative and judicial branches of our government, the precursors of constitutional rights: limited liability; perpetual life; virtual location; shapeshifting and protection from lawsuits via gradual revision of state laws; the change by states to general incorporation; judicial revision of tort law and; legal immunities for particular industries.

But it was the U.S. Supreme Court, acting on its own, legislating from the bench, that bestowed constitutional rights on corporations: equal protection; due process; free speech; freedom from unreasonable search and seizure; jury trials in both civil and criminal cases; compensation for governmental takings; freedom from double jeopardy; freedom for both commercial and political speech and; the right to negative speech.

The Court gave corporations Bill of Rights guarantees for the first time in 1893, granting them the Fifth Amendment right not to "...be deprived of life, liberty, or property, without due process of law" with the Noble v. Union River Logging decision. The Court ruled that the Department of the Interior had violated this right by attempting to revoke approval of a right-of-way over public lands.

The Court granted corporations the Fourth Amendment right to protection from search and seizure in a tobacco anti-trust case, Hale v. Henckel (1906), by deciding that a federal

subpoena amounted to unreasonable search and seizure. Government was forbidden to look at corporate books, records and papers in order to determine whether corporations were complying with, or defying, the law. The Court further enhanced this ruling in Marshall v. Barlow (1978) by deciding that federal inspectors needed a warrant, or corporate permission, to conduct a safety inspection of corporate property.

In 1908 corporations received the Sixth Amendment right to a jury trial in criminal cases, the corporation being considered the "accused" in Armour Packing v. United States. And the Court gave its stamp of approval to "stockholder primacy" as the singular, driving purpose of corporations in Dodge v. Ford Motor Company (1919). "A business is organized and carried on primarily for the profit of stockholders. The powers of the directors are to be employed for that end."

The Court decreed that any imposition on that primacy was a "takings," and in their 1922 decision of Pennsylvania Coal Co. v. Mahon, ruled in accordance with corporations' Fifth Amendment "right" that private property not be "taken for public use, without just compensation." The private property was the profit of the Pennsylvania Coal Co. The Court decided that the company was entitled to "just compensation" because a law enacted to keep houses from collapsing while mining companies tunneled under them limited the amount of coal it could extract.

Flash forward. "$2.5 billion in profits last year wasn't enough…Wellpoint's affiliate, Anthem Blue Cross and Blue Shield, is **suing the state of Maine for refusing to guarantee it a profit margin**…Wellpoint is intent on forcing" an 18.5% hike in their premiums. "While Wellpoint lobbies against granting Americans the right to affordable coverage, it's claiming that it has the right to a guaranteed profit margin, paid for by struggling working families." – Robert Greenwald (author's emphasis)

Flash back. All during the 20s and 30s there were widespread, organized protests against the imposition of corporate chain stores on local communities. In 1933 the Supreme Court forbade the citizens of Florida to impose a higher filing fee on chain stores than local businesses in Louis K. Liggett Co. v. Lee under the Fourteenth Amendment principle of equal protection. Large, out-of-state corporations – think Wal-Mart – were given the right to move into communities and drive out local businesses. While Blacks, for whom the Fourteenth Amendment was intended, were still suffering under Jim Crow discrimination, this amendment was being used to prevent "discrimination" against corporations in the act of destroying their local competitors.

Ross v. Bernhard (1970) gave corporations the Seventh Amendment right to a jury trial in civil cases, when the Court suggested that because individual shareholders would have that right in a derivative suit, so should the corporation.

In 1986 corporations got their "right" to remain silent with Pacific Gas & Electric Co. v. Public Utilities Commission. The Court protected the corporation's "freedom of mind" from a consumer rights group that wanted to use space on PG&E's billing envelope. This laid the groundwork for International Dairy Foods Association v. Amestoy in 1996, in which the Court overturned a Vermont law requiring the labeling of products containing bovine growth hormone (BGH), recognizing a corporation's right to remain silent about dangers posed by potentially toxic products.

All these rights were designed by the framers of the Constitution to protect American

citizens from the re-imposition of tyranny, but the Supreme Court has succeeded in undermining the sovereignty of the people, turning the Constitution upside down, distorting common law and making the protection of corporate "persons" and their property the centerpiece of constitutional law, granting them civil rights without civil responsibilities. No other organization that represents a group of people has constitutional rights. Not unions. Not small, unincorporated businesses. Not partnerships. Not civic groups. Not local, state or federal government.

Corporate shareholders, a minority, via their property, now exercise a set of money-based rights unavailable to the majority of citizens, and have harnessed over 300 million of us to work in their interest, often against our own. They speak/spend freely via political action committees (PACs), lobbyists, campaign contributions, advertising and public relations, a stable of corporate lawyers, corporate-friendly think tanks, their ownership of media, offshore incorporation and banking, and control over most remaining industrial production and millions of jobs, which they threaten to outsource if they don't get their own way. They also dangle high-paying jobs in front of our representatives after they leave Congress. These former representatives-cum-corporate employees then return to Congress where they work not in the people's, but their real constituents' interests.

Witness Goldman Sachs employees moving back and forth from Wall Street to government to Wall Street to government ad infinitum: Robert Rubin, Clinton's Treasury Secretary; Henry Paulson, Bush II's Treasury Secretary; and Lawrence Summers, Obama's top economic advisor.

Liz Fowler, who wrote Max Baucus' healthcare bill was Wellpoint's Vice President of Public Policy. Before that she'd worked for Baucus on the Senate Finance Committee. Now she's back, on the committee that could give not only Wellpoint, but the entire insurance industry the profit they want -without public option competition. And before Fowler left Wellpoint to come back to work for Baucus, himself a recipient of $1.5 million from the healthcare industry, her job was held by Michelle Easton, who left to work as a lobbyist for – Wellpoint. The healthcare industry – all by itself – has six lobbyists for every one of our representatives. Over 500 of them used to be congressional staffers.

Today approximately five massive corporations dominate every sector of the marketplace. Banking, credit cards and mortgage lending are controlled by Goldman Sachs, Bank of America, Citi, JP Morgan Chase and Wells Fargo. ExxonMobil, Chevron, ConocoPhillips, General Electric and Valero "own" energy. The production and distribution of food is dominated by ADM, Nestle, Cargill, ConAgra, Monsanto and Tyson. Kaiser, Aetna, CIGNA, Humana and United Health Group control HMOs. Wellpoint, AIG and Berkshire-Hathaway dominate insurance. Lily, Merck, Pfizer and GSK "run" drugs. Pioneer, Sequoia, Diebold and E.S.&S. control our vote. And the information we receive is manufactured by NewsCorp (FOX), General Electric (NBC), Disney (ABC), Viacom (CBS) and Time Warner (CNN).

A financial aristocracy has almost replaced the industrial aristocracy that replaced the feudal aristocracy. Individual corporations and shareholders are not a few bad apples abusing the system. They **are** the system, which is itself abusive. The rest of us are on our way back to serfdom as the "opulent minority" continues to accumulate and concentrate wealth and property, translating it into the power to control both economics and politics, e.g. who gets what and how much.

The people are rarely in the presence of "their" representatives, which gives them little chance to actually talk to anyone who might be in a position to champion their interests. The people were not asked if they thought merging commercial and investment banks was a good idea when Glass-Steagall was gutted. No one asked the people if media concentration to the point where five large corporations control our access to information was the smart thing to do. NAFTA was enacted over the people's protest, downsizing and outsourcing our industrial capacity. The people were not consulted when personal bankruptcy laws were made even more punitive, or when credit cards companies were given the right to raise their rates to the roof at will. And soon the people may be forced to buy the over-priced products of insurance corporations with the passage of the Obama Administration's "healthcare" bill.

But the corporations that benefit from this legislation, and their lobbyists, have unlimited access to the people's "representatives." They speak freely and loudly to them with money. When and if the people **do** hear anything about what's going on in Congress, it's from a media 80% owned by those same corporations, so just perhaps, the reportage is designed **not** to bite the hand that feeds it. The people now have no idea when Congress is in the act of selling them down the river for some cold, hard cash. "News is what powerful people don't want you to know. Everything else is public relations." – Bill Moyers

As a direct result of the legal fiction of "corporate personhood," corporations have usurped the people's constitutional rights. With the powerful voice of money and day-to-day access to the members of Congress, they're destroying both our government and our legal system. It's no wonder the laws, often written by corporate lobbyists and rubber-stamped by Congress, treat the people as second class citizens. After all, the people are only the labor costs of corporations, commodities to be acquired or disposed of at will.

Though voters agree across party lines, by a large margin, on legislation they'd like to see enacted, they're summarily ignored by both the Republicans and Democrats they've elected. The sovereign has become persona non grata. This dispels any doubt about whom it is our "representatives" truly represent.

The framers of the Constitution built a wall between corporations and the state for a reason, but we are fast approaching the legitimization of a system in which corporations openly play a role in, and even dominate, our government. The priorities of this new, corporate "democracy" will be exactly the same as those of its controllers, the single-minded pursuit of an increase in shareholder profit, the definition of which is best left to one of its most ardent proponents.

> "Fascism should more appropriately be called Corporatism, because it is the merger of corporate and state power." – Benito Mussolini

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