his sour, scowling, and snarky Supreme Court Justice personifies the dictionary definition of absurd: “Utterly or obviously senseless, illogical, or untrue; contrary to all reason or common sense; laughably foolish or false.”

A right-wing dogmatist and extreme judicial activist who’s full of himself, Scalia has been the court’s chief monkey-wrencher for corporate interests, constantly messing with the Constitution to enthrone plutocratic money over our people’s democratic politics. By black-robed fiat, he and his four fellow corporatists on the bench have managed to twist language and pervert nature itself by declaring that corporations are “people” and money is “speech.” Thus, in their now infamous Citizens United edict of 2010, the five decreed that these huge, lifeless, paper constructs—without brains, hearts, souls, or tongues—must be free to “speak” in our elections by spending unlimited (and undisclosed) amounts of their shareholders’ money to determine who wins public office.

Two years later, questioned in a CNN interview about the logic of this finding, Scalia leapt from the merely preposterous to the phantasmagoric, insisting that the founders themselves would’ve approved extending the human right of political speech to these imaginary corporate persons. Doing so, proclaimed the legal distortionist, increases the level of democratic participation, so it’s inherently good: “I think Thomas Jefferson would have said, ‘The more speech, the better.’”

Good grief! What we have here is one of the most powerful officials in America, one of nine supreme arbiters of what the wording of the Constitution means, who’s either (1) sublimely ignorant about the core democratic beliefs of a key author of our nation’s founding documents; (2) an ideological delusionalist; or (3) a shameless liar.

Start with the fact that the word “corporation” appears nowhere in the Constitution. That is not by accident. Jefferson (along with Madison and other founders) abhorred any participation in the people’s business by these predatory corporate beasts. Unlike Scalia, Jefferson had no trouble distinguishing between an actual human being and a piece of paper, which is what a corporation is. He saw them as plutocratic vultures poised to overpower our fledgling democratic experiment, supplanting it with a corporate aristocracy that would plunder and impoverish the people. He would have just as soon ripped out every red hair on his head than extend political speech to the vast piles of wealth stored in corporate treasuries.

1776 redux

July is the month of Independence Day—America’s birthday! Time to barbeque, do a few 12-ounce elbow bends, and set off some fireworks. Oh, yeah, and maybe we should pause for a moment or two to reflect on that thing Jefferson wrote 238 years ago—that’s right: the Declaration of Independence.

In fact, “We the People” are faced—right now—with another of those “when in the course of human events” moments Jefferson wrote about. Not only is this a month to reconnect with our revolu-
tionary heritage, but it’s also an appropriate month for re-declaiming our independence, this time, from “They the Corporations.”

With little coverage by the mass media, and with the complicity of most lawmakers, domineering corporations have quietly but aggressively used the High Court itself to write them and their money into the Constitution as our sovereigns. As legal scholar and democratic activist Jamie Raskin said in testimony to the US senate judiciary committee this June: “In several recent 5-4 decisions, the wall protecting democracy from plutocracy has been crumbling under judicial attack.”

Let’s call out the names of the Court’s corporate clique that is mounting this concerted offensive on your and my inalienable right to be a self-governing citizen: Scalia, Samuel Alito, Anthony Kennedy, John Roberts, and Clarence Thomas.

Just one year after their Citizens United decision unleashed CEOs to be able to roll truckloads of their shareholders’ funds into our elections (without asking those shareholders for permission or even informing them after the fact), that same five assaulted our democracy again. Their 2011 verdict in the Arizona Free Enterprise Club case increased the volume of CorporateSpeak in elections by decreasing the speech of non-rich candidates. Specifically, they rejected the will of Arizonans who had voted to provide public funds for candidates who are willing to forego all special-interest money. This system gave the political ideas of the non-wealthy a chance to be heard when up against the multimillion-dollar PR megaphones of the Koch brothers, Karl Rove, BigOil, the Walmart heirs, and other super-wealthy oligarchs.

Public financing of elections was successfully widening public debate and freeing up political speech, so the five corporate supremists stepped in to kill it, absurdly declaring that such laws are “absolute absurdity is no longer unimaginable.

The Protest Spreads
IN ORDER OF THE DATE of passage, here are the 16 states that have already petitioned Congress to let their citizens vote on a constitutional amendment to overturn the Supreme Court’s edicts:

- Hawaii, April 2010
- New Mexico, Jan. 2012
- Vermont, April 2012
- Maryland, April 2012
- Rhode Island, May 2012
- California, July 2012
- Massachusetts, July 2012
- Montana: (“corporations are not human beings”),
- New Jersey: (“a person means only a natural person”),
- Vermont: (“money is not speech and corporations are not persons”).

I’ve never been an activist, I don’t want to be a leader. But I can’t walk away.”

Next came this year’s McCutcheon opinion, in which the same five blew the lid off the limits on money that an individual can pour on candidates during any given election cycle. The limit had been $123,000—high enough that only about 600 people out of our 330 million reached that maximum in 2012. The Court’s narrow majority lifted the allowable total for one person’s election-year spending to a stunning $5.9 million. That empowers a handful of the richest of rich donors—even fewer than 600—to overwhelm the political voices of millions of common citizens, all in the name of free speech. Adding to this absurdity, this five-man wrecking crew blithely declares in its McCutcheon ruling that even transactions that appear to be obvious conflicts of interest are permissible (e.g., a CEO can give $25,000 to the head of a congressional committee—the same person who a week later can put a bill on the floor to benefit the CEO’s corporation). Such corrupt transactions apparently “do not justify” putting restrictions on campaign contributions. Instead, the wily ones ruled that the only donor-to-donee corruption that can be regulated is outright quid pro quo bribery.

And do not think that this is as far as the Court will go to empower Big Money. Already, corporate lawyers are asking the judiciary to strike down all limits on what each millionaire/billionaire can spend to elect or defeat any number of candidates, and they’re pushing to reverse 29 state bans on campaign donations during legislative sessions (when lawmakers and lobbyists are in heat and most open to exchanging favors for money).

The 28th Amendment
From now on, we Lowdowners need to treat the “free” in free speech as a verb, not an adjective. Let’s join together and rally others (friends, family, co-workers… anyone, everyone) to free-up our people’s rights from the corporate usurpers.

This has to be done the hard way—by constitutional amendment. Just passing an act of Congress won’t get the job done, because the Alito-Kennedy-Roberts-Scalia-Thomas cabal is so extreme, so intent on making law from the bench, that these five will conjugate up a new rationale for striking down any democracy-enhancing legislation. While passing an amendment is a mighty high hill to climb, that is what it will take to reclaim our democracy. The prize is well worth the effort, so no moaning and groaning. Let’s just strap on our climbing shoes.

And let’s remember, too, that we’ve been here before—throughout our history, the American people have had to correct the antidemocratic tendencies of aloof, boneheaded justices. As Raskin points out in his senate testimony:

“We did it when the Court enthusiastically approved the disenfranchisement of women (23rd Amendment) and when it upheld poll taxes (24th). Indeed, the majority of the 17 constitutional amendments we have added since the Bill of Rights—the 13th, 14th, 15th, 17th, 19th, 22nd, 23rd, 24th, and 26th—have strengthened the progress of democratic self government and the political rights of the people.”

Do Something!
These are just a few of the groups that are working on this issue.
- Common Cause: www.commoncause.org
- Communication Workers of America: www.cwa-union.org
- Free Speech for People: freespeechforpeople.org
- Move to Amend. https://movetoamend.org
- People for The American Way: www.paw.org
- Sierra Club: www.sierraclub.org
Let’s do it again. In fact, the climb toward a 28th Amendment is well underway, and I have two pieces of good news to share about our progress:

First, we don’t have to convince voters of the need to act. The vast majority is already appalled by the tightening grip that corporate elites have on America’s political process and government. (They’re also astonished that allegedly sane justices are trying to make us believe in their fantasies of corporate persons and talking money.) A whopping 80 percent of Americans (84 percent of Independents, 82 percent of Democrats, and 72 percent of Republicans) are against the Citizens United ruling. Poll numbers like these are rare for any political issue, and they give the amendment a good running start.

Second, people are not just riled up, they’re on the move. Backed by Public Citizen, Common Cause, People for the American Way, Free Speech for People, Move to Amend, the Communications Workers of America, and other national groups, local and state coalitions have been tilling the grassroots across the country and are now producing a bounty of support for an amendment. (Link to this effort through www.democracyisforpeople.org.) When these organizing campaign efforts began four years ago, not only did Republican leaders scoff, calling them “fringe politics,” but the leaders of most national progressive groups (and many funders) also scoffed, dismissing the amendment strategy as quixotic.

The insiders, however, have been proven wrong by an outpouring of “outsider” enthusiasm from people of all political stripes, in blue, purple, and red locales. This push is sweeping the country. Everyday Americans are rallying to a constitutional remedy precisely because it is ambitious and historic, and just big enough to fix what people see as a gargantuan problem for them and future generations.

A Blue/Red Movement

YOU MIGHT EXPECT such liberal bastions as Boston, Madison, Boulder, and San Francisco to call for an end to corporate electioneering, but this is a nationwide blue/red movement, including the people of these communities: Sitka (Alaska), Pine Bluff (Arkansas), Orlando and Tampa Bay (Florida), Savannah (Georgia), Teton County (Idaho), Grand Rapids (Michigan), Jackson (Mississippi), Greensville (North Carolina), Akron (Ohio), Charlottesville (Virginia), and Walla Walla (Washington).

LYLE HYDE, Illinois Coalition to Overturn Citizens United:

“My personal roots are conservative. [But] returning political sovereignty to the People is not a Democrat or Republican issue, it is an American issue.”

The long campaign

Rather than starting the process with Congress (which ultimately must pass an amendment by a two-thirds vote of both houses), these national groups have wisely taken to the hustings to mobilize the grassroots passion and punch that can overcome congressional barriers (from inertia to hostility) and compel lawmakers to act. Hundreds of local coalitions (to find one in your area, go to www.united4thepeople.org/local.html), are reaching out to a wide array of political, civic, church, labor, youth, ethnic neighborhoods and communities, schools (kids, teachers and principals), seniors and caregivers, activists for the environment, equal pay and human rights, business groups and other constituencies through the full range of today’s media possibilities. Their first targets are city, county, and state officials, who tend to be more accessible than Congress. After all, in this day of big-money, media-centered politics, most members of Congress don’t know, talk to, or (most importantly) listen to the rank-and-file people they “represent.” But they do know and pay attention to Mayor Whatshizname and State Senator Whozit, if for no other reason than that these up-and-comers might one day make a run at the incumbent’s cushy congressional seat.

Hence, step number one in moving Congress has been getting local activists to enlist their mayors, council members, and state reps to send official petitions to Congress (particularly to their own congressional delegations) demanding that the national solons send back to the states for ratification a no-corporate-money amendment that the people can vote on. Let the people decide! That is the message.

And—bingo!—this populist, percolate-up approach has been working quite well. Nearly 600 cities and towns have already sent formal petitions (approved either by the local council or by the voters themselves through ballot initiatives), and 16 state governments have also joined the nationwide “Petitions for Democracy” campaign.

With these resolutions from back home landing on their desks, even Sen. Dimwit and Congressman Batty in Washington have to realize that something’s happening out there. What they thought was “fringy” has become a rapid current in the political mainstream. To their surprise, 167 of their colleagues in the senate and...
house (more than a fourth of all members) have been pushed by that roiling current to sign on as sponsors of a constitutional amendment to get corporate cash out of politics.

Then there’s President Obama, who says that he’s on board with the constitutional amendment strategy. A new book by journalist Ken Vogel called Big Money reveals that Obama told a group of Democratic journalists in 2012 that the Court’s Citizens United ruling “was absolutely wrong” and that “the only way we’re going to reverse it effectively, I think, is with a constitutional amendment.” He then went a step further: “This is important enough that citizens have to get mobilized around this issue, and this will probably be a multi-year effort. After my re-election, my sense is that I may be in a very strong position to do it.” We’ve seen no White House leadership yet, but the fast-growing grassroots campaign could embolden him to “do it.”

Breakthrough in the senate.

Waiting for Obama can be a drag, but this movement is not waiting on anyone. To the amazement of early skeptics, the usually moribund US Senate has become the first Washington institution to respond to the popular uprising. No less than Majority Leader Harry Reid and the “Senator from Wall Street,” Chuck Schumer, up and announced on May 30 that the Senate will take a vote on a constitutional amendment to overturn Citizens United, McCutcheon, and the whole supremacist notion that money equals speech.

This is a procedural milestone, and it has flabbergasted such democracy roadblockers as Senate Minority Leader Mitch McConnell, the tea party’s messianic screwball Ted Cruz, and the entire Koch brothers’ web of plutocratic billionaires and corporate front groups. This democracy train is high-balling. A public hearing was held June 3. The judiciary committee is presently working out the language to be proposed (largely based on a version put forth by Sen. Tom Udall of Colorado and co-sponsored by 40 other senators—see SJ Res. 19 at https://beta.congress.gov/bill/113th-congress/senate-joint-resolution/19/cosponsors). The full Senate is expected to vote within the next 12 weeks.

Of course, John Boehner’s corporatized house will kill anything the senate does this go-round, but that’s going to be a revealing and very public embarrassment for those servants of plutocracy. Meanwhile, the senate vote is a momentous organizing moment, and the grassroots coalitions are all over it, scheduling rallies, thank-you parties for supporters, petition-drives, teach-ins, and whatever else they can imagine to capture this highly visible breakthrough, which will lift the campaign to an even higher level of awareness and support.

We have to do this

“This” is to overturn the Court’s democracy-destroying absurdities. “Have to” is the moral imperative of seeing to it that the fertile soil of self-government is available for future generations of Americans. “We” are you and me. This will only work if the effort is actually of, by, and for the people. Yes, it has advocacy groups helping organize, train, and offer guidance on actions, but those groups have not (and indeed, could not have) created the massive, widespread, non-partisan and heartfelt energy and determination that just regular folks are pouring into this. Folks like those quoted on these pages.

We visited every state senator and delegate, often more than once. We held rallies and press events, wore and sold specially designed t-shirts, delivered cookies with our handouts [to lawmakers], and kept after them until the last day of the session. Both houses passed our resolutions with a bipartisan majority.”

BARBARA FRIERSON, West Virginians for Democracy:

“I can’t afford to buy my own politician…. It is my moral duty as a citizen to speak out.”

KENDRA KARAS, Grand Rapids, Michigan:

Citizens United, McCutcheon, and the whole supremist notion that money equals speech.

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From climate change to all the issues of economic inequality, people’s lives and our nation’s historic potential are being sacrificed on the altar of mammon. The Powers That Be won’t fix this, for they are mammon. It’s up to us. If you’re not already doing it, do all you can—join in, stand up, speak out, stand strong. History is calling us.