

BCA Dispatch

"The issue is not issues; the issue is the system"
—Ronnie Dugger

Newsletter of the **November**
Boston-Cambridge Alliance for Democracy **2009**

When I first [read] the title on this article: "Alleged 9/11 Mastermind and 4 Other Gitmo Prisoners to Stand Trial in NY Federal Court," the first thing that came to my mind was "Wow! Finally, Cheney, Bush, Rumsfeld and Condoleezza are going on trial." Then I read the first paragraph and, to my utter disappointment, found out that they were talking about the poor stool pigeons that are taking the fall for the real 9/11 masterminds.

—A reader's response to a Democracy Now! posting.

COMMUNITY NOTES

Don't be left out! Join the BCA/NorthBridge planning group—We will meet on Mon, Tue, or Wed December 7, 8, or 9th in Waltham, MA. Call Barbara Clancy for details: 781-894-1179.

Corporate Personhood at Alliance Convention

AfD's regionalized biennial convention took shape locally on 8 November with a 3-hour gathering in Concord MA at the home of **Mary and Bob White**. Fifteen members and friends heard and discussed major reports by Concord lawyer **Jeffrey Clements** and by **Ruth Caplan** of AfD's campaigns on Corporate Globalization & Positive Alternatives and Defending Water for Life—both on corporate personhood. (Continued on Page 7 >>)

Constitutional Rights for Corps?

Supreme Court Case Can Only Boost Them

by Jane Anne Morris, *Capital Times (WI)*, 9 October 2009

When the "Hillary Clinton film" case is decided, headlines should declare, "Supreme Court affirms corporate personhood." Instead, most media will call it a free speech decision. "First Amendment rights" will play the Trojan horse hauling corporate freight.

By first putting human beings and corporations into one basket labeled "things that have constitutional rights," and then arguing about what "free speech" means, the Supreme Court has pitted the likes of the American Civil Liberties Union against advocates of campaign finance reform.

In one corner, arguing against limits on "speech," we find Citizens United Inc. (the right-wing, nonprofit corporation that produced the Hillary film), supported by the ACLU. In the opposite corner, arguing for limits on "speech," the Federal Election Commission (FEC) and an assortment of groups supporting campaign finance laws.

Must we limit speech in order to have free and fair elections? Or must we accept corporation-dominated political debate in order to preserve free speech?

This false dilemma disappears if we reject corporate personhood—the idea that corporations have constitutional rights. Limiting corporate "speech" is not a constitutional infringement if corporations are not "persons" under the Constitution.

(Continued on Page 7 >>)



Villagers plead with police/military in Lalgarh, West Bengal

India's Indian Removal

Corporate Ethnic Cleansing?.. Or Civil War?

by Arundhati Roy, *The Guardian (UK)*, 30 Oct 2009 (excerpts)

President Andrew Jackson implemented "Indian Removal" from the US South to make way for land speculators. Today, in India, it's for "security"—and mining interests. —Ed.

The low, flat-topped hills of south Orissa have been home to the Dongria Kondh long before there was a country called India or a state called Orissa. The hills watched over the Kondh. The Kondh watched over the hills and worshipped them as living deities. Now these hills have been sold for the bauxite they contain. For the Kondh it's as though god had been sold. They ask how much god would go for if the god were Ram or Allah or Jesus Christ...

In keeping with [the someone-must-pay-for-progress] line of thought, the government has announced Operation Green Hunt, a war purportedly against the "Maoist" rebels headquartered in the jungles of central India. Of course, the Maoists are by no means the only ones rebelling. There is a whole spectrum of struggles all over the country that people are engaged in—the landless, the Dalits [formerly Untouchables], the homeless, workers, peasants, weavers. They're pitted against a juggernaut of injustices, including policies that allow a wholesale corporate takeover of people's land and resources. However, it is the Maoists that the government has singled out as being the biggest threat...

Who are the Maoists? They are members of the banned Communist party of India (Maoist)-CPI(Maoist)—one of the several descendants of the Communist Party of India (Marxist-Leninist), which led the 1969 Naxalite uprising and was subsequently liquidated by the Indian government. [Naxalbari is a village in West Bengal—area around Calcutta—where the movement began.] The Maoists believe that the innate, structural inequality of Indian society can be redressed only by the violent overthrow of the Indian state...

Right now in central India, the Maoists' guerrilla army is made up almost entirely of desperately poor tribal people living in conditions of such chronic hunger that it verges on famine of the kind we only associate with sub-Saharan Africa. They are people who, even after 60 years of India's so-called independence,

have not had access to education, healthcare or legal redress. They are people who have been mercilessly exploited for decades, consistently cheated by small businessmen and money-lenders, the women raped as a matter of right by police and forest department personnel. Their journey back to a semblance of dignity is due in large part to the Maoist cadre who have lived and worked and fought by their side for decades.

If the tribals have taken up arms, they have done so because a government which has given them nothing but violence and neglect now wants to snatch away the last thing they have—their land. Clearly, they do not believe the government when it says it only wants to "develop" their region. Clearly, they do not believe that the roads as wide and flat as aircraft runways that are being built through their forests in Dantewada by the National Mineral Development Corporation are being built for them to walk their children to school on. They believe that if they do not fight for their land, they will be annihilated. That is why they have taken up arms...

In order to keep its better-off citizens absolutely safe from these dangerous people, the government has declared war on them. A war, which it tells us, may take between three and five years to win. Odd, isn't it, that even after the Mumbai attacks of 26/11, the government was prepared to talk with Pakistan? It's prepared to talk to China. But when it comes to waging war against the poor, it's playing hard...

What kind of war is Operation Green Hunt going to be? Will we ever know? Not much news comes out of the forests. Lalgarh in West Bengal has been cordoned off. Those who try to go in are being beaten and arrested—and called Maoists, of course. In Dantewada, the Vanvasi Chetana Ashram, a Gandhian ashram run by Himanshu Kumar, was bulldozed in a few hours. It was the last neutral outpost before the war zone begins, a place where journalists, activists, researchers and fact-finding teams could stay while they worked in the area.

Meanwhile, the Indian establishment has unleashed its most potent weapon. Almost overnight, our embedded media has substituted its steady supply of planted, unsubstantiated, hysterical stories about "Islamist terrorism" with planted, unsubstantiated, hysterical stories about "Red terrorism"...

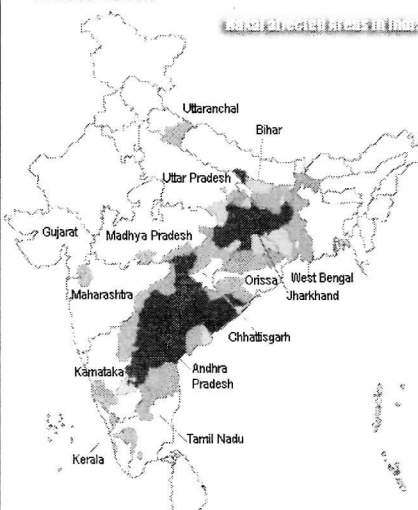
Once the war begins, like all wars, it will develop a momentum, a logic and an economics of its own. It will become a way of life, almost impossible to reverse. The police will be expected to behave like an army, a ruthless killing machine. The paramilitary will be expected to become like the police, a corrupt, bloated administrative force. We've seen it happen in Nagaland, Manipur and Kashmir. The only difference in the "heartland" will be that it'll become obvious very quickly to the security forces that they're only a little less wretched than the people they're fighting. In time, the divide between the people and the law enforcers will become porous. Guns and ammunition will be bought and sold. In fact, it's already happening...

Civil Liberties Groups Resist

Last week, civil liberties groups from all over the country organised a series of meetings in Delhi to discuss what could be done to turn the tide and stop the war... Their presence in the capital signaled that outside the arc lights of our TV studios and beyond the drumbeat of media hysteria, even among India's middle classes, a humane heart still beats...

The speakers represented a range of opinion from the liberal to the radical left. Though none of those who spoke would describe themselves as Maoist, few were opposed in principle to the idea that people have a right to defend themselves against state violence. Many were uncomfortable about Maoist violence, about the "people's courts" that delivered summary justice,

about the authoritarianism that was bound to permeate an armed struggle and marginalise those who did not have arms. But even as they expressed their discomfort, they knew that people's courts only existed because India's courts are out of the reach of ordinary people and that the armed struggle that has broken out in the heartland is not the first, but the very last option of a desperate people pushed to the very brink of existence...



People who had come from the war zones, from Lalgarh, Jharkhand, Chhattisgarh and Orissa, described the police repression, the arrests, the torture, the killing, the corruption, and the fact that they sometimes seemed to take orders directly from the officials who worked for the mining companies. People described the often dubious, malign role being played by certain NGOs [non-governmental organiza-

tions] funded by aid agencies wholly devoted to furthering corporate prospects. Again and again they spoke of how in Jharkhand and Chhattisgarh activists as well as ordinary people—anyone who was seen to be a dissenter—were being branded Maoists and imprisoned. They said that this, more than anything else, was pushing people to take up arms and join the Maoists.

They asked how a government that professed its inability to resettle even a fraction of the 50 million people who had been displaced by "development" projects was suddenly able to identify 1,40,000 hectares of prime land to give to industrialists for more than 300 Special Economic Zones, India's onshore tax havens for the rich. They asked what brand of justice the supreme court was practising when it refused to review the meaning of "public purpose" in the land acquisition act even when it knew that the government was forcibly acquiring land in the name of "public purpose" to give to private corporations. They asked why when the government says that "the writ of the state must run", it seems to only mean that police stations must be put in place. Not schools or clinics or housing, or clean water, or a fair price for forest produce, or even being left alone and free from the fear of the police—anything that would make people's lives a little easier. They asked why the "writ of the state" could never be taken to mean justice...

The financial value of the bauxite deposits of Orissa alone, at today's prices, would be about \$4 trillion... Expand the \$4 trillion to include the value of the millions of tonnes of high-quality iron ore in Chhattisgarh and Jharkhand and the 28 other precious mineral resources, including uranium, limestone, dolomite, coal, tin, granite, marble, copper, diamond, gold, quartzite, corundum, beryl, alexandrite, silica, fluorite and garnet. Add to that the power plants, the dams, the highways, the steel and cement factories, the aluminium smelters, and all the other infrastructure projects that are part of the hundreds of MoUs [memo's of understanding] (more than 90 in Jharkhand alone) that have been signed. That gives us a rough outline of the scale of the operation and the desperation of the stakeholders.

The forest once known as the Dandakaranya, which stretch-

es from West Bengal through Jharkhand, Orissa, Chhattisgarh, parts of Andhra Pradesh and Maharashtra, is home to millions of India's tribal people. The media has taken to calling it the Red corridor or the Maoist corridor. It could just as accurately be called the MoUist corridor. It doesn't seem to matter at all that the fifth schedule of the constitution provides protection to adivasi [aboriginal] people and disallows the alienation of their land. It looks as though the clause is there only to make the constitution look good—a bit of window-dressing, a slash of make-up. Scores of corporations, from relatively unknown ones to the biggest mining companies and steel manufacturers in the world, are in the fray to appropriate adivasi homelands—the Mittals, Jindals, Tata, Essar, Posco, Rio Tinto, BHP Billiton and, of course, Vedanta.

There's an MoU on every mountain, river and forest glade. We're talking about social and environmental engineering on an unimaginable scale. And most of this is secret. It's not in the public domain. Somehow I don't think that the plans afoot that would destroy one of the world's most pristine forests and ecosystems, as well as the people who live in it, will be discussed at the climate change conference in Copenhagen. Our 24-hour news channels that are so busy hunting for macabre stories of Maoist violence—and making them up when they run out of the real thing—seem to have no interest at all in this side of the story. I wonder why?...

Most of the [development] money goes into the bank accounts of the mining corporations. Less than 10% comes to the public exchequer. A very tiny percentage of the displaced people get jobs, and those who do, earn slave-wages to do humiliating, backbreaking work. By caving in to this paroxysm of greed, we are bolstering other countries' economies with our ecology...

What are we to make of the fact that just around the time the prime minister began to call the Maoists the "single largest internal security threat" (which was a signal that the government was getting ready to go after them), the share prices of many of the mining companies in the region skyrocketed?...

The real problem is that the flagship of India's miraculous "growth" story has run aground. It came at a huge social and environmental cost. And now, as the rivers dry up and forests disappear, as the water table recedes and as people realise what is being done to them, the chickens are coming home to roost. All over the country, there's unrest, there are protests by people refusing to give up their land and their access to resources, refusing to believe false promises any more. Suddenly, it's beginning to look as though the 10% growth rate and democracy are mutually incompatible.

To get the bauxite out of the flat-topped hills, to get iron ore out from under the forest floor, to get 85% of India's people off their land and into the cities—which is what Chidambaram [India's "socialist" finance minister] says he'd like to see—India has to become a police state. The government has to militarise. To justify that militarisation, it needs an enemy. The Maoists are that enemy. They are to corporate fundamentalists what the Muslims are to Hindu fundamentalists. (Is there a fraternity of fundamentalists? Is that why the RSS [huge social service organization] has expressed open admiration for Chidambaram?)

It would be a grave mistake to imagine that the paramilitary troops, the Rajnandgaon air base, the Bilaspur brigade headquarters, the unlawful activities act, the Chhattisgarh special public security act, and Operation Green Hunt are all being put in place just to flush out a few thousand Maoists from the forests. In all the talk of Operation Green Hunt, whether or not Chidambaram goes ahead and "presses the button", I detect

the kernel of a coming state of emergency. (Here's a math question: If it takes 600,000 soldiers to hold down the tiny valley of Kashmir, how many will it take to contain the mounting rage of hundreds of millions of people?)

Instead of narco-analysing Kobad Ghandy, the recently arrested Maoist leader, it might be a better idea to talk to him.

In the meanwhile, will someone who's going to the climate-change conference in Copenhagen later this year please ask the only question worth asking: Can we leave the bauxite in the mountain?

Roosevelt's Second Bill of Rights

A highlight of Michael Moore's current film "Capitalism: A Love Story" is a rare film of President Franklin Roosevelt reading to a nationwide radio audience four months before the end of WWII. He urges a frankly socialist and humane "Economic Bill of Rights", viz:

It is our duty now to begin to lay the plans and determine the strategy for the winning of a lasting peace and the establishment of an American standard of living higher than ever before known. We cannot be content, no matter how high that general standard of living may be, if some fraction of our people—whether it be one-third or one-fifth or one-tenth—is ill-fed, ill-clothed, ill-housed, and insecure.

This Republic had its beginning, and grew to its present strength, under the protection of certain inalienable political rights—among them the right of free speech, free press, free worship, trial by jury, freedom from unreasonable searches and seizures. They were our rights to life and liberty.

As our nation has grown in size and stature, however—as our industrial economy expanded—these political rights proved inadequate to assure us equality in the pursuit of happiness.

We have come to a clear realization of the fact that true individual freedom cannot exist without economic security and independence. "Necessitous men are not free men." People who are hungry and out of a job are the stuff of which dictatorships are made.

In our day these economic truths have become accepted as self-evident. We have accepted, so to speak, a second Bill of Rights under which a new basis of security and prosperity can be established for all—regardless of station, race, or creed. Among them are:

- The right to a useful and remunerative **job** in the industries or shops or farms or mines of the nation; The right to earn enough to provide adequate food and clothing and recreation;
- The right of every **farmer** to raise and sell his products at a return which will give him and his family a decent living;
- The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and **domination** by monopolies at home or abroad;
- The right of every family to a decent **home**;
- The right to adequate medical care and the opportunity to achieve and enjoy good **health**;
- The right to adequate protection from the economic fears of **old age, sickness, accident, and unemployment**;
- The right to a good **education**.

All of these rights spell security. And after this war is won we must be prepared to move forward, in the implementation of these rights, to new goals of human happiness and well-being.

America's own rightful place in the world depends in large part upon how fully these and similar rights have been carried into practice for our citizens. ■

GOP Medieval Romanticism

Bankers as Saints; Juries as Devils

by Juan Cole, *juancole.com*, 14 November 2009

Attorney General Eric Holder announced Friday that some top al-Qaeda 9/11 conspirators will be tried by jury in New York not far from the scenes of devastation that they had wrought. [*Hmmm...Already guilty? —Ed.*]

This decision by the Obama administration demonstrates faith in the American way of life, and a conviction that even the worst mass murderers can be dealt justice by democratic institutions.

Predictably, Republican critics vowed to fight the decision, since they much prefer to hold people forever without trial while torturing them, sort of the way some English kings did in North America before there was that pesky American constitution. In fact, on a whole range of issues, the contemporary Republican Party is a party of medieval romanticism. Its disquisitions on when the human person begins are theological in character and rooted in assumptions even a lot of medievals would have questioned. Its faith that bankers would never steal from us and so do not need to be regulated is a form of mysticism that medievals would have applied to saints. And its fascination with arbitrary arrest and imprisonment and with torture more recalls the star chambers of yore than the deliberations at Philadelphia over 200 years ago.

Let us listen not to John Boehner [House minority leader] of Ohio but to a Founding Father, Thomas Jefferson:

"I consider [trial by jury] as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution." ---Thomas Jefferson to Thomas Paine, 1789. ME 7:408, Papers 15:269. Or here is John Adams:

"Representative government and trial by jury are the heart and lungs of liberty." —John Adams (1774).

Many Republicans oppose not only jury trials but even habeas corpus for the prisoners at Guantanamo (the right to apply to a court judge to be produced in court so that the authorities are forced to justify the prisoner's imprisonment). They do so on supposed national security grounds, just as the British kings used to. In fact, of course, these prisoners have no fresh information on plots and cannot possibly know anything of value to any contemporary terrorists at large, since they have been sequestered for so many years.

Here is what Thomas Jefferson had to say about the suspension of rights such as habeas corpus on national security grounds:

"Why suspend the habeas corpus in insurrections and rebellions? The parties who may be arrested may be charged instantly with a well-defined crime; of course, the judge will remand them. If the public safety requires that the government should have a man imprisoned on less probable testimony in those than in other emergencies, let him be taken and tried, retaken and retried, while the necessity continues, only giving him redress against the government for damages. Examine the history of England. See how few of the cases of the suspension of the habeas corpus law have been worthy of that suspension. They have been either real treasons, wherein the parties might as well have been charged at once, or sham plots, where it was shameful they should ever have been suspected. Yet for the few cases wherein the suspension of the habeas corpus has done real good, that operation is now become habitual and the

minds of the nation almost prepared to live under its constant suspension." --Thomas Jefferson to James Madison, 1788. ME 7:97'

Al-Qaeda number 2 Ayman al-Zawahiri mocked the US that real liberty ". . . is not the freedom of Guantanamo and Abu Ghraib." The Republican way of dealing with terrorists gave enormous propaganda tools to al-Qaeda.

Obama just took those propaganda tools away from the enemy and began the process of repairing America's reputation and its fidelity to its own ideals.

Juan Cole teaches Middle Eastern and South Asian history at the University of Michigan. His most recent book is Napoleon's Egypt: Invading the Middle East

Ed. Comment: *Hmmm... There may be other explanations about moving this al-Qaeda trial from a military commission to a New York criminal court. Might local people at the courthouse gates be shouting for vengeance? Might they, like Jim Crow Southerners, prepare to hang their scapegoats? Might a citizen jury verdict silence, once and for all, suspicions about governmental complicity?..*

Contrarywise, if the accused are allowed to air their own observations beyond lawyerly questions, might American insiders actually be implicated? And then might investigations eventually lead to the top?.. What a threat that would be to those who have invested so much in America's imperial wars, and those who have lost their sons in the process! Never mind Jefferson's ideals.

Don't Mess with Utah Gas/Oil Bids

Court--Punish Enviro Imagination, Courage?

by Robert Gehrke, *Salt Lake Tribune*, 17 Nov 2009

(BCAD comments in italics —Ed.)

A federal judge [in Salt Lake City] said Monday that Tim DeChristopher won't be allowed to argue that global warming posed an imminent threat that justified placing bogus bids to derail a Bureau of Land Management oil and gas lease auction last year.

"The court finds that DeChristopher's necessity defense fails because there were reasonable, legal alternatives open to DeChristopher other than his alleged criminal acts," U.S. District Judge Dee Benson wrote in his nine-page ruling. [*Because one-person "legal alternatives" haven't appreciably worked, DeChristopher mustered IMAGINATION and COURAGE (I&C) and made a difference. I&C is what most congress-members and government officials lack. Perhaps we should radically change the legal system to also try people for I&C for social benefit. If they are found to have exercised I&C, their prison terms should be offset, and children taught that I&C pays. —Ed.*]

DeChristopher has not disputed that he placed the bids, but had hoped to argue his actions were justified to stave off climate change -- a line of argument that prosecutors successfully sought to have excluded from the trial. [*Excluding evidence is what medieval heresy trials did. Let all speak! Why isn't there freedom of speech in the courtroom?*]

"The point of civil disobedience is it gives a society as represented by 12 random jurors the opportunity to decide if the way the law is functioning is actually just and in accordance with the values of that society," DeChristopher said Monday night. "When that is denied I think we're missing out on

something really fundamental in our legal system." [ditto]

Lawyers for the 28-year-old University of Utah economics student had hoped to call former Interior Secretary and Idaho Gov. Cecil Andrus and NASA scientist James Hansen. [ditto]

DeChristopher said that if he is not allowed to explain to jurors why he disrupted the lease sale "then it obviously makes it much more likely I'll be going to prison, but that is something I accepted. ... It's the consequences of my actions I was willing to accept throughout."

DeChristopher's attorney, Pat Shea, said the defense team is considering other options, including making a case that others who have bid at oil and gas lease auctions and not paid the government were not prosecuted. "We think there's a strong basis," Shea said, "to say, 'You didn't prosecute those people, why are you prosecuting Tim DeChristopher?' " [Pro-corporate bias?]

In granting the prosecutors' motion to exclude the global warming defense, Benson wrote that there was no "imminent harm" compelling DeChristopher to act, because it was unclear that oil and gas would be drilled, even if the leases were sold to legitimate bidders. [The IMMINENT harm criterion suppresses action on delayed or remote harm— even harm of huge proportions like melting glaciers and dying marine life. America is in trouble now—financially, physically, and morally (world opinion)—in large part because of our emphasis on short-term gain and superstitious reliance on technology to save us in the longer term. We need to teach our kids MINDFULNESS—causes and big consequences in the shadows.]

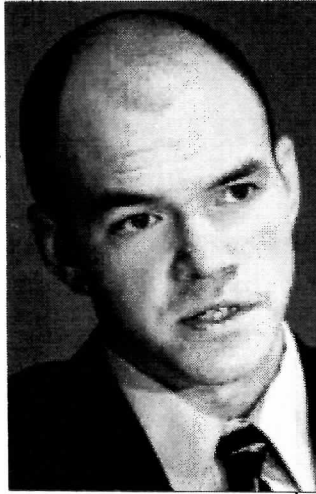
And, he wrote, DeChristopher's actions—winning 14 of the hundreds of parcels that were being auctioned—were inadequate to stem the threat. Rather than destroying a house to stop the spread of a fire, Benson wrote, "DeChristopher's actions were more akin to placing a small pile of dirt in the fire's path." [It's preposterous to have us believe that if you can't stop an evil totally that you shouldn't try to slow it down. That flies in the face of America's most common way of fixing things—little by little.]

U.S. Attorney for Utah Brett Tolman said his office is pleased with the ruling. "We now look forward to pressing on to trial and reaching a final resolution in this case," said Tolman. No trial date has been set.

DeChristopher is charged with two felonies for allegedly derailing the oil and gas lease sale last December and making a fraudulent statement when he registered as a bidder.

At the lease sale, DeChristopher bid more than \$1.8 million and won a total of 14 parcels near [Utah's] Canyonlands and Arches national parks and Dinosaur National Monument. He said afterward that he did not intend to pay. [So the only harm done was that the auctioneer will have to go to the expense of putting those 14 parcels under the gavel again, and the corporate bidders recalled. That's hardly the equivalent of spending years in prison, or the expense of keeping a person in prison for years. It's akin to the transnational corporations' outrageous expectation under NAFTA of government cash compensation for lost opportunity.]

Former Utah Supreme Court Justice Michael Zimmerman, said it appeared DeChristopher hoped to convince jurors his



civil disobedience was morally just and they should nullify the law. That can be legally problematic, Zimmerman said, and Benson apparently decided against letting the jury consider that argument.

"One can take a stance contrary to what the law said you can do," Zimmerman said, "and the civil-disobedience model is you go ahead and accept that punishment." [Never mind the social benefit!]

Some legal experts have said the government wanted to wipe out the civil-disobedience defense because it feared some jurors would side with DeChristopher. At the same time, without that defense, experts have said the U. student may not stand a chance against the charges. [Legalistic blackout of relevant considerations has an effect similar to biased jury selection. Both truncate justice.]

DeChristopher faces up to 10 years in prison and up to \$750,000 in fines if he is convicted, although Tolman has said that, because the defendant has no criminal record, he likely would receive less than five years.

[Altogether, this hearing shows perfectly how the Federal system narrows choices of dissenters to those they can control.]

Students Win for Honduran Workers Big US Company Born Again with Unions

by Steven Greenhouse, New York Times, 17 November 2009

The anti-sweatshop movement at dozens of American universities, from Georgetown to U.C.L.A., has had plenty of idealism and energy, but not many victories.

Until now.

The often raucous student movement announced on Tuesday that it had achieved its biggest victory by far. Its pressure tactics persuaded one of the nation's leading sportswear companies, Russell Athletic, to agree to rehire 1,200 workers in Honduras who lost their jobs when Russell closed their factory soon after the workers had unionized.

From the time Russell shut the factory last January, the anti-sweatshop coalition orchestrated a nationwide campaign against the company. Most important, the coalition, United Students Against Sweatshops, persuaded the administrations of Boston College, Columbia, Harvard, New York University, Stanford, Michigan, North Carolina and 89 other colleges and universities to sever or suspend their licensing agreements with Russell. The agreements - some yielding more than \$1 million in sales - allowed Russell to put university logos on T-shirts, sweatshirts and fleeces.

Going beyond their campuses, student activists picketed the N.B.A. finals in Orlando and Los Angeles this year to protest the league's licensing agreement with Russell. They distributed fliers inside Sports Authority sporting goods stores and sent Twitter messages to customers of Dick's Sporting Goods to urge them to boycott Russell products.

The students even sent activists to knock on Warren Buffett's door in Omaha because his company, Berkshire Hathaway, owns Fruit of the Loom, Russell's parent company.

"It's a very important breakthrough," said Mel Tenen, who oversees licensing agreements for the University of Miami, the first school to sever ties with Russell.

"It's not often that a major licensee will take such a necessary and drastic step to correct the injustices that affected its workers. This paves the way for us to seriously consider reopening our agreement with Russell."

the participation of ordinary citizens in political decisions and effectively suppresses popular social movements. It must be replaced by one in which members of the country's poor majority will have more of a say in determining their future. It was the movement for a popular, non-binding referendum to gauge support for a Constitutional convention that prompted the coup last June.

This struggle may be only the first chapter of an important and prolonged struggle for justice in one of Latin America's poorest and most inequitable countries. It is important that the people of North America become engaged as active allies.

Steven Zunes is professor of politics and international studies at the University of San Francisco, and chair of the academic advisory committee for the International Center on Nonviolent Conflict. His latest book (forthcoming) is Western Sahara: Nationalism, Conflict, and International Accountability

RIGHTS FOR CORPS? (Continued from Page 1)

Corporate personhood encourages people to forget that every corporation is literally created by legislatures. Corporations of all kinds receive grants of power and privilege from the state; that's why they incorporate. In the Citizens United Inc. case, the Clements amicus brief (on the FEC side) asks, "If the people's elected representatives create legal structures for economic, charitable or other purposes, are they barred from preventing misuse of those structures for non-permitted purposes, such as political activity?"

Admitting the legal fiction of the corporation into the "rights" club has further consequences. With human beings and corporations joined at the hip in the body of constitutional law, the fruit of each people's victory in strengthening or claiming a constitutional right is plucked up by corporate lawyers and used to defend corporations against the governments that created them.

That has been happening since the late 19th century, when the Supreme Court awarded the granddaddy of all corporate constitutional rights (equal protection and due process under the 14th Amendment) to railroad corporations.

In a famous Supreme Court dissent (1938), Justice Hugo Black ridiculed the justices' grant of corporate personhood, and recounted the real [operative] function of the 14th Amendment during the first half-century after its adoption. Hint: It had little to do with protecting the rights of African-Americans, women or Native Americans. Among Supreme Court cases about the 1868 amendment, Black wrote, "Less than one-half of 1 percent invoked it in protection of the Negro race, and more than 50 percent asked that its benefits be extended to corporations." With corporations on the personhood wagon, rights that we think are protecting human beings are instead protecting corporations against the government.

In the current case, the biggest hope for some and fear for others is that the court will overrule *Austin v. Michigan Chamber of Commerce*, a 1990 case that preserved a scrap of state power to regulate corporate "political speech." The widely touted "victory" was that the Supreme Court allowed Michigan to prohibit one kind of nonprofit corporation from using its monies for certain kinds of political speech.

Meanwhile, the *Austin* case accepts that money equals speech (following the Supreme Court's 1976 *Valeo* decision), that corporations can spend treasury funds on initiatives and referendums, and that political action committees are legal and constitutional. But there's more. *Austin* affirms that corporations are "persons" with constitutional rights, and that they have First

Amendment rights, and equal protection rights.

Despite the hype and flutter around it, *Citizens United Inc. v. FEC* is not the big showdown about campaign finance reform. Whether the Supreme Court upholds the FEC and the Michigan law, or favors *Citizens United Inc.* and overrules *Austin*, corporate personhood will have won again.

Just as the single-payer option has been suppressed in the national health care debate, corporate personhood is all but ignored in discussions of campaign finance reform. Perhaps if "corporate personhood" made it into more headlines, we could shoo it out of the Trojan horse where it has obfuscated free speech and equal rights issues for too long.

Corporate anthropologist and Madison resident Jane Anne Morris' recent book, Gaveling Down the Rabble: How 'Free Trade' Is Stealing Our Democracy (Apex Press, 2008) is cited in an amicus brief filed in support of the Federal Election Commission in this case. ■

COMMUNITY NOTES (Continued from Page 1)

Jeff submitted to the US Supreme Court an advisory amicus brief denying the constitutionality of corporate rights. Re the anti-Hillary Clinton movie case, the Court is pondering whether to nullify two long-standing laws which limit "corporate free speech" before elections. Jeff urges a constitutional amendment to deny corporations the rights of persons.

Ruth has been educating and organizing townfolk and officers of municipalities in Maine, New Hampshire and Massachusetts to write and pass local laws denying corporations civil rights and affirming rights of Nature, to protect water, air, health, self-rule, and other basics of community life. Discussion was lively with old Alliance members and several new voices including **Becky Shannon** of Concord League of Women Voters and **Michael Hanauer** of Carlisle Climate Action Network.

After a delicious pot-luck dinner everyone schmoozed, but there was no group discussion of action on corporate rights or non-rights, or on any ongoing or future project of the Alliance. When will we hear about the activism of individual participants, or about local projects which may engage others? Some may further AfD goals. If this regionalized/localized "convention" continues, let these activities be surfaced.

Health Care Resolution

The half-way, pro-corporate, give-away "health care" bills under consideration in Congress are a slap in the face for voters who trusted Barak Obama to promote the public. Blue Hill ME's **Bonnie Preston** drafted an AfD health care resolution for endorsement by her Downeast chapter. The Alliance has been promoting single-payer health care for all, and the national Council is likely to endorse this statement for popular promotion everywhere:

- Whereas the United States pays twice as much per capita for health care as any other developed country, and
- Whereas this massive expenditure leaves over 46 million Americans without health insurance, another 50 million underinsured, and results in nearly 45,000 deaths annually due to lack of access to health care, and
- Whereas this state of affairs brings great social and economic harm to many Americans, along with other negative effects, medical costs being a major factor in half of US bankruptcies, and
- Whereas health outcomes in the United States place us 37th in the world, not first, as many seem to believe, and
- Whereas only a universal, not-for-profit single-payer health

care plan for the nation would provide lifelong health care for all people at an affordable cost,

● *Therefore, the Alliance for Democracy resolves to continue to work for a universal, not-for-profit, single-payer health care system, until such time as one becomes the law of the land.*

Home Rule in Massachusetts

To take advantage of an imminent review of "home rule" by MA legislators, **Dave Lewit** and **Joanna Herlihy** of BCA discussed contemplated and deeper reform of MA home rule laws with **Sally Schnitzer**, legislative director for Sen. **Jamie Eldridge**, senate chair of the Committee on Municipalities and Regional Government. Massachusetts is among the states which require municipalities to petition the legislature to make laws locally in which the state has an interest. To promote greater autonomy to cities and towns, Dave and Joanna distributed the September *Dispatch's* article on Tewksbury pig farms and home rule to each member of the Committee.

Of particular note was a conversation with **Donald Siriani**, chief of staff for Sen. **Susan Fargo**, who challenged us virtually to write a bill detailing what we want. Anyone want to help? Contact *Dispatch* editor. Sen. Fargo has much experience on the Committee. Note also that Somerville's Sen. **Pat Jehlen** is also on the committee, which boasts 17 members from House and Senate (see September *Dispatch*, page 3). Go to www.CELDF.org, the web site of **Tom Linzey's** Community Environmental Legal Defense Fund, for rich and practical information on "Home Rule".

Community Bill of Rights

After a successful campaign to get a Community Bill of Rights on the ballot in Spokane WA, led by local citizens with the help of Tom Linzey of CELDF (see above), the measure was strongly opposed by real estate developers, corporate chains, and the city council, and was defeated, getting 25% of the vote. It would have amended the city charter (constitution) in eight ways ensuring: locally-based economy, health program, affordable housing, renewable energy, rights of nature (ending river pollution), neighborhood development veto, wages & apprentice training, freedom to unionize, and authority to enforce. Somewhat larger than either Worcester or Springfield MA, Spokane is the largest municipality organizing for such rights. It may serve as a model for electionable, radically populist programs, although it will take years of movement development to outpace well-financed business lobbying, council memberships, and public relations.

Governmental Ponzi Scheme

Paul Brailsford keeps North Shore folks on their toes with so many letters printed in the *Salem News* that he's a virtual columnist. In his most recent letter he compares President Obama's choices for financial posts with con-man Bernie Medoff, now serving 150 years for bilking billions from retirement funds with his Ponzi scheme, putting institutions like Brandeis University in peril. Paul writes: "How come [US officials] Alan Greenspan, Robert Rubin and Lawrence Summers have not been charged for their part in the frauds made possible in [the] de-regulated economy they passionately defended and favored, that allowed banks all over the world to naively gamble their funds in derivative schemes they didn't understand, or deceptively AAA-rated, prepackaged, subprime mortgage schemes in order get an impossibly high interest rate of 30% or more..."

EDITORIAL

Problems of Free Speech

Will we ever get the democracy we want? Alliance folks are fed up with Corporatism—that everything is for sale, and that you always have to play up to authority, stolen authority. Are we stuck in that system? Must we always strive for the clear air of riches, dangled as the unattainable prize not of being President but of being a Millionaire?

It all depends on what we believe. We're stuck if we believe that's the way things *are*. If we believe things could or can be *otherwise*, then we're on First Base. How can we get Home to democracy?

The corporate media keep telling us, or keep implying, that any change in the way things are—other than product improvements—will result in chaos, shame, disaster. They tell us directly through their pundits, and they tell us indirectly through politicians which they help to put in office and "experts" they train in universities. They seek a monopoly on telling us—total control of the airwaves, movies, the print media, and schools. Telling us so often and everywhere, directly and through our friends, that we believe.

So we have two tasks: imagining the "otherwise", and stopping the corporate monopoly on information and "knowledge" in social and political realms. To do both of these requires a third task: staying in touch with friends and allies.

We continue to push for campaign finance reform—that's one piece; and better: instant runoff voting. Now the US Supreme Court is dealing with "corporate free speech" in the *Citizens United* (Hillary movie) case (see corporate personhood in Community Notes, above, as well as Jane Anne Morris' article, Page 1.) U. of California students are fighting for changes in governing boards to regain control over public universities.

We must study how to expand slander and libel law to deal with lying about issues on TV. We must fight for truly public media, and for a muscular new Congressional Office of Technology Assessment and other research services.

Above all, we must study strategic nonviolence in history (see Stephen Zunes' article, Page 6), what Gandhi called "truth force", which is still overcoming dictatorships—including the dictatorship of the corporate dream.

JOIN THE BCA

YOU DON'T HAVE TO LIVE IN BOSTON TO LOVE BCA

(Cut out or copy this form and send it to: Dave Lewit, Co-chair, 271 Dartmouth St. #2h, Boston, MA 02116.)

BOSTON-CAMBRIDGE ALLIANCE for DEMOCRACY PLEDGE

___ \$33/Year - "Count me in!"

___ \$66/Year - "Contributor" (We need to average this amount.)

___ \$111/Year - "Sustainer" (Helping us thrive.)

___ \$222/Year - "Community Steward"

___ \$500/Year - "Realize the vision"

___ What's fair for YOU? _ \$ _____

Name : _____ Date: _____

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