

Just What is a Plutocracy and How Can We Buy One?

By Brad Walker MCE Rivers Director

1-30-15

You might wonder why an environmental organization wants you to know about and support a constitutional amendment that – on the face of it – has nothing to do with the environment.

To be effective on environmental issues, the Missouri Coalition for the Environment (MCE) relies on a thriving democratic system. The influence of money in the democratic process, the concentration of wealth, and the “personhood” of corporations hampers, and sometimes stifles completely, our ability to be effective on environmental issues. We are reaching the point of a captured government where the democratic process is an illusion. All of us need to get involved. That is why, on August 28, 2014, MCE sent out an E-Alert that included a request for people to sign a petition supporting a Senate Joint Resolution 19 (S.J.Res.19), which was a Constitutional Amendment. The text of the Amendment can be seen [here](#).

What this amendment would reverse

This amendment focused upon curtailing the massive infusion of money from wealthy individuals and corporations into the political election system, which expanded after the Supreme Court ruling in the [Citizens United v. Federal Election Commission \(FEC\)](#) case in 2010 and is expected to explode after the recent Supreme Court ruling in [McCutcheon v. FEC](#). In both cases the Supreme Court ruled in favor of continuing the removal of campaign funding limits, essentially allowing unlimited contributions, based upon the 1976 Supreme Court ruling in [Buckley v. Valeo](#) that “[money = free speech](#)” per the First Amendment. Money equaling speech is great if you are rich or have vast available funds, as do many large corporations and you want

to control who is elected and how they will govern. This is not good if you are one of the remaining 98+% of Americans whose relatively meager individual assets have little influence on today’s politics.

And you might wonder, “What’s the big deal, yet another bill from Congress.” Well [this is a big deal](#). An amendment to the Constitution is only made to remedy a major flaw or hole within the Constitution. During the more than 230 years of our nation’s existence there have only been 27 constitutional amendments ratified, the last one taking 202 years to ratify. Six other amendments have not passed, though



Money = Speech?

four are still technically pending because Congress did not place a time limit on them. The Equal Rights Amendment emerged from Congress in 1972 but failed in 1982 to have the required ratification by 38 states after the time limit set by Congress.

In order to emerge from Congress for state ratification, the new amendment will have to be passed in both the Senate and the House by a two-thirds majority. Not an easy task, primarily because of the very corruption targeted by the amendment.

Theoretically, fixing the money equals free speech problem should be a non-partisan issue when one assumes that our federally-elected officials are supposed to be in Congress to represent “we the people” and not corporations or the super-rich.

A properly written constitutional amendment would provide the legal foundation for Congress to restrict campaign funding that would survive judicial review, thus realigning our elections to a more democratic and fair process where those running for office will not be beholden to a small group of donors. We support this amendment and hope that it will soon be passed and ultimately ratified.

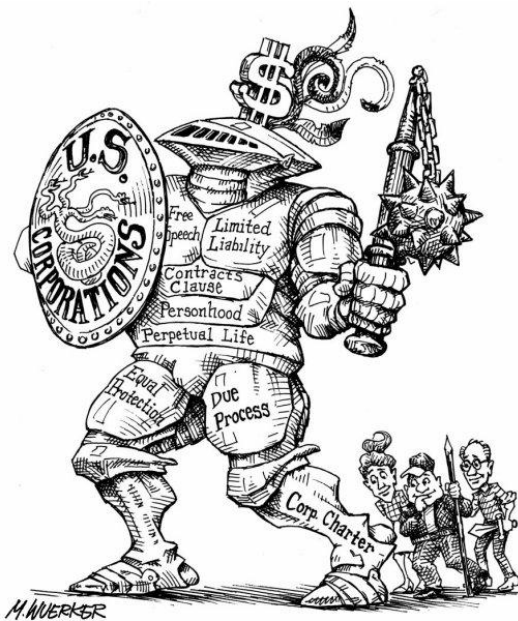
Although this amendment did not receive the required super-majority in the Senate on September 11, 2014, it did [receive a majority](#) of 54 votes, [none from Republicans](#). Some might think that there’s no point in continuing the effort to pass this amendment, but important change takes time. To put this into perspective, the 19th Amendment that allowed women to vote, which was also the response of a really bad Supreme Court ruling, took 45 years to become law.

Despite the outcome of the 2014 election, we fully expect there will be new versions of this amendment introduced in Congress. The importance of this constitutional amendment to address abuses in campaign funding goes far beyond a single election and must continue until it becomes the law of the land.

The need for a follow-up amendment – Corporate Personhood

As good as S.J.Res.19 amendment might have been in reigning in the corruption within our elections, it falls short of adequately addressing an equally corrupting influence – corporate power.

In MCE’s [Our Future?](#) report of 2012 we discussed how the Upper Mississippi River Basin might move to become a much more sustainable region. However, in the report’s conclusion we warned of the major obstacles to attaining true sustainability, “the influence of corporations, lobbyists, wealth and the almost unprecedented wealth disparity.” The influence of corporations through their money and lobbyists encompasses corporate power. This power has its origin with the Supreme Courts granting of [1st, 4th, and 5th](#) Amendment rights to corporations, exemplifying the [corruption and abuse of the 14th Amendment](#), which was intended to grant freed slaves their constitutional rights. Prior to the late 1800’s corporations had none of the rights of humans. Corporations were given these human rights through manipulation of the legislatures and courts by wealthy people who had gained political influence by benefiting from the Civil War effort.



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[Stolen rights of Corporate Personhood](#)

The subject of [corporate personhood](#) is a highly complex topic covering two centuries of law and can be easily oversimplified. However, due to its undermining of the average American's ability to enjoy the benefits of democracy, corporate personhood's immense impact cannot be overstated. I will try to summarize this as comprehensively as possible and provide links for those who want to delve further into the complexities.

Why we need to reset corporate rights – regulating does not work

As an environmental advocacy organization, MCE has been fighting for the protection of real people and our natural resources from environmental problems for 45 years. We have taken the typical approaches over those years: which include educating the public; asking for better legislation; commenting upon proposed projects, rules and regulations; providing feedback in public meetings; and when all else fails, filing lawsuits.

We have had our successes, but we continue to lose ground. This we believe would be the general assessment of most environmental advocacy organizations. It is not for lack of trying but with the deck so stacked against us, it is not surprising. Our focus has been upon what are really just the symptoms of our problems, while unfortunately ignoring the heart of the matter – corporate rights. These unjustly gained rights have allowed corporations to usurp democracy, placing corporations beyond our control. They have accumulated wealth and power that we can never match head-to-head. Attempting to overcome this power one issue, one rule or one lawsuit at a time is not a viable strategy, as time has shown. Their [advertising](#) capabilities provide them an opportunity to manipulate people and control the debate while also providing them a healthy business tax write-off. Their contributions and [political influence](#) are massive, 24/7, and at levels we cannot even imagine attaining.

I hope that we shall crush in its birth the aristocracy of our monied corporations, which dare already to challenge our government to a trial of strength, and bid defiance to the laws of our country.

Thomas Jefferson, 1816

When we go to Washington, DC to try to influence legislation, we are lucky to talk with anyone from our senator's or representative's staff for more than a few minutes. Our power in improving legislation is minimal. Corporations however have no problem speaking directly to the senator and representative; and they are not just influencing our laws, they are [writing them](#).



Influence of Standard Oil, Keppler, 1904

very wealthy people can choose to use to transfer “we the people’s” power and wealth to them. This transfer process took over a century with citizens fighting corporations every step of the way, but its success has been profound.

This is not how it has always been, and in fact, is quite the opposite of what was intended. As much as we can criticize the founding Fathers for drafting an exclusionary Constitution that omitted specific categories of “human” people from having basic rights, [they did not intend corporations to have equivalent rights](#), or more correctly, greater rights than people.

Corporate rights were not bestowed for any commonsense or legitimate reason, but solely to allow the creation of an artificial entity that

Wealth disparity in this country is unsustainable and is likely at an all-time high. The ability of the average person to run for a federal office is virtually non-existent.

This disparity is exemplified in a 2002 interview of the late Richard Grossman, a co-founder of the Program on Corporations, Law, and Democracy (POCLAD), who had worked on corporate issues for over 20 years.

We set out to try to discover why it is that the activist work of so many good and able people around the country for so many decades had not brought about the kinds of changes that people had been hoping for. Why is it--after so many years of so many groups fighting toxic chemicals and winning, passing laws, and closing dumps, and doing all kinds of good things--that every day more toxic chemicals are produced than the day before? We saw that power was being concentrated even more in corporate boardrooms. The ideal of democracy was moving further out of reach. And by most objective criteria--the wealth gap, public health, the environment, workers' rights--things were getting worse.

Read the rest of the interview [here](#).

The Solution

No amount of legislative tweaking or rule compromising will solve our environmental, natural resources, economic, social justice, labor, and safety problems under the current laws and court rulings that have allowed corporations to have rights. The only solution is to revoke the human rights that corporations have undeservedly gained through the constitutional amendment process, which would clearly and unequivocally state that corporations are not equivalent to human people, nor should they have any rights other than the rights that we the people grant them. This will take years of hard, focused work by many people to inform the public about how much has changed and how much we have lost; but as Mr. Grossman went on to say in his 2002 interview:

If you frame the issue about who's in charge, about power, and not around six parts per million or eight parts per million or how many kilowatts here versus kilowatts there, that's what arouses people. That's what educates people. That's what pushes some people on their own to say, "I didn't know any of this history, let's check it out." Eventually, when the culture changes, when there's been enough contesting, revealing, and educating, these issues will either be driven into the Constitution or they won't. Eventually, the fundamental law of the land will change or it won't.

This is a generational battle that we cannot afford to lose. We truly hope that the change Mr. Grossman imagined will occur, but we all need to get involved now to accomplish the change.

Several organizations are continuing the push for a constitutional amendment in 2015 and have petitions available for people to sign. Remember: *Money ≠ Free Speech and Corporations are not People.*

Please check out one or all of these websites for information they contain, to sign a petition and to get involved:

[Public Citizen](#)
[Reclaim Democracy](#)
[Free Speech For People](#)

[Move to Amend](#)
[Credo Action](#)
[Friends of the Earth](#)

[POCLAD](#)

<http://moenvironment.org/environment-blog/2015/01/15/just-what-is-a-plutocracy-and-how-can-we-buy-one/>