



# Justice Rising

## Grassroots Solutions to Corporate Domination

### Creating Honest Elections The Problem, the People, the Solutions

by Jim Tarbell

Hard-nosed, political kingpin John Bolton, working with James Baker in Florida, walked into the 2000 recount and announced "I'm with the Bush-Cheney team, and I'm here to stop the vote." As a man who helped launder thousands of corporate and foreign dollars into political war chests and worked to squash voter registration, he personifies the problems with our democracy and electoral system. As a former Senior Vice President at the American Enterprise Institute, he is a central piece of a broad, billion-dollar, thirty-year effort by conservative corporate-funded foundations to gain control of the American democratic process.

His associate James Baker is co-chair of the ultimate insiders fix of our electoral process, the Carter-Baker Commission on Federal Election Reform. Purportedly created to "study the electoral process in the U.S. and make recommendations for improvements," this 21-person commission does not include any critics of our money-flooded campaign finance system, no experts on electronic voting, and no representatives of aggrieved voters shut out of our electoral process in both 2000 and 2004. Instead, it is a covey of fellow believers who have benefited from the established electoral process. Included are retired office holders, political appointees and academic apologists. Shut out are the people who did not get to vote in Ohio, the non-profits which track the corrupting connection between money and politics and the experts who recently met in Nashville at the National Election Reform Conference. Their analyses appear here in this first issue of *Justice Rising: Grassroots Solutions to Corporate Domination*.

The hundreds of experts gathered in Nashville on April 8-10 created a first-of-its-kind gathering. Robert Koehler of the Tribune Media Services described it as "an extraordinary pulling together of disparate voting-rights activists—30 states were represented, 15 red and 15 blue—sponsored by a Nashville group called Gathering To Save Our Democracy. It had the feel of 1775: citizen patriots taking matters into their own hands to reclaim the republic. This was the level of its urgency." It was a gathering of people asking, "why the lines were so long and the voting machines so few...and why virtually every voter complaint about electronic-voting-machine malfunction indicated an unauthorized

vote switch from Kerry to Bush." It was also a conclave of computer programmers and statisticians who know that the electoral "numbers are screaming at them that something is wrong."

Meanwhile, dozens of voting rights-groups including the Velvet Revolution, Progressive Democrats of America, United Progressives and Code Pink protested at the first day of the Carter-Baker Commission hearings at the American University in Washington DC on April 18. They are demanding that at least the big monied political power brokers including James Baker, who masterminded the bludgeoning of electoral democracy in Florida in 2000 and Robert Mossbacher, Chairman of Mossbacher Energy Company, past Chair of the Republican National Committee and national finance chair of two Republican presidential campaigns, be excluded from the panel.

Will the people carry the day and eliminate the inside fix posed by the Carter-Baker Commission? Will the media alert the world of the American electoral crisis? Jonathon Simon who spoke for the AfD at the National Election Reform Conference said, "When the autopsy of our democracy is performed, it is my belief that media silence will be given as the primary cause of death."

Justice Rising is doing its part to avoid this scenario. Don't let the corporate overlords control our democracy. Read this issue and spread the word. American democracy is ours to keep.



Puppet at the meeting of the Carter-Baker Commission on Federal Election Reform  
photo: velvetrevolution.us

**"The New Voting Rights Movement is simply ordinary citizens working together to do extraordinary things."**

David Cobb, page 2

**The loyalty of government has then been shifted to the corporations and away from the people.**

Attorney Paul Lehto, page 3

**"Corporations dominate the political landscape."**

Steve Weiss, Center for Responsive Politics page 4

**"Corporate donors presumably could be asked to justify to their stockholders their secret payments."**

Ronnie Dugger, page 12

**A Publication of the Alliance for Democracy**

# The New Voting Rights Movement

by David Cobb

On January 6, 2005, a new voting rights movement was born in this country. On that day, for the first time since the Nineteenth Century, the ritualistic pomp and circumstance of Congress certifying the Electoral College votes gave way to a substantive challenge to the legitimacy of the election process and its results.

That challenge, formalized in a joint session of Congress by Representative Stephanie Tubbs Jones of Ohio and California Senator Barbara Boxer, was the result of a new, powerful and growing grassroots movement dedicated to ensuring the right to vote and the right to have all votes counted.

The deeply flawed—and some would say fraudulent—Ohio presidential election, was marred by voter suppression and intimidation, racial discrimination, incredibly long lines at polling places in African American neighborhoods and malfunctioning voting machines. The Ohio recount, which the Cobb-LaMarche Green Party presidential campaign demanded because of these shocking concerns, was conducted just as illegally and haphazardly as the underlying election.

The New Voting Rights Movement doesn't have a formal structure, a catchy slogan or a charismatic "leader." The New Voting Rights Movement is simply ordinary citizens working together to do extraordinary things. Its members come from across the political spectrum—including Greens, Libertarians and Progressive Democrats—and use a variety of tactics including grassroots organizing, litigation, education and demonstrations. The movement includes groups you might never have

heard of—like Citizens Alliance for Secure Elections (CASE) who were instrumental in publicizing and documenting the problems faced by Ohio voters—and organizations with long histories of working for civil rights, like Rainbow/ PUSH and the NAACP.

As this new movement looks forward, it's important to understand that the business of counting and recounting the presidential vote of 2004 is still not over. The Cobb-LaMarche campaign, along with Libertarian presidential candidate Michael Badnarik, is still seeking recounts in New Mexico and Ohio. In New Mexico, the state which recorded the highest percentage of under-votes in the nation (ballots cast with no presidential vote indicated), Governor Bill Richardson



graphic: Kjersten Jeppesen

has turned state law on its head in denying our demand for a recount. We have sued to get the recount started in compliance with New Mexico law; that matter is currently pending in the New Mexico Court of Appeals.

In Ohio, Secretary of State Kenneth Blackwell, the state's co-chair for the Bush-Cheney campaign, delayed the start of the recount until the very day that the presidential electors cast their votes. Once the recount finally got started, weeks after it was requested, it was a sloppy and uneven affair which ignored even the minimal standards established by Blackwell's office. The recount was conducted so poorly and in such clear violation of state and federal law that we have asked a federal judge to order that the recount be done again.

The botched 2000 presidential election had a silver lining in the midst of a very dark cloud. Despite the fact that a bare U.S. Supreme Court majority installed the loser of the election in the White House, our country received a national civics lesson about the vagaries of ballots, hanging chads and the Electoral College. Outrage led to reform.

Now we need to go further, and we can: we have momentum and are gaining support from what might seem like unlikely allies.

Editorial boards for a variety of prominent newspapers—including the New York Times, the Denver Post and the Boston Globe—have joined us in calling for voter-verifiable paper ballots for voting machines, uniform standards for elections, and election oversight by independent, non-partisan officials instead of partisan political hacks.

That's a great beginning, but we can't stop there. We need to advocate for public financing of campaigns to keep private money out of our most cherished public process. We need instant runoff voting to eliminate the "spoiler" dynamic, give third parties a chance to compete fairly and to ensure that whoever wins an election does it with a majority of votes cast. To improve our anemic voter turnout (one of the lowest of any democracy), voter registration should be allowed right up until Election Day. And Election Day should be made a holiday or moved to the weekend to encourage as much participation as possible.

Now is the time to push for all these reforms. Contact your representatives and ask them to sponsor election reform legislation. What happened in Ohio in 2004, and in Florida in 2000, must never happen again. It's up to all of us to do something about it.

*David Cobb ran for president as the Green Party candidate in 2004. He serves on the Steering Committee of Democracy Unlimited of Humboldt County and as Campaigns Director for ReclaimDemocracy.org*



Tennessee voters protest the certification of electoral votes on January 6, 2005 photo: Tennessee IMC

# Are We Helping the Voting Machine Companies, or Opposing Them?

## Strategies for Dealing with the Business of Election Secrets

by Paul Lehto

Cigarettes have a lot to do with voting machines. Both involve "trade secrets". Phillip Morris, the cigarette manufacturer, succeeded in a case against the state of Massachusetts by claiming that the list of additive ingredients the state required to be disclosed to consumers for their information and protection was a nondiscloseable "trade secret."

Trade secrets are simply unprotectable ideas or processes that achieve the legal status of "property," more or less at the decision of private companies. Unlike patents, there is no uniqueness or invention required, just an expectation of competitive advantage in secrecy.

With elections, the secret software used to count votes is claimed as a trade secret by the corporations that manufacture them. This means that requests for information regarding the details of vote counting on electronic voting computers will be met with denials, lawsuits and claims of trade secrets.

Secrecy in government is almost always corrupting. Since the voting machine companies are performing the most central governmental function of all, we are well beyond corporate influence on government, or even corporate "control". The corporations now claim our democracy as their private property.

Then, the various "cooperation clauses" in the sales contracts for voting computers force the government to cooperate with the vendors to legally quash (crush) any citizens' subpoenas or requests for information regarding vote counting software. The loyalty of government has then been shifted to the corporations and away from the people.

Even more corrupting are elections officials purporting to "check and balance" themselves. All they really want is for things to appear smooth so they can go home on time and not be humiliated in the press.

It gets worse. Having deliberately set up a veil of secrecy, government officials and vendors ridicule anyone who investigates whether democratic integrity really exists behind the veil. They suggest that such citizens are "conspiracy theorists."

Unfortunately, any legislation concerning existing computerized voting is at risk of simply giving the voting companies a legal claim for takings, impairment of contracts, and/or due process. So, if some well-meaning activists have their way by getting paper ballots or trails added onto the computerized voting machines, or opening the source code, we will pay voting companies yet again in order to get all or only part of our democracy back. We will have to pay them to buy voter verified paper ballot machines at \$1000 a pop and then again to open the source code. To the extent Republican politicians (unlike Republican rank and file) remain opposed to reform, it is very likely that even the most favorable bill will change dramatically for the

worse just prior to the final vote, via amendment.

Voter verified paper ballots (better) or paper trail (worse) are problematic. The need for a paper trail appended onto a computer voting system interface reveals the absurdity of computerized voting in the first place. It shows what computerized voting really needs—a paper ballot!, which is what we had before we had the computers. In reality, the emperor has no clothes and computerized voting is an expensive bottleneck that creates election day lines in exchange for paying \$2500 to \$5000 per computer.

We should realize that the best and most advanced system of voting is the one that offers the best protection against election mistakes or crimes. Computers offer the least protection, as a mistake or crime can instantly change thousands of votes. Meanwhile paper ballots offer maximum protection as they present the opportunity for a crime or mistake to change only one vote per intimidated, bribed or error-prone voter.

Meanwhile, even if made public, open source code is still problematic because it can be hacked, and any computer or other interface that comes between a voter and her ballot, is a prescription for every category of election problems. (Imagine a human offering their "services" to fill out the ballots of others and then counting them invisibly and secretly.)

The solution is to realize that the imposition of secret vote counting and the contracts for sale of these machines were illegal on the day they were signed. This makes them void and thus there can be no "taking" when they are canceled. If the voting companies want to keep secrets, they can go back to the private sector they came from.

So the plan is to encourage lawsuits to expose this as the illegal and unconstitutional scheme it is, (such as the lawsuit linked to votersunite.org). Also check out [www.velvetrevolution.us](http://www.velvetrevolution.us) and send e-letters to all nine major voting companies, pledging boycott and divestment actions if they don't become public-minded in various specific ways.

More and more, trade secrets are being used not to protect value or innovation, but to hide defects and problems and lack of support for the public interest, which is something else tobacco companies and voting computer companies very much have in common.

*Paul R. Lehto is a business law and consumer fraud attorney on the steering committee of "Every Vote Counts" He co-authored a groundbreaking paper which documented political bias in malfunctioning Sequoia voting machines in Snohomish County, WA, which could not be explained by any plausible voter choices. Paul and his attorney intend to achieve the first successful step in removing voting machines from our democracy.*

**"Corporations now claim our democracy as their private property."**

# Follow the Money

by Steven Weiss

Deep Throat said it best: "Follow the money." For a complete picture of the political process, you must understand the role of money and of those who give it in support of their causes.

Following the money is a full-time job, but money's impact often goes unnoticed. We often discuss money in advance of an election, asking which candidate is outspending the other, which political party has raised the most, and which advocacy groups are the most involved in the race.

However, money has an arguably bigger impact after Election Day. After all, that is when big campaign donors look at the makeup of the new Congress, assess the most effective ways to accomplish their policy goals and use their influence and connections to convince elected officials of their point of view.

Who are these donors? They are an elite group, to be sure. Consider that the proportion of U.S. adults who give more than \$200 to any federal candidate, political party or political action committee is just one-half of one percent. That's one out of every 200 people, or about 1.1 million adults nationwide.

Their numbers may be small, but their impact is huge. They contributed nearly \$2 billion to feder-

al candidates, parties and PACs for last year's elections. When you count their contributions to the hundreds of advocacy groups that try to impact the outcome of elections, the total grows much higher.

Of course, merely writing a check for \$250 or so won't get you in the room when lawmakers are discussing legislation or policy. The seats at the table are reserved for people who give much more and who encourage their friends, associates and employees – anyone they know, really – to give as well.

These are the political players. They represent corporations, labor unions and large organizations tracking environmental regulations or gun laws or some other issue. Their influence among elected officials is often measured by how many voters they represent. But their influence is also gauged by the amount of campaign contributions they can generate from their followers.

On that score, corporations dominate the political landscape. Business interests contributed \$1.5 billion to federal candidates and parties for the 2004 elections, nearly 25 times the \$62 million given by their frequent rivals, labor unions. Labor's total is artificially low because campaign finance reports do not list a donor's union affiliation, but that shortcoming in disclosure hardly accounts for the enormous difference in political giving by business versus labor.

If you work for a company or belong to a labor union, chances are your employer or union lobbies the federal government on a variety of issues. Less certain is whether you personally agree with the stance being advocated, or with the positions of any group trying to influence congressional legislation and national policy.

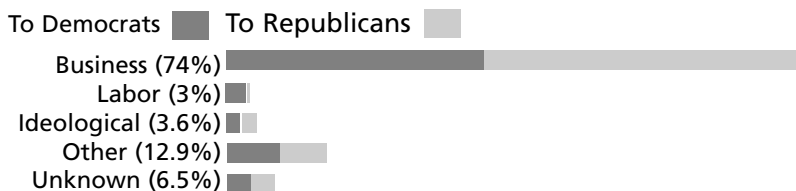
So where can you go to follow the money? For starters, visit [OpenSecrets.org](http://OpenSecrets.org), which contains the most comprehensive campaign finance figures and analysis available anywhere. Search by lawmaker or candidate. Examine a particular industry or interest group. Or enter your zip code to view your congressional delegation and the campaign contributions from donors in your state or locality.

Use the site to inform yourself about the money flowing into elections, the sources of campaign cash and the motives of those who contribute the most. Armed with this knowledge, you will be able to hold lawmakers accountable for decisions that satisfy donors more than voters.

*Steven Weiss is communications director of the Center for Responsive Politics and editor of its money-in-politics newsletter, Capital Eye. Find the Center on the Web at [OpenSecrets.org](http://OpenSecrets.org).*

## 2004 ELECTION OVERVIEW

### Business-Labor-Ideology Split in PAC & Individual Donations to Candidates and Parties



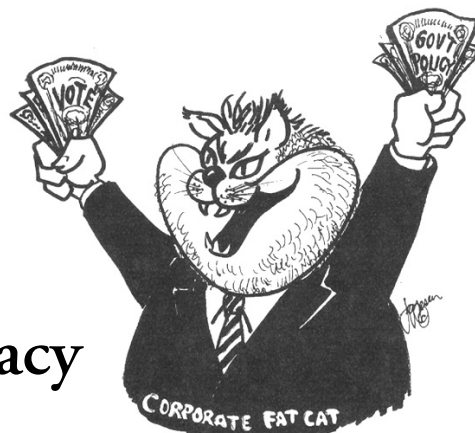
|             | Grand Total     | Democrats     | Republicans   | Dem % | Rep % |
|-------------|-----------------|---------------|---------------|-------|-------|
| Business    | \$1,503,597,831 | \$669,580,014 | \$828,512,346 | 45%   | 55%   |
| Labor       | \$61,613,085    | \$53,773,797  | \$7,702,938   | 87%   | 13%   |
| Ideological | \$72,785,656    | \$35,374,037  | \$37,219,029  | 49%   | 51%   |
| Other       | \$261,959,228   | \$139,940,362 | \$120,497,850 | 53%   | 46%   |
| Unknown     | \$132,250,032   | \$70,564,248  | \$60,671,037  | 53%   | 46%   |

Based on data released by the FEC on Monday, March 28, 2005 and compiled by Center for Responsive Politics, available at [www.opensecrets.org](http://www.opensecrets.org)

# Corporations & Democracy

## Researching the Connection

by Jim Tarbell



graphic: Kjersten Jeppesen

Both corporations and democracy were born out of the bubbling social ferment in London four hundred years ago, and they emerged joined at the hip. Three early governors of the groundbreaking British East India Company either left the Company to become Mayor of London or had been Mayor before becoming Governor of the Company. This trend followed corporations and democracy to this country where, in the 1860s, Leland Stanford simultaneously served as Governor of California and President of Central Pacific Railroad.

Although people have gained more controls over their election process, the close relationship between business and politics has persisted in a more subtle form. A veritable political class of corporate cronies has been created by a campaign finance system that self-selects candidates with views sympathetic to the major campaign donors.

Researching the connections of the political class to concentrated wealth reveals the true powers behind the curtain and is often easier than one might think. There is a plethora of databases and websites for the concerned citizen intent on understanding the political forces behind the democratic veil. The website [www.corporations.org/campaign\\$\\$/](http://www.corporations.org/campaign$$/) is a good place to start with their "Researching Your Politicians: Campaign Contribution and Voting Records." It highlights many of the major databases and research sites including the Center for Responsive Politics (CRP) and the Center for Public Integrity (CPI). CRP's site includes a *Do It Yourself Congressional Investigation Kit: A Consumer Guide to Who's Giving the Money, Who's Getting It*.

Both CRP and CPI have taken the raw materials that exist on government databases and manipulated them into useful forms. The Federal Elections Commission maintains the major federal database at [www.fec.gov/disclosure.shtml](http://www.fec.gov/disclosure.shtml). Most of the states also have online information about statewide offices. Investigative Reporters and Editors, Inc. maintain a Campaign Finance Information Center that has much useful information plus quick access to data on campaign contributions at the state level. Many states maintain websites that give almost daily contribution updates as voting dates near, a time when expensive advertising can swing elections one way or another. On our radio program *Corporations and*

*Democracy* we usually broadcast this data just before an election which can be particularly revealing for understanding the innuendoes of ballot initiatives.

Information on county, city and township races are a little harder to extract. While most local election offices do maintain websites, they do not usually post campaign contribution information. They do have that data on forms that the various campaign committees fill out. You can get copies of those forms at the elections offices and can then tabulate them yourself.

We were keeping track of this information on a local race in the 1990s when a new campaign finance vehicle, financed by timber corporations, appeared, flooding the local radio waves with campaign ads in the final few days of the race. Now known as 527s, these soft-money political action committees claim no connection to official campaign committees but maintain parallel political objectives. Both the Center for Responsive Politics and the Center for Public Integrity maintain information on these groups. The IRS maintains the primary database on 527s at <http://eforms.irs.gov>.

Then there are other corporate connections to our democracy. Ken Silverstein writes, "Dollar for dollar, lobbying is a better investment than campaign contributions." To understand the magnitude of this situation CPI maintains Lobbywatch which connects the lobbying dots on the federal level. At the state level, the Secretaries of State maintain this information.

Meanwhile, the media and advertising play a huge role in the political process. TNS Media Intelligence/cmag keeps track of this phenomenon for professionals involved in this industry. Their website at [www.politicsontv.com](http://www.politicsontv.com) has a host of information on trends and statistics in the political advertising industry.

Finally, for political voyeurs, fundrace.org tracks political contributions by location. You can type in your zipcode and get the names of which neighbors contributed how much to what campaign or political party.

Until citizens take responsibility to publicly fund elections, corporate money will play a big part in creating our political class. Since our political leaders and corporate managers are no longer the same people, please use the information in this article to identify the connections and then spread the word.

**Researching the connections of the political class to concentrated wealth reveals the true powers behind the curtain and is often easier than one might think.**

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**JUSTICE RISING** is a publication of **The Alliance for Democracy**, whose mission is to end the domination of our politics, our economics, the environment, and our culture by large corporations. The Alliance seeks to establish true economic and political democracy and to create a just society with a sustainable, equitable economy

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Co-Chairs of the AfD National Council

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# Justice Rising



All across America, citizens are rising up against the injustice evident in our electoral system. As Cliff Arnebeck, Alliance Co-chair, and leading lawyer in the Ohio Honest Elections Campaign says, "if we are going to make the rest of the world democratic, we have to get it right in the United States first."

Outlining the various problems and approaches to fixing our electoral system is an apt theme for the first issue of *Justice Rising: Grassroots Solutions to Corporate Domination*. We have reformatted the quarterly AfD *Alliance Alerts* into a new publication that will look at specific issues plaguing our world today and analyze how corporations and corporate power profoundly impact that issue. We will also illustrate how the Alliance for Democracy and allied groups are creating solutions to these critical problems at this pivotal time in human history.

We will look at issues like global governance, the media, the environment, water, and health care where corporations have taken a dominant role in creating an unjust world where money is power and the people and planet suffer. We welcome your participation in this endeavor, from a letter to the editor to serving as a guest editor of an issue near and dear to your heart. We need artists, writers and researchers. Let us know your ideas and what you would like to do.

Already a plethora of volunteers are helping. Janet Ashford created the cover design and advised on the interior layout. Jan Edwards and Bill Meyers are writing regular columns on corporate constitutional questions and history. We have proofreaders and, of course, the writers and artists who have contributed to this issue: Kjersten Jeppesen provided several custom cartoons. David Cobb, Paul Lehto, Steve Weiss, Nancy Matela, Ronnie Dugger, Will Forthman, Bonnie Preston, Nancy Price, Phil Fry, David Delk and Democracy Unlimited of Humboldt County all wrote articles. *Justice Rising* seeks to give in-depth information so active citizens are even more informed as they work to guarantee that our democracy is the best it ever could be.

## AfD Backs Publicly Financed Elections

by Jim Tarbell

Converging amidst a globally-altered weather deluge in Southern California the AfD Council held what Jean Maryborn called "the best

council meeting I have ever attended." At this February meeting the council heard upbeat reports on the Honest Elections and Water for Life campaigns and reinvigorated the Media and Transforming the Corporation campaigns. Then they voted to begin paying the formerly all-volunteer staff at the national office.

They also dealt with our corporate-dominated electoral system by creating a list of actions necessary for American citizens to gain control over their electoral system. Publicly financed elections and an election day holiday topped the list. Also included were:

- Investigate the truth of the 2004 Election
- Create an independent elections commission
- Gain public access to voting machine software
- Ensure equal access to voters
- Establish fair political districts
- Institute Instant Runoff Voting
- Operate non-commercial political campaigns
- Provide media access with town hall interviews
- Advocate proportional representation
- Require that election officials be non-partisan
- Guarantee an honest counting of votes
- Adopt national election standards
- Pass a constitutional right-to-vote amendment

### **2005/06 AfD Budget**

#### **Income**

|                            |                   |
|----------------------------|-------------------|
| Membership                 | 56,000.00         |
| Individual contributions   | 1,000.00          |
| Chapter Donations          | 1,000.00          |
| Fundraising Events & Sales | 2,800.00          |
| Campaigns                  | <u>213,000.00</u> |
| Total                      | 273,800.00        |

#### **Expenses**

|                            |                |
|----------------------------|----------------|
| Professional services      | 3,550.00       |
| Office                     | 13,431.00      |
| Communications             | 14,847.35      |
| Campaigns                  | 213,000.00     |
| Events & Conferences       | 6,000.00       |
| Membership and Development | 3,950.00       |
| Bank and Fees              | 1,650.00       |
| Founding Debt Repayment    | 11,308.59      |
| Contingency fund           | <u>6063.06</u> |
| Total                      | 273,800.00     |

# Saving the Election Process

## Oregon's Experience

by David Delk

Oregon has a long progressive reputation, but in the funding of political campaigns, Oregon is the least progressive. Oregon has no limitations on contributions or expenditures for any office in the state. While it does have strict reporting requirements for contributions, it also has the worst record in the U.S. for public disclosure of those contributions. In 1996, Oregon had a statutory CFR measure in place but the Oregon Supreme Court found it unconstitutional.

This system is now being challenged by progressive elements in Oregon, and AfD/Portland is at the forefront of that effort. Within the next two months, we will begin a dual initiative drive for statewide Campaign Finance Reform. The AfD/Portland Co-Chair is chief petitioner of an initiative to enact a statewide constitutional amendment giving the people the right to enact limitations on contributions through the initiative process. This amendment would create the constitutional authority to enact campaign finance reforms without the possibility of court challenge.

The second initiative will disallow corporate and union contributions, as well as limit individual contributions (\$500 per state-wide race, \$100 for all others with a maximum yearly aggregate contribution of \$2500). Rigorous reporting and disclosure requirements will also be implemented. Ads by independent organizations would have to disclose their funding sources. This would be the most stringent law in the United States.

In order to foster greater citizen participation, small donor committees (SDC) could be established to spend money on campaigns however the SDC wanted. Individuals could contribute \$50 per year to any individual SDC. Membership organizations such as unions or environmental groups, etc, could establish SDCs and then transfer up to \$50 per member to the SDC. The transfer of political power from wealthy individuals and corporations to small donors and citizen organizations will be dramatic following the passage of these two initiatives.

### Voter Owned Elections (VOE)

In addition, AfD/Portland has been promoting Voter Owned Elections for City of Portland elections. Portland's proposed ordinance would require that candidates opting to receive public funding of their campaigns not accept private contributions and limit their expenditures to the money received from the public fund. In addition, they would need to show wide popular support by gathering up to 1,500 \$5 contributions before being eligible to receive the funds.

The new mayor and one new city commissioner campaigned in support of VOE and a third commissioner on the five-member council proposed the measure. It is expected to pass, and be used in the 2006 elections, with more candidates who do not

have access to wealthy and corporate funds running for office. For new candidates and incumbents, Voter Owned Elections means spending time campaigning face-to-face with constituents instead of spending most of their time fundraising. As Commissioner Erik Sten noted, "In three campaigns, 80% of my time has gone to fundraising." That is time which should have gone to meeting and talking with the citizens of Portland.

### Instant Runoff Voting (IRV)

IRV is allowed under the Oregon constitution, but enabling legislation has never been enacted. AfD/Portland supports legislation that would allow cities and counties to use IRV in their elections.

This measure has AfD-Portland's endorsement and support. The chapter has approached the Portland City Council to send the legislature a letter supporting IRV legislation. Their letter will emphasize that the city should have the option as a matter of self rule. When used with Voter Owned Elections, the city will save money in only having to conduct a single election.

Instant Runoff Voting will encourage more candidates to run, will eliminate the "spoiler" effect of third party candidates and lead to a more robust political debate. For more information on all three efforts see [www.afd-pdx.org](http://www.afd-pdx.org).

*David Delk is Vice Co-Chair of AfD National Council and Co-Chair of the Portland AfD Chapter.*



## Oregon's Election System

by Nancy Matela

AfD-Portland Chapter has joined with the local Democratic Party, Pacific Green Party and Physicians for Social Responsibility to form the Oregon Voter Rights Coalition (ORVRC). This group spoke at a panel hosted by two Oregon congresspeople to review Oregon's vote-by-mail system and give input for anticipated changes to the Help America Vote Act (HAVA). The Secretary of State, County Clerks, unions, and social service organizations also participated.

On the whole, the input was very positive towards the current vote-by-mail system in which votes are cast on paper ballots and mailed in or dropped off at designated locations. ORVRC expressed concerns however about the electronic scanners and tabulators used to count the paper ballots. Corporate manufacturers of the machines used by Oregon counties do not allow access to the proprietary software that counts the ballots.

After meeting with several Election Clerks, ORVRC has decided that Oregon's election process is relatively "fraud proof." County Clerks are required to publicly certify the optical scanners just before the machines are used and again after the count. There is also a partial, random hand count done to compare to the machine count to check for accuracy. Additionally, any candidate or measure sponsor can request a partial hand recount. The public can observe every part of the process.

Currently, the Secretary of State determines if and when a random hand count is done. ORVRC wants it codified in statute that the random hand count is always done for every election. That plus exit polls are really the only way we can be assured that the count is accurate. For more information contact Nancy Matela at [nmatela@pacifier.com](mailto:nmatela@pacifier.com).

*Nancy Matela is the Chair of the AfD Save the Elections Committee*



# Voter Rights Groups

## Fighting to Save our Democracy

by Nancy Matela and Jim Tarbell

**Velvet Revolution**, [www.velvetrevolution.us](http://www.velvetrevolution.us)—following in the footsteps of the Ukraine, over 80 organizations (a portion of whose members' logos decorate these pages) have joined a Velvet Revolution demanding: a U.S. Constitutional Amendment guaranteeing The Right to Vote!; • Voter-verified, auditable paper ballots mandatory in every polling place in America; • Non-partisan election officials; • Private companies may not run our elections through secret, proprietary, uninspected and unsecure software; • Voter suppression, intimidation and gerrymandering of electoral districts for pure partisan gain must stop forever.

**Public Campaign**, [www.publiccampaign.org](http://www.publiccampaign.org)—“is a non-profit, non-partisan organization dedicated to sweeping reform that aims to dramatically reduce the role of big special interest money in American politics.” They have been at the center of promoting Clean Election initiatives that passed in Arizona, Maine, North Carolina, New Mexico, Vermont, and Massachusetts. Their website provides a “Democracy Toolkit: A Citizen & Candidate Guide to Voter Owned Elections.” They also have contact numbers for campaigns to pass clean money initiatives in 36 states.

**Center for Voting and Democracy**, [www.fairvote.org](http://www.fairvote.org)—is dedicated to “achieving greater inclusiveness in the political process, unfettered access to the right to vote and fairer electoral systems.” They have been a catalyst for electoral reforms such as instant runoff voting, proportional representation, direct election of the president and automatic voter registration.

**The Open Voting Consortium**, [www.openvotingconsortium.org](http://www.openvotingconsortium.org)—“a non-profit organization dedicated to the development, maintenance, and delivery of open voting systems for use in public elections.”

**Voters Unite**, [www.votersunite.org](http://www.votersunite.org) — “a non-partisan national grassroots network for fair and accurate elections.” Goal: “To unify all Americans in a single call for transparent and verifiable elections. To brainstorm together and then take consolidated action to support each other's efforts, inform other Americans, and convince government to comply with the will of the people.” *Source of Myth Breakers*, an exceptionally well-done guide to election processes, maps of Ohio and the U.S. with listings of some of the problems in the 2004 election, and information on Snohomish County, WA.

**Common Cause**, [www.commoncause.org](http://www.commoncause.org)—“a nonpartisan nonprofit advocacy organization founded ... as a vehicle for citizens to make their voices heard in the political process and to hold their elected leaders accountable to the public interest. ...[It] remains committed to honest, open and accountable government, as well as encouraging citizen participation in democracy.” One of the top issues on Common Cause's agenda is election/voting reform. They “support easing barriers to voting, election administration designed for the voters, openness throughout the process, nonpartisan supervision of elections and making the way we vote a higher priority at all levels of government.”

**National Ballot Integrity**, [www.ballotintegrity.org](http://www.ballotintegrity.org)—has links to other voting integrity organizations.

**“This is our Velvet Revolution, American style....our victory is not in defense, but in a cultural offensive made irresistible by the power of love and courage, ”**

Granny D





Coalition Against  
Election Fraud

ARIZONA DEMOCRATIC PROGRESSIVE

grassroots for america

LIBERAL  
FORUM

left.org

BUSHFLASH

Election Fraud 2004

BE THE MEDIA

Virginia  
Grassroots  
Coalition

US Voting Integrity Project

51 CAPITAL MARCH

Selective Service  
Draft Registration Freeze

END THE  
OCCUPATION

HIP-HOP SUMMIT  
ACTION NETWORKING

HSAN.org

Democracy Prevails

Democracy for America  
Massachusetts

Break The Link.org

Newtopia Magazine

Awaken In The Dream

Thank you, Patriot!

The Coalition for  
Visible Ballots

Summit County  
Progressive Democrats

WE DO NOT CONCEDE  
COALITION

THE  
WHITE  
HOUSE  
PROJECT

Mass  
VOTE

# Reviews: Videos & Books

*reviews by the Oregon Voter Rights Coalition*

## INVISIBLE BALLOTS (DVD or VHS video)

This video is aimed at audiences relatively new to computer voting technology and the many problems associated with it. It is professionally done and presents the information through interviews with a number of professionals, including: Black Box Voting's Bev Harris; computer specialists Dr. Avi Rubin, Dr. Rebecca Mercuri, and Dr. David Dill; Rep. Rush Holt; Kim Alexander from the California Voter Foundation; reporters Lynne Landes and Kim Zetter, and others. Both versions cover the general history of voting, Help America Vote Act, general voting issues, and electronic voting systems. A discussion of the latter includes mechanical and software security problems; the high initial and long-term costs; the lack of regulatory oversight of the privately owned companies and their proprietary software; history of the largest e-voting equipment companies (ES&S, Diebold, and Sequoia) and their high-level employees with questionable and criminal backgrounds; and the dependence of elections officials on the equipment vendors. The need for transparent elections and a voter verified paper audit trail are also discussed. Two versions: 50 minutes and 90 minutes

Shortcomings. One is the lack of a description between "voter verifiable" and "voter verified" paper trail systems. With the various election reform bills being presented in Congress, an understanding of the difference between these two concepts is important. The viewer is also left with the impression that a voter verified paper trail on e-voting systems, along with surprise recount audits of one half of 1% of the ballots (per Rep. Holt's bill), will solve many of the vote verification problems with these systems. This is an issue still being debated amongst voter rights organizations. Additionally, there is no discussion of electronic tabulators, including their function in the vote counting process and the serious electronic security problems which allow for undetectable hacking.

## VOTERGATE (video)

(downloadable documentary from [www.votergate.tv](http://www.votergate.tv))

The video follows a young team of inquirers as they probe the world of electronic voting machines from the corporations who manufacture the machines to the use of the machines on election day. Well documented are the foibles and breakdowns of the machines when voters try to use them. An excellent video to show audiences who have not been exposed to the corruptible world of computerized vote counting. (30 minutes)

## VOTESCAM: THE STEALING OF AMERICA (book)

by James and Kenneth Collier

Softcover, 250 pp, \$12.00, Victoria House Press, 1992  
available from [votescam.com](http://votescam.com)

Votescam is the culmination of a groundbreaking 25-year investigation into computerized vote fraud, which began in 1964 with Lyndon Johnson. After uncovering a massive vote scam in Dade County, Florida in 1970, independent journalists James and Kenneth Collier spent the next quarter century investigating America's multi-billion dollar vote rigging industry — and confronting the corporate, government and media officials who control it. The Colliers offer a wealth of FBI documented evidence implying that, for the past forty years, elections in the United States have come under the domination of a handful of powerful and corrupt people: Secretaries of State, Election Supervisors, Judges, owners and editors of the major media outlets, voting equipment corporations (like Diebold, ES&S and Sequoia), and assorted key members of the elections establishment, including the League of Women Voters. "These groups have assured the dominance of the two party system, unfettered corporate control over government, and media censorship of issues most important to the American people, including the cover-up of vote fraud evidence." (Note: The video version of the book is not recommended.)





graphic: Matt Wuerker

## How Corporate Constitutional Rights Affect Our Political Process

### *Amendment 1 US Constitution*

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or of the right of the people peaceably to assemble, and to petition the government for a redress of grievances.*

Citizens added The Bill of Rights to the Constitution to protect themselves from an over zealous government. We, the People, were the ones protected. The First Amendment protects political speech. It also protects published speech.

Corporations are not mentioned in the U.S. Constitution, but friendly Supreme Court judges found ways to put corporations into the Constitution in order to give them the rights of citizens. One way was by defining a corporation as a person under the Fourteenth Amendment.

Since corporations were now "persons" their lawyers argued for and were granted recognition of corporate rights under the Bill of Rights. With First Amendment rights, they are able to participate in the political process and—Congress shall make no law to abridge this right [1st Amend.]—no law, including meaningful campaign finance reform. With the 1976 decision in *Buckley v. Valeo*, money spent on campaigns or lobbying became equivalent to speech and that allowed corporations to spend unlimited money to achieve their political goals.

*Buckley v. Valeo* applies to both natural persons and un-natural creations. It should be overturned for both.

But the impact of corporations having legal standing in court as a person and having the rights afforded by the Constitution goes beyond political

donations. Corporations routinely wage advertising or public relations campaigns for or against issues. Corporations hire armies of lobbyists to "educate" legislators on their behalf. This not only involves their money (which they write-off as a business expense) but also the fact that they have the "right" to engage in the debate at all.

Corporations did not always have this ability. As late as the 1950's, states had laws prohibiting corporations from any form of political involvement. Supreme Court rulings and the elimination of state laws have changed this.

The Courts have ruled that corporations have the right to speak or to not speak—even if that means holding back factual information. In fact courts have come very close to saying that corporations have the right to speak even if what they say is not factually true—in other words to lie. This is all protected political speech for natural persons, and now for corporate persons also.

If corporations were not legal persons and did not have the protections of the First Amendment, Congress could make laws prohibiting corporations from participating in any way in our political process. It could be illegal for corporations to give money to campaigns or parties or to spend it to speak in favor of any political issue. Corporations could be barred from lobbying as well. Of course an individual person working for or owning a corporation could and should be able to speak out as any other citizen, but not on behalf of or with the financial backing of the corporation.

*Jan Edwards is the creator of the "Timeline of Personhood Rights and Powers" and has spoken on corporate personhood across the country. She is a member of the Redwood Coast AfD. Contact her at [janedwards@mcn.org](mailto:janedwards@mcn.org).*

**Friendly Supreme Court judges found ways to put corporations into the constitution in order to give them the rights of citizens.**

# Challenging Corporate "Rights" In Local Elections

*by Democracy Unlimited of Humboldt County*

A recent poll of voters in Northern California's Humboldt County found that 78% think that corporate financial contributions to the electoral process make political corruption more likely. And 72% think that non-local corporations should not be able to financially contribute to local elections.

However, any attempt by Humboldt voters or other communities to act on these sentiments would violate current Supreme Court decisions regarding "corporate Constitutional rights." These so called "rights" allow the wealthy elite to shape the politics of communities in which they are invested in exploiting – but where they rarely reside. Under current interpretation of the Constitution, money is considered speech and limiting a corporation's "free speech" is considered an infringement of its "rights."

In spite of what Supreme Court precedent dictates, 64% of Humboldt voters believe that "A state or city should be able to ban non-local corporations from contributing financially to local elections."

This community knows from direct experience that corporate involvement in local politics spells trouble. In 2002 newly elected District Attorney Paul Gallegos filed a fraud lawsuit against the infamous Maxxam Corporation. Shortly thereafter the company launched an aggressive recall campaign, pouring more than \$250,000 dollars into the effort. After months of valiant organizing, Humboldt County celebrated a people's win by loudly rejecting the corporate-financed recall. However, it has been hard to savor the \$300,000 spent, and thousands of hours of organizing invested – just to keep a public official they had already elected.

What if there were a law on the books that prohibited corporations from making financial contributions to the electoral process? Many state constitutions once prohibited corporate campaign contributions, but these laws were whittled away by corporate lawyers.

Judicial interpretations of the Constitution currently prohibit such laws, even though they are obviously essential for protecting communities. However, all democratic movements have at one time faced this dilemma. In the words of abolitionist Frederick Douglas, "Power concedes nothing without a demand." It is up to us to force the courts to rectify the situation when democracy and justice are deemed "unconstitutional." Just as the movement for women's suffrage and the civil rights movements worked to drive people's rights into the Constitution, we need to drive our right for local democracy into the Constitution – and drive corporations out.

To that end a group of Humboldt County citizens are gearing up to run a county-wide ballot ini-

tiative entitled the "Democratic Self-Governance Ordinance." The initial language was drafted by Democracy Unlimited of Humboldt County, a local organization dedicated to challenging corporate power at the grassroots level. If the initiative passes, it will prohibit corporations from participating in county-wide elections, as well as prohibit corporations from claiming constitutional rights or protections. These two functions feed each other, the one addresses a concrete harm in the community, and the other removes illegitimate rights that enable the harmful behavior. The Humboldt citizens' group is looking forward to running this initiative in the June 2006 election.

What if communities all across the United States ran similar initiatives in concert with Humboldt County? If we act in solidarity, we can change national policy from the ground up, through the use of municipal civil disobedience against unjust and undemocratic laws. In fact, this might be our only hope to reclaim our elections from corporations.

Democracy Unlimited of Humboldt County (DUHC) educates citizens about the illegitimate seizure of our authority to govern ourselves. They design and implement grassroots strategies that exercise democratic power over corporations and governments. They seek to create a truly democratic society by provoking a non-violent popular uprising against corporate rule in Humboldt County that can serve as a model for other communities across the United States.

If you would like a copy of the Humboldt County Democratic Self-Governance ordinance please contact Democracy Unlimited by phone (707-269-0984) or email ([info@duhc.org](mailto:info@duhc.org)).

**This might be our only hope to reclaim our elections from corporations.**

## Colorado Process

By a two-to-one margin in 2002 Colorado voters passed a campaign finance reform Constitutional Amendment 27 which:

- Bans Direct Corporate and Union Contributions to Candidates and Political Parties;
- Reduces Contribution Limits to Candidates and PACs;
- Establishes Voluntary Spending Limits and Disclosure Requirements.

The legislature will be unable to repeal or amend Amendment 27 without going back to the voters for approval. This initiative was undertaken as a Constitutional amendment because a similar initiative passed by Colorado voters in 1996 was repealed by the state legislature. The Colorado coalition was funded by: Colorado Common Cause, COPIRG, and Colorado League of Women Voters. ReclaimDemocracy.org, AFSCME Local 3592, Colorado Progressive Coalition, Rocky Mountain Peace and Justice Center, CO Green Party, the Interfaith Alliance and others helped develop and promote the initiative. For more information see [www.reclaimdemocracy.org](http://www.reclaimdemocracy.org).

# AfD Triumphs In Suit Over Myriad Corporations

by Ronnie Dugger

The same Ohio Supreme Court that killed, by stalling, the Alliance-generated election-contest challenge to the outcome of the presidential election in Ohio, nevertheless also provided the decision which resulted in the Alliance's victory in a four-year fight to expose the identity of secret contributors to a four-million-dollar campaign slush fund intended to defeat the court's progressive Chief Justice, Alice Resnick, in 2000.

The Ohio Chamber of Commerce and its allied campaign group, "Citizens for a Strong Ohio," were facing a \$25,000-a-day fine earlier this year after losing their litigation to overturn a formal finding by the Ohio Elections Commission that they had to reveal the identities of the donors to the anti-Resnick fund. A Franklin County Court of Common Pleas judge ruled they had to make the list public or face the fine, a three judge panel of the state court of appeals unanimously agreed, and the Ohio Supreme Court (with four of the seven justices recusing themselves and replaced for the case) also agreed. The U.S. Sixth Circuit Court of Appeals—while stating that Citizens for a Strong Ohio was a political action committee, a central issue in the case—refused to intervene. Then Cliff Arnebeck, co-chair of the AfD and its attorney in this litigation, called on the Franklin County Court to increase the daily fine to \$500,000 if the business groups continued to balk. At that the corporate organizations decided not to appeal to the U.S. Supreme Court and released the list of 383 corporate and individual donors who had given a total \$4.2 million for the 2000 campaign against Resnick.

And what a list it is.

The Ohio Chamber of Commerce gave \$200,000, allegedly from "treasury funds"; the American Insurance Assn., \$185,000; and sums of \$100,000 were contributed by each of seven corporations, AK Steel Corp., Proctor & Gamble, Fifth Street Bank, MNBA, Honda of America Manufacturing, State Farm Mutual Insurance Co., and Nationwide Mutual Insurance Co.

Giving thousands of dollars, other prominent corporate contributors on the list kept secret four years were Anheuser-Busch, \$25,000; AT&T, \$30,000; Caterpillar, \$7,500; Cooper Tire & Rubber, \$50,000; Daimler Chrysler, \$35,000; Deloitte & Touche, \$13,000; Enron (now bankrupt), \$12,500; Exxon, \$5,000; Ford Motor Co., \$35,000; Hoover Co., \$5,000; Huntington National Bank, \$50,000; Kroger, \$5,000; Marathon Oil, \$20,000; MCI/Worldcom, \$5,000; Metropolitan Life, \$20,000; National City Corp., \$25,000; Philip Morris Mgt. Corp., \$40,000; Rockwell, \$25,000; SBC Communications Inc., \$30,000; Sprint United Mgt. Co., \$20,000; Timken Co., \$50,000; Travelers Property Casualty, \$50,000; Union Central Life, \$25,000; Verizon Services Group, \$15,000; and Whirlpool Corp., \$25,000.

These corporations were against Resnick because she had led a bipartisan majority of the Court in ruling against the contentions of business interests in workers' compensation and insurance cases and had ruled Ohio's school-funding scheme unconstitutional, a holding that could require business to pay a greater share of taxes. Every one of the corporate donors presumably could be asked to justify to their stockholders their secret payments to beat her in what Ohio newspapers agree was "a dirty campaign." After a widely-reported favorable decision in the Alliance and companion Common Cause case the day before the election, Resnick won anyway, 57% to 43%. Now the only Democrat left on the seven-judge court, she greeted the release of the list with relief. Her present term ends next year.

In an editorial, the Columbus Dispatch commented: "Arnebeck represents the Massachusetts-based Alliance for Democracy....Arnebeck won every step of a four-year-old court battle, including the (Ohio) Supreme Court ruling."

AfD is the remaining plaintiff in the still-pending case before the Ohio Election Commission. Arnebeck contends there that Citizens for a Strong Ohio is a political action committee and, so being, is guilty of accepting illegal corporate contributions, failing to file required reports, and making false statements.

## OHEC Pursues Election Investigation

by Ronnie Dugger and Jim Tarbell

Cliff Arnebeck, head lawyer for the Ohio Honest Elections Campaign (OHEC) is convinced that Karl Rove is doing everything he can to make sure that there is no investigation of the 2004 election. The OHEC lawyer, however, is undeterred. In a filing in Federal Court, Arnebeck stated that the Alliance has asserted, on knowledge and belief, that the 2004 presidential election outcome in Ohio was secured by fraud. He sought to intervene in a related case to take emergency depositions that he contends would prove massive civil rights violations on behalf of the Bush campaign. The OHEC AfD chapter is a central participant in the case with seven of its members involved in making legal complaints about the election. That filing has not yet been ruled on.

Meanwhile, the Ohio Republican Attorney General threatened sanctions against Arnebeck and three lawyers associated with him in the Ohio election-contest litigation. Ohio Secretary of State Kenneth Blackwell, who co-chaired the Bush/Cheney campaign in Ohio, proposed the sanctions. The case is still pending before the Ohio Supreme Court. U.S. Senator Russ Feingold (D-Wis.) and 17 members of the U.S. House of Representatives have filed an amicus brief in opposition to the sanctions.

*Ronnie Dugger is the founder of the Alliance for Democracy and has written extensively on the problems with the American voting system*



*Long line of citizens wait in rain, cold and dark to vote in Ohio on November 2, 2004. How many went home? Who is to blame?*

photo: CASE/Ohio

## Creating Honest Elections In Ohio and Across the Country.

by Phil Fry

Congresswoman Stephanie Tubbs Jones (D-OH) fought for democracy again on May 7th when she opened the CASE (Citizens' Alliance for Secure Elections) teach-in in Columbus, Ohio. CASE, along with many watchful Americans, is convinced the full story has not been told about the November 2004 elections in Ohio. So they worked with other local groups to bring concerned people together for this teach-in about Fighting for Election Justice and Integrity. The people who have led the battle for discovery and reform explained why they are concerned, what they have done, and how they have done it. They asked that people stay networked, keep informed, and continue to interact in order to build a more informed public core and enlarge the group of activists working on election issues.

Our undertaking to create secure elections began when concerned citizens gathered to testify about the need for a Voter Verified Paper Audit Trail (VVPAT) before the Ohio Joint Committee on Ballot Security in March 2004. During the 22 hours of committee hearings, several individuals who were there to witness and testify recognized that others in the room shared a common interest. Fourteen of these citizen activists met in the basement cafeteria of the statehouse and created the Citizens Alliance for Secure Elections (CASE). This association of activists has been successful in keeping the issue of fair and open elections before the public for much of the past year.

After the Joint Committee voted 8 to 1 in favor of VVPAT, the newborn CASE thought their work was done. Even after the Ohio Senate voted unanimously for VVPAT and the House followed with a nearly unanimous vote, it was clear that secure elections were not yet a reality. The new legislation did not require VVPAT implementation until 2006 and many counties were set to purchase equipment in 2004, although they could upgrade if upgrades were available. CASE kept the issue before the public. Secretary of State Blackwell and the county boards backed down and decided to wait.

CASE organized rallies and protests, sent infor-

mation packets to all the Boards of Election, and wrote to and visited representatives and senators. Their relationship with Ohio lawmakers has been an important part of the success in working for better election systems in Ohio. Lawmakers supported CASE when they had a rally, and CASE would show up when lawmakers needed support. Never organized in any traditional sense, but relying on the internet and phone networks, CASE reached out to nearly 100 concerned citizens, and could form a crowd when necessary.

CASE kept active through the election, focusing on registration irregularities and working with others to document the extent of the problems and resolve the many unanswered questions.

Through all this, CASE has remained a loose association of activists which fosters a certain creative spontaneity and spirit. But this lack of structure also poses problems. So principles within CASE are forming CASE/America which will be small, structured and organized as a 501(c)(3). With the ability to raise funds, CASE/America will be able to provide grants and loans to CASE/Ohio as well as to others groups for election work.

Right now, the Ohio legislature is preparing to introduce legislation that is expected to attack the VVPAT; define jurisdictions making it harder for the mobile young and poor to vote; require personal picture IDs that are difficult for many, especially the elderly and poor; and raise the cost of a recount so high that it may never be attempted again in our lifetimes. In Ohio's case, it is the Republicans who are attacking fair and open voting, but reportedly, where the Democrats are firmly in power, they attempt similar tactics.

Sadly, the need for CASE and organizations like ours continues to grow. Fortunately, there are hundreds, even thousands who continue to give of their personal time and resources to try and protect our dwindling democracy. And thank goodness for defiant defenders of democracy like Congresswoman Stephanie Tubbs Jones.

*Phil Fry has been involved with CASE/Ohio since its inception in the Capital cafeteria in 2004.*

**CASE/ohio kept the issue before the public. Secretary of State Blackwell and the county boards backed down...**

# Maine Elections Running Clean

by Bonnie Preston

Maine is justly proud of the state of its democracy. From decisions made in town meetings to same-day registration, our rules and regulations foster participation and citizen action. But surely the centerpiece of our policies is the Maine Clean Elections Act.

Passed by citizen initiative in the fall of 1996, public financing for state elections went into effect for the state legislature in the 2000 election, and for the governor's race in 2002. The law has been wildly successful (contrary to the Cato Institute finding that it is a failure!). Participation has increased in every election. In Nov. 2004, 79% of all candidates ran clean, including a majority of Republicans and all of the Green Independent Party candidates. It's

popular for both incumbents and challengers, who all like campaigning by talking about the issues rather than asking for money. The law has opened new possibilities for many more women and low income people, making the legislature more representative of the people of the state. Senator Lynn Bromley, who ran and won with clean money in her first race, likes just walking past the lobbyists in the state house.

It works simply. Candidates declare their intention to run with public funds. They then have until April 15 to collect \$5 contributions, to show community support. State representatives must get 50 contributors, senators 150, and the governor 2500. Checks are made out to the Maine Clean Election Fund, not the candidate. After April 15, the candidate can begin receiving state funds, and cannot raise more private money, unless the opponent of a clean election candidate spends more than the maximum amount the state will fund, freeing the clean campaigner to take private funds. State money can be used in both primaries and the general election. This year there is a proposed bill which will also provide money for those who want to campaign for leadership roles.

This year there is also a bill to repeal the legislation, of course. Even the bill's sponsor says the chances for passage are "slim," others use a stronger word than that.

There is a check-off box on tax returns for tax payers to contribute \$3 to the fund, but only a small fraction of the money used comes from that. The rest comes from general revenues. This has made the fund vulnerable. Like every other state, Maine has been finding it harder and harder to pay for needed state services, and in the past four years legislators have raided the fund to pay for other programs. This year's budget has put enough money back in to ensure public funds for the 2006 race. The current governor is inclined to "run clean" in that election, but has not made a final decision.

Probably the two best effects of the law have been to lower overall spending on campaigns and to free legislators from undue influence by large contributors. Costs are minimal to taxpayers--less than a "bag of chips" per year, according to the League of Women Voters. What we get for that money is more choice, lower spending, legislators more representative of their constituents, and fewer ties to special interests.

The Maine Coalition for Clean Elections, made up of local organizations and state chapters of national groups like the League of Women Voters and AARP, is looking forward to getting the legislature to limit PAC spending, introduce IRV, and make election day a state holiday. The country is learning to look to Maine to see what democracy looks like!

*Bonnie Preston is an AfD member in Blue Hill Maine and has served as an AfD Ombusmen.*

## California Report

by Will Forthman

In 1997 the San Fernando Valley (SFV) AfD decided by consensus that voluntary public financing of elections as advocated by Public Campaign would be a significant move toward fairer elections.

Deciding to do something about it, SFV AfD joined other allies to form the California Clean Money Campaign (CCMC) as a 501(c)(3) organization. We gathered funds to hire a staff and have secured significant foundation funding as well as a core of dedicated donors. We have mailed to hundreds of elected officials and received statements of support from many.

We have organized quarterly meetings of California good government groups which have an interest in Clean Money as well as other reforms and this has helped us form a strategic plan of action with our natural allies.

Thanks to the pro bono help of a couple of computer experts we have an excellent website at "CAclean.org". We have also organized a number of working groups to educate the public and lobby legislators.

Bob Stern of the Center for Governmental Studies drafted an initiative calling for voluntary public financing for all state-wide offices including the legislature. Action on this initiative waits for further public education and the raising of the millions of dollars a successful initiative requires.

Loni Hancock, assemblywoman representing Berkeley, introduced a Clean Money Elections bill for all state-wide offices in January 2004. It passed the Assembly Elections Committee but died in the Appropriations Committee. A slightly revised version was introduced in January 2005 and currently awaits a hearing before the Elections Committee. A Clean Money bill applying only to the office of Insurance Commissioner will be considered in the Senate.

Some citizens are working for Clean Money municipal elections. Both of the candidates in the Los Angeles May runoff for mayor have endorsed Clean Money elections and there is a good prospect that the City's Ethics Committee will undertake a study of the issue.

We are grateful for the help we have received from Public Campaign and from Clean Money advocates in other states, particularly in Maine and Arizona where the system is in place and working well.

*Will Forthman is the president of the SFVAfD and Secretary-Treasurer of the California Clean Money Campaign. Jo Seidita, long-time AfD activist, is the president of CCMC.*





graphic: Peter Veres

## Money and Politics

**L**ycurgus, an early Spartan king, in order to prevent corruption and inequality, "commanded that all gold and silver should be called in, and only that sort of money made of iron should be current, a great weight and quantity of which was very little worth."

Wealth and politics have been interconnected since the dawn of history. There was much contention about the role wealth would play in American politics during the era of the creation of the Articles of Confederation and then the U.S. Constitution. The wealthiest men in America were mainly descended from the wealthier families in England. There, money had influenced both Parliament and the King from early times.

Thomas Jefferson's wealth came from a system of corruption in the nation of Virginia in which legislators awarded themselves and their friends "empty," formerly Indian, land. His writing of the Declaration of Independence took but a few days. Most of the rest of his time in the Continental Congress was spent maneuvering over who would get the land of Indian nations that was being protected by Britain (by the Line of 1763). Jefferson might not have bothered with the Continental Congress had slavery not been outlawed in England in the Sommersett decision in 1772. His wealth (in slaves) was in danger if the Revolution failed.

The American Revolution was one of the

great economic revolutions of world history. It enshrined slavery as an economic doctrine. It broke the U.S. out of Britain's mercantile (closed trade) system. It unleashed rapidly breeding European-descended settlers upon the west. It also created the Dollar system, the first decimal money system, that greatly reduced the amount of work required to keep accounts.

It was not possible to elect a poor man to the Congress set up under the new U.S. Constitution. Only men of property could vote and run for office. Money and economic interests were important to every Congress, and a free barbeque for voters is an ancient American tradition.

In the late 1800s the populist movements challenged the power of wealth. This provided an impetus for the robber barons of that era to systematically gather money to influence voters. Marcus Alonzo Hannah, a coal, iron and railroad magnate implemented this effort.

As Republican National Chairman in 1896 Hanna made sure fellow Ohioan William McKinley won the Presidency in 1896. He made lists of rich Republicans and corporations and shook them down for donations. The Democrats, whose ticket was headed by William Jennings Bryan, spent about \$1,000,000 in 1896; the Republicans spent \$16,000,000. Tens of millions of pieces of campaign literature were printed, and Hanna hired hundreds of men to give stump speeches.

Despite the 16-to-1 ratio in campaign spending, the popular vote was 7,104,779 to 6,502,925 (McKinley won). Of course at the time the Democratic Party was the party of Jim Crow racism, and could count on the white voters of the "Solid South" no matter what Republicans ran or how much money they spent.

Mark Hanna died in 1904, but his legacy of buying elections on a large scale lives on.

*Bill Meyers is the author of The Santa Clara Blues: Corporate Personhood Versus Democracy. He serves on the Point Arena, CA school board and the board of the California Center for Community Democracy.*



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# Trading away Democracy

by Nancy Price

The scope of voting fraud in Florida in 2000 was a wake-up call. Now voting irregularities and outright fraud on Election Day 2004 appears far greater than anticipated. These irregularities and fraud are being meticulously investigated and cases litigated, though primarily by ordinary citizens and public interest groups. With some notable exceptions—for example, Representatives Conyers and Stubbs-Jones, and Senator Boxer—our elected representatives and elected officials, who should be vigorously protecting our voting rights, have done little.

These basic rights were fought for and hard won over a century: granted in the 14th and 15th Constitutional Amendments following the Civil War, in the Civil and Voting Rights Acts passed between 1866 and 1968, and in the 19th Amendment in 1920 granting women the right to vote.

Now, Spring 2005, many groups have put on local election reform teach-ins and met at a national conference in Nashville, to discuss recommendations for a national election reform agenda.

I can't help but compare these current efforts of ordinary citizens and public interest groups on election reform to those of so many ordinary citizens and groups that before Seattle 1999 organized teach-ins against the WTO which continue to this day to expose the unconstitutional legal framework of the so-called "free" trade agreement agenda, most recently, this spring, focused on the Central American Free Trade Agreement (CAFTA).

The connection is clear and must be forcefully stated: fair and honest elections mean little when under the so-called "free" trade agreements corporate CEOs can challenge democratically and constitutionally enacted laws by going to secret international trade tribunals where citizens have no voice and no recourse to a standard trial process with a judge and jury.



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CAFTA or the Free Trade Agreement of the "Americas (FTAA) or the global, the WTO and the General Agreement on Trade and Services (GATS)—all these agreements whether signed or under negotiation must be eliminated. They are fundamentally flawed and undemocratic.

We must link our fight for fair and honest elections including campaign finance reform and choice voting to our fight for fair and democratic trade agreements. Otherwise genuine democracy that respects the rights of the people over the rights of corporations will have no chance, but neither will genuine democracy in any country around the globe at whatever stage of development.

For more information on the trade agreements and record of specific cases settled under the WTO and NAFTA go to the Citizens Trade Campaign website: [www.citizenstrade.org](http://www.citizenstrade.org).

Any law to protect public health and safety, labor or the environment at any level of jurisdiction—municipal, county, state, or national—can be challenged as "an unnecessary barrier to trade" or "tantamount to expropriation" claiming that investor rights and profits have been harmed. Either hundreds of millions must be paid to compensate "the corporation"—that has fictive Rights of personhood—or the law enacted by the representatives of we the people must be taken off the books! The record of cases brought by corporations under the World Trade Organization and the North American Free Trade Agreement for arbitration is clear: in every case the people have lost.

Rather than talking about the need for better labor and environmental protections in the various trade agreements—from the simple bilaterals (BITS) to the regional (NAFTA,

