

CELDf is pleased to share updated monthly excerpts from the book “*How Wealth Rules the World: Saving Our Communities and Freedoms from the Dictatorship of Property*,” by long-time staff member Ben G. Price. Here is Part Eight

HOW WEALTH RULES PART EIGHT

THE PRETENSE OF REPRESENTATION

Ben G. Price

“To the shock and dismay of land-based elites, the workers who poured into the cities between 1870 and 1920 challenged elite rule through Democratic Party machines and the Socialist Party. So the growth elites created a ‘good government’ ideology and a set of ‘reforms’ that literally changed the nature of local governments and took them out of the reach of the upstarts.”

-- William G. Domhoff ¹

One Step Forward; Two Steps Back

During colonial times and up until the mid-1840s the right to vote and hold public office in many states could be exercised only by white men who owned a minimum amount of property. The poor white man’s Civil Rights Movement was one of the first people’s movements to wrest exclusive authority to govern from the hands of the land-owning gentry, or so they thought. They demanded *Universal Manhood Suffrage*, and eliminated property requirements for white men to vote and hold office by waging a brief civil war, known as the Dorr War, in the state of Rhode Island. But it was a pyrric victory.

Judicial maneuvers like the *Dartmouth* decision allowed the propertied class to strip municipalities of autonomous governing authority and thereby minimize the political gains propertyless white men had won. Historian J. Allen Smith describes how this new impediment to local lawmaking arose within a generation of the final extension of the rights of suffrage to white men without land. He wrote, “*It is easily seen that the removal of property qualifications for voting and office-holding has had the effect of retarding the movement toward universal municipal home rule. Before universal suffrage was established the property-owning class was in control of both state and city government. This made state interference in local affairs unnecessary for the protection of property. But with the introduction of universal suffrage the conservative element which dominated the state government naturally favored a policy of state interference as the only means of protecting the property-owning class in the cities. In this they were actively supported by the corrupt politicians and selfish business interests that sought to*

¹ William G. Domhoff, *Power at the Local Level: Growth Coalition Theory*, <http://www.sociology.ucsc.edu/whorulesamerica/power/local.html> 2006

exploit the cities for private ends. Our municipal conditions are thus the natural result of this alliance between conservatism and corruption."²

It was the expansion of voting rights to white men who were not property-holders that prompted federal and state leaders to retract the authority of local governments to legislate and enforce local laws. Allowing a larger, predominantly unbanked electorate to make local laws that reined-in the power of money was unacceptable to the ruling class. Smith said of the times that *"The attitude of the well-to-do classes toward local self-government was profoundly influenced by the extension of the suffrage...the removal of property qualifications tended to divest the old ruling class of its control in local affairs. Thereafter, property owners regarded with distrust local government, in which they were outnumbered by the newly enfranchised voters. The fact that they may have believed in a large measure of local self-government when there were suitable restrictions on the right to vote and to hold public office, did not prevent them from advocating an increase in state control after the adoption of manhood suffrage."*³

When voting rights were extended to black males with the Fifteenth Amendment and eventually to women with the Nineteenth Amendment, the propertied class focused more purposefully on disenfranchising them from meaningful local self-government.

John Forrest Dillon's "rule" that resurrected the *Dartmouth* decision on municipal subordination to states was intoned from the Iowa bench in 1868. In 1870 the Fifteenth Amendment guaranteed the right of suffrage to all men regardless of *"race, color, or previous condition of servitude."* In 1891, with European immigration in high gear, the U.S. Supreme Court made Dillon's Rule apply to every municipality in the nation, and the court doubled down, making Dillon's Rule the law of the land in 1907. The effect on local democracy was profoundly negative.

According to Alan Trachtenberg, Professor Emeritus of English and American Studies at Yale University, during the period of rapid industrialization corporate-controlled policy makers supported an unparalleled influx of immigrants. With a rash of farmstead divestiture, relocation of the dispossessed to the cities and the influx of newcomers from abroad made for larger municipal communities. These developments alarmed those same policy makers. Minimizing what effect extending the right to vote to a rapidly expanding unbanked and underbanked population would have at the local level became their top priority.

New arrivals in the northeast taking jobs in the coalfields, factories and rail yards transformed American politics, according to Trachtenberg, as surely as did the emancipation of the slaves in the South. *"Expectant immigrants arrived with aspirations for democratic participation and found that they were the least welcome of Americans except in as much as their bodies could become prosthetics for the corporate class' will to power."*⁴

The political parties pandered to ethnic interests and perfected a machine politics that played on social divisions. Federalist descendants – of both major parties – strove to remove representation of municipal communities in state legislatures. Where *Dartmouth* and Dillon's Rule stripped municipalities of their authority to govern on behalf of local populations, representation of counties and municipalities in state legislatures was disrupted with the invention of politically drawn voting districts. By atomizing individual voters into districts that

² Smith, J. Allen, *The Spirit of American Government*, The Macmillan Company, 1907, pp. 286-287

³ Smith, J. Allen, *The Growth and Decadence of Constitutional Government*, Henry Holt and Company, New York, 1930, p. 190.

⁴ Trachtenberg, Alan, *The Incorporation of America: Culture & Society in the Gilded Age*, Hill and Wang, 1982, p. 169.

were blind to municipal and community cohesion, the political parties, which are private corporations run by the wealthy class, made collective political action by the hoi polloi impossible.

Rather than members of communities that had representation in state assemblies, residents of American municipalities became statistics that could be manipulated and lumped into consciously structured assemblages that served the priorities of the two-party cartel representing the rights *of* property. The people's right of association as communities was desecrated so that the collective might of the people could not turn democracy against the whims of wealth.

Grouping voters in legislative districts based on party affiliation took the power of the franchise out of the hands of citizens and put it under the control of the propertied class. Private political parties gained a new weapon to fend off democratic collaboration among citizens. They had in effect invented a new form of *privileged property* – the ballots of commoners alienated from their communities and packaged into predictably compliant voting blocks.

The practice came to be called “gerrymandering” after Elbridge Gerry, one of the Massachusetts delegates to the 1787 Philadelphia Federalist convention. He is one of the delegates who refused to sign the U.S. Constitution for lack of a Bill of Rights, but he then served as the country's fifth vice president under James Madison. Gerry once wrote: “*Democracy is the worst . . . of all political evils.*”⁵

In 1887 one writer for organized labor noted that “*The members of the [state] legislature were not chosen, as at present, by divisions of counties, but were elected by the county on what we would call a general ticket— so that they represented not a mere number of individuals, but the counties or groups of associated individuals. Not till 1846 were the supervisors authorized, in this State, to divide counties into election districts.*”⁶

And so, in the same year that Thomas Dorr's Rhode Island rebellion finalized the nationwide civil rights struggle for “universal white manhood suffrage,” the political party system representing institutionalized wealth inaugurated its strategy to shrink the power of each of those new votes.

Diminishing Returns on Democracy

European immigration to the United States was integral to the transformation of American communities into colonies of property's empire. According to environmental, social and political historian Samuel P. Hays, between 1820 and 1860 approximately five million people entered the country. Between 1860 and 1890, thirteen and one-half million came, and between 1900 and 1930, almost nineteen million crossed the Atlantic, for a total of thirty-seven and one half million people between 1820 and 1930.

By 1900 recent immigrants accounted for about 40 percent of the residents in the twelve largest American cities, with another 20 percent being second-generation immigrants.⁷

A habit of loyalty to the party was cultivated as a surrogate for the disenfranchised community. As a result, local party bosses took to instituting systems of patronage, nepotism and favor-trading.

⁵ Elbridge Gerry quoted by Alexander Keyssar in *The Right to Vote: The Contested History of Democracy in the United States*, p. 23 (2000).

⁶ J. Bleeker Miller, *Trade Organization in Politics or Federalism in the Cities*, 1887, pp 13-14

⁷ Hays, Samuel P., *The Response to Industrialism 1885-1914*, The University of Chicago Press, 1957, p. 95

Reformist middle-class progressives, seeing their political clout in American society being challenged by a large influx of immigrants and what they saw as the corruption of the political parties, devised programs for professionalizing urban and municipal government. Their schemes mirrored the internal governance of the giant corporations. Efficiency, not democracy, became their watchword. They believed that well-educated, financially successful men should govern American communities, not the sordid majority.

The planned dysfunction of municipal government, much like today's planned dysfunction of public schools, created an excuse for reformers to advance plans to privatize many municipal functions. Progressives offered new templates for local government modeled on corporate management.

Ethnic neighborhoods resisted such "reforms." Despite majority resistance, progressive efforts to put a sheen of respectability on local government resulted in high-sounding reforms that in the end had the effect of subtracting the people from local government.

Among the progressive's democratizing proposals, and there were factions that put them forward with integrity, was the creation of "home rule" municipalities. The idea was for "public" municipal corporations to be freed from state dictates. To do this, local constitutions, or "home rule charters," were tendered. They would allow citizen initiative, referendum and recall, meaning that residents of the community could propose new laws, oppose ones enacted by the local government, and remove unresponsive representatives from office through a petitioning process and vote. In some (mostly western) states, the powers of municipal initiative, referendum and recall were ratified as state constitutional amendments.

While municipal home rule was being peddled as a tool for progressive reform, the reformers by and large did not intend to craft home rule as a vehicle for handing over the authority to govern local affairs to peasant majorities. Martin Schiesl, Professor Emeritus of History at California State University, Los Angeles, said this about the urban progressives: "*Like other middle-class groups who interpreted democracy in terms of property rights and assumed that government should be in the hands of the well-educated and 'respectable' people, they were frightened by the growing social and political influence of immigrants and workers. They therefore denounced the party system which permitted the lower class people to acquire such power.*"⁸

In "*The Failure of Universal Suffrage*," (North American Review, 1878), Francis Parkman wrote, "*Two enemies, unknown before, have risen like spirits of darkness on our social and political horizon – an ignorant proletariat and a half-taught plutocracy.*" Parkman called for a crusade against democracy itself.⁹

Illuminating this sentiment further, Martin Schiesl wrote, "*To reform-minded members of the middle-class who had a deep and abiding respect for a political system that. . . usually protected the wealth and position of its most 'valuable' citizens, it appeared that popular government had broken out of the stable framework in which smaller communities had contained it. Now, to their eyes, mass democracy ran reckless through the large cities and threatened not only private property but also the authority of local institutions.*"

According to Schiesl, historian Francis Parkman believed that the "*diseases of the body politic gathered to a head in the cities and it was there that the need of attacking them was most*

⁸ Schiesl, Martin J., *The Politics of Efficiency: Municipal Administration and Reform in America: 1880-1920*, University of California Press, 1977, p. 2

⁹ Trachtenberg, Alan, *The Incorporation of America: Culture & Society in the Gilded Age*, Hill and Wang, 1982, p. 153

urgent.” It was “*indiscriminate suffrage*” that allowed an “*ignorant proletariat*” to gain political power.¹⁰

When the Nineteenth Amendment secured the right of women to vote in 1920, even nominal municipal reform and especially the drive for local initiative and referendum rights began to run out of steam. Two world wars intervened, and the right of local community self-government languished, a victim of American power projected beyond the borders of all our municipalities.

There is a Right of Communities to Govern Themselves Called Freedom

The right of the people to local community self-government continues to be suffocated by the special privileges protected in American law as the rights *of* property and the privileges those rights convey to the wealthy. The result is that democracy is subordinated to those special privileges. Through tradition, precedent, case law, and a false system of “justice,” the fate of every American is tied to whatever an opulent propertied class contrives to accomplish. All because the Federalists refused to trust the people, believed they knew better than anyone what all of us want and need.

The current conservative campaign for voter suppression, hostility toward immigrants and the disenfranchising effects of mass incarceration continue the drive to privatize control over who will and who will not vote, and whether the votes that are cast can have any effect on policy and power.

The courts deny collective community rights exist, as reflected in the near eradication of class action suits and the aggressive judicial defense of Dillon’s Rule. Collectivization of rights prevails only insofar as corporations are argued to be voluntary associations of people rather than legal entities with rights of their own.¹¹

That collectivist right to exercise self-government is permitted within “private” corporations only because the sole legal purpose of such a corporation is profitable accumulation., privatization and the creation of property. It’s the brick-laying of empire.

Community Local Self-Government in Action Today

The Lafayette, Colorado Climate Bill of Rights and Protections ordinance, adopted March 17, 2017, included this statement: “*All residents of the City of Lafayette possess the right to a form of governance which recognizes that all power is inherent in the people of the City, and that all free governments are founded on the people’s authority and consent. Laws adopted by the people of the City shall only be preempted or nullified if they interfere with rights secured by the state or federal constitution to the people of the City, or if they interfere with protections provided to the people or ecosystems of the City by state, federal, or international law.*”

To ensure that the rights of communities would continue to stand even against preemptions by legislatures and precedent-addicted judges, dozens of communities have included citizen enforcement provisions in their local laws, including the one enacted by Plymouth NH on January 25, 2018. The project threatening the community’s rights is known as the “Northern Pass,” a large unsustainable “energy corridor” industrialists want to route from Canada across the state.

¹⁰ Schiesl, Martin J., *The Politics of Efficiency: Municipal Administration and Reform in America: 1880-1920*, University of California Press, 1977, p. 9.

¹¹ See Adam Winkler, *We the Corporations: How American Business Won their Civil Rights*, Liveright Publishing Corporation, 2018

Part of the people's declaration regarding the proposal stated that *"We the people of Plymouth declare that unsustainable energy projects violate the right of Plymouth residents, including our right to make decisions about what happens to the places where we live. We the people of Plymouth find that certain commercial energy projects are economically and environmentally unsustainable, in that they damage property values and ecosystems, place the health of residents at risk, threaten the quality of natural systems within the Town, while failing to provide real benefits to the people of this community."*

The town warrant went on: *"We the people of Plymouth find the current environmental laws allow state-chartered corporations to inflict damage on local ecosystems that cannot be reversed, violating the rights of residents to protect their community and the rights of ecosystems to exist."*

And then they included the citizen enforcement section. It reads: *"The Town of Plymouth, or any natural person domiciled in Plymouth, may enforce all of the provisions of this law through an action brought in any court possessing jurisdiction over activities occurring within Plymouth. In such an action, the Town of Plymouth or the natural person shall be entitled to recover all costs of litigation, including, without limitation, expert and attorney's fees."*

Other communities have taken a further step, embracing their rights as the highest law. Thanks to the good work of CELDF organizer Chad Nicholson, Grant Township, of which much has been written, was one of the earliest communities to legalize non-violent direct action in defense of community rights. Here's that part of their home rule ordinance, enacted in May, 2016 Under the heading *"Right to Directly Enforce People's Rights,"* it says this: *"If a court fails to uphold the Grant Township home rule charter's limitations on corporate power, or otherwise fails to uphold the rights secured by Article One of the charter, the rights and prohibitions secured by the charter shall not be affected by that judicial failure, and any natural person may then enforce the rights and prohibitions of the charter through direct action. If enforcement through nonviolent direct action is commenced, this law shall prohibit any private or public actor from bringing criminal charges or filing any civil or other criminal action against those participating in nonviolent direct action."*

It is no mystery why American courts will find this statement as illegitimate and unenforceable as the Declaration of Independence's assertion that *"to secure these [unalienable] Rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed, that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or to abolish it."* Justification for the American Revolution was premised on wholly different values than those held by the Federalists who wrote the counter-revolutionary property and commerce Constitution. The judges who channel those long dead Federalists are no friends of democracy. Of course not. That's not their job.

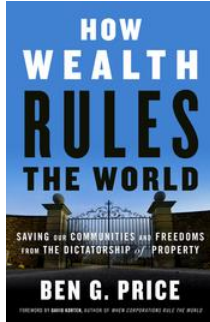
Because the interests of local communities involve the preservation and protection of rights other than the rights of property, they have been divorced from the Federalists' frame of government. We the People are in exile so long as we do not take a stand for our legitimate rights, chief among them, the right to govern collectively with our neighbors in our communities. Self-government is up to us, not political parties and their hand-picked minions. Democracy is trickle up; not trickle down.

NEXT MONTH

HOW WEALTH RULES

PART NINE

CREDITORS AND CANNIBALS



Purchase a copy of *How Wealth Rules the World: Saving Our Communities and Freedoms from the Dictatorship of Property*, by CELDF's Ben G. Price from publisher Berrett-Koehler here: [BK Bookstore | Shop Books for Businesses and Company Events \(bkconnection.com\)](https://www.bkconnection.com)