

By What Authority

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DIVIDED WE FALL

THE STORY OF THE PAPERWORKERS' UNION AND
THE FUTURE OF LABOR

By Peter Kellman

The following is an excerpt from Peter Kellman's new book.

INTRODUCTION

In 1987 I was working for the Maine AFL-CIO and was assigned to help Local 14 of the United Paperworkers International Union (UPIU) to prepare for, and eventually participate in, a 16-month strike against the International Paper Company. My role in the strike was that of organizer, educator, and strategist. My life for two years was inseparable from that fight. When the strike was lost, I felt a responsibility to study and document the struggle so I could explain the defeat to myself and to my brothers and sisters.

People and social movements learn from their mistakes and successes. But histories of workers' movements are rarely told and usually lost. By uncovering the history of the paperworkers' struggles in the first four decades of the 20th century, I finally began to understand why the strike of 1987-88 was lost.

The paperworkers' unions were subjected to the same national corporate activity in the 1980s as the rest of organized labor, not only then but throughout the 20th century. And so

this book, through the paperworkers, focuses on the historical forces that created the institution we know today as organized labor. That institution shaped the strike of 1987-88 and determined its outcome.

In exploring this history of the paperworkers and organized labor, this book strives to answer three critical questions:

- What forces and events created today's institution of organized labor?
- What is it about the institution of organized labor that keeps labor from building a working-class movement?
- What are the positive lessons from the past that workers can draw on to propel labor into the future?

THE FORGOTTEN QUESTION: LABOR VS. CAPITAL

Today people in the labor movement don't talk about labor and capital. We talk about labor and management or industrial labor relations. Management represents capital in the workplace and society. **Labor has forfeited to capital any claims over the direction of society** and it has conceded to management all issues

except those of wages, hours, and working conditions. And now that the unionized industrial workforce is down to nearly nine percent of all industrial workers, management prerogatives also dominate the arena of wages, hours, and working conditions.

The big questions being debated at the end of the 19th and beginning of the 20th centuries were: in whose interest would the society be run — capital or labor? Who would set the parameters of the political debate? Who would define education? Would the culture be consumer oriented or cooperative?

Although the polarization between capital and labor largely ended in the early 1920s, a public discussion that questioned the role of capital continued into the late 1940s. Then the Cold War's withering hand, McCarthyism, clamped a suffocating lid on any serious questioning of the role of capital being the dominant force in the United States. To argue otherwise was declared unpatriotic by the people in power. Many who continued to raise questions lost their jobs and some were put in jail. Unions that refused to buckle under were run out of the AFL and the CIO. "In 1949 the CIO purged unions representing 900,000 workers for refusing to purge themselves of Communist leaders and support government policies such as the Marshall Plan."¹

The New Deal and the CIO greatly improved the lives of many people for many years. But what happened to the CIO? What happened to the New

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By *What Authority* (ISSN: 524-1106) is published three times a year by the Program on Corporations, Law and Democracy. "By what authority?" is the legal phrase that questions illegitimate exercise of privilege and power. When we demand an answer of corporations, we expose the anti-democratic way in which they define our culture, govern our nation, and plunder the earth. *By What Authority* reflects the unabashed assertion of sovereignty: that human beings have the right to govern themselves.

POCLAD is a group of 13 people instigating democratic conversations and actions that contest the authority of corporations to govern. Our analysis evolves through historical and legal research, writing, public speaking, and working with organizations to develop new strategies that assert human rights over property interests.

BWA is a tool for democracy proponents to rethink and reframe their work. To that end, we encourage readers to engage us with comments, questions, and suggestions.

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DIVIDED WE FALL (continued from page 1)

Deal? Neither Franklin D. Roosevelt nor John L. Lewis wanted a revolution. Roosevelt wanted to create a full-production economy that he hoped would eliminate poverty and at the same time keep most of the profits going into the bank accounts of the people he grew up with, the already rich. Lewis wanted the laboring people he grew up with to get a bigger piece of the pie, but he didn't question in any fundamental way the role of the rich in running the society.

Labor, by Lewis's standard, produces and consumes but **does not contest the role of the corporate elite in deciding** what is produced or consumed, what and how fast resources are extracted, what our children are taught, who our heroines and heroes are, and, most importantly, in whose interest the society is run — capital or labor? Lewis's militant — but still pro-capitalist — view of the world is commonly held by many labor people.

In studying most accounts of labor history, we are led to believe that the Knights of Labor and the I.W.W. were marginal, quirky movements — not part of the *modern* labor movement, which supposedly began with the National Labor Relations Act of 1935 and the CIO in 1937. Underlying this view of labor history is the assumption that the Knights and the I.W.W. were naïve and immature because they dared to challenge the hegemony of the corporate state, while the AFL and the CIO were mature because they accepted the role of the corporate elite in directing our society and determining the future of our culture. **The leaders of the AFL and the CIO saw the role of the state as limited to decreasing the severity of corporate harm and providing a safety net for the working class.**

The membership of the Knights and the I.W.W. saw material goods as necessities — not as the purpose of

existence. They rejected the notion that most human activity should be geared toward creating consumer goods. They rejected a society where those who invest *money* should earn a profit and those who risk and invest *life and limb* should only receive a wage. The Knights and I.W.W. fought for "eight hours for work, eight for rest and eight for what we will," while Carnegie, Rockefeller, and Chisholm² had people working 12 hours a day, six or seven days a week. The radical unions rejected the notion that corporate managers should define for the common people the very essence of life. But because the CIO accepted corporate hegemony, modern corporate/labor history tries to make us believe that the modern labor movement began with the CIO.

Just as the CIO never fundamentally questioned the liberal vision of Franklin Roosevelt, neither did the AFL-CIO of the 1980s ever raise any fundamental objections to the conservative vision of Ronald Reagan. Both eras provided excellent opportunities for organized labor to challenge the direction of the society advocated by those in power. But in neither case did labor throw down the gauntlet.

Meanwhile, the corporate managers were allowed to continue to consolidate more and more wealth and power and the unions were not. The period in which workers got more money, better benefits, and better working conditions ended in 1973 when real wages peaked in this country. Meanwhile, the corporations had Taft-Hartley and the "prudent man"³ rule passed by Congress to prevent the unions from using the deferred wages of workers — pension and benefit funds — to buy the industries in which they work. **Thus, the most important institution of the working class, the union, is legally prevented from consolidating economic wealth and power in the same way as labor's chief adversary, the corporate elite, does.**

CREATING A MILITANT, RADICAL, AND DEMOCRATIC UNION MOVEMENT

Most of today's union leaders have trouble dealing with the idea that unions can only survive if they challenge the existence of a corporation. The way they see it, it's the corporation that feeds the membership, not vice versa.

In the 1970s, Ray Rogers developed a union strategy called the "Corporate Campaign" and successfully used his tactics against the J.P. Stevens textile corporation. This strategy sets the union on a path that will lead to the destruction of a corporation if it doesn't come to terms with the union's demands. But this approach goes against the grain for most union leaders because the unions' bottom line in our society, as defined by the National Labor Relations Act, is to deliver industrial peace for the corporation, not to threaten or contest the existence of those corporations. As a UPIU international vice president once said to me, in spite of the fact that the International Paper Company had just locked out 1,200 workers for a year and permanently replaced another 2,000, "We can't destroy this company; we have contracts with it at other locations." In the late 1970s, organized labor proceeded to isolate Rogers and neutralize his militant tactics.

Another problem union leaders have with the Corporate Campaign is its emphasis on the mass mobilization of the membership. Union leaders who are trained to sit down with management to negotiate contracts are, for the most part, very ill at ease with an active membership. **In fact, many find an active membership threatening.** There are several reasons for this relationship between the leadership and the membership, but the most important is the way most unions are structured.

In most unions and union organizations like the AFL-CIO, the campaigns run by those seeking national office are conducted not amongst the membership at large but among those local leaders who cast large numbers of votes based on the size of their locals. The result is that only a handful of people decide who speaks for labor in this country. And that handful is generally pretty far removed from the everyday life and pressures of actual rank-and-file union members.

Consequently, people seeking leadership in these union organizations go to the meetings of, interact with, and learn the skills necessary to win elections among the union's elite, and therefore usually have no reason to learn the skills of mass public debate and organizing to keep their jobs. This contributes to the scarcity of high union officials who are able to speak effectively at public meetings, motivate and active their own membership, or deal appropriately

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JUDGES LACK AUTHORITY TO GIVE CONSTITUTIONAL POWERS TO CORPORATIONS

POCLAD and the Community Environmental Legal Defense Fund (CELDF) have written a comprehensive argument challenging the constitutional powers that public officials have bestowed upon corporate managers.

Using the form of a legal brief, authors Thomas Linzey, Richard Grossman, and Daniel Brannen, Jr. rethink people's constitutional right to a republican form of government. Citing citizen struggles and court cases galore, this 60-page work-in-progress finds that "the judicial conferral of constitutional protections upon corporations — protections that are then used to deny people's rights — is utterly contrary to this nation's framework of governance. Corporations, as subordinate, public entities, lack any authority to suppress people's rights and inflict ongoing harms. It is equally clear that the judiciary lacks the authority to bestow constitutional rights upon them."

The work is intended to assist communities challenging the United States government's gift of constitutional powers to property organized as corporations. Accordingly, this brief is NOT about corporate responsibility, corporate ethics, corporate codes of conduct, good corporate "citizenship," corporate crime, corporate reform, consumer protection, stakeholders, regulatory agencies, anti-trust, or accounting practices.

POCLAD and CELDF invite your comments and critiques. This draft "Model Legal Brief to Eliminate Corporate Rights" is posted on the POCLAD and CELDF websites — www.poclad.org and www.celdf.org. A version with hyperlinks to historical and case-law citations is available at www.ratical.org/corporations, thanks to our friend David Ratcliffe.

You can obtain a printed copy of the brief from POCLAD by mailing a check for \$15 payable to POCLAD to:

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with the media. These leaders are spawned in an institution where they play an insider's game. **This is what the institution of organized labor trains its leaders to be: inside players and inside politicians, not mass organizers or mass leaders.**

Organized labor presently operates with a vision that assumes a society where corporate managers make the decisions in the plant about what is to be made and how it is to be made. And on the outside it accepts a system in which corporate-financed think tanks, media, foundations, trade organizations (their unions), and political contributions are used to control the political process and determine how the overall society will function, not just the one in the workplace. So organized labor's activity is aimed at dealing with the problems of adding members and getting better wages and benefits for them, which is based on the belief that we live in a democracy governed by the rule of law and labor obeys the law. The theory is if you don't like the laws, organize and change them through the electoral process.

This has been the operating theory of the AFL since its 1947 convention.

Despite the AFL's position that Taft-Hartley was unconstitutional, George Meany's claim that it was "the law of the land" and must be obeyed eclipsed the previous theory that labor is bound to disobey unconstitutional laws. The new theory has tied labor's body and soul to the mast of a sinking ship because it is based on a lie. Workers don't have rights. Meany was content to live off a large membership that would soon begin a half-century decline that labor has yet to reverse.

If we want to live in a democracy, we must make a radical departure from the vision of the CIO and the AFL. You can't have a democracy when one group accumulates profits and the other works for wages, because the one that gets the profits will use that money to become more and more powerful, and that power will be exercised and accumulated in both the political and the economic realm. That is why union membership in this country peaked in the 1950s and real wages for 80 percent of the population have been declining since the early 1970s, along with the quality of family life and the environment. That is why our governments are being privatized and our public schools and public radio are now cov-

ered with corporate advertising. As the rich get more powerful they use that power to take more from the rest of society — to invade more of our space, to exploit more of our labor. With the corporatization of our hospitals, prisons, and welfare programs, the rich are even profiting from our misery.

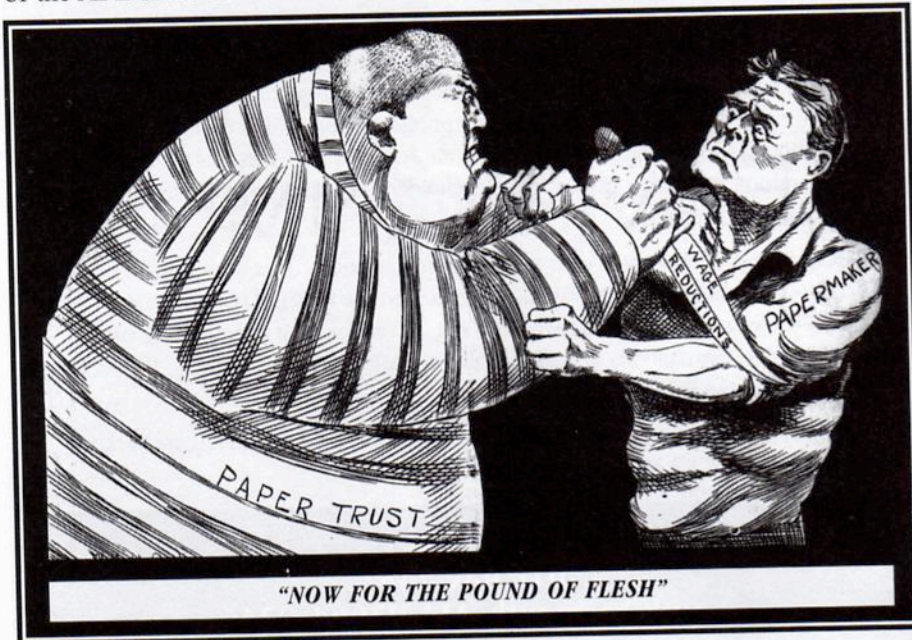
The good news is that labor is very effective in its day-to-day tactics. Unions do organize workers. Unions do represent workers. Unions do motivate members to vote in political elections. But these tactics are based on a false vision of America, followed by a strategy that has failed to halt labor's decline.

This is why today we need a new framework to view our history and a militant, radical, democratic movement to resist the tyranny of today's corporate elite. This movement needs to build a collective vision of a new society based on the needs, aspirations, and survival of the inhabitants of this planet. This would lead us to a society very unlike the one we have today, which is based on the liberty of the few to exploit the many.

ENDNOTES

1. *Who Built America? Working People and the Nation's Economy, Politics, Culture, and Society. Volume Two: 1877 to Present.* Pantheon Books, 1992.
2. Hugh Chisholm was instrumental in the 1898 merger of 17 leading paper mills into a paper trust called International Paper Company, which was the largest producer of newsprint at the time. Today International Paper Company is the largest paper company in the world and the largest private land owner in the US. Chisholm served as president of the corporation from 1898 to 1907.
3. The "prudent man" rule became law in 1974 when the Employee Retirement Income Security Act was passed. This strengthened the business community's control over the use of pension capital by putting more restrictions on labor's involvement with the funds and by further refining the terms of investment to mesh with the needs of a private capital system.

Divided We Fall: The Story of the Paperworkers' Union and the Future of Labor, by Peter Kellman, is now available from Apex Press. Price: \$29.95 plus \$4.00 shipping. Send check to: Apex Press, P.O. Box 337, Croton-on-Hudson, NY 10520.



WAR AND PEACE AND DEMOCRACY

By Mike Ferner

The following are excerpts from a new booklet comprising four essays that ask: Why again? And where goes the peace movement after Iraq?

January, 2002

From the essay, "War, Inc.," written during the US war on Afghanistan.

So why are we fighting? Of all the ways we could have responded to the attacks in New York and Washington, why war?

Numerous psychological, cultural, and historical arguments can be mustered to answer that question, but the following does as well as any and better than most: "War is a racket. It always has been. . . . A racket is best described as something that is not what it seems to the majority of people. Only a small 'inside' group knows what it is about. It is conducted for the benefit of the very few, at the expense of the very many."

Words of a radical peacenik? Only if a Marine Corps Major General qualifies as such. In his twilight years in the 1930s, General Smedley Butler unburdened his soul as did other career militarists,¹ such as Admiral Hyman Rickover, who admitted that fathering the nuclear Navy was a mistake, and Robert McNamara, who almost found the words to apologize for overseeing the Viet Nam War. Unlike Rickover and McNamara, however, by naming names and exposing for whom the system



Members of the Iraq Peace Team, including Mike Ferner (sitting, far left), in the demilitarized zone between Iraq and Kuwait, face the Kuwait border outside the village of Safwan three weeks prior to the US invasion in March, 2003. Ferner and fellow Veterans for Peace member, Charles Liteky, later hand-delivered a statement to US troops via UN border guards (see article).

works, Butler simply and effectively exposed a largely unknown truth — how the military serves the strategic interests of property in the corporate form.

In Afghanistan as in every war, corporations play a central role to protect their interests — and not only because the financial returns from war are extremely valuable. To imagine how much more important are the geostrategic rewards, there are few better tour guides than Zbigniew Brzezinski, National Security Advisor to President Carter and member of President Reagan's National Security Committee and Defense Department Commission on Integrated Long-Term Strategy.

In *The Grand Chessboard: American Primacy and Its Geostrategic Imperatives*, Brzezinski describes the Europe-Asia landmass as the key to global dominance. He asserts that the fall of the Soviet

Union cleared the way for the US to become the first non-Eurasian power to dominate this critical area, "and America's global primacy is directly dependent on how long and how effectively its preponderance on the Eurasian continent is sustained."²

In 1977 he named the Central Asian "-stans" as the next center of conflict for world domination. In light of the expected oil-driven growth of Asian economies, he called this area around the Caspian Sea "infinitely more important as a potential economic prize: an enormous concentration of natural gas and oil reserves . . . dwarf[ing] those of Kuwait, the Gulf of Mexico, or the North Sea . . . in addition to important minerals, including gold."³

Leaving nothing to doubt, he clarified, "To put it in a terminology that harkens back to the more brutal age of ancient empires, the three grand imperatives of imperial geostrategy are to prevent collusion and maintain security dependence among the vassals, to keep [satellites] pliant and protected, and to keep the barbarians from coming together."⁴

To those who examine United States history, America's subjugation of Afghanistan is not a surprise. It's not just oil. It's not just acquiring territory or the use of territory. It's property and property rights consistently trumping human rights. The names change. The song has remained the same throughout our history.

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DEMOCRACY SCHOOL

The Community Environmental Legal Defense Fund (CELDF) and POCLAD have developed an intensive weekend workshop that allows participants to deepen their understanding of democracy and strategize about how to revoke constitutional rights for corporations. The workshops focus on new organizing in Pennsylvania that deals with challenging the authority of factory farms and sludge corporations to govern rural communities. The Democracy School is held at Wilson College in Chambersburg, Pennsylvania. Four successful workshops were held this past summer and a fifth is scheduled for early November. Minimum workshop size is five participants.

Prior attendees have included participants from Iowa, Indiana, Texas, Maryland, Massachusetts, Virginia, Pennsylvania, and North Carolina.

A tuition fee of \$385 includes all materials, two nights of lodging, meals from Friday evening to Sunday lunch, and round trip ground transportation between Wilson College and Harrisburg (which is the closest commercial airport, about 45 minutes away). Presenters and facilitators include principals from both CELDF and POCLAD as well as organizers from across the United States.

A detailed curriculum is available from either POCLAD or CELDF. For more information and the next Democracy School dates, contact:

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Chambersburg, PA 17201
717.709.0457; tal@cvns.net
www.celdf.org

WAR & PEACE (continued from page 5)

January, 2003

Mike Ferner spent the month of February, 2003 in Baghdad with a delegation organized by the Iraqi Peace Team.

From the essay, "Why I'm going to Iraq."

My decision is neither brave nor heroic, simply what I must do. I know my presence in Iraq will make no difference if Mr. Bush decides to wage war. I don't believe any of us common folk can prevent a war by going to Iraq because **our government does not treasure the lives of common folk. It treasures property.** My proof is that if our national leaders truly valued our lives, we would have universal health care. We would have safe, efficient mass transit instead of an oil-addicted highway system that kills 40,000 of us every year. We would provide for our aged and children before comforting the privileged.

More and more I'm convinced people like historian Howard Zinn know what it will take. He wrote: "Civil disobedience is not our problem. Our problem is civil obedience. Our problem is that people all over the world have obeyed the dictates of leaders . . . and millions have been killed because of this obedience. . . . Our problem is that people are obedient all over the world in the face of poverty and starvation and stupidity, and war, and cruelty. Our problem is that people are obedient while the jails are full of petty thieves . . . [and] the grand thieves are running the country. That's our problem."

I agree completely. I believe we will see a better day, but not until we withdraw our consent and cease being obedient in the face of poverty and war and cruelty. Our times demand more of us. The planet and all its species demand more of us. We must each do what we can . . . and do it now.

February, 2003

The following is from a statement Mike wrote in Baghdad for delivery to the international press corps and, two days later, to commanders of US forces in Kuwait, via the UN garrison at the Iraq-Kuwait border.

To US soldiers and sailors: our prayer for every one of you is for a quick return to families and loved ones without having to participate in the horrors of war. We recognize that you have been placed in a position full of anxiety and danger, and we share in the responsibility for your being here. We recognize you are in this position because back home we do not truly govern ourselves — but are instead ruled by a minority who decide questions of war and peace in the interests of the few instead of the many. Our inadequate democracy has led us into deadly quagmires in the past, and now to the brink of another conflict that can only be described as a tragic war of empire.

Daniel Berrigan advised us, "The peace movement will only achieve success when it shows the same courage for peace as soldiers do for war." We are capable of such courage. We must use it now.

March, 2003

From the essay, "Back from Baghdad . . . Where Goes the Peace Movement After Iraq?"

In Baghdad and Basra, a month before George Bush ordered those cities bombed, I saw the resilient human spirit alive and well after two decades of war, sanctions, and repression. I experienced only warmth and graciousness, when my nationality would logically have elicited only hatred. I relearned the simple truth of universal humanity. Introduced to a budding, radical offshoot of the peace movement,⁵ I had a vision of how it

might combine with the dawning democracy movement to allow our species to finally leave behind the mire of war.

People have demanded peace for as long as their governments have waged war. The popular cry for peace, often stifled and typically left out of history books, echoes down the generations. For 30 years I've added my own small voice, with little hope we could do more than delay the next war. But what I saw in Iraq was something new and singularly hopeful.

When this war against Iraq finally ends, what will the peace movement

do? Can we graft this new branch of the peace movement to the sapling democracy movement, thereby forging the political power we need to create the life we want?

POCLAD and others seek to strike at the root of why we keep organizing against one chemical, one plant closing, and one war at a time. We define the missing thread running through citizen movements of the last 100 years in this way: we labored mightily to lessen a corporate harm, achieve fewer parts of poison per million, or shorten a war, but we did not address the fundamental powers and privileges that allow corporate directors to write

policy, define our values, and plunge us into another round of butchery to increase their power and wealth.

But what if . . . **what if the peace movement**, broadened by an influx of citizens outraged at this war and deepened by nonviolent activists interposing themselves in defense of endangered civilians, **were to combine with the democracy movement to strike at the very roots of war?** What if together we created new strategies and tactics not only to stop *this* war, but also to strip corporations of the privileges they have usurped from us; dismantle their power to govern; end forever their ability to direct our hard-earned wealth into armaments and empire? **What if in so doing we also found the key to building a real culture of democracy, a sense of community to fill the void in our souls that can never be filled by the Shopping Channel or Blue Light Specials?**

This is truly a dream worth pursuing. Reaching it is worth rethinking the way we organize. We may yet set a course that 100 years from now will finally achieve democracy and abolish war.

ENDNOTES

1. Smedley Butler, *War is a Racket*, 1935. (Gainesville: Crisis Press, 1995)
2. Zbigniew Brzezinski, *The Grand Chessboard: American Primacy and Its Geostrategic Imperatives*, (NY: HarperCollins, 1997), pp. xiii-xiv
3. *Ibid*, pp. 124-25
4. *Ibid*, p. 40
5. These activists, after training and careful screening for commitment, use their physical presence to protect the lives of others — i.e., accompanying Colombian farmers to market to protect them from paramilitaries and standing in the path of Israeli bulldozers preparing to level Palestinian homes.

The booklet, *War and Peace and Democracy: Four Essays that Ask Why Again? and Where Goes the Peace Movement After Iraq?*, is now available from POCLAD. Prices (including postage) are: \$3 for a single copy, \$2.50 each for 2-9 copies, \$2.25 each for 10-49 copies, \$2.15 each for 50-99 copies, and \$1.65 each for 100 copies or more. Send your order to: POCLAD, P.O. Box 246, South Yarmouth, MA 02664-0246.

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CorpOrNation:

The Story of Citizens and Corporations in Ohio

CorpOrNation is a 40-minute videotape produced by the Northeast Ohio American Friends Service Committee (AFSC).

CorpOrNation exposes the historic rise of corporate power in Ohio, the barriers citizens have fought to create a true democracy for themselves, and the influence of corporations on government through "corporate globalization." Spanning Ohio's history from 1803 through present-day struggles between citizens and corporations, *CorpOrNation* suggests strategies for citizens to overcome rising corporate power in society and challenge current threats to citizen-led democracy.

Rich with analysis and history, *CorpOrNation* features interviews with people from the Ohio AFL-CIO, Ohio Public Interest Research Group, United Steelworkers, Ohio Family Farm Coalition, Farm Labor Organizing Committee, POCLAD, and student activists discussing corporate farms, factory lockouts, "veggie libel" laws, and regional "free trade" agreements.

CorpOrNation is an exciting new tool for instigating democratic conversations that contest the authority of corporations to govern! The cost is \$10 for individuals or \$20 for institutions. To order, please make checks payable to AFSC and send to:

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For questions, contact Greg Coleridge at 330.253.7151 or via email at afsc@afsc.com. More information can be found at www.afsc.net.

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If you would like to be added to this list, please send an email message to Mike Ferner at mferner@utoledo.edu.

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