

His Name Was Richard Grossman

by Mary Zepernick

My co-host Betty Burkes on our radio call-in show told me she had met an interesting man at a party and would like to invite him to be a guest. He lived near the Provincetown studio at the eastern end of Cape Cod, and his name was Richard Grossman.

Intrigued by his on air claim that the accumulated legal power of the modern business corporation allowed it to virtually govern, I took to stopping by his house on show evenings to chew on ideas. I even had the temerity to argue with him, which Richard relished.

Richard brought varied experience to his eventual Partnership with Ward Morehouse. As a community organizer he founded Environmentalists for Full Employment, worked at the Highlander Research & Education Center in Tennessee, and served as Executive Director of Greenpeace USA.

Richard and Frank T. Adams published *Taking Care of Business: Citizenship and the Charter of Incorporation* in 1993. In it, they stated:

Corporations cause harm every day. Why do their harms go unchecked? How can they dictate what we produce, how we work, what we eat, drink and breathe? How did a self-governing people let this come to pass?

Corporations were not supposed to reign in the United States. When we look at the history of our states, we learn that citizens intentionally defined corporations through charters -- the certificates of incorporation.

In exchange for the charter a corporation was obligated to obey all laws, to serve the common good and to cause no harm. Early state legislators wrote charter laws and actual charters to limit corporate authority, and to ensure that when a corporation caused harm, they could revoke its charter. During the late 19th century, corporations subverted state governments, taking our power to put charters of incorporation to the uses originally intended.

"Corporations may have taken our political power but they have not taken our Constitutional sovereignty. Citizens are guaranteed sovereign authority over government officeholders. Every state still has legal authority to grant and to revoke corporate charters. Corporations, large or small, still must obey all laws, serve the common good, and cause no harm. To exercise our sovereign authority over corporations, we must take back our political authority over our state governments."

Richard was a prolific and colorful letter writer. In a tome to Jerome Groopman of Harvard Medical School, he explained that he had heard him interviewed on the radio, "and how refreshing it was indeed to hear a physician talk with passion against the

"corporatization" — the literal factoryization—of disease care and health care.

"But it's only logical, no? The rest of our society transformed into assembly lines—of work, of art, of the mind and of the soul. Listening to you, I thought of Martin Niemöller, the German Protestant pastor who told how he sat by when the Nazis came for people by category... But the corporate assembly lines came for the workers, and the doctors were silent..."

"They came for the educators, and then the legislators, and the judges, and the mayors—and the doctors could not be heard. The corporate assembly lines came for the free press, they came for our elections . . . Now, they're coming for our genes, for food, for the basic biological building blocks of life . . . and where are the doctors? It's all been of a piece. The corporate assembly lines have come for and gone away with our Constitution, our liberty, our Declaration of Independence. So who should we be surprised that now they've come for you? Why should anyone care?"

"But the fact is, plenty of people care ... all the people across generations and vocations who have been resisting the corporate assembly-lining of life and death and work and thought and of the natural world.

"So it's not too late for you, for your colleagues, for your students, for your patients, for your spleens and livers.

It's not too late to sew the histories together, to make solidarity connections...

"To speak out. To resist. To join with others. To design new designs... The few are coming for the many. As in Nazi Germany, they target people category by category—in the process making each category of people a little less human. They are coming with the protection of the law—of the police, of our learned judges—with the assistance of our own government.

It's a pissar, Jerry, isn't it?"

Richard Grossman had a keen sense of humor, sometimes acerbic but not unkind. As his views on corporations and democracy evolved, he saw the need to develop them further with others. He gathered some like-minded acquaintances, and we met in two adjacent houses on Cape Cod.

His soft-hearted side was revealed when my cat became ill. Richard insisted on accompanying me to the vet: *"No one should go to the doctor alone!"*

Richard and his longtime friend and colleague Ward Morehouse formed a powerful duo, bringing their respective ideas, personalities and colleagues together to create

POCLAD - The Program on Corporations, Law & Democracy. My enduring memory of Ward is meeting him at the airport with his ever-bulging briefcase en route to a retreat at the Occidental Arts & Ecology Center, where much of POCLAD's work was forged.

Richard was born in Brooklyn on August 10, 1943; graduated from Columbia in 1965; and was married to Mary MacArthur for 43 years, with one daughter, Alyssa, and a grandson. Richard Grossman died - too soon - of cancer at 68.

Ward and Richard would have appreciated the late humorist Molly Ivins' description of POCLAD as *Poorly Clad!*

Postscript:

In the 2003 article published this month by Kimberly French, "How Corporate Personhood Threatens Democracy," we read the following:

"In 1995 [Ward] Morehouse and Richard Grossman cofounded a think tank called the Program on Corporations, Law, and Democracy (POCLAD), a project of CIPA. They invited a dozen fellow activists to join them. Their primary tool has been weekend retreats they call

"rethinks," short for Rethinking Corporations, Rethinking Democracy. The workshops bring together twenty to twenty-five activists who live near each other or work on similar issues. Over the past decade, POCLAD has conducted several hundred of the retreats all over the country and is now training others to lead them.

"Morehouse and Grossman never set out to become experts on corporate history and law. But they have concluded that, to effect any lasting change, that is where activists must focus their energy. Morehouse calls movements that simply ask corporations to behave better, such as socially responsible investing, social auditing, business ethics, or wise use, accommodations to corporate power. 'It's not . . . 'good corporate citizenship' that sovereign people must seek. Those phrases are contradictions in terms and diversions from the public's central task to become unified enough to exert citizen authority over the creation, structure, and functioning of all business enterprises,' Morehouse and Grossman write in the POCLAD anthology, *Defying Corporations, Defining Democracy.*"

Remembering Ward Morehouse

by Jim Price

June 30, 2016 marks the fourth anniversary of Ward Morehouse's death. Anniversaries like this one are especially poignant for those of us who were Ward's friends and colleagues at the Program on Corporations, Law, and Democracy (POCLAD). From the mid-90s until his death in 2012, we had the unique opportunity to spend weekends with him at our semi-annual retreats. We were also able to share special experiences with Ward ranging from "Rethinking the Corporation, Rethinking Democracy" workshops around the country to significant world events including the "Battle in Seattle" anti-globalization protest at the World Trade Organization's 1999 Ministerial Conference.

Ward was a wise, grandfatherly advisor, and mentor to our POCLAD circle. Using a measured speaking style, he contributed meaningful insights to any discussion in which he was a participant. He brought a unique perspective from his times challenging the international encroachment of corporate power.

Ward was a lifelong, multi-talented, and highly committed human rights activist. He has been variously described as a pro-democracy visionary, a publisher, an international educator, a citizen tribunal judge, a Unitarian Universalist lay leader, a student of alternative economics, an anti-war activist, a housebuilder and retrofitter, and a lover of his family and his dogs. As he applied his multi-faceted talents, Ward was unceasingly passionate about confronting worldwide corporate malfeasance and brave in the tactics he used. When he deemed it necessary, those tactics included applying non-violent civil disobedience and serving as a judge at citizen tribunals prosecuting both human and non-human corporate criminals.

One of Ward's gifts was his ability to create and effectively use not-for-profit organizations to educate people in the U.S. and abroad about how wealthy individuals have used the corporate form to create a worldwide political and economic oligarchy and what can be done to dismantle it. Whatever the challenge, Ward founded an organization to multiply the impact of his vision.

In 1976, Ward became President of the Council on International and Public Affairs (CIPA) a not-for-profit human rights organization that he had co-founded in 1954. While working at CIPA in 1985, he learned of a giant Union Carbide chemical spill that had occurred at Bhopal, India in the early hours of December 2, 1984. It was estimated that over 15,000 people were killed and an additional one-half million were injured in that disaster. It proved to be a life changing event for Ward. In response, he created another organization, the International Campaign for Justice in Bhopal (ICJB), and focused its resources on helping the victims and holding Union Carbide accountable. Ward's persistence in confronting Union Carbide brought him recognition as an international human rights activist. When Dow Chemical purchased Union Carbide and refused to clean up the chemicals polluting Bhopal's environment, Ward realized that the fundamental challenge facing humans experiencing corporate malfeasance is to shift the paradigm from confronting corporate crimes one corporation at a time to working systemically to change the relationship between natural persons and corporations in order to enable humans to establish governance over them.

TOES (The Other Economic Summit) North America was another organization that Ward helped establish in 1988 and served as its first Chair. TOES included groups of

sustainable economists, local economic justice activists, and others organized to counter the annual G7 economic summits. Along with other sustainable economists, including British economist E.F. Schumacher, he also formed the Intermediate Technology Development Group focused on designing and applying small-scale, localized approaches to building and infrastructure construction.

In 1994, Ward co-founded POCLAD with Richard Grossman. It remains to this day the foremost example of his work to create an organization to spread the impact of his (and their) pro-democracy vision. Ward joined with Richard and his fellow POCLADistas (the term he affectionately used to refer to his POCLAD colleagues) to conduct numerous "Rethinking the Corporation, Rethinking Democracy" workshops throughout the U.S. The concept of confronting corporate "personhood" was discussed and refined through democratic conversations at those "Rethinks."

Ward said that he established the Apex Press in 1990 as a vehicle to publish books, "to build democracy with equality – without which there could be no democracy." Over the years, the Apex Press became a valuable instrument through which the POCLAD principals have been able to publish numerous publications on corporate personhood and democracy.

Another institution through which Ward shared his vision for a truly democratic society was the Unitarian Universalist Association (UUA). As a third generation Unitarian Universalist (UU), Ward lived his UU principles to touch the lives of millions of people. His paternal grandfather had been a UU minister as is one of his sons. He was a long time member of the Unitarian Universalists for a Just

Economic Community (UUJEC), the economic justice advocacy arm of the UUA. Tom Stites, Ward's friend and former editor of the *UU World Magazine*, describes Ward as, "a gentle man of steel – patient yet relentless. He was modest yet certain about what justice means – and fearless in its pursuit." In 2003, Ward joined with Stites in writing a special May/June issue of the *UU World* devoted to explaining how corporations having constitutional "rights" overwhelms democracy. The articles in that issue, including an excellent article about Ward by Kimberly French, constituted the strongest expressions opposing "corporate personhood" to appear within a publication of the UUA. Ten years later, on June 23, 2013, the UUA General Assembly passed an Action of Immediate Witness endorsing the Move to Amend proposed We the People 28th Amendment, asserting that corporations should not be considered to have the constitutional rights of natural persons and that money should not be viewed as a constitutionally protected form of free speech. Since then, over fifty Unitarian Universalist entities have endorsed the proposed Amendment. This is but one example of how Ward articulated his vision to educate and move a significant institution to take a pro-democracy stance recognizing that humans should define and limit any privileges granted to corporations.

Ward also influenced the National Lawyers Guild. Within it, he organized the Committee on Corporations, the Constitution, and Human Rights to challenge corporate constitutional rights. For several years this committee helped educate lawyers and the general public about the dangers of corporations possessing such rights.

Much has been written about Ward Morehouse's outstanding accomplishments. We in the POCLAD collective were also privileged to experience Ward's

humanity and his sense of humor. He was a genuinely humble person. Richard Grossman once said that, "Ward is the most unpretentious person I know. He either keeps his ego in check, or he doesn't have one. He's not out for power or glory. He truly cares about people, and that is his greatest strength."

We POCLADistas relished our times spent with Ward whether engaged in a conversation with him in his truck loaded with construction tools and materials on the way to a retreat or sharing a humorous moment with him on a conference call. Two such calls come to mind. On one occasion, in the midst of a call, Ward began calling loudly, "Down, Buster, down boy! Down big boy!" One of his large dogs had been playfully jumping up at him a little too aggressively for Ward's comfort. To our collective delight, he then laughingly explained what was happening. On another occasion, in the midst of a call, we all heard the sound of what appeared to be a collision. In the midst of the call, it seemed that Ward had had a minor traffic accident about which he informed us without leaving the call. When discussing such events Ward would be the first to laugh at such situations. That was the nature of his humility, sense of humor, and self-assurance. Ward also had an unselfish streak a mile wide. He would go many miles out of his way to meet a fellow POCLADista at an airport and transport that person to and from an event or retreat.

Ward would often come to our POCLAD retreats wearing a flannel shirt (usually red and black with the shirt pocket filled with notes and pins), khaki pants, and partially tied work boots. If our meeting location required that we meet in our stocking feet, his socks would invariably have one or more holes in them. He would have a duffel bag with him that contained numerous publications and papers requiring much more work than he could possibly accomplish during our time together. Such was the

nature of this veteran multi-tasker. He was a busy man. If he was not building a cabin in Maine with his sons or retrofitting houses, he was headed to India to a conference or a legal hearing. I am confident that I speak for my POCLAD sisters and brothers when I say that Ward Morehouse was one of the kindest, smartest, and most farsighted people we have known. Ward truly lived every moment of his life for justice. His was certainly a life well lived. We continue to miss having Ward's presence with us.

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By What Authority (ISSN: 524-1106) is published by the Program on Corporations, Law & Democracy. The title is English for *quo warranto*, a legal phrase that questions illegitimate exercise of privilege and power. We the people and our federal and state officials have long been giving giant business corporations illegitimate authority. Today, a minority directing giant corporations and backed by police, courts, and the military, define our culture, govern our nation and plunder the earth. **By What Authority** reflects an unabashed assertion of the right of the sovereign people to govern themselves.

POCLAD is a group of 10 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 people's 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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