

**The
BLACK
C o M M e n t a t o r**

Commentary, analysis and investigations
on issues affecting African Americans
www.blackcommentator.com

November 13, 2008 - Issue 299

[Contents of Issue Menu](#)

[Click Here](#)

[Home](#)

**President Obama Needs Our Help:
A Focus for a March to Save Ourselves from Disaster
By Doug Page
BlackCommentator.com Guest Commentator**

Click on the back button of your browser to return to non printer friendly page of this article

[Click here](#) to get helpful hints for viewing and printing this printer friendly plain text page

Introduction

President Obama cannot do it all by himself. He needs our organizing ability and help to accomplish what he has promised. In 1993 under far less dangerous circumstances, Republicans and Wall Street used the Senate filibuster to block President Clinton's proposed Economic Stimulus Package. With the even more bitter partisan divisions and profound ideological conflicts now existing, President Obama and we voters will again have to deal with a filibuster by Republican Senators trying to defeat such a stimulus package. There can be no relief for us, no change, and no reform as long as the Senate filibuster, requiring a supermajority of 60 votes, remains.

The Senate Filibuster Unconstitutionally Obstructs our Sovereign Voting Power

The Senators themselves do not deny that their maintenance of the 60 vote supermajority requirement is unconstitutional. In 1993, when the Senate first used the filibuster as a partisan tactic to defeat President Clinton's Economic Stimulus Package, I filed suits in the United States District Court for the District of Columbia against all 100 Senators, seeking a Judicial ruling that the maintenance of this Rule by the Senators violated my sovereign voting rights in that it unconstitutionally diluted my fractional share of sovereign voting power, and the voting power of the majority of sovereign voters in the US of which I was a part. I relied on the great "one man, one vote" decisions of the Warren Court.

This was the response of the Senators:

1. The 100 Senators unanimously directed the Senate Legal Counsel to oppose my claim. In practical effect, the Senators arrogantly denied that voters were sovereign, and by implication, claimed that they, the Senators, were sovereign. Not a single Senator dissented.
2. The Senate Legal Counsel filed a written response in the District Court and did not deny my claim that Senate Rule XXII was unconstitutional. This is significant because of the legal doctrine that a fact set forth in a Plaintiff's claim that is not denied shall be deemed admitted by the Defendant Senators. So the Senators themselves admitted that Senate Rule XXII, requiring a supermajority of 60 Senatorial votes, was unconstitutional.
3. Our elected agents, our 100 Senators successfully and arrogantly defended the Rule on the narrow procedural ground that neither I nor even a majority of sovereign voters had "standing" to make such a claim against them in the Courts. The Senators relied on a Supreme Court case written by Justice Antone Scalia, *Lujan v. Defenders of Wildlife* that set forth new conservative restrictions on sovereign voting citizens who sought relief in the courts against unconstitutional governmental action. The case is a right-wing device to maintain the status quo and to enfeeble voters. It also violates our First Amendment right to petition the government (and hence the Courts) for a redress of grievances. Thus, I was barred and we are barred from the courts from seeking validation of our own sovereignty in the governmental process.

The unanimous maintenance of Senate Rule XXII by the Senators constitutes the overthrow of our constitutional governing pattern and an overthrow of our right to govern ourselves and to guide our destiny through our elected representatives. It is a bloodless coup by the Senators, as effective as a military coup in a banana republic. Given even the normal disagreements among humans, it is impossible to muster and maintain political support for legislation or for reform by a majority of the Members of the House, the support of the President, and in addition the votes of a supermajority of 60 Senators. This Rule stands as an effective obstruction to any reform, any hope of change, and any effective governmental relief from the effects of an economic downturn.

The Sovereign Voter Control of Government Set Forth in our Constitution Compels Governing by Majority Vote by our Agents

Every school child knows from the Gettysburg Address that our government is of, by, and for the people. This is not a philosophical fantasy or idealistic dream. This concept of our government received the stamp of validation by the great Chief Justice Marshall in an 1819 Supreme Court Decision. We have no sovereign King. Our President is by no means sovereign. We voters are the sovereign Fourth Branch of government in our Constitutional governing process. We are the bosses of our elected representatives. The elected are our agents. The Constitution expressly provides that in both the House and the Senate that "a majority of each shall constitute a quorum to do business." The House of Representatives, bound by the same phrase in the Constitution, has no such filibuster rule and has functioned by vote by simple majority for over 200 years. The Senate can and should also do its business by majority rule.

Our Constitution, with its cumbersome requirement that a bill be approved by a majority of the House of Representatives, a majority of the Senate, and the signature of the President, presents difficult obstacles to any change in the status quo, and to any reform. Unfortunately, we sovereign voters have this further unconstitutional obstacle. The filibuster authorized by Senate Rule XXII requires a supermajority, the affirmative vote of 60 Senators to pass any legislation, and not merely a majority of a quorum.

Why do our Elected Senators Maintain the Supermajority 60 Vote Rule?

Senate Rule XXII gives each individual Senator immense political power to block legislation or appointments. Under Senate practice at least since 1993, there are no long speeches, no long debates, and no speeches at all. A single Senator simply asks his party leader to put a "hold" on a pending proposal. The party leader and the rest of his party honor this individual request. If the proponents wish to proceed despite the opposition, the proponents must muster the support of 60 Senators. The Rule also gives overwhelming power to "special interests," a drug company that wishes to oppose Single-Payer Health Coverage, a Wall Street firm that wishes to prevent reform or an ideologue who wishes to maintain capitalism as totally unregulated. These unelected "special interests" initially need to "persuade" only a single Senator to stall the legislation, and only 41 Senators to block our majority will, as manifested in the 2008 election. This accounts for much of the gridlock in Washington. Senate Rule XXII makes it easy for unelected "special interests" to maintain the status quo, even when an overwhelming majority of voting citizens vote for and desire change. Senate Rule XXII makes it practically impossible to enact reform legislation.

All 100 Senators support Senate Rule XXII because it gives each of them immense individual power, and it provides them with campaign contributions from powerful wealthy "special interests" to finance their re-election campaigns. The Senators routinely betray a majority of the sovereign voters, violate their oaths to support and defend the Constitution, and accept money from the special interests. Even newly elected Senators support the Rule, even if they may secretly oppose it, because of their belief that they must go along with Senate tradition if they have any hope of getting the support of more senior Senators for their own proposals.

The contempt for voter sovereignty by the Senators becomes even clearer when one realizes that the Vice President and a simple majority of Senators themselves can change the rule any time they wish. This precedent was established in 1975 by Senator Mondale and other Democratic Senators, following the bitter battles over Civil Rights Legislation. So frightening is the prospect that a simple majority of Senators could end the rule, that the Senators now call this possibility the "nuclear option." The Republicans recently used this threat successfully against the Democratic Senators to persuade them to confirm extreme right-wing judicial nominees.

Meanwhile those Democratic Senators who pretend that they support main stream America and the interest of "the little guy," are really wolves in sheep's clothing, serving the interests of Wall Street. Thus, Democratic Senators Schumer, Dodd, Feinstein, Biden can and other Democratic Senators can vote loyally for their Wall Street benefactors while betraying the interests of the voters who elected them. Democratic Senators energetically seek to preserve the illusion among Democratic

voters that Democratic Senators represent the interests of the voters and not the big banks, drug companies, and armament manufacturers.

The Legitimate Anger and Outrage of Voters About the Bailout of Wall Street Rather Than Main Street and the Economic Downturn Provide an Opportunity for Effective Action

Millions of us voters are understandably angry and outraged about the Democratic Senators' uncritical support of Wall Street and their betrayal of voters and Main Street. We have no opportunity to change things via the ballot box because both parties support the filibuster so as better to serve their Wall Street benefactors.

We voters, President Obama, and all Democratic elected officials must be empowered to deal with the effects of a serious economic downturn on all of us.

We all need to organize and lead a million voter march, armed with symbolic pitchforks, on both the local and Washington offices of Democratic Senators, and to keep marching as long as is necessary. There are millions of angry voters near local Senatorial offices in New Jersey, Manhattan and Connecticut, Washington DC and in California's San Francisco Bay Area and Los Angeles. We can march against the local Senatorial offices of Senators Dodd, Schumer, Biden, and Feinstein with a focused demand:

1. That when the Republican Senators filibuster this badly needed legislation, that the Democratic Senators and newly elected Vice President Biden pledge to use the nuclear option to eliminate the filibuster and restore constitutional legislating by majority vote in the Senate once and for all.
2. That the Senators halt the useless bail out to the very interests in Wall Street that created the problem.
3. That the Senators support legislation that will immediately and directly help voters and Main Street without making things worse.
4. That the Senators pledge to fund the costs of the Stimulus Package and other necessary rebuilding by a wealth tax on the wealthiest 1%.
5. In order to collect the new taxes, that the Senators pledge to require IRS to use the powers of the Patriot Act and DOD and CIA computers to locate that wealth, wherever on the planet the wealthy may have hidden it, to achieve the following objectives:
 - a. To heal the damage Wall Street has created.
 - b. To fund Single-Payer Health Coverage for every American, to fund alternative sources of green energy, and to rebuild the infrastructure.
 - c. To curtail the overwhelming antidemocratic political power that the wealth of Wall Street and the top 1% affords them.

Most of us do not know about the immense total wealth held by the wealthiest 1%. It is a well kept secret. It is at least \$13 Trillion. How much is that? Well, it is as much

wealth as all the bottom 95% own. This \$13 Trillion is held by 30 thousand people. These 30 thousand hold as much wealth as 300 million of us. If we stack up \$100 bills, a \$1,000 stack would be a stack between $\frac{1}{4}$ inch and $\frac{1}{2}$ inch high. A million dollar stack would be 39 inches high. A billion dollar stack would be 3280 feet high or $\frac{6}{10}$ of a mile. A trillion Dollar stack would be 621 miles high. The \$13 trillion total wealth of the top 1% would be a stack of \$100 bills **8,073 miles** high. The wealth of this top 1% must be taxed in order to help us build a stable functioning community as authorized by the 16th Amendment to our Constitution. We have no alternative. We ordinary citizens cannot afford further taxes during this economic downturn.

A further source of funds is a stock transaction tax. A tax of one dime on every purchase and sale of stock on our exchanges would raise \$52 billion per year, assuming trades of 2 billion shares per day and 260 trading days per year.

We are motivated by our own need, and the desperate need of our human community. We seek Justice. As the moral philosopher Ronald Dworkin has written: "It is unjust for some to have more than they need when others are needy." Our community is very needy and we the people must recapture our voter sovereignty.

[Click here to comment on any article
in this issue or see what others are saying in the](#)
The BlackCommentator Readers' Corner Blog

BlackCommentator.com Guest Commentator, Doug Page, is a retired union lawyer living in Tucson, AZ. After retirement, he became an expert on the filibuster rule of the Senate. [Click here to contact Mr. Page.](#)

[Contents of Issue Menu](#)

[Click Here](#)

[Home](#)

[Click Here To](#)

[CONTRIBUTE TO !\[\]\(47734e4656765d20df4fdbd5b7aff048_img.jpg\) NOW](#)

[Click Here To](#)

[CONTACT !\[\]\(0fb13ad0bfa3d86868cdd3883e5665b3_img.jpg\)](#)

Your comments are always welcome.

e-Mail re-print notice

If you send us an e-Mail message we may publish all or part of it, unless you tell us it is not for publication. You may also request that we withhold your name.

Thank you very much for your readership.

Website Design and Hosting provided by



Copyright © 2002 - 2008
www.BlackCommentator.com
All Rights Reserved