

On the Demands of the Occupy Wall Street (OWS) Movement
Bill Menke, November 2011



I came across an “Original List of Proposed Demands” ascribed to the Occupy Wall Street (OWS) movement that is published on the Coup Media Group’s web site¹. The site says that that OWS has no “official” list of demands, but goes on to say that the list has been endorsed or at least discussed by some of the movement’s factions. The

movement brings back memories from my youth of the great anti-war protest movements of the 1960’s and 70’s, which had such a profound impact on our society. So I have read through the list, which contains 13 demands, and thought about it carefully, to see whether I agree or disagree with the demands it makes. As you can see from my 0-10 rating below, I agree at roughly the 50% level.

I am a bit surprised by the sheer variety of the demands. I had been expecting that they would mostly have to do with economic issues and especially the influence of Wall Street. And demands 1, 3, 4, 10 and 13 do. But the others, which are more than half of the list, deal with the diverse issues of capital punishment, drug use, women’s right and a variety of other social issues. I have the sense that these issues dilute the focus of the Movement. On the other hand, I agree with OWS more strongly on these issues than their ‘core’ economic ones.

On the web site, each demand, below, was accompanied by half a page of discussion, which I’ve omitted here (except for an occasional sentence).

1. Eliminate Corporate Rights as Persons ...

Score 0. This demand seems both overly ideological and much too indirect to me. The logic seems to be: corporations have too much influence; their influence is sustained by free speech rights; those rights are afforded them due to their status as legal persons; and ending that status will enable their influence to be reduced. My

understanding is that the overall effect of the legal fiction that corporations are persons is to extend corporations equal protection under the laws, *except where otherwise noted*. Just as there are simpler and more direct ways of detecting weapons at airports than requiring everyone travel naked, there are much simpler and more direct methods of reigning in corporate free speech (if indeed that is the goal) than by declaring that laws no longer apply to corporations. I agree that corporations are rather more influential than makes me comfortable, but I think that their influence arises because they are such a major component of our society; the influence they exert through speech is only one small component. But my sense is that the OWS goal is to limit the *political influence* of corporations. Let's tackle that directly.

2. Repeal of the Patriot Act ...

Score 9.

Many of the provisions of the Patriot Act unnecessarily erode our right to due process. They should be repealed. That being said, when you browse through this lengthy act's ten titles, you encounter plenty of provisions that are perfectly reasonable (such as the provisions for the compensation of victims of terrorism in Title 6). It's a mixed bag.

3. Forced Acquisition of the Federal Reserve for \$1Billion USD by the US Congress (stand up to the foreign-controlled Federal Reserve Bank).

Score 1.

I'm afraid that I see too much paranoia in the claim that the Fed is "foreign-controlled" to be comfortable with such rhetoric. In what sense is it foreign-controlled? I guess OWS sees the Fed as villainous, as supporting the capitalists at the expense of the poor. Especially during the peak of the crisis, some of their actions have indeed favored financial institutions with an unmeasured generosity that I consider scandalous. But their biggest influence is over interest rates, and by keeping them near zero they have done much more to help the poor (who are generally borrowers) than the rich (the lenders). I do agree with the underlying philosophy that an elected body, like the US Congress, and not an appointed body like the Fed's Board of Governors, should be responsible for setting our nation's monetary policy.

4. Restructure Campaign Finance Legislation ... Ban corporate donations; limit individual campaign donations to \$100 ...

Score 4.

These OWS folk are really cheap! I blow more than a hundred bucks these days just taking my kids to a pizzeria and the movies. But limits are so hard to codify and even harder to enforce. I'd rather move to 100% publicly-financed campaigns and be done with it. No doubt that would require a Constitutional Amendment, but so would almost any other kind of meaningful campaign finance reform. However, either way, I am not so confident that the system that we would wind up with would be an improvement over what we have now – hence the low score.

5. Real Health Care Reform ... Access to adequate health care is a human right not a privilege ...

Score 7.

I agree that “access to adequate health care” should be considered a human right. I don't have a clue how we can achieve that goal, though. As a society, we need to be able distinguish “adequate” from “unlimited” care, which surely we can't afford, but we're having a hard time reaching a consensus on the distinction. Medicare already spends something like \$350,000 over the lifetime of each person, and most of that in their last year of each person's life. And the amount grows each year by a few percent. The specter of uncontrollable costs puts a damper on the discussion of how to provide adequate care to those who lack any access to it.

6. End the War on Drugs ...

Score 8.

The war on drugs was lost a long time ago, primarily because a very significant segment of the US population uses drugs and isn't about to stop. I have the sense that the black market, and the violence that it engenders, are much bigger problems than those created by drug use, per se. So let's end the black market in favor of a regulated market like the ones for tobacco and alcohol. I am not so foolish to think that such a change will end all drug-related problems, but it might help.

7. Education Reform ... Reform education to make it either free or affordable to all ...

Score 4.

I think that this demand is primarily directed towards college education. I broadly agree that we need to be investing more to prepare young people for adult life and in assisting them to obtain jobs that provide a decent wage. But right now, lack of access to college education is not the central problem; lack of jobs is! Our focus should be on creating economic opportunity for people starting out; else we will just wind up with better educated but jobless people. Young people need to have the sense that path to a decent life is within their reach. But, sure, we should be doing more to help those people who are striving for a college education to obtain it.

8. National Repeal of Capital Punishment ...

Score 10.

I am opposed to capital punishment because of its finality. We all know that some convictions are made in error, so we should be humble enough to allow for the possibility of correcting an error, should it become obvious that our courts have made one.

9. End Gender Discrimination - Equal Pay ... We want equal rights to men, including equal pay, equal benefits and equal standing under all laws and in all courtrooms where it has been proven in study after study, women are regularly denied their rights ...

Score 7.

I think that it's time to pass a definitive Women's Equality Amendment. But an amendment alone will not end discrimination. Everyone needs to fight discrimination on all fronts, corporate, governmental, and personal. Thus, I see the demand as being disingenuous in blaming "them" not "us all". I am also a little mystified by the courtroom aspect of this demand. My experience as an occasional juror in New York is that juries won't tolerate any mistreatment of witnesses, especially if they are women or minorities, and that any attorney who takes that tact seriously damages his or her case.

10. Office of the Citizen ... [Well-funded federal agency to investigate corruption]

...

Score 2.

I do not believe that a new agency with a mandate to fight corruption would wind up having a better track record than any of the existing agencies that have a similar mandate. But I agree that we should demand that our existing law enforcement agencies do a better job fighting corruption, and hold them responsible when corruption is allowed to continue.

11. The United States Must Comply With International Human Rights Law ... [Anti-torture, anti US military involvement in wars for instigated for corporate profits and interests] ...

Score 6.

The US should be on the forefront of promoting human rights, but right now we're not anywhere close. The US's ridiculous position on the torture called waterboarding is a good example of how far we've wandered from promoting respect for life and civility. Torture is inhuman! Who are we kidding? The part of the demand concerning military involvement is less well thought through; hence my low ranking. The problem is that the US has been involved in a whole spectrum of military actions, most of which (like the current Iraq debacle) are idiotic and some (maybe the Balkans?) which may well have prevented true atrocities. Drawing the line is the hard part. I think OWS' blaming of corporate interests is too simplistic and avoids the really hard question of when, if ever, military action is legitimate. We need honest dialog to build consensus on this issue.

12. Rights of victims must take precedent in courts ...

Score 3.

This demand reads like it was written by someone who had a really bad experience in court. I sympathize, and I agree that courts ought to be safe spaces where people who perceive themselves as victims of injustice do not fear further dehumanization. I'm in favor of instituting procedures that foster those conditions. But I disagree with the philosophy expressed in the demand that victim rights take

precedent, at least if it means takes precedent over the rights of the accused. For me, both are of *equal* importance. Yes, we should respect the fact that a victim of a crime has been injured, and treat her or him with dignity. But we cannot take for granted that the accused was necessarily the perpetrator of the crime. We need to prove guilt, and not immediately assume that the victim's story is accurate, even when the fact of victimization is painfully obvious.

13. Prosecutions of the guilty .. [crimes committed by banks, brokerage firms and insurance companies] ...

Score 3.

It hasn't escaped me that when one accuses a corporation of a crime, one is embracing the fiction that it's a person. A non-person, like a tornado, causes death and destruction, but it breaks no laws. Hence this demand conflicts with Demand #1. Yet I am sympathetic to what I perceive as the root issue being aired here; that very few executives of banks, brokerage firms and insurance companies have been prosecuted in connection with the financial collapse, even though the collapse resulted in terrible hardship for millions, if not hundreds of millions, of people. That can't be just! The regulatory agencies ought to have used this opportunity to take a long, hard look at each institution and found and prosecuted cases where laws were being broken. That they did not was irresponsible. However, the demand that "All financial industry executives who had even the remotest of connection to the collapse of our system, must be prosecuted", is equally unjust.

Average score 51%

¹ <http://coupmedia.org/occupywallstreet/occupy-wall-street-official-demands-2009>