

EXPRESSIONS

First Quarter 2011 | Volume 75 | Number 1

Forward or Back?

It's February, which means its Black History month. As in years past we reflect on the founding of our nation as a society that permitted slavery and its subsequent evolution to one that abolished the practice. Post emancipation was the struggle for equality under the law. The Civil Rights movement and The Reverend Martin Luther King are some of the things that immediately come to mind. When we reflect on this history it is usually from the perspective of how far we have come and recognition of things yet to be achieved. We may not be satisfied with the pace of progress, but we assume we will continue to move forward. Unfortunately if we think back to our school days, almost every one can remember a parent or teacher telling us that when we assume it just makes an "ass" of "u" and "me".

In this last election cycle the Tea Party movement has had a profound effect on politics in general and the Republican Party in particular. Articulating the sentiment that they want their country back is something the Republicans have exploited and promised to help the Tea Partiers do. The problem is just who has taken it away from them and how would things have to change for them to feel they got it back?

This January the Republicans regained control of the House of Representatives in Congress and the newly

elected Speaker John Boehner made the reading of the United States Constitution from the floor of the House the first order of business. Conveniently omitted from the reading was the passage in Article I, Section 2 that apportions Representatives in Congress "...by adding to the whole number of free persons, including those bound to Service for a Term of Years, excluding Indians not taxed, three fifths of all other persons."

It was this "three fifths" clause that was the basis for the Supreme Court's 1857 decision in the Dred Scott case. The Supreme Court ruled that being of African ancestry, Mr. Scott could never be a citizen of the U.S. because he belonged to the "three fifths" class not that of Free Persons class and as such had no standing in court. The court

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A Message from Keith Edwards

I would like to take this opportunity to wish you and your family a very Happy New Year.

We have many things happening this year as well as pending issues from last year. Our biggest issue of course is to bargain a new contract that is fair and equitable for all members. This year we will be bargaining two contracts, Verizon and Empire City Raceway & Casino. In the next few months CWA locals in partnership with IBEW will be meeting to put a mobilization plan into effect and also put a strategy together for bargaining.

In the very near future this local will be sending out a bargaining survey requesting members to voice their opinion on issues you would like addressed at the bargaining table.

Until then we have to stand together, not only as a Union but as United American Working Middle Class families. Unfortunately, we will have an up field battle especially after the Mid-Term Elections where Republicans have taken over Congress. We saw the Supreme Court ruled in favor of the "Citizens United", which allowed unprecedented spending

by corporations on Politicians that supported their interests and disregard the interest of American Workers. With all the money spent by these major corporations, they are now ready to call in their favors.

We, as CWA have never swayed from our position which is to restore bargaining and organizing rights, creating secure sustainable jobs in the United States and end the off shoring of jobs which has destroyed millions of families and real retirement security by blocking the privatizing of social security and Medicare as well as extending the retirement age to 70.

We will be calling upon all of our members as well as family and friends to help fight these issues by calling, e-mailing or writing letters to our Congressmen, Congresswomen and Senators.

We do have political friends like Senator Chuck Schumer who is sponsoring a call center "Right to Know" bill that he plans on introducing this year. This bill is very important to all working people but is especially important to this local because a majority of our members work in call centers. "This bill will not only serve to maintain call center jobs currently in the

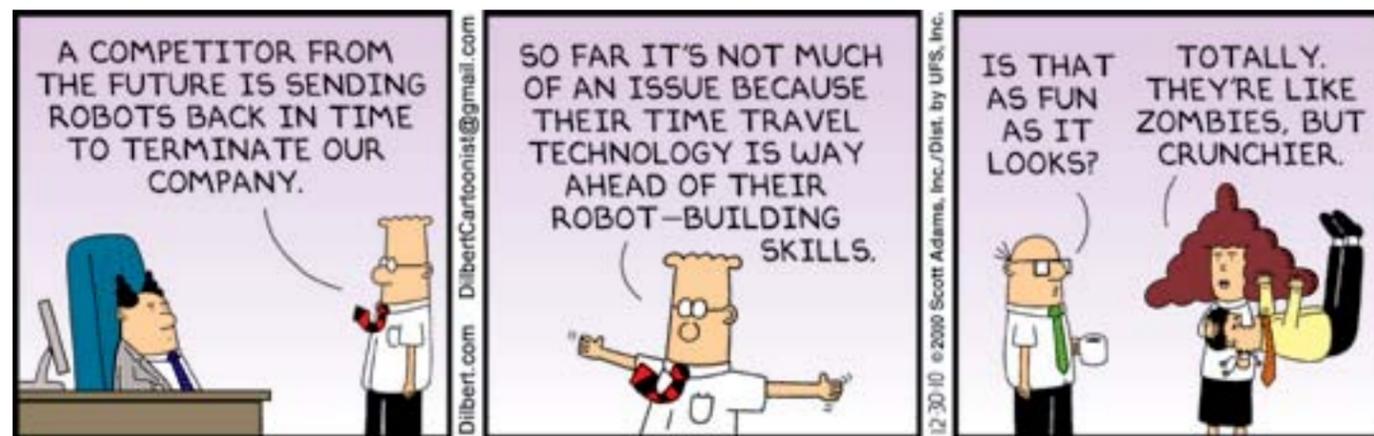
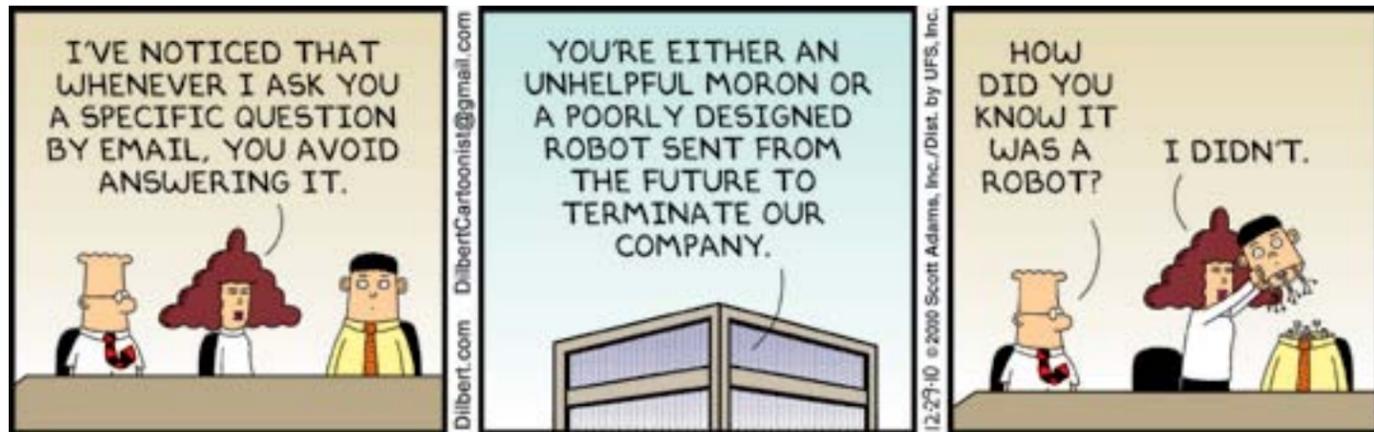
U.S., but also provide a reason for companies that have already sent jobs overseas to bring them back", said Schumer. Schumer is also exploring a possible excise tax on companies for every call or on-line chat transferred to foreign call centers. CWA 1105 will do what ever it takes to help get this bill passed.

Finally, on behalf of your Officers, Executive Board and I, we would like to thank all the members who supported the new By-Law change.

Below are the results of that vote:

Ballots Mailed	-	3261
Ballots Returned	-	455
Ballots Voided	-	3
Ballots Counted	-	452
Yes Votes	-	385
No Votes	-	67
TOTAL	-	452

REMEMBER IN UNITY THERE IS STRENGTH!!





From the Desk of Paula Lopez

With the New Year I feel as though I need to remind some of you about the dangers that surround you each day, computers and social networks. Innocently you can be at risk and put your job in jeopardy. I say innocently because I can't believe that someone who knows the consequences, would intentionally put their job in jeopardy. Having said that, I feel so strongly on this issue that I am beginning the New Year with a previously written article on Facebook. Please take it seriously.

When I tell people that I'm not on Facebook, I get strange looks and comments like what's wrong with you? Although I've been invited many times to join Facebook, I'm very hesitant. My opinion is that no matter how safe you may think it is, your privacy is always at risk. I have seen that Facebook can be a great tool to stay in contact with family and friends that are a distance away but it can also be very dangerous if not used with caution and common sense. The excitement of sharing pictures almost instantaneously is awesome but it can create a problem when that picture is taken during a time of sickness or disability.

What some people fail to realize is that not only are your loved ones connected to you but so is **SECURITY!** SECURITY USES FACEBOOK TO INVESTIGATE THE WHEREABOUTS OF MEMBERS WHO ARE OUT SICK ON AN INCIDENTAL ABSENCE, FMLA INTERMITTENT LEAVE, FCL (FAMILY CARE LEAVE) AND DISABILITY. **MEMBERS HAVE BEEN DISCIPLINED UP TO AND INCLUDING DISMISSAL!** This practice is not limited to Verizon. Many corporations are following in the same footsteps. In fact an article on Yahoo Tech News by Amy Luft dated Mon. Nov. 23, 2009 headlined "Canadian woman loses benefits over Facebook photo" was a crystal clear example. Apparently a Canadian woman out on sick leave for depression lost her benefits after her insurance agent found photos of her having fun on Facebook. Manulife, her insurance provider said that the photos showed she was able to work and that they had evidence she was no longer depressed. The Facebook posted photos included her at a Chippendales bar show, at her birthday party and on a sun holiday. She had taken three four-day trips

when she was feeling especially low, on her psychiatrist's advice. The case is pending Superior Court in Quebec. Pictures are not the only problem. What about that Facebook interaction during working hours? How many of you leave a cyber space trail that can potentially cost you your job? Do you know someone that no matter how hard they try, how professional they appear and no matter what position they apply for, they still can't get a job? They may want to re-evaluate how they are portrayed by what they have posted on these sites. The scope has expanded. Many companies are looking below the surface. They want the real picture and not one manufactured to get a job. Not only are employers investigating current employees, potential employers (approximately 50% currently) are now investigating job applicants through Facebook and My Space to see what the applicant is really all about. It's no longer about giving a good appearance and speaking intelligently. With the unemployment rate so high, employers can afford to be choosy. Please be very careful with your actions. Big Brother is always watching!

continued on the next page

Just to change gears, February is here and with that the celebration of Black History Month. When we think of great Black Americans, many names come to mind:

President Barak Obama	First Black American US President 2009
Dr. Martin Luther King	Civil Rights Leader & Nobel Prize Winner
Rosa Parks	Civil Rights Activist
George Washington Carver	Agricultural Chemist
Jackie Robinson	First Black Major League Baseball Player 1947
Bill Cosby	First Black Star of Network TV Show "I Spy" 1965
General Colin Powell	First Black US Secretary of State 2001
Condoleezza Rice	First Black Female US Secretary of State 2005
Ralph J. Bunche	First Black Nobel Peace Prize Winner 1950
Dr. Charles Drew	Inventor of the Blood Bank 1940
Sidney Poitier	First Black Male Oscar Winner 1963
Halle Berry	First Black Female Oscar Winner 2001
Daniel Hale Williams	Heart Surgery Pioneer 1893
Arthur Ashe	First Black Male won US Open 1968
Jack Johnson	First Black Heavy Weight Champion 1908
Bessie Coleman	First Black Licensed Pilot 1921
Booker T. Washington	First Black portrayed on postal stamp 1940
Vanessa Williams	First Black Miss America 1984
Serena & Venus Williams	Tennis Greats

As we know this list goes on and on. It continues to grow each day by contributors with outstanding accomplishments. These great names are among the many that are very familiar to us. I'd like to focus on a woman who was instrumental in helping many gain freedom. Harriet Tubman was born Araminta Ross around 1820 in Maryland. Her parents were slaves, which automatically made her a slave. As a youngster, her name was changed to Harriet. She had to work even when she was a little child. When she was twelve years old, she suffered a serious injury when an overseer threw a heavy weight which hit her in the head. After that incident she slept a lot and the condition remained with her the rest of her life. People with narcolepsy will suddenly fall asleep wherever they happen to be. When she was 25, she married John Tubman. Harriet was afraid that she was going to be sold and sent to the South, so she decided to run away. A white neighbor gave her some names of people she could contact to help her escape through the Underground

Railroad. The slaves knew they had to go north to find freedom. Through a series of safe houses, Harriet made her way to Canada where she became a free woman. She returned many times to Maryland to free her sister and her sister's children, as well as her parents. On her trip to free her husband, Harriet found that he married another woman. Overcoming her hurt and rejection, Harriet decided to devote herself to helping others gain their freedom. She made nineteen trips as a "conductor", (a person who traveled with slaves to help them escape) risking her life every time and successfully freed about 300 slaves. There was a \$40,000 reward offered to any bounty hunter who brought Harriet to the authorities! She always managed to avoid capture. Harriet became known as "Moses" because she was freeing her people just as Moses freed the children of Israel from Egyptian slavery. Harriet later married Nelson David, a former slave who was a Union soldier. During the Civil War, she worked for the Union Army, sometimes as a cook, sometimes as a nurse and even as a spy! Harriet

Tubman died in 1913 at the age of 93. After her death she received many honors including a ship named for her, Liberty Ship Harriet Tubman and in 1995, the federal government issued a commemorative postage stamp in her honor. We honor Harriet Tubman for her selfless dedication to helping others!

Just an update on the Absence Control Arbitration Case: It is still before the arbitrator. Hopefully this will be concluded this year in 2011. Currently we have in our local approximately 750 cases related to the company's Modified Absence Control Plan on hold pending the outcome of the arbitration hearings. As soon as a decision is rendered by the arbitrator, you will be informed.

I'd like to take this opportunity to wish all of you and your families a very happy, healthy, safe and prosperous New Year!

References re: Harriet Tubman: Wikipedia Encyclopedia & Women in History

15th Annual Christmas Toy Drive

Each year members of CWA Local 1105 adopt families for the Christmas Holidays that reside at Seneca-Freeman Houses. Seneca-Freeman Houses are transitional housing facilities that provide up to one year of residence for families trying to get on their feet. The facilities offer job training and child care so that residents can find employment that will lead to a self sustaining and stable environment.

Seneca-Freeman Houses offer families the hope of a better future and CWA Local 1105 members try to make that hope a reality by making the lives of the families that reside there a joyful one during the season of giving.

All gifts are member donated and we would like to especially thank those members from the Wantagh, Great River, West St., Summit Lake Drive and Forest Hills offices for their generous contributions to a very successful 2010 toy drive.

If your office is not listed above, but would like to participate in 2011 please contact Member Assistance Person (M.A.P.) Virginia Boscia at the Local on (718) 430-1500.



L. to R.: Northern Business Agent Maureen Sydnor, Chief Stewards Mike Kissane, Treasurer Bob Perez, Executive Secretary Helene Mesquita, M.A.P. Virginia Boscia, Chief Steward Ron Vlasaty, Central Staff Lourdes Delgado and Santa's Helper Aleena Gil



above: Seneca-Freeman House, Hunts Point, Bronx



at left from L. to R.: Chief Steward Ron Vlasaty, Member Assistance Person Virginia Boscia, Chief Steward Mike Kissane, Treasurer Bob Perez, Chief Steward Joan Oleskovic, and Northern Business Agent Maureen Sydnor prepare to do one of several gift runs from CWA Local 1105 headquarters to the Seneca Freeman Houses.

below second and third from the left: M.A.P. Virginia Boscia and Chief Steward Joan Oleskovic with the staff of Seneca-Freeman House.



below L. to R.: Treasurer Bob Perez, Chief Stewards Ron Vlasaty and Mike Kissane in front of the Christmas Tree at the Seneca-Freeman House Community Room



L.: Bags of gifts line the hallways and every nook and cranny of the Local the week before Christmas



R.: Donated gifts crowd the conference room at Local 1105

A Historical Key to the Pitfalls and Milestones on the Road from Slavery to Equality



U.S. Supreme Court Dred Scott v Sanford 1857



Dred Scott and his wife Harriet were slaves owned by Dr. John Emerson of the U.S. Army. Dr. Emerson's many assignments included those that were located in Free states and territories. Dr. Emerson was often accompanied by Dred Scott and his wife. After Dr. Emerson's death Dred Scott asked the doctor's widow for his and his wife's freedom, even offering to pay for it. Rebuffed, Mr. Scott sued in court. The Supreme Court ruled that being of African ancestry, Mr. Scott could never be a citizen of the U.S. because he belonged to the "three fifths" class not that of Free Persons class and as such had no standing in court. The court further ruled that Mr. Scott and his wife were not emancipated during their stay in the free territories as this would deny their owner of their property.



The Emancipation Proclamation

January 1, 1863

by Executive Order

President Abraham Lincoln

as Commander and Chief
of the Army and Navy

"... all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free..."



U.S. Supreme Court Plessy v Ferguson 1896



In 1890 Louisiana passed a law requiring railroads to provide separate coach accommodations for whites and blacks that were traveling within the state. In 1892 the Citizens Committee of Louisiana orchestrated an act of civil disobedience to challenge the segregation law. Homer Plessy purchased a first class ticket for a train ride that would begin and end in Louisiana and took a seat in the "whites only" car. One of Homer Plessy's great grandmothers was black making him 1/8th black or in the parlance of the day, octoroon. By all accounts Homer Plessy's skin color was so pale that his appearance would not have caused notice that he was sitting in the wrong racially segregated car. The Citizens Committee not only notified the railroad, they also hired a private detective to ensure Homer Plessy's arrest. The challenge to Plessy's arrest was on the basis that the law was unconstitutional and made it all the way to the Supreme Court in what is now commonly referred to as Plessy v. Ferguson. Relying on the principal of "states rights" the Court ruled against Plessy and established the "separate but equal" doctrine.



US Constitution



AMENDMENT XIII 1865

Section 1.
Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

AMENDMENT XIV 1868

Section 1.
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 4.
The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.



Brown v. Board of Education of Topeka 1954



Oliver Brown was a welder for the Santa Fe Railroad in Topeka, Kansas. Frustrated that his third grade daughter had to walk six blocks to catch a bus to take her to elementary school over a mile away Brown attempted to enroll his daughter at a closer school. Rebuffed because the schools were segregated, Brown and twelve other parents sued the Topeka Board of Education claiming that while separate, the schools were hardly equal. The Supreme Court ruled unanimously in favor of Brown and the other plaintiffs, thereby reversing Plessy v Ferguson.



Civil Rights Act of 1964



Title - An act to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States of America to provide relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Forward or Back?

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further ruled that Mr. Scott and his wife were not emancipated during their stay in the free territories as



Dred Scott

this would deny their owner of their property. As painful as this part of our history is, it is important to know from whence you came so you can figure out where you're going.

Six years later President Lincoln would sign the Emancipation Proclamation. Concerned that this Executive Order would be considered temporary, Congress passed and the States ratified the 13th amendment abolishing slavery in 1865. The 14th Amendment's citizenship clause overrode the Dred Scott decision in 1868. The passage of the 13th and 14th Amendments were radical changes on paper, the practical effects were less so.

In 1896 the Supreme Court would rule against Plessy in *Plessy v. Ferguson* and established the concept of "separate but equal". Reading for the majority Justice Brown delivered the opinion of the court that upheld the law requiring segregation of the races. The court found that while the 14th amendment was undoubtedly to enforce the absolute equality of the two races, it could not have been intended to abolish distinctions based

upon color. It cited the prevailing acceptance under the law that while "...forbidding the intermarriage of the two races may be said in a technical sense to interfere with the freedom of contract, and yet have been universally recognized as within the police power of the State". Another rational for upholding the law was the notion that it applied only to rail travel within the state and not between states; a concept that is currently referred to as "States Rights". The dissent in *Plessy v. Ferguson* was



Homer Plessy

written by Justice Harlan who wrote "...in view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind..." He went on to write "In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott Case*". As prescient as he was it took until 1954 in *Brown v. Board of Education* to overturn *Plessy*.

In the decade that followed the *Brown* decision this country wrestled with the morality of equality that culminated in the Civil Rights Act of 1964. Even to this day we tend to look back on that era from a black/white perspective. Hailed as a true hero of the Civil

Rights movement was Dr. Martin Luther King who said in 1963 "I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character." Dr. King stood for more than the equality of the races; he was about the equality of men. The March on Washington where Dr. King delivered his "I Have a Dream" speech was actually a march against poverty where he hoped to assemble a multiracial army of the poor.

From the inception of this country to today, we have made progress in delivering on the central theme laid down by our forefathers that *All Men are Created Equal*. We assume we will continue to move forward and not slip back, but remember what we were told happens when we assume.

Consider the remarks of Tea Party/Republican candidate, now Senator from Kentucky, Rand Paul in a series of interviews with the editorial board of the Louisville Courier Journal, NPR radio and Rachel Maddow on her TV show where he said he agreed with the antidiscrimination provisions of the Civil Rights Act of 1964 as it relates to public accommodations but feels that a business should be allowed to discriminate on the basis of race. While he claimed not to support or agree with discrimination by private business he also thought it was not the business of government to interfere with the practice in private settings.

Republican Presidential

hopeful Mississippi Governor Haley Barbour recently remarked when asked about growing up during the Civil Right movement "I just don't remember it as being that bad." When asked how Mississippi was able to integrate their schools without violence Barbour responded, "Because the business community wouldn't stand for it," he said. "You heard of the Citizens Councils? Up north they think it



was like the KKK. Where I come from it was an organization of town leaders. In Yazoo City they passed a resolution that said anybody who started a chapter of the Klan would get their ass run out of town. If you had a job, you'd lose it. If you had a store, they'd see nobody shopped there. We didn't have a problem with the Klan in Yazoo City." While the Citizens Councils were not the Klan they were formed in response to *Brown v. Board of Education* to preserve the southern way of life, which was another way to say prevent integration. As reported by the Jackson Sun of Tennessee a pamphlet put out by a Mississippi chapter of the Citizens Council included the following passage, "The Citizens' Council is the South's answer to the mongrelizers. We will not be integrated. We are proud of our white blood and our white heritage of sixty centuries. ...

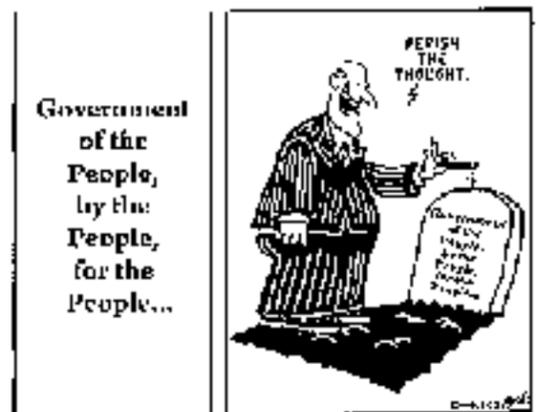
We are certainly not ashamed of our traditions, our conservative beliefs, nor our segregated way of life."

In December 2010 South Carolina held a Secession Ball to celebrate the sesquicentennial of that states secession from the United States that eventually led to the Civil War. When confronted with the inappropriateness of celebrating such a dark event in our Nation's history the near universal response of supporters of the celebration was that secession and the Civil War was not about slavery, but rather states rights. Even if we accept that answer, what states rights were they fighting for? Weren't they fighting for the right to decide if they would be a slave state or not?

Lack of knowledge is the definition of ignorance and ignorance of history is dangerous. If we view the differences between Democrats and Republicans on issues of the day without a historical perspective, it would be easy to fall into the trap of belonging to one of two divided camps. Many of us identify ourselves as Democrats or Republicans and dismiss most of the opposing party as wrong on the issues. We often espouse a love and loyalty to our chosen parties akin to a fan of a particular sports franchise. The pride of a Yankee fan was not diminished in the 1970's even though they weren't the team of Ruth and Gehrig. While the Republicans of today are considered anti-labor, anti-immigrant and pro-business it wasn't always so. It was President Lincoln and his fellow Republicans who championed emancipation and equality under the law. In Fact it was the Democrats, particularly in the south, that were ardent supporters

of segregation. With the passage of the Civil Rights Act of 1964 many Democrats defected to the modern day Republican Party. We would all be better served if we realize that whatever political party we belong to, it is the issues that count.

When you hear the current Republican leadership, Tea Partiers and self described conservatives of this country raise the rallying call for states rights, what do they really mean? During the last election cycle President Obama made the analogy that when you want to go forward in a car you put it in "D" as in Democrat and when you want to go backward your put it in "R" as in Republican. This is a poor analogy if it conveys the message that only Democrats want progress and only Republicans want to undo the good progress that we have made in this country, but it is a correct analogy for the current philosophies advocated by the parties' leadership today. You don't have to switch parties to be on the right side of history, you only need to insist the party you belong to stands for justice and equality. The hope of this country is that we will always go forward towards a more perfect union and to do so will require that we adhere to the principal that those who do not learn from history are doomed to repeat it.



Son of Citizens United

January 21, 2011 marked the one year anniversary of the Supreme Court ruling on the Citizens United case. As a result of the ruling, the McCain-Finegold Campaign Finance Reform law was struck down as unconstitutional. This decision flew in the face of over 100 years of settled law going back to the Tillman Act of 1907 that banned corporate monetary contributions to candidates for national public office. According to the New York Times 24 states would have to change their campaign laws as a result of the decision.

The Court reasoned that because corporations and unions took the form of artificial persons the law in question was an infringement on their free speech rights. While it is true the campaign contributions of both corporations and unions were

lifted, it did not result in a balanced effect. The financial resources of unions are insignificant compared to the mighty wealth controlled by corporations. Consider that during the 2008 Presidential election Exxon-Mobil made more in profits in three weeks than the Obama and McCain campaigns spent combined.

If you thought it couldn't get any worse, your wrong. Now before the Court is the "Son of Citizens United", *McComish v Bennett*. Arizona Republican State Representative, now State Senator, John McComish is challenging the constitutionality of Arizona's public financing law. Enacted over 12 years ago it was intended to remove the corrupting influence of money out of politics. Under the law if one candidate accepts public financing and

his opponent does not and the one not accepting the public financing spends more than the candidate who has maxed out of public financing, the State will allocate additional funds to the candidate who has accepted the public financing to level the playing field. According to McComish this dilutes the free speech of wealthy or well financed candidates who reject public financing.

Stay tuned for further developments in this case. If you want to learn more about Citizens United you can access past issues of the Express on our website cwa1105.org; select 1105 Express from the left hand menu and then "Money in Politics" to read about the Citizens United case and "Are Corporations People Too?" to read about the issue behind Citizens United.