

Corporations are not People

By Nancy Price and David e. Delk

A person asked if "a corporation is a person" would most surely laugh and say, "No, of course not!" But on January 21, '10, the US Supreme court once again said, "Yes." According to Citizens United v Federal Election Commission (FEC), corporations have First Amendment free speech rights to spend unlimited money for or against candidates in elections. The controversial "corporate personhood" legal doctrine was affirmed as the law of the land.

[How corporatons got rights of real people](#)

People create corporations as artificial entities through charters issued by states, subject to state and federal laws. Throughout the 19th century, corporations unsuccessfully attempted to relieve themselves of government regulation and accountability to the people. In a 1886 tax case, the Court asserted that the 14th Amendment, ratified to guarantee equal protection and citizenship rights to all persons born or naturalized in the United States, applied equally to corporations. Corporations suddenly became "corporate persons," even though women, Native Americans and most African-American men still had no right to vote!

Finally, in 1976, the US Supreme Court ruled in Buckley v. Valeo that money equals speech under the First Amendment. Money began to flood into political campaigns. In response, state legislatures and Congress enacted laws to regulate corporate money in politics. But now, the



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The US Supreme Court has thrown out limitations on corporate speech in political elections.

Now we must

strip corporations of their "Personhood Rights" and regain our constitutional rights as "We, the People."

By Nancy Price and David e. Delk,
co-chairs of the Alliance for Democracy

Roberts Supreme Court has overturned precedent, provoking a national cry of outrage that corporations can claim political and civil rights to overturn democratically enacted laws and to elect candidates

The Citizens United v. FEC Case

The Supreme Court first heard the case in March 2009. Citizens United, incorporated as a non-profit to promote right-wing causes, produced a film attacking Hillary Clinton, "Hillary: The Movie," during the 2008 primary elections. The FEC barred the film's release, concluding it was a corporate-funded electioneering advertisement, not a documentary. Thus, under the Bipartisan Campaign Reform Act of 2002 (McCain-Feingold Act), the film could not be shown within 60 days of the election. Citizens United challenged this ruling in the courts.

In June in a very unusual move, the Supreme Court asked for new briefs and reargument. Thus, the Supreme Court signaled its desire to broaden the scope of Citizens United beyond what was argued in the lower court. It wanted to examine the issue of corporate political speech more broadly in regard to the 1st Amendment and two important earlier Supreme Court campaign finance cases relating to state and federal elections. The Supreme Court set oral arguments for September 9, 2009.

Over the summer, newspaper editorials and op-eds warned that a broad ruling would allow corporations to spend unlimited amounts of money from their treasuries in elections for or against candidates, and would be a threat to democracy by allowing corporations to dominate the political process. In fact, the Supreme Court's recent decision overturned a

century of campaign finance laws going back to the 1907 Tillman Act, the first legislation prohibiting corporate money in national political campaigns. Now corporations, including U.S. subsidiaries of foreign multinational corporations, can spend unlimited amounts of money to buy election results they want and further manipulate politics and policy in their self interest. A crucial basis for this decision is that corporations, as "persons," enjoy free-speech rights.

Why it Matters

Many argue that the problem is not that corporations are people, but the need to regulate money in politics. But as Jeffrey Clements, a lawyer, points out in *Beyond Citizens United v. FEC: Re-Examining Corporate Rights*, since the 1970s corporations have aggressively used the 1st Amendment to strike down state and federal laws from "those concerning clean air and fair elections; to environmental protection and energy; to tobacco, alcohol, pharmaceuticals, and health care; to consumer protection, lottery, and gambling; to race relations, and much more."

Even more important is that once corporations became "people," their lawyers began to get more "rights" for them. In 1893, corporations were granted "due process" under the 5th Amendment; in 1906, they got 4th

Amendment search and seizure protections; in 1922 they got the "takings" clause of the 5th Amendment in which a regulatory law is deemed a "takings."

What Can "We, the People" Do?

In anticipation of this ruling, a broad and deep coalition of groups came together to form the Campaign to Legalize Democracy with a call to amend the Constitution. One hour after the Supreme Court opinion was released, the Campaign launched the "Move to Amend" website calling for people to support an amendment to firmly establish that money is not speech, and that human beings, not corporations, are persons entitled to constitutional rights.

A Constitutional amendment is needed to deny corporations "personhood," thereby stripping corporations of all constitutional rights conferred on them as "persons" by the Supreme Court over the decades.

The Roberts Supreme Court upset the wrong precedent; they should have overturned the precedent giving human rights to a non-human entity, the corporation.

For a brief introduction read, "Abolish Corporate Personhood," by Molly Morgan and Jan Edwards on the web.

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a project of the Campaign to Legalize Democracy

Since the Supreme Court announced their decision to allow full voice to corporations, tens of thousands of outraged people have realized the need to amend the US Constitution to allow constitutional rights to apply only to real human beings. They have signed the "Motion to Amend." Please join this movement to take back our Democracy.

Go to www.MoveToAmend.org and sign the petition.