

Think about it

- Every cause we care about and fight for is affected by corporate power: voting rights, campaign financing, environment, public education, safe food, social security and public retirement plans, healthcare, unions, consumer protection, and more.
- Focusing primarily on single-issue campaigns limits the success of those campaigns.
- The sole purpose of a corporation is to amass profit and consolidate wealth. They are legally required and structurally designed to make money at any cost. A corporation has no mind, no conscience. A human being thinks, tries to make ethical decisions, and is motivated by obligations to family and community.
- The structure of a corporation separates humans from their actions. Corporations destroy responsibility and hijack decision-making. They make humans do things collectively that they would never do as individuals: poison water, deny healthcare, and destroy the planet.
- A human being needs clean air, clean water, food, and love to survive. A corporation does not.
- The Supreme Court has ruled that money equals speech. The corollary is this: people who have money can speak, and people who don't, can't. This is a plutocracy, not a democracy.
- The American Revolution was explicitly anti-corporate, and the revolutionaries made sure that corporations were tightly controlled. For the first seventy-five years after the Revolution, corporations could only exist if they served the public good, and they were severely restricted in their activities.
- A person is a private entity with rights and sovereignty. A corporation is a public entity with obligations and responsibilities.

APPLYING "EQUAL PROTECTION"

Of the cases in this Court in which the 14th Amendment was applied during the first fifty years after its adoption, less than one half of one percent invoked it in protection of the Negro race, and more than fifty percent asked that its benefits be extended to corporations.

— Justice Hugo Black



The 14th Amendment (1868) did not apply to women, and, according to Justice Antonin Scalia, still doesn't.

Slavery is the legal fiction that a person is property.

Corporate personhood is the legal fiction that property is a person.

We, the People of the United States of America, reject the U.S. Supreme Court's Citizens United ruling, and move to amend our Constitution to firmly establish that money is not speech, and that human beings, not corporations, are persons entitled to constitutional rights.

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Corporate Personhood refers to court-created precedent that gives corporations constitutional rights intended solely for human beings.

Since 1886, people have been told by courts, legislatures, and state agencies that, corporations operating within their midst have more rights than the actual persons. Corporations carry the legal authority and power to nullify democratically enacted Ordinances that seek to protect the health, safety, and welfare of people and nature within their community.

Legislation alone will not resolve this imbalance of political power, nor will overturning Citizens United.

It's not too late to take democracy back.

But we'd better get moving, or it will be.

If we ended corporate personhood,
what would it give us?

A chance.

We the People

On January 21, 2010, with its ruling in *Citizens United v. Federal Election Commission*, the Supreme Court ruled that, since corporations are persons, they are entitled by the U.S. Constitution to buy elections and run our government. The vast majority of Democrats, Republicans, and Independents disagreed with the decision.

Did you know that under the doctrine of corporate personhood the Supreme Court has also:

- limited government regulation of corporations by deeming that regulations may constitute takings under the 5th Amendment. (*Pennsylvania Coal Co. v. Mahon*, 1922). Corporations have used the takings clause ever since to oppose and thwart environmental laws.
- prohibited citizens wanting to defend their local businesses and community from corporate chains encroachment from enacting progressive taxes on chain stores. (*Liggett v. Lee*, 1933)
- struck down state laws restricting corporate spending on ballot initiatives and referenda, enabling corporations to block citizen action through what, theoretically, is the purest form of democracy. (*First National Bank of Boston v. Bellotti*, 1977).
- prohibited routine inspections of corporate property without a warrant or prior permission, even though scheduling such visits may permit a company to hide threats to public health and safety. (*Marshall v Barlow's*, 1978)
- struck down state laws requiring companies to disclose product origins (*International Dairy v. Amnestoy*, 1996), thus creating “negative free speech rights” for corporations and preventing us from knowing what’s in our food.

Human beings are persons; corporations are legal fictions.



RESOURCES

In addition to copies of newsletters and handouts (some of which are also available online) some of the books and videos in OCPJ's Peace and Justice Resource Center lending library related to the growing corporate rights superseding the rights of people include:

Books

Corporations are not People: Why They Have More Rights and What You Can Do About It. Definitive Guide to Overturning *Citizens United*. Jeffrey D. Clements. Forward by Bill Moyers. 2012

Defying Corporations, Defining Democracy: A Book of History and Strategy. Dean Ritz, ed. This book is a collection writings by members of the Program on Corporations, Law, and Democracy (POCLAD). 2001

The Elite Consensus: When Corporations Wield the Constitution. George Draffan. 2003

Gaveling Down the Rabble: How “Free Trade” is Stealing our Democracy. Jane Anne Morris. 2008

Gangs of America: The Rise of Corporate Power and the Disabling of America. Ted Nace. 2005

Unequal Protection: How Corporations Became “People” and How You Can Fight Back. 2nd ed. Thom Hartmann. 2010

When Corporations Rule the World. David C. Korten. 1995

DVDS

The Corporation. This documentary explores the “inner workings, curious history, and controversial impacts” of modern corporations. 2005

Legalize Democracy. From Move to Amend, this 30 min. film features historical timelines of the Supreme Court cases that shaped the doctrine of “corporate personhood”, the rights guaranteed by amendments fought for by people’s movements. 2013

Story of *Citizens United v FEC*. From The Story of Stuff Project and Public Citizen this 9 minute animated film explores the toxic impact the *Citizens United* Supreme Court decision is having on our political process. Also available online.