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**RESOLUTION NO. 2012-8**

**A RESOLUTION OF THE ALBANY CITY COUNCIL CALLING FOR AN AMENDMENT TO THE U.S. CONSTITUTION TO FREE DEMOCRACY FROM CORPORATE CONTROL**

**WHEREAS**, the U.S. Supreme Court has granted corporations personhood status, free speech and other protections guaranteed to living humans by the Bill of Rights and the 14th Amendment, yet historically corporations were created as artificial entities that were subordinate to our democracy, the City of Albany, California asserts that corporations are not natural persons with human rights but artificial entities created by our government; and

**WHEREAS**, although corporations have made important contributions to society, they may exist simultaneously in many nations, use court granted "corporate rights" to get laws and regulations that protect people weakened or overturned, put profit ahead of any other concern, and use money derived from consumers and employees to lobby for statutes that endanger democracy, human values, and ecological survival; and

**WHEREAS**, the U.S. Supreme Court's ruling in *Citizens United v. the Federal Election Commission* further threatens our democracy by rolling back limits on corporate spending in electoral campaigns, allowing corporate money to drown out the voices of "We the People"; and

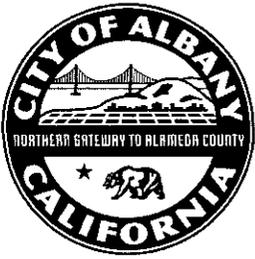
**WHEREAS**, U.S. Senate Judiciary Committee Chair Patrick Leahy stated that the ruling "will allow major corporations - who should have law written to control their effect on America - to instead control America;" and former Republican senator Warren Rudman wrote, "Supreme Court opinion notwithstanding, corporations are not defined as people under the Constitution, and free speech can hardly be called free when only the

1 rich are heard;" and former Senator Chris Dodd pointed out that "money is not speech,"  
2 that "corporations are not people" and that "a constitutional amendment is necessary to  
3 fully restore the trust and voice of the America people."  
4

5 **NOW, THEREFORE, BE IT RESOLVED**, that the Albany City Council  
6 calls for freeing democracy from corporate control by calling for an amendment to the  
7 U.S. Constitution to establish that: 1. Money is not speech, and 2. Corporations are not  
8 natural persons and not entitled to constitutional rights.  
9

10 **BE IT FURTHER RESOLVED**, that the Albany City Council requests that  
11 our appropriate elected representatives introduce and or support a constitutional  
12 amendment that contains both of these principles, or introduce motions to include these  
13 principles in related constitutional amendments.  
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# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • www.albanyca.org

**RESOLUTION NO. 2012-8**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 6th day of February, 2012, by the following votes:

AYES: Council Members Atkinson, Lieber, Thomsen, Wile and Mayor Javandel

NOES:

ABSENT:

ABSTAINED:

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 7th

Day of February, 2012.

Eileen Harrington  
DEPUTY CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of a diverse community, and providing a safe, healthy and sustainable environment.*



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**CITY OF ALBANY  
CITY COUNCIL AGENDA  
STAFF REPORT**

Agenda Date: February 6, 2012  
Reviewed by: BP

**SUBJECT:** Resolution No. 2012-8 - a Resolution of the Albany City Council Calling for an amendment to the U.S. Constitution to free democracy from corporate control, in response to the U.S. Supreme Court decision on *Citizens United v. Federal Election Commission*.

**REPORT BY:** Nicole Almaguer, City Clerk

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**SOCIAL & ECONOMIC JUSTICE COMMISSION RECOMMENDATION**

That the Council adopt Resolution No. 2012-8.

**BACKGROUND**

At the March 7, 2011 City Council meeting, Council referred a draft Resolution regarding corporate spending on election campaigns as related to the U.S. Supreme Court's January 2010 decision on *Citizens United v. Federal Election Commission* to the Social and Economic Justice Commission. Council requested the Commission provide analysis of pros and cons and suggestions for any alternative language to the Resolution.

**DISCUSSION**

As directed by the City Council, the Social and Economic Justice Commission reviewed this item over the course of several months. At its January 2012 meeting, the Commission approved the attached Resolution, recommending adoption by the City Council.

The resolution provides for the City Council to call for freeing democracy from corporate control by calling for an amendment to the U.S. Constitution to establish that: 1. Money is not speech, and 2. Corporations are not natural persons and not entitled to constitutional rights. It further provides for the Council to request the appropriate elected representatives introduce and or support a constitutional amendment that contains both of these principles, or introduce motions to include these principles in related constitutional amendments.

**SUSTAINABILITY IMPACT**

N/A.

**FINANCIAL IMPACT**

None.

**Attachments**

1. Resolution No. 2012-8
2. Citizens United v. Federal Election Commission – U.S. Supreme Court Case Summary
3. Supplemental Information re. Citizens United v. Federal Election Commission provided by Social and Economic Justice Commission

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**WHEREAS**, although corporations have made important contributions to society, they may exist simultaneously in many nations, use court granted "corporate rights" to get laws and regulations that protect people weakened or overturned, put profit ahead of any other concern, and use money derived from consumers and employees to lobby for statutes that endanger democracy, human values, and ecological survival; and

**WHEREAS**, the U.S. Supreme Court's ruling in *Citizens United v. the Federal Election Commission* further threatens our democracy by rolling back limits on corporate spending in electoral campaigns, allowing corporate money to drown out the voices of "We the People"; and

**WHEREAS**, U.S. Senate Judiciary Committee Chair Patrick Leahy stated that the ruling "will allow major corporations - who should have law written to control their effect on America - to instead control America;" and former Republican senator Warren Rudman wrote, "Supreme Court opinion notwithstanding, corporations are not defined as people under the Constitution, and free speech can hardly be called free when only the

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## United States Supreme Court

### Citizens United v. FEC, 08-205

[Read Citizens United v. FEC, 08-205](#)

**READ**

The Court rules that the government may regulate corporate political speech through disclaimer and disclosure requirements, but it may not suppress that speech altogether. Specifically, in an action brought by a nonprofit corporation, the makers of a documentary critical of Hillary Clinton's presidential candidacy, challenging the constitutionality of a federal law prohibiting corporations and unions from using their general treasury funds to make independent expenditures for speech that was an "electioneering communication" or for speech that expressly advocated the election or defeat of a candidate, a denial of a preliminary injunction for plaintiff is reversed in part where *Austin v. Michigan Chamber of Commerce*, 494 U.S. 652 (1990), is overruled, and thus provides no basis for allowing the government to limit corporate independent expenditures. Hence, the part of *McConnell v. Federal Election Comm'n*, 540 U.S. 93 (2007), that upheld the Bipartisan Campaign Reform Act section 203's extension of section 441b's restrictions on independent corporate expenditures is also overruled. However, the order is affirmed in part where BCRA sections 201 and 311 were valid as applied to the ads for the documentary and to the movie itself because disclaimer and disclosure requirements may burden the ability to speak, but they imposed no ceiling on campaign-related activities, or prevented anyone from speaking.

### Appellate Information

- Decided 01/21/2010
- Published 01/21/2010

### Court

- United States Supreme Court

## Learn More

From the *Citizens United v. Federal Election Commission* ruling:

**Majority Opinion** (Justice Kennedy, joined by Thomas, Roberts, Scalia and Alito) <http://bit.ly/5VdnbB>  
(<http://bit.ly/5VdnbB>)

**Dissenting Opinion** (Justice Stevens, joined by Sotomayor, Ginsburg, and Breyer) <http://bit.ly/5MEPOJ>  
(<http://bit.ly/5MEPOJ>)

**Other Justices' Dissents or Concurrences** <http://bit.ly/6zasOH> (<http://bit.ly/6zasOH>) Justice Stevens, in dissent, was compelled to state the obvious:

*... corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their "personhood" often serves as a useful legal fiction. But they are not themselves members of "We the People" by whom and for whom our Constitution was established.*

Looking to learn more? Here are some good places to begin:

1. [Corporate Personhood in a Nutshell](#) (#anchor-one)
2. [History of the Corporation](#) (#anchor-two)
3. [The Need for Constitutional Reform](#) (#anchor-three)
4. [Building a Democracy Movement](#) (#anchor-four)
5. [Reports and Commentary on Citizens United](#) (#anchor-five)

### 1. Corporate Personhood in a Nutshell

There are two conceptions of corporate personhood. The first simply bestows upon corporations the ability to engage in many legal actions (e.g. enter into contracts, sue, be sued, etc). This is widely accepted and we do not object to this. However, corporate personhood also commonly refers to the Supreme Court - created precedent of corporations enjoying constitutional rights that were intended solely for human beings. We believe this form of corporate personhood corrupts our Constitution and must be corrected by amending the Constitution. Neither the Declaration of Independence nor the Constitution ever mention corporations, which were rare entities at our nation's founding. But thanks to decades of rulings by Justices who molded the law to favor elite interests, corporations today are granted privileges that empower them to deny citizens the right to full self-governance. For example, the Supreme Court has:

- 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](http://supreme.justia.com/us/436/307/) (<http://supreme.justia.com/us/436/307/>), 1978)
- struck down state laws requiring companies to disclose product origins ([International Dairy v. Amnestoy](http://www.publichealthlaw.net/Reader/Id.php?doc_id=110920671) ([http://www.publichealthlaw.net/Reader/Id.php?doc\\_id=110920671](http://www.publichealthlaw.net/Reader/Id.php?doc_id=110920671)), (pdf) 1998), thus creating "negative free speech rights" ([http://www.reclaimdemocracy.org/personhood/negative\\_free\\_speech\\_corporations.html](http://www.reclaimdemocracy.org/personhood/negative_free_speech_corporations.html)) for corporations and preventing us from knowing what's in our food.
- prohibited citizens wanting to defend their local businesses and community from corporate chains encroachment from enacting progressive taxes on chain stores. ([Liggett v. Lee](http://caselaw.law.findlaw.com/cq-bin/netscape.pl?court=us&vol=39&invol=517) (<http://caselaw.law.findlaw.com/cq-bin/netscape.pl?court=us&vol=39&invol=517>), 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](http://supreme.justia.com/us/435/765/) (<http://supreme.justia.com/us/435/765/>).

The notorious 1886 case of [Santa Clara County v. Southern Pacific Railroad](http://caselaw.law.findlaw.com/cq-bin/netscape.pl?court=us&vol=118&invol=394) (<http://caselaw.law.findlaw.com/cq-bin/netscape.pl?court=us&vol=118&invol=394>) is just one in a long series of Supreme Court cases that entrenched "corporate personhood" in law. Justices since have struck down hundreds of local, state and federal laws enacted to protect people from corporate harm based on this illegitimate premise. Armed with these "rights," corporations wield ever-increasing control over jobs, natural assets, politicians, even judges and

the law. We believe corporations are not persons and possess only the privileges citizens and their elected representatives willfully grant them. Our Amendment will reverse the Court's invention of corporate personhood and limit corporations to their proper role: doing business.

## 2. History of the Corporation

**Sourcewatch: Corporate Rights** This page explores the Supreme Court's revolutionary and unconstitutional decision to asserting federal laws cannot limit corporate "speech." See: [http://sourcewatch.org/index.php?title=Portal:Corporate\\_Rights](http://sourcewatch.org/index.php?title=Portal:Corporate_Rights) ([http://sourcewatch.org/index.php?title=Portal:Corporate\\_Rights](http://sourcewatch.org/index.php?title=Portal:Corporate_Rights))

**Abolish Corporate Personhood** This speech, given by Molly Morgan of the Women's International League for Peace and Freedom, follows the history of corporate power from the American Revolution to the present, showing how elites have used the Constitution, the Courts and the corporation to quash the rights of We the People. See: [http://www.wilpf.org/docs/ccp/corp/ACP/Personhood\\_Talk.pdf](http://www.wilpf.org/docs/ccp/corp/ACP/Personhood_Talk.pdf) ([http://www.wilpf.org/docs/ccp/corp/ACP/Personhood\\_Talk.pdf](http://www.wilpf.org/docs/ccp/corp/ACP/Personhood_Talk.pdf))

**The Democracy Crisis** In this PowerPoint presentation, Riki Ott--an Alaska marine biologist who fought Exxon for twenty years after the Valdez oil spill--shows that the spill was not just an ecological crisis, but a manifestation of a democracy crisis. See: <http://ultimatecivics.org/spresent.html> (<http://ultimatecivics.org/spresent.html>)

**Corporatization: An Internal Clash of Civilizations** The authors write that, "Within the framework of U.S. constitutional law, in which personhood conveys fundamental protections against state action, the dubious doctrine of corporate personhood has allowed corporations to gain constitutional insulation from democratic control of corporate investment in key activities, including electioneering, lobbying, advertising, resource extraction, and manufacturing." See: [http://www.democracysquare.org/files\\_public/TNlyear05us.pdf](http://www.democracysquare.org/files_public/TNlyear05us.pdf) ([http://www.democracysquare.org/files\\_public/TNlyear05us.pdf](http://www.democracysquare.org/files_public/TNlyear05us.pdf))

**The "Right" to Harm the Environment** Jan Edwards and Alis Valencia connect corporate personhood to the destruction of the environment, citing specific instances in which corporations used the Bill of Rights to harm the planet and communities. See: <http://www.californiademocracy.org/corporations/resource/environ.pdf> (<http://www.californiademocracy.org/corporations/resource/environ.pdf>)

**Taking Care of Business** Richard Grossman explains the history of corporate rule and explains how states can use the corporate charter power to abolish illegitimate corporate "rights." See: <http://www.nancho.net/body/chrink1.html> (<http://www.nancho.net/body/chrink1.html>)

**The Essence of the Corporation** Ben Manski follows the legal history of the corporation from the ancient world to the early days of the Republic in order to understand its essence. See: [http://www.libertytreefr.org/publications/manski\\_essence\\_of\\_the\\_corpora...](http://www.libertytreefr.org/publications/manski_essence_of_the_corpora...) ([http://www.libertytreefr.org/publications/manski\\_essence\\_of\\_the\\_corpora...](http://www.libertytreefr.org/publications/manski_essence_of_the_corpora...))

## 3. The Need for Constitutional Reform

**Significant Cases In the Evolution of Corporate "Rights"** Reclaim Democracy has developed an excellent compendium of 20th century federal court decisions expanding federal protection for corporations. See: <http://reclaimdemocracy.org/personhood/> (<http://reclaimdemocracy.org/personhood/>)

**Timeline** This timeline by Jan Edwards lays out the cases that gave corporations the rights of persons and compares it to the struggles for rights for actual persons. See: <http://www.californiademocracy.org/corporations/resource/timeline.pdf> (<http://www.californiademocracy.org/corporations/resource/timeline.pdf>)

**Establishing a Constitutional Right to Vote** Don't Americans already have secure voting rights? In a word, no. See: <http://bit.ly/5S1RnQ> (<http://bit.ly/5S1RnQ>)

**Voter Bill of Rights** The Voter Bill of Rights is a document embraced by hundreds of voting rights organizations. It was originally a product of the 2001 Democracy Summer program, following the election debacle of 2000. It was amended for the 2004 and 2008 No Stolen Elections! campaigns. See: [http://www.nomorestolenelections.org/resources/voter\\_bill\\_of\\_rights](http://www.nomorestolenelections.org/resources/voter_bill_of_rights) ([http://www.nomorestolenelections.org/resources/voter\\_bill\\_of\\_rights](http://www.nomorestolenelections.org/resources/voter_bill_of_rights))

**Why So Many Good State Laws Are "Unconstitutional"** Corporate anthropologist Jane Anne Morris writes that, "Using the commerce clause, the "free trade" mantra of the time, they decided that states could not ban the manufacture, import, and sale of a substance that obviously many states wanted to ban. In other words [the] . . . Supreme Court acted as a legislature." See: <http://www.pojlad.org/bwa/Spring08.htm#pinkoleo> (<http://www.pojlad.org/bwa/Spring08.htm#pinkoleo>)

**Municipal Government and Local Democracy** As provided by CELDF, J. Allen Smith informed us in 1907 that, "The powerful corporate interests engaged in the exploitation of municipal franchises are securely entrenched behind a series of constitutional and legal checks on the majority which makes it extremely difficult for public opinion to exercise any effective control over them." See:

<http://www.celdf.org/HomeRule/JAllenSmithMunicipalGovernment/tabid/227/Default.aspx>

<http://www.celdf.org/HomeRule/JAllenSmithMunicipalGovernment/tabid/227/Default.aspx>

**Why Regulation Alone Won't Work** Regulatory agencies are often controlled by the industries they were formed to regulate. There is even a term for the phenomenon-- "regulatory capture." And a captured regulatory agency that serves the interests of the corporations that are supposed to regulate--with the power of the government behind them-- is very often worse than no regulation whatsoever. Corporate anthropologist Jane Anne Morris describes the history, and suggests what to do about it. See: [http://poclad.org/?pg=By\\_What\\_Authority&show=a000102.txt](http://poclad.org/?pg=By_What_Authority&show=a000102.txt) ([http://poclad.org/?pg=By\\_What\\_Authority&show=a000102.txt](http://poclad.org/?pg=By_What_Authority&show=a000102.txt))

#### 4. Building a Democracy Movement

**Extending Democracy** In this video, Ben Manski, Diane Farsetta and Kevin Alexander Gray join the Progressive Magazine in addressing the challenge of extending democracy in the United States: See:

[http://www.democracysquare.org/publications/video\\_extending\\_democracy](http://www.democracysquare.org/publications/video_extending_democracy)

[http://www.democracysquare.org/publications/video\\_extending\\_democracy](http://www.democracysquare.org/publications/video_extending_democracy)

**How and Why the People of Humboldt County Defended Local Democracy** Katilin Sopoci-Belknap, co-campaign manager the Measure T initiative banning corporate money in local elections, speaks at a community forum about the history of corporate power and how corporations hijacked the ability of communities to govern and defend themselves against abuse. <http://votelocalcontrol.org/sopoci-belknap.htm> (<http://votelocalcontrol.org/sopoci-belknap.htm>)

#### 5. Reports and Commentary on Citizens United

**Justices Turn Minor Movie Into Blockbuster Case** (<http://www.nytimes.com/2010/01/23/us/politics/23scotus.html>) by Adam

Liptak **Money Grubbers** (<http://www.slate.com/id/2242208/>) by Rick Hasen **The Pinocchio Project**

(<http://www.slate.com/id/2242208/>) by Dahlia Lithwick **Corporations Have No Business in Elections**

(<http://www.huffmag.com/news/opinion/commentary/18-08-young10-2010-06-3374783.html>) by Monica Young



# Timeline of Personhood Rights and Powers

<u>People Gain or Lose Rights and Powers</u>	<u>Year</u>	<u>Corporations Gain or Lose Rights and Powers</u>
<b><i>Somerset's Case</i></b> [England, 1772] An English judge rules slavery does not exist in England. A slave becomes free by stepping on English soil. The colonists wonder if slavery will soon be abolished in all English colonies. Runaway slaves attempt to flee to England to gain their freedom.	1772	
<b>Bill Of Rights</b> [1791] The first 10 Amendments to the U.S. Constitution were adopted to protect We the People from excesses of government. At this time, We the People meant only white males who owned property and were over 21 years old. The states decided how much property must be owned to qualify to vote or run for office. (New Jersey women who met property and residency requirements could vote when the Constitution was ratified, but the state revoked that right in 1807.)	1776	<b>Revolutionary War Begins</b> [1776]
	1789	<b>U.S. Constitution</b> [1789] The writers of the Constitution were very interested in protecting their property. Without using the words "slave" or "slavery," they made slavery legal and institutionalized it. "No person held in Service or Labour in one State, under the laws thereof, escaping into another, shall, in Consequence of any regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due." [Art. 4, Sec. 2]
	1791	
	1803	<b><i>Marbury v. Madison</i></b> [1803] This case established the concept of judicial review. The Supreme Court ruled that they were Supreme and Congress did not contest it. This gave them the power to make law.
	1819	<b><i>Dartmouth College v. Woodward</i></b> [1819] A corporate charter is ruled to be a contract and can't be altered by government. The word "corporation" does not appear in the Constitution and this ruling gave the corporation a standing in the Constitution. It also made it difficult for the government to control corporations, so states began to write controls into the charters they granted. The Supreme Court had "found" the corporation in the Constitution.
<b>States Begin to Loosen Property Requirements</b> for white males to obtain voting and citizenship rights. [1840 on]	1840	
<b><i>Dred Scott v. Sanford</i></b> [1857] Supreme Court decides that slaves are property and Congress cannot deprive citizens of their property. Slaves are "not citizens of any state" and "have no rights a court must respect." This decision is the functional opposite of <i>Somerset's Case</i> .	1857	
<b>13th Amendment</b> [1865] Slavery is abolished in the U.S. and any place subject to its jurisdiction. This amendment changed the third paragraph of Article 4, Section 2 of the Constitution.	1861	<b>Civil War Begins</b> [1861]
<b>14th Amendment</b> [1868] Black males are now citizens of the USA: "...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."	1865	
<b>15th Amendment</b> [1870] Black males get the right to vote. "The right of citizens... to vote shall not be denied or abridged... on account of race, color, or previous condition of servitude."	1868	<b><i>Paul v. Virginia</i></b> [1868] Corporate lawyers argued that under the privileges and immunities clause, corporations are citizens. Supreme Court ruled that corporations are not citizens under Article IV, Section 2. "The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."
	1870	

***Minor v. Happersett* [1874]**

Women argued that under the 14th Amendment equal protection clause, the U.S. Constitution established that their right to vote could not be denied by the state. The Supreme Court rejected this stating that the 14th Amendment was only intended to apply to black males.

**Compromise of 1877**

To settle a disputed presidential election, the Republicans made a deal with the Democrats (the party of slavery) that if the Republican Hayes became president, he would remove the Union troops from the South, the last obstacle to the reestablishment of white supremacy there.

*Of the 14th Amendment cases brought before the Supreme Court between 1890 and 1910, 19 dealt with African Americans, 288 dealt with corporations.*

***Plessy v. Ferguson* [1896]**

The Supreme Court ruled that state laws enforcing segregation by race are constitutional if separate accommodations are equal. Black males effectively lost 14th Amendment rights and much access to the "white world." *Plessy* legalized "Jim Crow" laws.

1873 ***Slaughterhouse Cases* [1873]**

The Supreme Court said: "...the main purpose of the last three Amendments [13, 14, 15] was the freedom of the African race, the security and perpetuation of that freedom and their protection from the oppression of the white men who had formerly held them in slavery." Corporations were not included in these protections.

1874

1877 ***Munn v. Illinois* [1877]**

Supreme Court ruled that the 14th Amendment cannot be used to protect corporations from state law. They did not actually rule on personhood.

1882 ***The Railroad Tax Cases* [1882]**

In one of these cases, *San Mateo County v. Southern Pacific Railroad*, it was argued that corporations were persons and that the committee drafting the 14th Amendment had intended the word person to mean corporations as well as natural persons. Senator Roscoe Conkling waved an unknown document in the air and then read from it in an attempt to prove that the intent of the Joint Committee was for corporate personhood. The court did not rule on corporate personhood, but this is the case in which they heard the argument.

1886 ***Santa Clara County v. Southern Pacific Railroad* [1886]**

"The court does not wish to hear argument on the question whether the provision in the 14th Amendment to the Constitution, which forbids a State to deny to any person within its jurisdiction the equal protection of the laws, applies to corporations. We are all of the opinion that it does." This statement by the Supreme Court before the hearing began gave corporations inclusion in the word "person" in the 14th Amendment to the Constitution and claim to equal protection under law. (The case was decided on other grounds.)

1889 ***Minneapolis & St. Louis Railroad v. Beckwith* [1889]**

Supreme Court rules a corporation is a "person" for both due process and equal protection.

1893 ***Noble v. Union River Logging* [1893]**

For the first time corporations have claim to the Bill of Rights. The 5th Amendment says: "...nor be deprived of life, liberty, or property, without due process of law."

1896

1905 ***Lochner v. New York* [1905]**

"Lochner" became shorthand for using the Constitution to invalidate government regulation of the corporation. It embodies the doctrine of "substantive due process." From 1905 until the mid 1930s the Court invalidated approximately 200 economic regulations, usually under the due process clause of the 14th Amendment.

*Slavery is the legal fiction  
that a Person is Property.  
Corporate Personhood is the legal  
fiction that Property is a Person.*

### 17th Amendment [1913]

The U.S. Senate is now elected by the people, instead of appointed by state governments.

### 19th Amendment [1920]

Women finally get the vote after 75 years of struggle. "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex."

### *Louis K. Liggett Co. v. Lee* [1933]

Justice Brandeis dissents: "The Prevalence of the corporation in America has led men of this generation to act, at times, as if the privilege of doing business in corporate form were inherent in the citizen; and has led them to accept the evils attendant upon the free and unrestricted use of the corporate mechanism as if these evils were the inescapable price of civilized life, and hence to be borne with resignation. Throughout the greater part of our history a different view prevailed."

### National Labor Relations Act of 1935

The National Labor Relations Board required employer neutrality when it came to the self organization of workers. It was a violation of the act if an employer interfered in any way with a union organizing drive.

### *Conn. General Life Ins. v. Johnson* [1938]

Justice Black dissents: "I do not believe the word 'person' in the Fourteenth Amendment includes corporations."

### *Hague v. C.I.O.* [1939]

The Court denies an incorporated labor union 1st Amendment rights. Only the individual plaintiffs, not the labor union or the ACLU, could invoke 1st Amendment protections. "[A corporation] cannot be said to be deprived of freedom of speech and of assembly, for the liberty guaranteed by the due process clause is the liberty of natural, not artificial persons."

1906

### *Hale v. Henkel* [1906]

Corporations get 4th Amendment "search and seizure" protection. Justice Harlan disagreed on this point: "...the power of the government, by its representatives, to look into the books, records and papers of a corporation of its own creation, to ascertain whether that corporation has obeyed or is defying the law, will be greatly curtailed, if not destroyed."

1908

### *Armour Packing Co. v. U.S.* [1908]

Corporations get 6th Amendment right to jury trial in a criminal case. A corporate defendant was considered an "accused" for 6th Amendment purposes.

1913

1917

### U.S. enters World War I [1917]

1919

### *Dodge v. Ford Motor Co.* [1919]

Michigan Supreme Court says, "A business corporation is organized and carried on primarily for the profit of the stockholders. The powers of the directors are to be employed for that end." "Stockholder primacy" is established. This is still the leading case on corporate purpose.

1920

1922

### *Pennsylvania Coal Co. v. Mahon* [1922]

Corporations get 5th Amendment "takings clause": "...nor shall private property be taken for public use, without just compensation." A regulation is deemed a takings.

1933

### *Louis K. Liggett Co. v. Lee* [1933]

The people of Florida passed a law that levied higher taxes on chain stores. The Supreme Court overturned the law citing the due process and equal protection clause of the 14th Amendment and the Interstate Commerce clause.

1935

1936

### *Grosjean v. American Press Co.* [1936]

A newspaper corporation has a 1st Amendment liberty right to freedom of speech that would be applied to the states through the 14th Amendment. The Court ruled that the corporation was free to sell advertising in newspapers without being taxed. This is the first 1st Amendment protection for corporations.

1938

1939

1941

### U.S. enters World War II [1941]

1947

### Taft-Hartley Act [1947]

Corporations are granted "free speech" in the union certification process, usurping the worker's right to "freedom of association" and greatly weakening the Labor Relations Act of 1935.

**Wheeling Steel Corp. v. Glander** [1949]  
Justice Douglas dissents. Regarding the ruling that corporations are given rights as persons under the 14th Amendment, he said, "There was no history, logic or reason given to support that view nor was the result so obvious that exposition was unnecessary."

1949

*Judge-made law  
is not democracy.*

**Brown v. Board of Educ. of Topeka** [1954]  
Public schools cannot be racially segregated. Often said to have overturned *Plessy*. The Supreme Court recognized that separate was not equal.

1954

**Civil Rights Act** [1964]  
This act ended voting discrimination and literacy testing as a qualification for voting, established the Commission on Equal Employment Opportunity, and ended discrimination in public facilities.

1963

**U.S. ground troops in Vietnam War**  
[1963]

1964

**24th Amendment** [1964]  
Poll taxes, which were used to keep Blacks and others from voting in some states, were abolished. "The right... to vote ... shall not be denied... by reason of failure to pay any poll tax or other tax."

1967

**See v. City of Seattle** [1967]  
Supreme Court grants corporations 4th Amendment protection from random inspection by fire department. The Court framed the question in terms of "business enterprises," corporate or otherwise. An administrative warrant is necessary to enter and inspect commercial premises.

1970

**Ross v. Bernhard** [1970]  
Corporations get 7th Amendment right to jury trial in a civil case. The Court implies that the corporation has this right because a shareholder in a derivative suit would have that right.

1971

**26th Amendment** [1971]  
Voting age changed from 21 to 18 years of age. Passed to recognize that if 18-year-olds could be drafted into military service, they should be allowed to vote.

**Reed v. Reed** [1971]  
Women get the 14th Amendment. There were earlier cases where it was assumed that women had equal protection. This was the case in which the 14th was ruled to apply to women.

**Roe v. Wade** [1973]  
The Supreme Court rules that state statutes against abortion are vague and infringe on a woman's 9th and 14th Amendment rights (to privacy). Abortion is legalized in the first trimester of pregnancy.

1973

1976

**Buckley v. Valeo** [1976]  
The Supreme Court rules that political money is equivalent to speech. This ruling expanded the First Amendment's protections to include financial contributions to candidates or parties.

**U.S. v. Martin Linen Supply** [1976]  
A corporation successfully uses the 5th Amendment to protect itself against double jeopardy to avoid retrial in an anti-trust case.

**Virginia Board of Pharmacy v. Virginia Consumer Council** [1976]  
The Supreme Court protects commercial speech. Advertising is now free speech.

***First National Bank of Boston v. Bellotti***  
[1977]

Dissent by Justices White, Brennan, Marshall: "...the special status of corporations has placed them in a position to control vast amounts of economic power which may, if not regulated, dominate not only our economy but the very heart of our democracy, the electoral process... The State need not allow its own creation to consume it." Rehnquist also dissented: "The blessings of perpetual life and limited liability ... so beneficial in the economic sphere, pose special dangers in the political sphere."

***Pacific Gas & Electric Co. v. Public Utilities Commission*** [1986]

Dissent by Justices Rehnquist, White, Stevens: "To ascribe to such entities an 'intellect' or 'mind' for freedom of conscience purposes, is to confuse metaphor with reality."

1977 ***First National Bank of Boston v. Bellotti***  
[1977]

The First Amendment is used to overturn state restrictions on corporate spending on political referenda. The Court reverses its longstanding policy of denying such rights to non-media business corporations. This precedent is used, with *Buckley v. Valeo*, to thwart attempts to remove corporate money from politics.

1978 ***Marshall v. Barlow*** [1978]

This case gave corporations the 4th Amendment right to require OSHA to produce a warrant to check for safety violations.

1986 ***Pacific Gas and Electric Co. v. Public Utilities Commission*** [1986]

Supreme Court decided that PG&E was not required to allow a consumer advocacy group to use the extra space in their billing envelope, upholding the corporation's right not to speak and protecting the corporation's "freedom of mind."

1990 ***Austin v. Michigan Chamber of Commerce*** [1990]

Supreme Court upholds limitations on corporate spending in candidate elections. First Amendment rights can be infringed if the state has a compelling interest.

1996 ***International Dairy Foods Association v. Amestoy*** [1996]

Supreme Court overturns a Vermont law requiring the labeling of all products containing bovine growth hormone. The right not to speak inheres in political and commercial speech alike and extends to statements of fact as well as statements of opinion.

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*This timeline was compiled by Jan Edwards with much help from Doug Hammerstrom, Bill Meyers, Molly Morgan, Mary Zepernick, Virginia Rasmussen, Thomas Linzey, Jane Anne Morris, and Richard Grossman.*

*(revised June 2002)*