



**Santa Clara Blues
Part 7**

by William Meyers

Because of corporate personhood and corporate constitutional rights, the ordinary, natural person has become a second-class person in the eyes of the law. A person who has to work for wages as a corporate employee loses his Constitutional rights (such as free speech) when he steps onto corporate property, according to the courts. In any dispute he has with a corporate person he is confronted with the economic penalty of having to buy justice from lawyers and courts, which for the corporation is a tax-deductible expense. For an international corporation a million dollars in legal costs hardly affects the bottom line; for a real person, a thousand dollars in legal costs may mean missing a rent or mortgage payment. Even if ordinary people try to work together, as in a labor union, they are not afforded the same privileges as a corporate person.

Finally, look at the corporate contributions to politicians and their overall ability to influence political thought through the corporate media. Without ever giving a penny to a politician's campaign the corporate media would have enormous control of the political process through their ability to filter news and opinions. Dependent on other out-of-control corporations for their own advertising income, they have no reason to anger their real clients by impartially reporting the news. When you add to that the enormous amounts of money that corporations are able to use to affect the political process you have the makings of absolute control of government and society. There have been some efforts by states and the federal government to put some mild restrictions on corporate campaign spending. But in First National Bank of Boston v. Bellotti the U.S. Supreme Court declared that corporate persons have the same free speech rights as natural persons, and could spend unlimited sums of money "speaking" in the form of ads and campaign contributions. The Massachusetts Supreme Court had unanimously upheld the validity of the campaign finance reform law in question.

Summing up, corporate personhood is bad because it is the basis of corporations being regarded by the Supreme Court with other rights such as equal protection under the law, free speech, the right to remain silent in criminal cases, and protection from searches. These rights in turn have been used by the corporations to corrupt our citizens, government and legal system, to treat workers and small businesses as economic prey, and to destroy the environment we all depend on to sustain life itself.

What would change if corporations lost personhood?

There are two broad areas that could change if we revoked corporate personhood. One is directly related to corporations not being persons for the purposes of the 1st, 4th, and 14th Amendments. The other is the critically important secondary effect of what can be achieved if we push corporations out of the political process, which can be achieved only if we remove their personhood. Knowing exactly what would or could change has to be based on what changes

have been made, or prevented, since the establishment of corporate personhood as a legal principle in 1886.

Fortunately we do have a road map of sorts, a mirror image of this issue. In 1896 the U.S. Supreme Court, in Plessy v. Ferguson, effectively declared that "negroes" were not protected by the Fourteenth Amendment, were not in fact the persons it was meant to protect. In 1956 in Brown v. Board of Education, the Supreme Court ruled so that suddenly "Negroes" again became full legal persons. I hope I don't need to describe the plight of African-Americans and other people of color during the period from 1896 to 1956, nor will I recount the campaign necessary to get the court to change its mind in 1956.

Were African-Americans (and others classified as non-white) suddenly better off the day after the 1956 ruling? Potentially yes, but factually no. It took years of protests, court cases, legislative changes, changes in people's awareness and semantics, and even many people's murders at the hands of those who opposed change, before African-Americans began to be treated, legally, socially, and economically, as citizens and persons. The process is not yet complete.

When corporate personhood is terminated, whether it be by a Supreme Court decision, an Amendment to the U.S. Constitution, or by citizens and States recovering the power to govern themselves democratically, the next day it may seem like nothing really has changed. But the potential for change will be as great as it was for people of color after Brown v. Board of Education.

Just as in 1956 you could predict that, finally guaranteed the protection of the Federal Government under the Fourteenth Amendment, people of color might soon be able to shop with white people, have the vote, elect people of color to office, and make substantial economic gains, we can predict what can happen after the ending of corporate personhood. But these things will not happen unless there are years of protests, court cases, legislation, and changes in people's awareness. We can't predict the details, but since we know what has been obstructed in the past, we can see what freedoms the people might gain once we begin to end corporate dominance.

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