



**Santa Clara Blues  
Part 9**

**How We Can Revoke  
Corporate Personhood**

by William Meyers

Corporate personhood and corporate constitutional rights are a lie. How do we get the courts and government to realize that?

The simple solution would be to somehow bring a case involving only corporate personhood to the Supreme Court and ask them to rule on it. Hopefully they would take a strict-constructionist line and recognize that the Constitution does not mean corporations when it says persons. This method is unlikely for a variety of reasons, the foremost being that the current Supreme Court is a product of the corporate-dominated legal system and appointees are designated by corporate-dominated presidents and approved by a corporate-dominated Congress. In addition, many roadblocks have been built into the system to prevent such a case from even coming to the Supreme Court. We would need a law in some State or locality specifically denying corporations personhood, but attorneys and judges have so far taken the view that any such law would be outside the allowable bounds for local jurisdictions. They can (and certainly will) advise elected officials that they cannot even allow such a law to come up for a vote or referendum.

But neither did the railroad attorneys simply declare corporations persons and a few days later have the Supreme Court agree with them. Powerful as they were, it took them 15 years to get corporate personhood enshrined in the system.

We will need a sustained grassroots campaign to abolish corporate personhood. This campaign has barely begun. We can win with education and action. We must try to pass laws abolishing corporate personhood in every local government and in every state. We must argue before the courts so that they become familiar with our ideas. We must pass referenda and then protest when our referenda are struck down by the corrupt judiciary. We must demand that elected representatives take a stand against corporate personhood if they want the votes of environmentalists, workers, and small business owners. And we must argue our points in the law schools where future generations of lawyers and judges are being trained.

Supreme Courts do not work in a vacuum. When the public cries out for an issue to be tried the Supreme Court loses its prestige, perhaps even its ability to govern the country, if it refuses to hear the issue. Even if, in the first case, the Supreme Court ruled in favor of corporate personhood, if they at least gave an actual rational to their madness, we would be able to tear it apart. We could focus on each point of their argument and bring suits appropriate to overruling each point.

We could, and probably should, clarify our position by an Amendment to the Constitution that clarifies the legal status of corporations. Amending the Constitution is a very difficult process, but it is the ultimate expression of the people's authority.

The corporate media will not be on our side;

we must communicate through our natural interconnectivity as a grassroots campaign. Other tactics are available besides education, legislation, and lawsuits. We can find corporations that will publicly and voluntarily renounce their corporate personhood. We can boycott corporations that lead the fight to retain corporate personhood. We can add civil disobedience and direct action to our campaign. If a State revokes corporate personhood, and the Supreme Court overturns them, we could refuse to participate in the federal government and simply govern ourselves through the State government until the Supreme Court sees the light.

The struggle to abolish slavery was long and difficult. Even as abolitionists seemed to have won, by passing the 13th and 14th Amendments, counterattacks were being prepared. Corporations were pronounced persons in 1886, and in 1896 black people were declared to be sub-persons. In the 20th century we have seen the emergence of wage-slavery on a massive scale. We must ask ourselves: Are corporations to be our masters? Or are we to be free? What price are we willing to pay for our freedom, and what price do we pay now for our ongoing subjugation?

The Abolition of corporate personhood is part of the abolition of slavery. It is deeply connected to our need to save the earth from environmental destruction. This is not an optional campaign. Hard as it might be to fight now, it is better to

fight now than in 20 years when corporations are even more entrenched

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and the average person has sunk even deeper into our modern style of slavery.

**Frequently Asked Questions:**

**What would be the immediate effect of revoking corporate personhood?**

The only immediate effect of revoking corporate personhood, either at the state level or by the Supreme Court, would be to cause the legal status of corporations to revert back to that of artificial entities. (We should refuse to use the old terminology of artificial persons.) They could still be represented in courts by attorneys and would be subject to the law and taxation.

However, a whole body of Supreme Court decisions would have to be re-examined. The ability of States, when granting or renewing corporate charters, to restrict harmful activities of corporations would be greatly enhanced. New legislation to protect the environment, workers, small businesses, and consumers could be enacted without worrying that it would be struck down by the Supreme Court.

**How would small businesses be affected?**

Small, incorporated businesses would become artificial entities under the law. Most small businesses have gained no meaningful advantage from corporate personhood. Small businesses do not have the kind of money it takes to corrupt the political process that large corporations have. Small businesses would be better situated to protect their interests since laws favoring local businesses over national and international corporations would become legal.

**If corporations can't lobby, how can they get laws that are fair to them?**

Revoking corporate personhood would not immediately prevent corporations from lobbying,

but it would allow laws to be passed (and enforced) that would restrict corporate lobbying and campaign contributions. If a state legislature or Congress is considering legislation that affects a particular industry they would be able to hold hearings and interrogate corporate representatives. If a corporation feels it needs a change in the laws, not for its own profits but in order to insure competition or public safety, it could petition the legislature to hold such a hearing.

**What about past harms done by corporate personhood?**

That is an interesting question with no certain answer. The Constitution prohibits ex post facto laws (laws that punish for deeds committed before the law was written), and properly so. However, revoking corporate personhood does not create an ex post facto law. It may be possible to force corporations to rectify damage they did to the environment during the era of corporate personhood.

**Would the media lose its freedom of the press and free speech?**

The ruling that corporate ads on political and social issues is free speech could be overturned, but the corporate media would continue to have freedom of the press. New legislation would be needed to restrict corporations to ownership of a single radio or TV station, newspaper, or magazine and to insure that individual and non-corporate voices could be heard as well.

**How will revoking corporate personhood affect non-profit corporations?**

Non-profit corporations would continue to operate as the artificial entities that they are. However, it would be possible to restrict for-profit corporations from working for corporate interests.

**Why don't unions have corporate personhood?**

Unions don't have corporate personhood, even though they are also, legally, artificial entities, because unions have never fought to get it. Unions have largely avoided the court system, correctly seeing it as the home court of their enemies.

**Why do you want to restrict the freedom of stockholders and people who work for corporations?**

This is a trick question. Corporate lawyers and propagandists will try to get people who work for corporations to support corporate personhood by lying to them about the effects of revocation. In fact individuals, whether they work for corporations or not, will retain all of the freedoms recognized in the constitution. In addition, individuals will have their freedom enhanced by not having their liberty overpowered by the rule of corporations. Only the artificial entity of the corporation will be redefined to have restrictions on its liberty.

**Wouldn't we lose the power to tax and regulate corporations?**

In the art of lying it is hard to surpass corporate lawyers. They have managed to place in the minds of law students, in the texts of some law books, and in the public mind, the idea that corporate personhood is necessary to bring corporations under rule of law. This is such a big lie it is amazing that they can tell it with a straight face. Corporations were taxed when they were artificial entities, long before they were granted personhood. They were more subject to the rule of law, not less, before receiving personhood. Read up on the history; don't be fooled again.