

Corporate Constitutional Rights

Key Non-1st Amendment “Right to Speak”

Supreme Court Decisions Creating or

Expanding Corporate Constitutional Rights



1819 **Dartmouth College v. Woodward**

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.

1882 **The Railroad Tax Cases**

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**

“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 Co. v. Beckwith**

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

1893 **Noble v. Union River Logging R. Co.**

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.”

1905 **Lochner v. New York**

“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 .

1906 **Hale v. Henkel**

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.”

1919 **Dodge v. Ford Motor Co.**

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.

1922 **Pennsylvania Coal Co. v. Mahon**

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

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

The U.S. Second Circuit Court of Appeals 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

2014 **Burwell v. Hobby Lobby Stores**

A landmark decision allowing closely held for-profit corporations to be exempt from a law its owners religiously object to if there is a less restrictive means of furthering the law’s interest. It is the first time that the court has recognized a for-profit corporation’s claim of religious belief. The decision is an interpretation of the Religious Freedom Restoration Act (RFRA) and does not address whether such corporations are protected by the free-exercise of religion clause of the 1st Amendment.

Source: *Timeline of Personhood Rights and Powers* by Jan Edwards et al. | <https://movetoamend.org/timeline>