Timeline of Personhood Rights and Powers

Above the line

Judge made law is not democracy.

Case of Sutton's Hospital [England 1612]

One of the earliest cases in Anglo-American jurisprudence that takes up the issue of corporate personhood.

Lord Coke famously wrote: "…a Corporation aggregate of many is invisible, immortal, and rests in intendment and consideration of the Law … and therefore … cannot have predecessor nor successor. They may not commit treason, nor be outlawed, nor excommunicate, for they have no souls, neither can they appear in person, but by Attorney. A Corporation aggregate of many persons, is a body politic, which body cannot be in person, nor can swear, it is not subject to imbecilities, or death of the natural, body, and divers other cases."

U.S. Constitution [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.3, Sec.2]

These words not found in the Constitution: Slavery, Democracy, Corporation.

Revolutionary War Begins [1776]

Marbury v. Madison [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.

"The Constitution, on this hypothesis, is addressed to the judges. It is their guide to the judiciary, which they may twist and shape into any form they please."

–Thomas Jefferson commenting on *Marbury v. Madison.*

Dartmouth College v. Woodward [1819]

This decision turned a corporate charter into a government-granted privilege into a contract that can not be altered by government. The word "corporation" does not appear in the Constitution, and this ruling gave the corporation standing in the Constitution. It also made it difficult for the government to control corporations, so states began to write contracts into the charters they granted. The Supreme Court had "found" the corporation in the Constitution.

Civil War Begins [1861]

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 constitutional drafting the 14th Amendment had intended the word person to mean corporations as well as natural persons. Senator Roscoe Conklin wrote an unknown document in the air and then read from it as an attempt to prove that the intent of the Committee was for corporate personhood. The court did not rule on corporate personhood, but this was the case in which they heard the argument.

Paul v. Virginia [1868]

Corporate lawyers argued that under the privileges and immunities clause, corporations are **not citizens** under Article 4, Section 2.

"The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

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 former master who had formerly held them in slavery." Corporations were not included in these protections.

Santa Clara County v. Southern Pacific Railroad [1886]

"The Court does not wish to hear argument on the question of whether 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 begun on 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.)

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.

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

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

Nobel 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."

Hale v. Henkel [1906]

Corporations get 4th Amendment "search and seizure" protections. Justice Harlan disagreed on this opinion: "…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."

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.

Armour Packing 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.

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.

U.S.enters World War I [1917]

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 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 prosperity of the business of corporations were an end in itself, and has led them to accept the evils attendant upon the free and unrestrained pursuit of corporate profit 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."

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."

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

Justice Black dissents: "I do not believe the word "person" in the 14th Amendment includes corporations."

National Labor Relations Act of 1935

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

U.S.enters World War II [1941]

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

Below the line

Slavery is the Legal Fiction that a Person is Property.

Corporate Personhood is the Legal Fiction that Property is a Person.

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

Somersett's Case [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.

Shays' Rebellion [1786]

Bill of Rights [1791]

The first 10 Amendments to the Constitution were adopted to protect the We 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 white women who met property and residency requirements could vote when the Constitution was ratified, but the state revoked that right in 1807.)

States begin to loosen Property requirements for white males to obtain voting and citizenship rights. [1820-1850]

Dred Scott v. Sanford [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 *Somersett's Case.*

13th Amendment [1865]

Slavery is abolished in the U.S. and any place subject to its jurisdiction. This Amendment changed Article 4, Section 2 of the Constitution.

14th Amendment [1868]

Black males are now Citizens of the U.S.A. "…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."

It was this second use of the word "person" that corporate lawyers argued should be applied to corporations.

15th Amendment [1870]

Black males get the right to vote. "The right of citizens of the United States to vote shall not be abridged…on account of race, color, or previous condition of servitude."

Insurrection of 1877

Union Pacific Strike [1885]

American Federation of Labor founded [1886]

Haymarket Massacre [1886]

Great Southwest Strike [1886]

Pullman and Great Northern Strike [1894]

Social Change in 1886

•Campaign for the 8 hour work day.
•Knights of Labor membership 1,000,000
with 60,000 Black and even more women members.
•Farmers Alliance has 100,000 members
•Populists grow up founding document **The Cleburne Demands**
•Vagrant Debtor Institute the **Brotherhood of Locomotive Firemen**
•Jesse Ruptiel's Kart Marts published in English
Looking Backwards **by Edward Bellamy [1887]**
1,000,000 + copies sold, 100 + groups formed

Since 1886, every time natural people won new rights
– like the Civil Rights Act – corporations became eligible for them as well.

Four places where corporations have been granted powers in the Constitution:
Contracts Clause, Interstate Commerce Clause,
Property Rights, and Personhood Rights which includes
14th Amendment, Bill of Rights, and Civil Rights Legislation.

Dodge v. Ford Motor Co. [1919]

The 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.

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.

The State of Pennsylvania passed a law varying it was illegal to strip mine houses causing them to collapse. The Court said the law was valid, but if the law were condemned for coal extraction and bank as a result, the government would have to pay the coal company to squeeze and thwart environmental laws. Takings compensation is the basis for NAFTA and WTO.

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. Wal-mart and other chains can not be banned by law from towns on the ballot.

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 paying a tax. This is the first 1st Amendment protection for corporations.

Taft-Hartley Act [1947]

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

17th Amendment [1964]

Poll taxes, which were used to keep Blacks and other 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.

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.

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.

Wheeling Steel Corp. v. Glander [1949]

Justice Douglas dissents: Regarding the ruling that corporations are giving rights as persons under the 14th Amendment, he said, "There was no history, logic or reason given to support that view." Now was the result so obvious that exposition was unnecessary."

24th Amendment [1964]

Poll taxes, which were used to keep Blacks and other 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.

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.

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.

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.

First National Bank of Boston v. Bellotti [1978]

Dissent by Justice 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 democratic political processes. The state need not allow its own creation to consume it." Rehnquist also dissents: "The Court's opinion breeds fall and limited liability…so beneficial in the economic sphere, pose special dangers in the political sphere."

Battle for Seattle WTO protest [1999]

Move to Amend

is a coalition of activists working towards passage of a Constitutional Amendment to end Corporate Personhood. More about this timeline at **www.MoveToAmend.org**

This Timeline was compiled by Jon Edwards with much help from: Thomas Linzey, Community Rights Counsel, Harrisonburg, Virginia; Rhiannon, Jeffrey Sapon-Shevin, Thomas Linzey, Jane, Anne Morris, Richard Grossman and Tony Dutzikes. Thanks to Carl Mayer for his article "Personalizing the Impersonal." Early supporters of this work include: The Alliance for Democracy, The Program on Corporations Law and Democracy, and The Women's International League for Peace & Freedom.

People gain or lose Rights and Powers

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

Corporations and the 1st Amendment:
Corporate Speech Rights
A corporation has the right to speak.
A corporation has the right not to speak.
Corporate speech includes "not a person" speech.
Restricting political money is the same as restricting political speech. Corporations argued for the right to be for and against the law.

Buckley v. Valeo [1976]

The Supreme Court rules that political money is equivalent to speech and is protected by the 1st Amendment's protections to include financial contributions and political speech.

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.

First National Bank of Boston v. Bellotti [1978]

The 1st Amendment is used to overturn state restrictions on corporate spending on political referenda. The Court rejects a longstanding policy of denying such rights to non-media corporations. This precedent is used with *Buckley v. Valeo* to thwart attempts to remove corporate money from politics.

Marshall v. Barlow [1978]

This case gives corporations the 4th Amendment right to require OSHA inspectors to present to check for safety violations.

Ross v. Bernhard [1970]

Corporations get 7th Amendment right to jury trial in a civil case. The Court implied that the corporation has this right because a shareholder in a derivative suit would have that right.

Virginia Board of Pharmacy v. Virginia Consumer Council [1976]

The Supreme Court protects commercial speech. Advertising is now free speech.

See v. Seattle [1967]

The Supreme Court grants corporations 4th Amendment protection from random inspection by fire departments. The Court framed the question in terms of "business enterprises," corporate or otherwise. An administrative warrant is necessary to enter and inspect commercial premises.

Taxation with Representation v. Internal Revenue Service [1978]

Corporations are granted "free speech" by stripping contribution limits, finding that they both restricted Free Amendment rights and did little to stop the concerns of the Bipartisan Campaign Reform Act.

Austin v. Michigan Chamber of Commerce [1990]

Supreme Court upholds limitations on corporate spending in candidate elections. 1st Amendment rights can be infringed if state has a compelling interest.

Nike v. Kasky [2003]

The Supreme Court heard arguments on whether purposeful untruths in advertising are protected political speech. Before settling the case back to a California court where it was settled in Kasky's favor, Pfizer, the state lawyers requested that the case be vacated. The question of whether the 1st Amendment gives a corporation the right to lie remains unsettled.

Specchnon.org v. FEC [DCC 2010]

The U.S. Court of Appeals for the District of Columbia invalidated federal contribution limits for independent expenditure groups. This decision resulted in the proliferation of taped PACs, which are independent expenditure groups that can take in unlimited contributions. The decision was based on the Supreme Court's ruling in *Citizens United v. FEC* that independent and uncoordinated expenditures do not give rise to the appearance of quid pro quo corruption.

Citizens United v. Federal Elections Comm. [2010]

Supreme Court overturned most provisions of McCain-Feingold legislation that restricted corporate money in federal elections and reversed a hundred-year precedent of Congressional restrictions on corporate speech. Court made explicit justification of "corporate personhood" by the Court.

International Dairy Foods Ass. v. Amestoy [1996]

Supreme Court overturns Vermont law requiring the labeling of all products containing bovine growth hormone. The right not to speak violates the free speech and commercial speech alike and extends to statements of facts as well as statements of opinion. This prevents laws requiring GMO's to be labeled.

Afghan War [2001] Iraq War [2003]

Americans for Prosperity v. Bonta [2021]

The Supreme Court has restricted corporate money in federal elections and reversed a hundred-year precedent of Congressional restrictions on corporate speech. Court made explicit justification of "corporate personhood" by the Court.

McCutcheon v FEC [2014]

The Supreme Court invalidated federal aggregate contribution limits, finding that they both restricted Free Amendment rights and did little to stop the concerns of the Bipartisan Campaign Reform Act.

Burwell v. Hobby Lobby [2014]

The Supreme Court determines that closely-held corporations can be considered "persons" for purposes of the protections of the Religious Freedom Restoration Act of 1993 (RFRA). The Court also determines that modern for-profit corporations are capable of "intrinsic" objectives.

Occupy Wall Street [2011]

Pacific Gas & Electric v. Public Utilities Commission [1986] Dissent by Justices Rehnquist, White, Stevens: "To ascribe such entities an "interest" or "mind" for freedom of conscious purposes, is to confuse metaphor with reality."

Patriot Act [2001]

Passed by Congress shortly after Sept.11, the Act violates the civil liberties and privacy of individuals. Originally scheduled to expire, key provisions were renewed in 2011.

Emergence of Social Movements [2010-2020]

-Black Lives Matter
-Me Too
-Marches Of Our Lives
-Rights of Nature

Wal-Mart v. Dukes [2011]

Supreme Court rules that employees can only bring class action suits if they prove a company has a policy of paying less to women or minorities. Statistics showing that a company's female workers earn far less and get fewer promotions than men will not suffice.

Shelby Co v. Holder [2013]

The Supreme Court held the coverage formula in Section 4(b) of the Voting Rights Act unconstitutional. Though the Court did not find Section 5 unconstitutional, the preclearance regime of Section 5 could not be enforced without Congress enacting a new coverage formula. This case resulted in renewed attempts by previously covered states to enact restrictive voting laws around a month after.

Oberegfell v. Hodges [2015]

The Supreme Court holds that the fundamental right to marry is guaranteed to same-sex couples by both the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment.

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