**HOW FICTIONAL CORPORATE CONSTITUTIONAL RIGHTS UNDO ENVIRONMENTAL PROTECTIONS  
By Jan Ellen and Kimmy Boyle, Sacramento Area Move to Amend**

In this workshop, we will learn:

* *How powerful corporate elites use so-called corporate constitutional rights to overturn democratically-enacted environmental protections;*
* *How the poor and dispossessed are disproportionately harmed by court created constitutional rights that allow corporations to destroy our environment; and*
* *What communities and real people like you can do to strip this environmentally disastrous and democracy destroying weapon from the corporate arsenal.*

**How Corporate Constitutional Rights Overturn Environmental Protections**

* For over 200 years, the Supreme Court has made a series of decisions that have extended inalienable constitutional rights to for-profit corporations, and other artificial entities incorporated by state law. While some believe this began in 2010 with the Court’s decision in *Citizens United v. Federal Elections Commission*, this actually began with a little-known 1886 decision in *Santa Clara County v. Southern Pacific Railroad Co.*, which opened the door for corporations to claim constitutional rights under the 1st, 4th, 5th, and the 14th Amendment (originally intended to protect the rights of African Americans)*.*
* This also include certain rights extended to corporations under Article I’s Commerce Clause and Contracts Clauses. Corporations have used the Commerce Clause (Article 1, Section 8), for example, to ship toxic waste from one state to another over the "health, safety, and welfare" objections of communities - claiming the waste isn't actually "waste" but "commerce."
* It should be noted that corporations originally resisted being classified as persons to avoid being sued. “Personhood” was attributed to them so that they could be sued. Thus, to start with they were only persons so that they would have to follow the law. A series of Supreme Court decisions has completely altered this status. Corporations are now using “personhood” to avoid having to follow the law.

**Poor People are Most Impacted by Corporate Right to Harm Environment**

* Corporations locate and pollute near the most vulnerable communities because these are the paths of least resistance. Voter suppression and lack of resources (both economic and political ) prevent these communities from fighting back against these corporations from moving in and polluting. The lack of resources and funds makes these communities unable to enforce existing environmental regulations making them prime targets for large industrial corporations to move in and have little fear of regulation or resistance.
* Because of this in one study they found that “racial makeup of an area was the most important factor in determining where a toxic waste facility was located”- forcing these already struggling communities to face the brunt of the negative effects of pollution and environmental degradation.
* These already disadvantaged and discriminated against communities are exposed 40% more often to these toxic environments than your average American. This on top of the discrimination and unfair treatment these Disadvantaged communities already face help force them into vicious and seemingly unbreakable cycles of poverty and over exposure to pollution. We live in a society that has systematically and historically discriminated against people of color, and poorer populations creating this vicious cycle that makes it extremely difficult for these communities to get out of these situations- making them more vulnerable and susceptible to being taken advantage of, and forcing them to experience the worst side effects of pollution and climate change.
* Environmental disasters -- both man-made and naturally occurring -- negatively impact their immediate surrounding communities, but the devastation is exasperated when these occur in our most vulnerable communities. Since these communities already struggle to survive on a daily basis recovering from environmental disasters takes them exponentially longer, and they typically don’t get the level of support or funds that other communities would receive. Examples of this discrimination against poorer communities and communities that are mainly made up of minorities goes way back and the trend has always remained the same
* **If have time use examples:** *Flint Water Crisis, Detroit Water Crisis, Hurricane Katrina in New Orleans, Hurricane Maria in Puerto Rico, Hurricane Harvey in Houston, North Carolina Ash Pond Spill, and more*

**Examples of Corporate Environmental Harms:**

* Corporations exist to maximize their profits no matter the environmental damage or loss of life and livelihoods they cause along the way. They will externalize their costs onto the most vulnerable communities because they face the least resistance there. These minority and poorer communities have been historically and systematically exposed to these greater environmental pollutions and damages adding to more disparity and inequality for these communities..

1. **Pilsen and Little Village, Chicago:** In August of 2012, the Fisk and Crawford Power Plants in Chicago closed their doors after more than a decade of conflict with local residents, grassroots community groups, and national environmental organizations. The two power plants, located in the predominantly Hispanic neighborhoods of Pilsen and Little Village, had some of the worst environmental compliance records in the country. In 2010, the power plants were among the leading sources of barium compounds, hydrochloric acid, hydrogen fluoride, mercury compounds and sulfuric acid. The emissions cost neighboring communities more than $120 million a year in hidden health damages. Despite mounting evidence of coal burning power plants contributing to climate change and health issues in the community, the City Council wouldn't put pressure on the company who owned the Fisk and Crawford Plants (Midwest Generation). After decades of fighting were finally able to get the plants to close, but the health problems caused by the pollution will remain with the community for generations.
2. **Emelle, Alabama:** In 1978, Chemical Waste Management, a subsidiary of Waste Management Inc., purchased a landfill permit for a 300-acre tract of land near the village of Emelle in the center of Sumter County, Alabama. In Sumter County, one of the country's most impoverished regions, where one-third of the residents live below the poverty level. Over 65 percent of the residents are Black and over 90 percent of the residents near the landfill in Emelle are Black. Since acquiring the landfill, Waste Management Inc. has dumped millions of tons of hazardous waste on what was once lush farmland, creating the largest hazardous waste landfill in the United States, and possibly the world. After decades of fighting, residents have been unsuccessful in closing the toxic waste facility.
3. **Chester, Pennsylvania:** Since 1985, a Pittsburgh investment company known as Russell, Rea & Zappala (and now Gomulka), has continued to build several toxic and hazardous waste treatment facilities in the community of Chester, Pennsylvania.Chester, Pennsylvania is a low-income, predominantly black (65%) neighborhood comprised of roughly 44,000 people. The poverty rate is 25% in this community is more than three-times the rate in the entire County. Chester is currently home to four toxic and hazardous waste treatment facilities, which residents claim are the underlying source of their recent health problems. The state government, however, has responded by claiming that a cause and effect relationship has not been determined, and consequently the Department of Environmental Protection (DEP) continues to grant permits for the construction of more hazardous waste facilities in Chester.

* We need to stop corporations from using their manipulated ‘Constitutional Rights’ to undermine and compromise our rights to a clean and safe environment for all, and especially for those communities that have it the worst and face the brunt of the negative impacts of climate change.

**What Communities and Real People like YOU Can Do**

* The first step is to strip corporations from having constitutional rights and being able to use them to sue governments, cities, counties, and individuals for implementing legislation that protects our rights to a clean environment. The way to do this is to join and support the Move to Amend Coalition and our We the People Amendment currently in Congress as House Joint Resolution 48. This amendment to the US Constitution makes it clear that corporations do not have constitutional rights and that their money is not equal to free speech. Call your house representative and senators and demand that they support this legislation! Until we do this corporations will use these manipulated rights and undermine our own rights. Corporations have and will continue to use these rights to protect their profits, no matter the cost to our environment, communities, or human life and livelihoods.
* We need to join together with grassroots organizations working in these communities who are at the forefront of these battles and support them in any way we can! There are many organizations out there working within these communities to fight against the exploitation and taking advantage of these communities.
* We need to start discussing and engaging everyone on the corporate manipulation of human constitutional rights and spread the word about corporate personhood. Corporate power, money, and influence is behind all of the problems and social injustices we face today from climate change and our fight to transition away from fossil fuels, wanting universal healthcare and affordable prescriptions, wanting affordable higher education, police demilitarization, and more. And yet for many people this will be the first time they’ve heard of corporate personhood or corporate constitutional rights. And as some may falsely believe, this isn’t an issue that will be fixed just by overturning just *Citizens United*. Corporate Personhood has been established over the past 150 years through court cases that have slowly granted them the same constitutional rights as ourselves. To get corporate money and influence out of our government, politics, and daily lives we must get to the root of the problem that lies within the court created doctrines of Corporate Constitutional rights. Join us!