**Move to Amend Presentation Outline for Fair Oaks Women’s Indivisible Huddle**

**1) Who we are & Introductions:**

* Brief introduction of presenters (who you are, how long you’ve been involved, what you do etc.), and what our presentation will be about: corporate constitutional rights and how we’ve gotten there
* Move to Amend is a national non-partisan organization committed to amending the US Constitution to unequivocally state that constitutional rights belong to human beings, not corporations, and that money is not equal to speech. We are willing to work with anyone who believes corporations are not people and money is not speech.
  + Polls show over 80% of the American public agrees with us that corporations are not people and money is not speech -- regardless of political affiliation (Democrats, Republicans, Greens, Libertarians, and Independents). We have the one issue that people agree with across the board!
  + We have affiliates (aka chapters) throughout the country working in their own communities to pass local resolutions and to put pressure on their Representatives and States to stand up for what is in the people’s best interest! Currently about 50 affiliates nationwide

**2) State of the world today**:

* For over a century in this country, corporate power has gradually whittled away our ability to exercise self-governance in elections, laws and policies that affect our lives.
* Under Trump, we are witnessing an unprecedented, unapologetic merger of corporate and government power. Problems created and perpetuated by corporate constitutional rights under previous administrations have greatly intensified:
  + Increased corruption (e.g. Trump’s refusal to divest of his business and stock portfolio before taking office as president, then appointing a cabinet of corporate CEOs to his cabinet with the aim of dismantling regulations that get in the way of their profits)
  + Human rights under attack (e.g. Trump profiting directly from approving the DAPL, bombing Syria and approving Erdogan’s questionable re-election in Turkey, appointing an Israeli ambassador that promoted permanent annexation of Palestinian lands that are under military occupation)
  + Unlimited money spent to influence our elections (e.g. billionaire hedge fund CEO Robert Mercer and the Koch Brothers pouring money into federal and local elections)
  + Decreased representation (e.g. voter ID laws in states, Trump’s attacks on journalists, decreased transparency in his administration)
  + Special interests lobbying politicians to support corporate profits

**3) What corporate charters used to be**: Originally corporate charters were creations of state law

* **How it used to be:** Originally, their creation required approval by full state legislatures and needed to be signed by governors (1800’s)
* These Charters were *limited* in purpose & duration, incorporated for specific public benefit, and they could be revoked when laws were broken by the corporation.
* Corporations could not own stock in other corporations, and they were prohibited from participating in any part of the political process. Individual stockholders were held personally liable for any harms done in the name of the corporation. In order to receive the profit-making privileges the shareholders sought, their corporations had to represent a clear benefit for the public good
  + **Examples:** to build a public road or utility, incorporated for 20 years, then need apply for renewal. Could be revoked by the state if corporation broke laws etc
* When our country was first founded, people were very skeptical of corporations because of their previous experience with British Corporations such as the East India Trading Company etc. that abused their powers and had little accountability or oversight by British gov.
* **How it is now**: Corporate charters are now approved by a legal clerk with an application and $250 fee: These are *Unlimited*  in their purpose, have infinite duration, and the public benefit is no longer required for the charter to be approved
  + unlimited purpose: can do multiple things all at once: ex Walmart: retail, entertainment, food, electronics, toys, own stock/ other corporations- create monopolies in industries etc or Disney Corporation owns ABC and ESPN as well as own Property Holding Companies, Financial Businesses and Investment organizations. They can do whatever they want to make the most profit etc.
  + Infinite duration: there’s no need to apply again. Ex. Standard Oil -- just changed it’s name, but continues to exist as Chevron. Coca Cola Corporation been incorporated since 1892.
  + public benefit no longer needed: corporation’s only purpose is to maximize profit for **shareholders**. In the Michigan Supreme Court case *Dodge v. Ford* in 1919 the judges ruled that “ 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.” - Ford had wanted to use the success and profits of the company and reinvest them into his workers by giving them raises and to use those profits to open more plants to employ more people, but his shareholders were unhappy with his vision because they were not getting all of the profits they felt their investment and the company's success demanded.

**4) Supreme Court decisions** **that laid the foundation for Corporations to gain constitutional rights:**

* Originally, corporations were given **privileges** (not rights) under statute (state law) that allowed them to have certain abilities like sue or be sued, own property, & pool risk together for investors. \*\*But these were NOT inherent or inalienable, unlike our RIGHTS set out in the Bill of Rights.
* Corporations tried to claim protection under the 14th Amendment (originally made to protect rights for African Americans and freed slaves) ever since it was introduced **1868**.
* Courts consistently **overruled** and shot down their attempts to claim corporations were represented under the 14th Amendment as *“persons”* until **1886** (sadly only 18 years after it was passed)
* In the case *Santa Clara County vs Southern Pacific Railroad 1886*- despite no mention of “corporations” in the Constitution, the definition of ‘persons’ used in the 14th Amendment was extended to corporations.
  + Corporatist lawyers then used this as precedent and passed/opposed laws based on this.
  + Later in **1889** in the Supreme Court Case *Minneapolis & St. Louis Railroad vs Beckwith* made the 14th Amendment clauses of “due process and equal protection” officially extend to protect corporations.
  + Corporations acquired legal *personhood* at a time when all women, all Native Americans, and even most African American men were still denied the right to vote.
* **Present day**: Thanks to a series of Supreme Court Cases corporations have access to inherent and inalienable protections granted to living individuals (real people) under the :
  + **Fourteenth Amendment:** Corporations were granted equal protection rights and recognized as ‘people’ (*Santa Clara v. Southern Pacific Railroad,* 1886)
    - In 30 years after this case, 14th Amendment applied to corporations 288 times vs. 17 times for Black people
  + **Fourth Amendment:** Through the case of *Hale v Henkel*, 1906, corporations won protections against search and seizure and random inspection.
  + **Fifth Amendment:** *Mahon v. Pennsylvania Coal Company,* 1922, awarded corporations protections from government takings and the ability to be awarded just compensation for ‘taken’ property or future profits that regulations could cause.
  + **First Amendment:** Freedom of Speech and Religion: First case was *Buckley v. Valeo,* 1976, which first recognized money (political spending) as a form of protected political speech. In the case *First National Bank of Boston v. Bellotti,* 1977, states couldn’t ban corporations from contributing to ballot initiatives. In *International Dairy Association v. Amestoy* 1996 the case gave corporations’ right NOT to speak (won the ability to not have to label foods as GMO’s). Through cases such as *Citizen’s United v. FEC 2010* and *Hobby Lobby v. Burwell 2014,* SCOTUS expanded their protections under the First Amendment’s Freedom of Speech and Freedom of Religion,

“In fact, the pattern over more than two centuries of US legal history is that **people** acquire rights by amendment to the Constitution- a long and difficult, but democratic, process- and **corporations** acquire them by Supreme Court decisions.”

**5) Women’s Rights vs Corporate Rights:**

Corporations have had more rights and protections given to them through court cases outside the democratic process than men of color and women of ALL colors -- most of whom are in the poorer, lower-income classes.

* *Reed vs Reed* (1971): This is the **first** SCOTUS case applying the 14th amendment “equal protections of the law” to women
  + This is 95 years AFTER it applied to corporations
  + In the case Mrs. Reed argued that the Idaho Code which specified that "males must be preferred to females" in the overseeing of estate decisions infringes upon her 14th Amendment Right that forbids discrimination based on gender. She won, and for the first time the Equal Protection Clause of the Fourteenth Amendment prohibited differential treatment based on sex
* Most recently: The *Hobby Lobby* case allowed for corporations to deny employee healthcare coverage that includes contraception if it violates its “religious belief.” This case made it clear that a (closed/ or family owned) **corporation’s religious rights** are more important than a **woman's right to choose** and make their reproductive health decisions- it opens the door for corporations to claim other religious protections

“As long as artificial corporate “persons” have superhuman rights under the law, the vast majority of people have little or *no effective voice* in our political arena, which is why we see *abolishing corporate constitutional rights* as so important to ending corporate rule and building a genuine democratic society.”

**6) How to fix this and Why We Need a Constitutional Amendment**: only way to overrule the Supreme Court is amending the Constitution!

* Amending the Constitution is the only way to address the illegitimate court created- doctrines of Corporate Constitutional Rights and Money as Free speech
* Reversing the ruling in *Citizens United* will only turn back the clock to 2009 and does nothing to undo over 130 years of court cases that have granted more and more inherent and inalienable rights to corporations.
* Move to Amend’s ‘We the People Amendment’- currently in Congress as House Joint Resolution 48- is the ONLY amendment that would abolish **both** doctrines of corporate constitutional rights and money as free speech
  + **[CHECK STRATEGIC PLAN FOR CURRENT YEAR’S GOAL & COSPONSOR COUNT -- currently at 73 Cosponsors in the House of Representatives as of March 8, 2020**]
  + Now aiming for next strategic goal: *introduce into Senate with 5 sponsors by end of year!*
  + We have a Ten-Year Strategic Plan to pass our Amendment: [www.movetoamend.org/plan](http://www.movetoamend.org/plan)

**7) Our organization is built on a solidarity and anti-oppression framework through our Movement Education Program**:

* + 1. Built upon feminist principles, rooted in solidarity organizing principles
    2. Commitment to racial & social justice (anti-oppression)
    3. Can’t change our politics without changing our culture (*“Law follows culture”*)
* Acknowledging that some people feel the effects of corporate rule and corporate exploitation more than others is **key** to understanding why we must root our principles in creating a more representative democracy for us all, and why we must work to protect and support our most vulnerable communities. If we ignore the wisdom and lessons from the people who have had to experience the worst sides of corporate rule than we do ourselves a disservice and we will not be able to create a genuine democracy that stands up for **all human rights.**

**8) Summary: Our goals and strategy**

* Move to Amend is building a multiracial, intergenerational, cross-class movement from the ground up (grassroots movement) to pass the ‘We the People’ Amendment abolishing Corporate Constitutional rights and Money as Speech.
* Making the connections between corporate rule and the social injustices we face today. Corporate money and corporate influence are always behind the issues addressed by other movements for justice and equality. If you have a #1 issue you’re focused on, make MTA your #2
* We have a 10-year Strategic Plan to pass WTP Amendment, that have achievable goals to mark our progress!
* If anyone from Indivisible, invite folks to talk with us about language and talking points for lobbying our reps to support HJR 48

**9) How to Get involved:**

1. Sign our petition and help collect new petition signatures
2. Call Your House Reps and Senators to cosponsor HJR 48 the We the People Amendment (or if in Senate ask to introduce a companion bill)
3. Add your group’s endorsement to MTA on our website (lists your name and website for our supporters to find)
   * 1. Several local, state, and national parties have endorsed this campaign: *search Endorsements & resolutions pages for Democrats and Greens for rough tally*
        1. We have received *Republican* endorsements: Pottowattamie County Republican Party of Iowa (endorsed & changed 2016 platform)
        2. We have the ONLY amendment with Republican Cosponsor: Rep. Walter Jones (NC)
4. Join or start a local affiliate (if Indivisible, join as a partner affiliate and keep your name)
5. Get involved in our National Campaign(s): ex) We The People Listen (Partner with National Campaigns) Support passing an MTA resolution in Sacramento County municipalities calling for the abolition of corporate constitutional rights and money as free speech (e.g. Los Angeles, one of the first cities to pass a resolution of this kind)

**Tips for How to Be Prepared:**

**1)** Be prepared for questions like: *“What about disclosure/clean money laws like AB14?”*

* + Good start and provides education on this issue, but is very likely to be overturned under SCOTUS doctrines of corporate free speech rights and money equals speech. Does create a “crisis of jurisdiction” that pressures Congress to change federal law that majority of states disagree with. (see Prohibition or Weed Legalization laws)

**2)** See our list of Endorsing Organizations: several local, state, and national political party organizations have endorsed the We the People Amendment (e.g. Progressive Democrats of America, California Democratic Party, Green Democratic Club of Sacramento County)

**3)** Learn about the process for amending the US Constitution:

* + Two ways to pass a constitutional Amendment under Article V: **1)** by the Congress with a **two-thirds** majority vote in both the **House of Representatives (290) and the Senate (67)** or **2)** by a **Constitutional** **Convention** called for by **two-thirds** of the State legislatures
    - MTA open to and prepared for both options to pass the amendment.

**4)** See the list of resolutions that have passed supporting this amendment (united4thepeople.org/state-local)

* + - **CA Proposition 59** -- statewide ballot resolution passed by nearly 7 million voters serves as a powerful mandate for local and state officials to support this amendment!
    - **CA City Resolutions** – some of the largest municipalities in the state have passed resolutions, including Los Angeles, San Francisco, and San Jose
    - **CADEM 2017 Resolution** – state Democratic Party unanimously passed a resolution calling for all its members to support the Move to Amend campaign and our congressional delegation to support the We The People Amendment

**5)** Learn about our Campaign’s Milestones:

* + Over 800 local resolutions passed across US, including over 300 ballot initiatives -- in conservative and liberal communities alike.
    - Over 50% of Wisconsin residents (over 3 million people) live in jurisdictions that passed our resolutions, including GOP Gov. Scott Walker’s hometown of Waukesha
    - Breckesville, OH -- voted for Mitt Romney in 2012 AND passed our resolution by a high margin
  + Passed states resolutions in 19 States -- including twice in California!

**\*\*Corporate Constitutional Rights Handout below:**\*\*

**Move To Amend**

**Important Supreme Court Cases Granting Corporations Constitutional Rights**

**Fourteenth Amendment 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 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.)

**Fourth Amendment Protections:**

***Hale v. Henkel [1906]*** 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.”

**Fifth Amendment Protections:**

***Pennsylvania Coal Co. v. Mahon [1922]*** Corporations get protections under the 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 saying it was illegal to dig under houses causing them to collapse. The Supreme Court overturned this law. Entire towns were undermined for coal extraction and sank as a result. Corporations have used the takings clause ever since to oppose and thwart environmental laws. Takings compensation is the basis for NAFTA and WTO.

**First Amendment Protections:**

***Buckley v. Valeo [1976]*** The Supreme Court rules that political money is equivalent to speech. This ruling expanded the 1st Amendment’s protections to include financial contributions to candidates or parties.

***First National Bank of Boston v. Bellotti [1977]*** The 1st Amendment is used to overturn state restrictions on corporate spending on political referenda. The Court reverses its 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.

***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 inheres in political and commercial speech alike and extends to statements of fact as well as statements of opinion. This prevents laws requiring GMO’s to be labeled.

***Citizens United v. Federal Elections Commission [2010]***Occupy Wall Street [2011] Supreme Court overturned most provisions of McCain-Feingold legislation that restricted corporate money in federal elections and reversed a hundred-year precedent of Congressional authority to regulate federal elections. Most explicit justification of “corporate personhood” by the Court.

