Timeline of Personhood Rights and Powers

Above the line
Corporations gain or lose Rights and Powers

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]

Judge made law is not democracy.

Three 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 a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please."
—Then-president Thomas Jefferson commenting on *Marbury v. Madison.*

Dartmouth College v. Woodward [1819]
This decision turned a corporate charter from 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 controls into the charters they granted. The Supreme Court had "found" the corporation in the Constitution.

Civil War Begins [1861]

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."

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 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 was the case in which they heard the argument.

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 of 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.

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 white men who had formerly held them in slavery." Corporations were not included in these protections.

Nobel v. Union River Logging [1893]
For the first time corporations have claim to the 5th Amendment says: "...nor be deprived of life, liberty, or property, without due process of law."

Minneapolis & St. Louis Railroad v. Beckwith [1889]
Supreme Court rules a corporation is a "person" for both due process and equal protection.

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."

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.

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.

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. Mom & Pop Smart and other chains can not be banned by law from towns on this precedent.

Pennsylvania Coal Co. v. Mahon [1922]
Corporations get 5th Amendment "takings clause": "...not 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 mine coal in ways that kill people. The Supreme Court overturned the 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.

U.S.enters World War I [1917]

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 being taxed. This is the first 1st Amendment protection for corporations.

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.

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

Taft-Hartley Act [1947]
Corporations are granted "free speech" in the union certification process, stopping worker's right to "freedom of association" and greatly weakening the Labor Relations Act of 1935

U.S.enters World War II [1941]

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

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.

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.

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.

U.S. v. Martin Linen Supply [1976]
A corporation successfully uses the 4th Amendment to protect itself against double jeopardy to avoid retrial in an anti-trust case.

Virginia Board of Pharmacy v. Virginia Consumer Council [1976]
The Supreme Court protects commercial speech. Advertising is now free speech.

Marshall v. Barlow [1978]
This case gave corporations the 4th Amendment right to require OSHA to produce a warrant to check for safety violations.

Pacific Gas & Electric v. Public Utilities Commission [1986]
The Supreme Court decided that PG&E was not required to allow a consumer advocacy group to use the extra space in their billing envelope, upholding the corporation's right **not** to speak and protecting the corporation's freedom of mind.

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.

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 to 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 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 authority to regulate federal elections. Most explicit justification of "corporate personhood" by the court.

Nike v. Kasky [2003]
The Supreme Court heard arguments on whether purposeful untruths in advertising are protected political speech before ending the case back to a California court where it was settled in Kasky's favor, finding that the state laws requiring truth in advertising had been violated. The question of whether the 1st Amendment gives a corporation the right to speak lies remains unsettled.

Corporations and the 1st Amendment:
Money is equivalent to Speech.
A corporation has the right to speak.
A corporation has the right not to speak.
The 1st Amendment includes fact as well as opinion.
Restricting political money is the same as restricting political speech.
Corporations argued for the right to lie but so far do not have it.

Afghan War [2001]

Iraq War [2003]

1772 1776 1789 1791 1803 1819 1840 1857 1861 1865 1868 1870 1873 1874 1877 1882 1886 1889 1893 1896 1905 1906 1908 1913 1917 1919 1920 1922 1933 1935 1936 1938 1939 1941 1947 1949 1954 1963 1964 1967 1970 1971 1973 1976 1977 1978 1986 1990 1996 1999 2001 2003 2010 2011

Below the line
People gain or lose Rights and Powers

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 We the 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... to vote shall not be abridged...on account of race, color, or previous condition of servitude."

Minor v. Happersett [1874]
Women argued that under the 14th Amendment equal protection clause, the U.S. Constitution established that their right to vote could not be denied by the state. The Supreme Court rejected this stating that the 14th Amendment was only intended to apply to black males.

Susan B. Anthony went to the polls and cast a vote in 1872, justifying her right to vote on the 14th Amendment. The case never went to court. Her trial for the vote she had cast guilty in a lower Court.

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** draw up founding document **The Cleburne Demands**
***Eugene Debs builds the Brotherhood of Locomotive Firemen**
****Das Kapital* by Karl Marx published in English**
****Looking Backwards* by Edward Bellamy [1887]**
1,000,000 + copies sold, 100 + groups formed

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.

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."

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.

Louis K. Liggett Co. v. Lee [1933]
Justice Brandeis dissents: "The prevalence of the corporation in America has led men of this generation to look, at times, as if the privilege of doing business in corporate form were inherent in the citizen; and has led them to accept the evils attendant upon the free and unrestricted use of the corporate mechanism 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."

National Labor Relations Act of 1935
The National Labor Relations Board required employer neutrality when it came to the self-organization of workers. It was a violation of the Act if an employer interfered in any way with a union drive.

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."

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 nor was the result so obvious that exposition was unnecessary."

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.

24th Amendment [1964]
Poll taxes, which were used to keep Black people 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.

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.

Roe v. Wade [1973]
The Supreme Court rules that state statutes against abortion violate 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 [1977]
Dissent by Justices 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 democracy, the electoral process... The state need not allow its own creation to consume it." Rehnquist dissent: "The blessings of perpetual life and limited liability...so beneficial in the economic sphere, pose special dangers in the political sphere."

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

Battle for Seattle
WTO protest [1999]

Occupy Wall Street [2011]

Patriot Act [2001]
Passed by Congress following Sept.11, the Act violates the civil liberties and privacy of individuals. Originally scheduled to expire, key provisions were renewed in 2011.

Wal-Mart v. Dukes [2011]
Supreme Court rules that employees can only bring class action suits if there is proof 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.

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

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