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 **TODAY'S "SHORT TOPIC"**
**CORPORATE
"PERSONHOOD":
NOT A NEW CONCEPT –
CITIZENS UNITED WAS
MERELY A REMINDER!**



By Stephen L. Bakke  March 1, 2016

Here's what provoked me:

It's campaign season and the Democrats are promising to get reverse the Citizens United Supreme Court decision. Whatever you think about Freedom of Speech rights for corporations, it's a Constitutional issue and probably won't be reversed any time soon. So what's behind this controversy? First, the First Amendment states: "Congress shall make no law abridging the freedom of speech, or of the press....." Let's start there and find out more.

Here's my response:

Corporate "Personhood": Not a New Concept – Citizens United Was Merely a Reminder!

It's campaign season and Democrats are promising to reverse the Supreme Court's Citizens United decision. The First Amendment states: "Congress shall make no law.....abridging the freedom of speech, or of the press....." Those words make no distinction between corporation or individual but even if it had said "person," the situation is the same. The "Citizens" decision affirms that freedom of speech, including political speech, also applies to corporations. If the First Amendment didn't apply to corporations, then the StarTribune would not have the Constitutional protection it properly claims.

Much of the opposition to "Citizens" contend that corporate rights and personhood are of recent origin. Whether the concept is good or not, its origins go back to our founding and beyond, to the laws of England. Alexander Hamilton observed that to "erect a corporation, is to substitute a *legal* or *artificial* to [for] a *natural* person" – i.e. an "artificial person." Justice James Wilson (nominated in 1789) stated that "artificial persons have been formed to promote and perpetuate the interests of commerce, of learning, and of religion." And an early entry in the U.S. Code specifies that corporations are included in the reference to "person."

What this really means is that Americans, when collectively coming together in corporations, unions, or non-profit organizations, don't give up their Constitutional rights – speech, press, and protected property ownership for example. What a tragedy it would be if corporate property could be arbitrarily confiscated!

The Supreme Court followed the Constitution and did not merely create a new interpretation. That's a fact, whether you like the concept of corporate "personhood" or not!