

**RESOLUTION TO BE PRESENTED TO THE NATIONAL
CONVENTION
NATIONAL LAWYERS GUILD
OCTOBER 1996**

Resolution on Corporations and the First Amendment

Whereas, corporations for profit have come to play an increasingly dominant role in our country's political life, as economic power has become more and more concentrated in a handful of giant corporations with gross incomes larger than the gross domestic products of most nations. General Motors is bigger than Denmark; and

Whereas, the assets of the 500 largest corporations in America more than doubled from \$1.2 trillion to \$2.7 trillion from 1980 to 1994. During this same period, these corporations destroyed 4.4 million jobs, almost one-third of their work force; and

Whereas, the exercise of political and economic power by these giant corporations has been buttressed by a series of U.S. Supreme Court decisions ever since the Court declared without discussion in Santa Clara County v. Southern Pacific Railroad (1886) that corporations are persons under the Fourteenth Amendment; and

Whereas, several cases since 1976 have expanded the First Amendment rights of for-profit corporations to encompass protection of advertising, negative or compelled speech, commercial speech, and unlimited expenditure in support of candidates, parties and ballot issues, as in, e.g. Buckley v. Valeo (1976), First National Bank of Boston V. Bellotti (1978), Central Hudson Gas & Electric v. Public Service Commission of New York (1980), and Pacific Gas & Electric v. Public Utilities Commission (1986);

Now, therefore be it resolved that the Planning Committee for the 1997 Convention provide full-fledged debate on the issues in this Resolution, including:

- to lift the corporate shield of corporate board members from responsibility for corporate decisions
- to urge state secretaries of state to deny corporations the right to do business in their states if they are in violation of federal or state health, safety, labor laws and civil rights law
- to undo the 1886 Supreme Court decision that a corporation is a person entitled to Fourteenth Amendment protection.

Implementation: By a Special Committee on the Corporation, the Constitution and Human Rights to be established, that will define critical issues and the role of the Guild in addressing those issues.

Submitted by:

Los Angeles Chapter of the NLG
New Temporary Committee on the Corporation, the Constitution and Human Rights, co-chairs Carlin Meyer & Ward Morehouse

(passed 10/96)