

Thank you for inviting me to speak this morning. I appreciate being here and offering a few words or update and additional comments.

I want to extend an invitation to each of you to come to Eugene on Oct 19 for the 10th annual meeting of the OR UU Voices for Justice. The theme is “Advocating for Justice and Equity for all.” We have four featured speakers, Rev. Richard Davis (UU of Salem), Exec Director of Interfaith Movement for Immigrant Justice, a climate activist, Leonard Higgins, and me talking on Deepening our Democracy.

When I was last here I talked about the need to always make clear that we need and want a peace economy, not a war economy. The war economy is built currently on the notion of Endless War. Pres. Trump recently said that even if we conclude peace talks with the Taliban, we will still keep troops in Afghanistan. Will it never end?

Recall that I had said that the 2019 federal budget included 54% of discretionary spending going to the military; that in Pres Trump's 2020 budget request that 54% increased to 61% and that projections are that by 2023, the military will take 65%.

Since then, the House and Senate have each approved different versions of the war budget. The House finally found its backbone and approved progressive amendments to their version seriously limiting the powers of Trump to wage war. Among the amendments are ones preventing Trump from launching a military strike on Iran without prior congressional approval, blocking emergency arms sales to Saudi Arabia, ending US military support to the Saudi-led coalition in Yemen, and repealing the 2002 authorization for the use of military force that authorized the Iraq War and many wars since.

Because of differences in these two bills, Representatives and Senators will form a conference committee and hammer out the final bill. That gives us all another opportunity to act. How?

Please write or email or call House Speaker Nancy Pelosi with this message:

We insist that the resulting bill include the Adam-Smith-Ro Khanna Yemen War Powers amendment to end all US participation in the famine-causing Saudi war in Yemen. We urge the Speaker to include Rep. Ro Khanna in the conference committee on the National Defense Authorization Act.

I have provided a yellow sheet of paper with this message typed out and contact info for the Speaker.

But my topic today is Deepening Democracy

You might expect that I will talk about how to get out the vote, how to get rid of the Electoral College, how we need to reinstate the Voting Rights Act of 1964 which the Supreme Court punched a big hole in recently. Or maybe about, here in Oregon especially, how to control the flow of unlimited money into the political process.

But instead I want to talk about corporate personhood and the court system's granting of human rights to corporations. Court-created Corporate personhood has given the rights and privileges of human beings to corporations while removing them from the duties and obligation of being our servants.

The American colonists rose up against the King of England. But the revolt was not just limited to fears about an unjust monarch; it was also against the King's corporations. The colonies were governed by various private Crown Corporations, licensed by the King and the English Parliament; those corporations appointed the governors and other colonial officials to govern each colony for the benefit of the company and the crown.

Being quite distant from the London power center, the colonies evolved their own economies, industries and trading practices even as the King through the colonial governments attempted to maintain control. The English parliament introduced measures that protected trade by the crown

corporations and impeded the independent commercial activities of the colonial merchants, including tax protections which subsidized the East India Trading Company by placing high tariffs on tea imports. That led to the Boston tea party and the fight was on.

The American Revolution was a revolt against corporate rule as much as a revolt against the King or a revolt against taxation without representation. The 1776 Declaration of Independence freed the colonist not only from Britain but also from the tyranny of British corporations.

Corporations are not mentioned in the Constitution. The constitution's writers knew that all corporations in America operated within state boundaries and they left the control of the corporations to the individual states.

Those state-chartered corporations had very specific responsibilities they had to fulfill. Failure to meet their obligations meant that a corporation could be dissolved; and if the corporation did harm, then the owners and

shareholders could be held liable and penalized, sometimes with jail sentences, and sometimes monetarily for up to two or three times the amount of their investment. All that is so unlike corporations today with their limited liabilities, lack of restrictions and no punishment for doing harm to the general public (think of the too-big-to-fail banks and the Great Recession).

However, during the nation's first century, corporations learned how to remove themselves from supervision by the various states by forming trust companies and holding companies.

While the corporations were freeing themselves, there was another movement happening – a democracy movement by the people. While our national founding documents speak eloquently about the rights of man, the practice was quite different. For our founding fathers, We the People did not include most of the population. Those recognized as citizens, especially with the right to vote, were limited to rich white male property owners.

Who was left out? Women, slaves, the original inhabitants, the indentured servants, laborers, and even those white men who did not own enough property. Citizenship was limited to about 5% of the population.

Our history can be seen as a process of including more and more people within the definition of We the People. American history is a series of heroic, sometimes violent, struggles to gain human rights for all humankind. We fought a civil war, waged labor struggles for the eight hour day and the right to freely associate in labor unions, led struggles for voting rights for women and their right to control their own bodies, conducted struggles for full voting rights for African Americans, conducted grape and lettuce boycotts for farm worker rights. Those struggles continue today for immigrant rights, whether they are here legally or not, and for LGBT rights and women rights to, for instance, have an abortion .

While We the People were engaged in those struggles to include more and more people within the definition of We The People, the corporations went

to the US court system to have their rights given to them. The first major giving of constitutional rights was the Santa Clara County v Southern Pacific Railroad decision in 1886. While the case itself dealt only with taxing fence posts, the court recorder wrote in the headnotes that corporations had 14th Amendment rights to due process and equal protection of the law. A careful reading of that decision finds no mention of this what-so-ever. The court reporter just wrote this in the head notes and it became the standard summary of what the decision said and the bases for future decisions to this day.

The 14th Amendment itself was enacted following the Civil War to protect the newly freed slaves but corporate lawyers argued and the courts agreed that when the 14th Amendment talks about equal protection of the law and due process that the amendment's authors meant not only people but also corporations.

So the 14th Amendment starts: “Section one. All persons born or naturalized in the United States...” How could it be more clear who or what is included in the intend of the 14th amendment? Clearly corporations were not included but the mistaken interpretation became the basis for future court decisions giving our human rights, our constitutional rights, to our artificial creations, the corporations.

Even while the courts gave constitutional rights to corporations, they ruled in favor of Separate But Equal for the human beings for whom the 14th Amendment had been written. Separate But Equal gave the former slaves Jim Crow instead of equality. And it wasn't until 1954 with the Brown v the Board of Education decision that this court-created doctrine was finally overturned.

Naturally, the corporations didn't just stop with getting 14th Amendment rights. In following decisions, corporations have been given 1st amendment free speech rights, 4th amendment protection against search & seizure, 5th

amendment due process rights, 5th amendment takings protection from regulatory law, 5th Amendment ban on double jeopardy, 6th amendment rights to jury trials in criminal cases, 7th amendment rights to a jury trial in a civil case, and with the Hobby Lobby decision, they can now claim a 1st amendment right to freedom of religion. And of course, the Citizens United decision declared that corporations could not be prevented from spending corporate funds on candidate elections (1st amendment free speech right)

I want to give just one example of how these court-created corporate personhood rights have been used to harm you. Let's talk about a decision involving the Pennsylvania Coal Company. The courts gave corporations 5th amendment protections from takings. The Takings clause of the 5th amendment states: "nor shall private property be taken for public use without just compensation." In this case, the state of Pennsylvania had passed a law saying that it was illegal for the coal companies to dig under people's houses to extract coal, thereby causing them to collapse. Entire towns had in fact been undermined by this coal extraction and sunk as a

result. The Supreme Court overturned the law, saying that such laws took profit-making opportunities away from the private corporations and therefore were unconstitutional takings. This decision has been the basis for a host of rulings opposing environmental laws every since.

I hope that my comments have provided some background for this year's UUA Statement of Conscience titled: Our Democracy Uncorrupted. This statement calls for quite a number of reforms to our political system and I hope that everyone will read it. I have copies out in the lobby it is available on the UUA's website.

The statement calls for support of a US constitutional amendment which declares not just that money is not speech and, therefore, can be regulated but also that Corporations for not people and that they cannot use corporate personhood rights as the basis for challenging our laws, because, well, they are not people. Following the Supreme Court's Citizens United decision, the usual call has been that we need to amend just to say the Money is Not Speech in order to overturn the Citizens United decision. But

the UUA has come out clearly in support of the Move to Amend proposed constitutional amendment which adds in the second demand: Corporations are not people and should not have our constitutional rights. It has been introduced in Congress as HJR48, the We the People amendment with over 60 Representatives listed as co-sponsors. All of Oregon's Democratic US Representatives except for Rep Schrader are among those co-sponsors. The We the People proposed constitutional amendment needs to be introduced into the US Senate as well and we have been meeting with both our Oregon Senators. Both have indicated interest. And a couple weeks ago, Sen Bernie Sanders while on the campaign trail stated that he will introduce it. We now must hold his feet to the fire on this, and get our two senators to join him. I have a petition of support for Move to Amend and when this service has completed, I invite you to sign it.

Let me finish up with this quote from former Supreme Court Justice Louis Brandeis, "We must make our choice. We may have democracy, or we may have wealth concentrated in the hands of a few, but we can't have both." and this quote from me: We can have democracy only if we control both

money from being used as speech and the mighty corporations. It is time to
Move to Amend the Constitution to say that money is not speech and
corporations are not people.”

Thank you.