

Throughout the history of the United States, 27 amendments have been added to the country's constitution. Of these, the 14th Amendment, originally proposed and ratified after the Civil War to guarantee all citizens equal protection under the law, has proven particularly controversial. The amendment was created primarily to prevent discrimination against newly freed African American slaves. The controversy, however, surrounds the way it has been used since. Of the cases in which the 14th Amendment has been invoked, only about 1 percent have actually been in defense of African Americans. By contrast, over 50 percent have concerned the rights of corporations. This has been because the courts have frequently taken the view that the amendment's mention of "persons" refers not only to private citizens, but also to corporations, associations, and other entities comprised of one or more human beings. The result is that corporations turn to have many of the same rights of as individual citizens—a concept commonly referred to as "corporate personhood."



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(35) What is a significant point of controversy regarding the 14th Amendment?

1. According to its initial interpretations by courts, fewer than 1 percent of African Americans were entitled to the same legal protection as other citizens.
2. It has been interpreted by courts to be a legal basis for granting corporations rights similar to those afforded to individuals.
3. Corporations have used it as a basis for opposing the idea of "corporate personhood," claiming it exempts them from laws applying to individuals.
4. After the Civil War, it was used to protect African Americans from discrimination by corporations, but not by other citizens.

Further Questions

1) What was the 14th Amendment originally proposed and ratified to do?

It was proposed and ratified to guarantee all citizens equal protection under the law.

2) What have half of cases that invoked the 14th Amendment been concerned with?

They have been concerned with the rights of corporations.

The dramatic effects of such thinking are evident in a recent Supreme Court ruling concerning corporate sponsorship of political advertising. In 2002, a law was passed that banned corporations and unions from broadcasting political messages or ads within 30 days of an election. This was one of a series of measures designed to lessen the influence of wealthy corporations on politics. On January 21st, 2010, however, the Supreme Court struck down the law on the grounds that it violated the right to freedom of expression guaranteed by the 1st Amendment of the constitution. The court's decision did not explicitly focus on corporate personhood, but by extending the right of free speech to

corporations, it clearly reaffirmed the idea that corporations are “person.” Chris MacDonald of *The Business Ethics Blog* writes, “Ethically, I think the key is really that you can’t limit the speech of corporations without thereby limiting the speech of the persons who make (them) up.” Corporations allow individuals an avenue through which they can reap the benefits of collective power. The question becomes whether the voice of those individuals who have formed a corporation should be muffled simply because they have chosen to work together towards a common goal.

(36) The Supreme Court’s January 2010 ruling

1. removed limits on political ads made by individuals during election periods in order to give them a voice equal to that of wealthy corporations.
2. confirmed the Supreme Court’s view that freedom of speech as it applies to corporations is fundamentally different from that of individuals.
3. struck down a law that allowed corporations to limit their employee’s political expression on the basis that it violated employees’ status as “persons.”
4. took the view that prohibiting the political broadcasts of corporations violates the corporations’ constitutional freedom of speech.

Further Questions



3) What did the law passed in 2002 do?

It banned corporations and unions from broadcasting political messages or ads within 30 days of an election.

4) On what grounds did the Supreme Court strike down that law?

It was struck down on the grounds that it violated the right to freedom of expression guaranteed by the 1st Amendment.

5) What is the argument in favor of giving corporations the same rights as individuals?

Corporations allow individuals an avenue through which they can reap the benefits of collective power.

Opponents of the Supreme Court’s decision reject the expansion of corporations’ right to personhood, arguing that a corporation and its stakeholders are separate entities. Justice John Paul Stevens, one of the Supreme Court justices who voted against the ruling said of corporations, “Although they make enormous contributions to our society, corporations are not actually members of it. They cannot vote or run for office.” As they can outlive individuals and use concentrated manpower and pooled resources to accumulate levels of wealth far beyond most private citizens, corporations are able to outspend and ultimately overwhelm non-corporate political foes. At the same time, they avoid some of the consequences that can result from human actions, such as imprisonment. Because of these innate advantages, Nancy Price, co-chair of the political reform movement Alliance for Democracy, warns of the gravity of the ruling, pointing out that “corporate political speech is a lot

78. louder than that of ordinary persons.”

79. **(37) What is the basis of Nancy Price’s opposition to the Supreme Court’s ruling?**

80. 1. It is impossible for political messages delivered by corporations to accurately represent the opinions of all individual stakeholders in those corporations.

81. 2. The fact that many corporations form and break up in a time span shorter than stakeholder’s lives means they can avoid punishment for their actions.

82. 3. If corporations are not restricted by the limitations to which private citizens are subject, they should not be given the same freedoms.

83. 4. Because corporations contribute more to society than individuals they should be given more freedom to voice opinions on policy issues.

Further Questions

89. **6) What is the name of one of the Supreme Court Justices who voted against the ruling?**

90. *Justice John Paul Stevens voted against the ruling.*

91. **7) How can corporations outspend and overwhelm non-corporate political foes?**

92. *They can outlive individuals and use concentrated manpower and pooled resources to accumulate levels of wealth beyond most private citizens.*

93. **8) What is another advantage that a corporation has over an individual?**

94. *They can avoid some of the consequences that can result from human action, such as imprisonment.*

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