

Witness Testimony for HR 74 Before the House Committee on Federalism and Interstate Relations

CHAIR: Kristina D. Roegner
DATE: February 13th, 2018
ROOM: Statehouse Room 115
TIME: 4:00PM

Good afternoon Chair Roegner, Vice Chair Lipps, Ranking Member Leland, Committee Members, Sponsors Smith, Antonio and Co-Sponsors. My name is Madelon Watts. I am on the Coordinating Committee of Ohio Move to Amend, part of a national Move to Amend group in support of HR 74, calling for an amendment to the United States Constitution abolishing corporate personhood and the doctrine of money as speech. Thank you for this opportunity to speak in support of **HR 74**.

The United States Constitution guarantees “We the People” an *inalienable* right of self-government. It is for a lot of good reasons, the Constitution didn’t say “We the people and corporations”—it’s just “We the People.”

As millions and millions of corporate dollars are funneled into the American electoral process, some of it may even be from foreign sources, we can see why the Founders left corporations out of this *fundamental* assertion of who gets to be “We the People.”

In Justice John Paul Stevens famous dissent to the *Citizens United* ruling, these words are worth repeating and remembering: “Corporations have no consciences, no beliefs, no feelings, no thoughts, no desires. Corporations help structure and facilitate the activities of human beings, to be sure, and their ‘personhood’ often serves as a useful legal fiction. But they are not themselves members of ‘We the People’ by whom and for whom our Constitution was established.”

The culminating net effect of the 2010 *Citizens United* decision is to make a corporation with no conscience, no belief, no thought into a *person*. As Dahlia Lithwick wrote in *Slate* magazine, the Supreme Court’s decision can be described as, and I quote, “The Pinocchio Project: Watching as the Supreme Court turns a corporation into a real live boy.”¹ The *Citizens United* decision takes an entity that is inanimate and limited and treats it as one of those the Creator has endowed with “inalienable rights.” A corporation with inalienable rights is a very scary thought.

The word democracy means “rule by the people”. When--over the last 200 years--court decision after court decision has bestowed and transferred the people’s sovereignty to corporations, how, *how* can “We the People” *rule* when corporations have acquired so many of the rights and powers belonging to “We the People under the Constitution?

Here a few instances of the consequence of this corporate personhood:

- Since corporations have become constitutionally “persons” and money is “speech”, the rights of corporations to donate or invest in politics is a major reason for the historic tax heist we saw in the recent sweeping tax bill passed in December. Just 13 days after the tax law was passed, Charles Koch donated nearly \$500,000 to the House Speaker’s fundraising committee. This is legalized bribery at its most blatant.
- Constitutional perversion by corporations claiming “personhood” transcends the First Amendment — and has done so for 130 years. Corporations as “persons” have claimed the 4th Amendment search and seizure rights, the 14th Amendment due process and equal protection rights — as well as other provisions of the First Amendment beyond the right to speak — including the right not to speak and, as seen in the Hobby Lobby decision, corporations now have religious rights. The Commerce and Contracts clauses have also been hijacked to overturn *hundreds* of democratically enacted laws at the *state and local levels*. This will only change by changing the foundational governing rules of our nation.

“We the People” cited in the first words of our Constitution, “We the People” in our role as *citizens* of this democratic republic, “We the People” seek to abolish the notion of corporate personhood, “We the People”

revoke the illegitimate doctrine of money as speech, "We the People" do not construe the spending of money to influence elections to be speech under the First Amendment.

The handout provided to the committee lists and describes the 23 Ohio communities that have passed either a municipal resolution (13) or ballot initiative (10) calling for the constitutional amendment of HR 74. The handout also lists the states that have passed resolutions or ballot initiatives -- with voters approving a call for a constitutional amendment by substantial margins.

It's time for the Ohio House of Representatives—you who represent "We the People"—to join this growing bipartisan movement of thousands of citizens, grassroots organizations and local governments across the country calling for an end the never intended corporate personhood, and the use of money defined as free speech. Only an amendment to the Constitution will firmly establish that money is not speech and that natural persons, *living breathing human beings*, and not corporations, are the only *real persons* entitled to constitutional rights. For these reasons I ask for your support of HR 74.

Thank you for your time and consideration.

¹http://www.slate.com/articles/news_and_politics/supreme_court_dispatches/2010/01/the_pinocchio_project.html