

Some Useful Quotes to Challenge the New Corporate Campaign to Misuse the Constitution

“I hope we shall crush in [its] birth the aristocracy of our monied corporations which dare already to challenge our government to a trial of strength and bid defiance to the laws of our country.”

Letter from Thomas Jefferson to Tom Logan (Nov. 12, 1816), in 12 *The Works of Thomas Jefferson* 42, 44 (P. Ford ed. 1905).

“A corporation is an artificial being, invisible, intangible, and existing only in contemplation of law. Being the mere creature of law, it possesses only those properties which the charter of its creation confers upon it.” Chief Justice Marshall, *Trustees of Dartmouth College v. Woodward*, 17 U.S. 518, 636 (1819)

“The only rights [a corporation] can claim are the rights which are given to it in that character, not the rights which belong to its members as citizens of a state.” *Bank of Augusta v. Earle*, 38 U.S. 519, 587 (1839).

“[I]ncorporated Companies with proper limitations and guards, may in particular cases, be useful; but they are at best a necessary evil only.” James Madison, “To J.K. Paulding,” March 10, 1827, in Gaillard Hunt, ed., *The Writings of James Madison* (New York: Putnam, 1900), Vol. 9.

“The true friend of property, the true conservative, is he who insists that property shall be the servant and not the master of the commonwealth; who insists that the creature of man’s making shall be the servant and not the master of the man who made it. The citizens of the United States must effectively control the mighty commercial forces which they have called into being.” Theodore Roosevelt, *The New Nationalism* (Aug. 31, 1910).

“[W]hat some have considered to be the principal function of the First Amendment, the use of communication as a means of self-expression, self-realization, and self-fulfillment, is not at all furthered by corporate speech. It is clear that the communications of profitmaking corporations... do not represent a manifestation of individual freedom of choice.”

First National Bank of Boston v. Bellotti, 435 U.S. 765, 804-05 (1978) (White, J., dissenting).

“The robust First Amendment freedom to associate belongs only to groups ‘engage[d] in ‘expressive association.’ The Campbell Soup Company does not exist to promote a message, and ‘there is only minimal constitutional protection of the freedom of commercial association.” *Washington State Grange v. Washington State Republican Party*, 552 U.S. 442, 467 (2008) (Scalia, J., dissenting) citations omitted.

“The Court insists that the rule it lays down is consistent even with the view that the First Amendment is ‘primarily an instrument to enlighten public decisionmaking in a democracy.’ I had understood this view to relate to public decisionmaking as to political, social, and other public issues, rather than the decision of a particular individual as to whether to purchase one or another kind of shampoo. It is undoubtedly arguable that many people in the country regard the choice of shampoo as just as important as who may be elected to local, state, or national political office, but that does not automatically bring information about competing shampoos within the protection of the First Amendment.” *Virginia State Board of Pharm. v. Virginia Citizens Consumer Council*, 425 U.S. 748, 784 (1976) (Rehnquist, J., dissenting).

“For in a democracy, the economic is subordinate to the political, a lesson that our ancestors learned long ago, and that our descendants will undoubtedly have to relearn many years hence.” *Central Hudson Gas & Electric Corp. v. Public Service Commission of New York*, 447 U.S. 557, 599 (Rehnquist, J., dissenting).

“The Framers thus took it as a given that corporations could be comprehensively regulated in the service of the public welfare. Unlike our colleagues, they had little trouble distinguishing corporations from human beings, and when they constitutionalized the right to free speech in the First Amendment, it was the free speech of individual Americans that they had in mind.” *Citizens United*, 558 U.S. 310, 428 (2010) (Stevens, J., dissenting).

“The corporate takeover of the First Amendment is at its heart the use by elite members of society of specific legal tools to degrade the rule of law.” John Coates, *Corporate Speech & The First Amendment: History, Data, and Implications*, 30 *Const. Commentary* 223, 269 (2015).