

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 tend to have more of the

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1) What was the 14<sup>th</sup> 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 14<sup>th</sup> 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 21<sup>st</sup>, 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

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

### 46. (36) The Supreme Court’s January 2010 ruling

47. 1. removed limits on political ads made by individuals during election periods  
48. in order to give them a voice equal to that of wealthy corporations.
49. 2. confirmed the Supreme Court’s view that freedom of speech as it applies to  
50. corporations is fundamentally different from that of individuals.
51. 3. struck down a law that allowed corporations to limit their employee’s

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04. *benefits of collective power.*

65. Opponents of the Supreme Court’s decision reject the expansion of  
66. corporations’ right to personhood, arguing that a corporation and its  
67. stakeholders are separate entities. Justice John Paul Stevens, one of the  
68. Supreme Court justices who voted against the ruling said of corporations,  
69. “Although they make enormous contributions to our society, corporations are  
70. not actually members of it. They cannot vote or run for office.” As they can  
71. outlive individuals and use concentrated manpower and pooled resources to  
72. accumulate levels of wealth far beyond most private citizens, corporations are  
73. able to outspend and ultimately overwhelm non-corporate political foes. At the  
74. same time, they avoid some of the consequences that can result from human  
75. actions, such as imprisonment. Because of these innate advantages, Nancy  
76. Price, co-chair of the political reform movement Alliance for Democracy, warns  
77. 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**  
80. **ruling?**  
81. 1. It is impossible for political messages delivered by corporations to  
82. accurately represent the opinions of all individual stakeholders in those  
83. corporations.  
84. 2. The fact that many corporations form and break up in a time span shorter  
85. than stakeholder’s lives means they can avoid punishment for their actions.  
86. 3. If corporations are not restricted by the limitations to which private citizens  
87. are subject, they should not be given the same freedoms.  
88. 4. Because corporations contribute more to society than individuals they  
should be given more freedom to voice opinions on policy issues.
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#### **Further Questions**

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

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