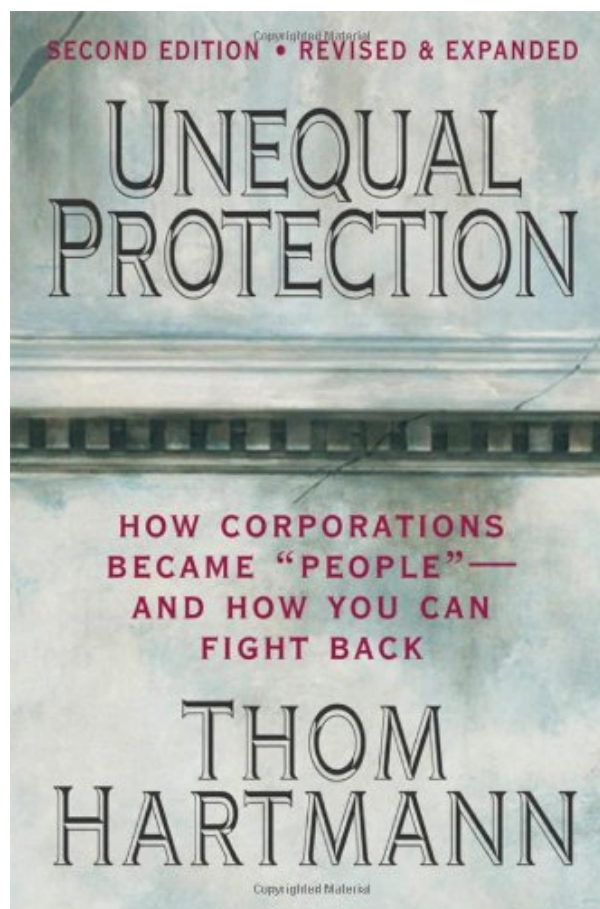


**UNEQUAL PROTECTION: HOW
CORPORATIONS BECAME "PEOPLE" - AND
HOW YOU CAN FIGHT BACK BY THOM
HARTMANN**



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About the Author

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NEW EDITION, REVISED AND UPDATED

Unequal taxes, unequal accountability for crime, unequal influence, unequal control of the media, unequal access to natural resources—corporations have gained these privileges and more by exploiting their legal status as persons. How did something so illogical and unjust become the law of the land?

Americans have been struggling with the role of corporations since before the birth of the republic. As Thom Hartmann shows, the Boston Tea Party was actually a protest against the British East India Company—the first modern corporation. Unequal Protection tells the astonishing story of how, after decades of sensible limits on corporate power, an offhand, off-the-record comment by a Supreme Court justice led to the Fourteenth Amendment—originally passed to grant basic rights to freed slaves—becoming the justification for granting corporations the same rights as human beings. And Hartmann proposes specific legal remedies that will finally put an end to the bizarre farce of corporate personhood.

This new edition has been thoroughly updated and features Hartmann's analysis of two recent Supreme Court cases, including *Citizens United v. Federal Election Commission*, which tossed out corporate campaign finance limits.

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- Binding: Paperback
- 360 pages

Features

- Great product!

Review

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32 of 34 people found the following review helpful.

Small businesses take note: Corporate personhood hurts you as well

By Mary Bell Lockhart

Thom Hartmann has, once again, provided an informative, rational and readable view of our world, its problems and what to do about them. This time its an update of his previous work on the domination of large corporations by virtue of "corporate personhood." He steps through the principles of the founders of our nation and then through Supreme Court decisions, or lack thereof, bringing history alive by quotes, photos and anecdotes about the people involved and why they acted as they did. He factually documents the negative impact corporate personhood has had on real persons and the society in which we live. Readers should sit up and take notice, however, that Hartmann reveals herein that it is not just ordinary humans who now have unequal protection under the law. Small and local businesses too have been trampled under the feet of the "big boys" of the economy. Those who advocate free market capitalism and who endorse corporate personhood often claim the purpose of helping small businesses or strengthening local economies. Just the opposite is the actual impact of these economic policies, as he clearly and amply demonstrates. Finally, he pulls in the comments of modern-day capitalists who have learned that removing the standing of corporations as persons under the law will not destroy big business either. In fact, in the long-run, it will ensure broad-based growth of the economy, as the capitalism without regulation that results from corporate personhood is not sustainable.

This can be the reference book for a new movement, a truly "populist" movement to place "We, the People" back in charge. Let's go for it! Yes, we need to return to the principles upon which our country was founded. Corporations are NOT people!

24 of 27 people found the following review helpful.

Readable, entertaining and definitely eye-opening

By Elaine Cohen

In 2009, "the transnational pharmaceutical giant Pfizer pled guilty to multiple criminal felonies. It had been marketing drugs in a way that may well have led to the deaths of people ... [Pfizer] paid a \$1.2 billion 'criminal' fine to the U.S. government ... as well as an additional \$1 billion in civil penalties... None of its executives... saw even five minutes of the inside of a police station or jail cell ... in the autumn of 2004, Martha Stewart was convicted of lying to investigators about her sale of stock in another pharmaceutical company. Her crime cost nobody their life, but she famously was escorted off to a women's prison. Had she been a corporation instead of a human being, odds are there never would have been an investigation."

This punchy opening of this surreal book by Thom Hartmann gets you hooked from the very first line. It's true. What are corporations if not the actions of the people who work in and for them? If a corporation does wrong, simply writing a check to the government doesn't seem to cut it when the people responsible for the wrong-doing retain their jobs, pay-checks, privileges, and avoid punishment under the law. Hartmann explains, in great historical detail, how corporations became "persons" under US national law with rights equivalent to those of "natural persons" (you and me, flesh and blood, individuals); including the First Amendment right of all persons to free speech, the Fourth Amendment right to privacy, the Fifth Amendment protection against double jeopardy and self-incrimination and the Fourteenth Amendment right to non-discrimination. Moreover, Thom Hartmann, blow by blow, explains how corporations have exploited these rights to advance their own interests, or at least, those of the "persons" who stood to benefit, at the expense of the common good and the people of the United States.

It all began, apparently, in 1886 when the Supreme Court Justice Morrison Waite pronounced judgment in a case of the Southern Pacific Railroad versus Santa Clara county, about the taxation levied on this corporation by the County. The lawyers claimed that the railroad corporation was entitled to the same rights as a "person". The court reporter noted in the written record of the case that, "The defendant corporations are persons within the intent of the clause in section 1 of the Fourteenth Amendment to the Constitution of the United States, which forbids a State to deny any person within its jurisdiction the equal protection of the laws." This written record, Thom Hartmann goes on to show, was actually an error and not the explicit intention of Justice Waite. Nonetheless, this record set the tone and served to legitimize all subsequent claims to corporate personhood for the rest of history until the present day. Further, Hartman postulates that this was all a big conspiracy engineered by the railroad lawyers who stood to make significant financial gain through defending more corporations in this way. The story is as incredible as it is outrageous and has the reader in a state of both disbelief and indignation. Surely the whole basis of corporate law in the US couldn't have been derived from little more than a mistake? This is quite fascinating and the arguments are succinctly articulated with references to original documents and records of the time. If we are to believe this author, the entire legal infrastructure governing corporations may well have been a complete farce, opening the floodgates for unchecked corporate abuse of the law as it was originally intended.

Hartmann deals with many controversial and poorly understood issues relating to the power of corporations over the human rights of individuals, providing detailed case studies of an array of events and actions in relation to corporations. The reading is riveting, and even though we have heard many of these stories before, the "get to the real truth" approach of the author makes this compelling reading. We read about the events leading to the Boston Tea Party, which was a protest against the power of the East India Company, who had successfully lobbied to support the Tea Act which gave the East India Company full and unlimited access to the American tea trade as well as tax exemptions, thus helping to drive other tea-traders out of business. Hartmann recounts the astounding story of why the Marc Kasky case against Nike's "right to lie" in their marketing materials in the name of freedom of speech was never tried in court. Other chapters include the exposure of issues such as the lawsuit by the Texas beef barons against Oprah Winfrey for commenting that she would avoid eating hamburgers after an outbreak of mad-cow disease, the concentrated corporate

ownership of the not-so-free press, corporate support for political campaigns, the limitations of federal authorities to carry out spot checks on businesses to assess health and safety compliance, comparisons of US versus European law and the application of the precautionary principle which is not law in the USA, the use by politicians and companies of Professional Blog Warriors who blast the Internet from all corners to make campaigns more effective, the complication of global corporations doing business across borders, military spending and corporate interests and more. All these stories show how the power of corporations threatens the basis of democracy and the protection of the human rights of "natural" persons. John Ruggie would feel extremely validated, reading this book.

As a non-lawyer, I found this book immensely readable, despite several long legal texts used to provide substance to the author's presentation of the issues. These cases are sometimes so incredible that they defy belief. Thom Hartman is "the (US) nation's #1 progressive radio talk show host" as well as being an award-winning well-respected author of over 21 books (he also works for humanitarian causes). He appears in this book to have conducted thorough research, though make no mistake about his intention: to convince us that we must get our rights back from corporate predators who not only do not deserve them but also abuse them. His concluding chapter offers suggestions as to how we might go about doing this, including references to democracy campaigners and organizations, such as the Community Environmental Legal Defense Fund or ReclaimDemocracy.org. Whether you believe in the conspiracy theories or the "hegemony of corporate personhood", or whether you do not, this book is certainly a recommended read. It is entertaining, using a dramatic story-telling pace to recount history, and very thought-provoking indeed.

This review first appeared on [...] on 20th September 2009

22 of 28 people found the following review helpful.

I have a few critiques but overall shows what I like about the left

By Cwn_Annwn

The purpose of this book is to show how Corporations sneakily got themselves the same legal rights as human beings, how they use and abuse this to their advantage and the biggest "first step" to straighten this out is to deny the Corporats their right to personhood.

Most people do not know that Corporations have the right to lie and make false claims and are not criminally liable because since Corporations have legal personhood it is protected by their first amendment right to free speech. They also used fourth amendment rights to privacy to block health and safety inspections at their plants. These are just a few examples of how they have used the Bill of Rights in a very wormy treacherous way.

Overall Unequal Protection is very good left wing stuff but I have criticisms. For one he buys into a lot of the false mythology of the so called founding Fathers, the American revolution and the Boston tea party. He tries to frame the American revolution in a way that portrays it as the founding Fathers were anti-Capitalists battling the evil wicked East India Company. This is utterly laughable. While they may have had some admirable qualities overall the founding Fathers were rich Capitalist pig slave owning freemason scumbags whose main concern was money grubbing and stealing Indian land so they could turn it over and sell it to the white settlers. And lest I remind you of what they did once they got in power. Ever heard of the Whiskey Rebellion or Shays Rebellion? These are good examples of what happened to anybody outside the small circle of rich elites that tried to exercise any of that so called new found freedom that the founding fathers talked about.

Also Hartmann goes on about and praises Democracy a bit much for my taste. For one America was supposed to be a Republic not a Democracy. But instead of looking at it like Plato did and acknowledging

that Democracy always erodes, gets twisted and perverted into the monstrosity that it is now Hartmann still worships Democracy like its some sort of holy unquestionable system. I mean seriously at this point Democracy is nothing but a code word for exploitive Capitalism and Globalist monoculture.

Criticisms aside, like I said this very good left wing stuff that I agree with most of his observations and many of his solutions.

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