

## Problems when the Court grants Constitutional Rights to Mega-Corporations

Chairman Garrett, Vice chairs Hicks and Hoyle, members of the committee. Thank you for this opportunity to testify. I am Karen Josephson from Corvallis Area Move To Amend.

Corporations should have and do have many privileges. We support that. If HJM6 passes they will still have those privileges. It's the corporate theft of our citizen rights - rights guaranteed by the Constitution that I oppose.

The example I give is about a deadly outcome from lack of appropriate food inspections.

In this example you see our citizen Fourth Amendment rights (Protection from Unreasonable Search and Seizure) have been taken by corporations and used against us.

- In 1998 a well-known hot dog producer's internal tests indicated high levels of a very dangerous *Listeria* bacterial contamination was taking place in its processing plant. The corporation ignored this information for more than three months until the Centers for Disease Control found the plant to be the source of a deadly outbreak of *Listeria* infections. The outbreak killed 21 people and seriously injured 100, but no one went to jail after the mega-corporation pled guilty to two misdemeanor counts and paid a \$200,000 fine.
- There are two issues here:
- This terrible outcome is a result of our failure to maintain appropriate unannounced inspections of the food industry.
- In addition, there is the issue of -- When corporations kill, shouldn't they go to jail like other "people" since they are legally categorized as people.

Following is one of the original cases showing how big corporate power took this fourth amendment right

### Fourth Amendment

**1. Prevent unannounced regulatory inspections:**<sup>1</sup> Based on the 4th Amendment, regulatory agencies **are no longer allowed** to conduct unscheduled inspections of corporate property without a warrant.

- *See v. City of Seattle*, 387 U.S. 541 (1967): A warehouse owner denied access to a fire inspector because the latter did not have a warrant. The owner was arrested and sued based on the 4<sup>th</sup> amendment. The U.S. Supreme Court reversed a lower court, redefining the definition of "reasonableness" in inspections to ensure public health. According to the *dissenting* opinion by Justice Clark, "These inspections meet the Fourth Amendment's test of reasonableness and are entirely consistent with the Amendment's commands and our cases."

If Justice Clark's opinion had been followed, the likelihood of deaths from the food industry would be minimized.

(I won't have time for this one, but here it is)

My second example is of Citizens 14<sup>th</sup> Amendment Rights taken by big corporations

### **Fourteenth Amendment**

#### **1. Took from the people the ability to discriminate against "chain stores" looking to move into their communities.<sup>ii</sup>**

- In 1933 a Florida statute requiring businesses to obtain a license to operate in the state was charging higher filing fees for chain stores than for independently owned stores. Thirteen owners of chain stores sued the tax officials. The Florida Supreme Court denied the suit, but the U.S. Supreme Court upheld it, stating the Florida tax system violated the 14<sup>th</sup> amendment.
- The **dissenting** opinion stated, "The Constitution does not give corporations the right to engage in intrastate commerce in Florida. Whether the corporate privilege shall be granted or withheld is always a matter of state policy. The states may carry out the policy by adjusting its revenue laws and taxing the system in such a way as to favor certain industries. The difference in power between corporations and natural persons is ample basis for placing them in different classes."

Remember -- corporations do things out of motivation for profit – (we're NOT against profit) but that's not the same as citizen and community interests which we all must stand for.

This corporate theft of our Constitutional rights – the taking of these rights for themselves – affects everything - the food and water, - the air we breathe, what our kids learn in school, what they buy on the way home, what kind of health care we get, the wars we fight, and the taxes and debt we and generations to come will carry.

This undermines the long term good of society. We the People have a right to curb their immense and greedy appetites. Actually we have the responsibility to do so.

<sup>1</sup> *Marshall v. Barlow's, Inc.*, 436 U.S. 307 (1978); *See v. City of Seattle*, 387 U.S. 541 (1967); *Dow Chemical v. The United States*, 476 U.S. 227 (1986).

<sup>1</sup> [http://en.wikipedia.org/wiki/Strategic\\_lawsuit\\_against\\_public\\_participation](http://en.wikipedia.org/wiki/Strategic_lawsuit_against_public_participation)

<sup>1</sup> <http://www.casebriefs.com/blog/law/corporations/corporations-keyed-to-hamilton/the-development-of-corporation-law-in-the-united-states/louis-k-liggett-co-v-lee>

Citizen Petition – Food Safety ---- <http://www.cspinet.org/foodsafety/listeria.html>

See third paragraph under "Introduction".

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