

Testimony to the House Rules Committee
from John Flanery of Eugene
for the hearing on April 1 2105
regarding HJM 4

There are two conceptions of rights. One conception is that a right is whatever the government can't do to you. The other conception is that a right is something that people have because people have inherent value. Whichever of these you believe, we should all be aware that our system of government is founded on the premise that rights are inherent. And that is a very good thing. Rights being inherent allows us to judge governments by the degree they respect and protect those rights. And it means that corporations can't have rights because they have no inherent value. Attributing rights to a corporation is like attributing them to a lawnmower; both are tools that have value only to the extent they serve human ends.

Now those who look at rights as a limitation on government object to this, because they think that it means government has unlimited authority to regulate corporations. But it does not mean that, because government authority remains limited by the rights of people, and the practical consequence of those rights is that sometimes corporations must be immune from government regulation.

Ron Fein, legal director at Free Speech for People, describes a corporate personhood amendment thus:

What our amendment would do is it would force the courts to ... look behind the corporate form to say, "Are there actual people here whose rights are actually being violated?"

-http://www.democracynow.org/2015/3/13/should_mcdonalds_monsanto_have_the_same

So if the Constitution is amended to clarify that corporations do not have rights, there would still be situations when corporations were immune from regulation. This means two things for this committee:

- 1) The legislature may safely declare that corporations have no rights and are subject to government regulation when such regulation does not infringe on the rights of people.
- 2) This committee should not rely on ending corporate personhood to actually do anything at all, as the courts will continue to have a way to justify finding in favor of corporations. The proper role of corporations in politics should be specified with language such as:
"Only organizations funded solely by human beings for the purpose of furthering their joint political views may legitimately represent those views."