

# What is a corporation?

"[A] corporation is a creature of the state. It is presumed to be incorporated for the benefit of the public. It receives certain special privileges and franchises and holds them subject to the laws of the state and the limitations of its charter. Its powers are limited by law. It can make no contract not authorized by its charter. Its rights to act as a corporation are only preserved to it so long as it obeys the laws of its creation. There is a reserved right in the legislature to investigate its contracts and find out whether it has exceeded its powers."

- U.S. Supreme Court *Hale v. Henkle*, 201 U.S. 43 (1906)

# Empowering those in power

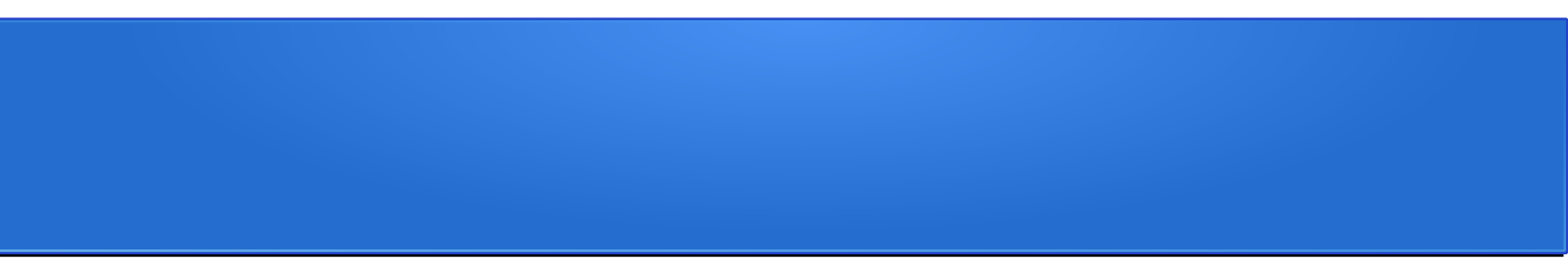
Article 83 – Promotion of Literacy and **Control of Corporations.**

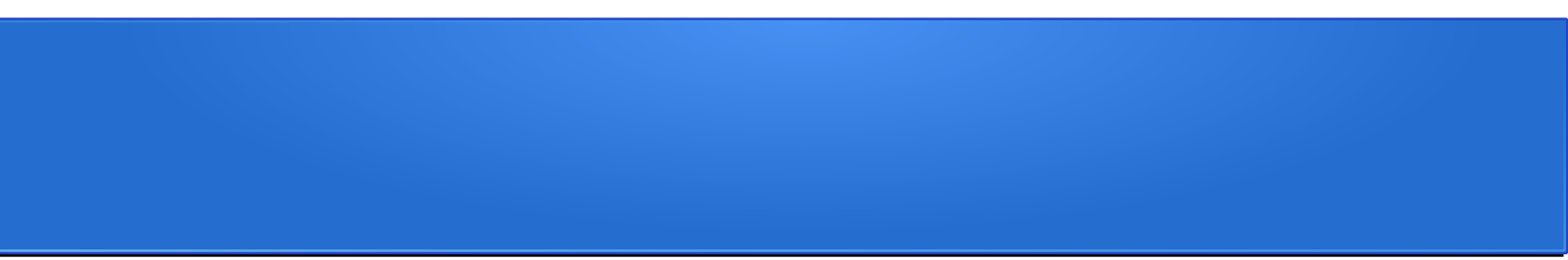
# Article 83...

“...Free and fair competition in the trades and industries is an inherent and essential right of the people and should be protected against all monopolies and conspiracies which tend to hinder or destroy it. The size and functions of all corporations should be so limited and regulated as to prohibit fictitious capitalization and provision should be made for the supervision and government thereof...”

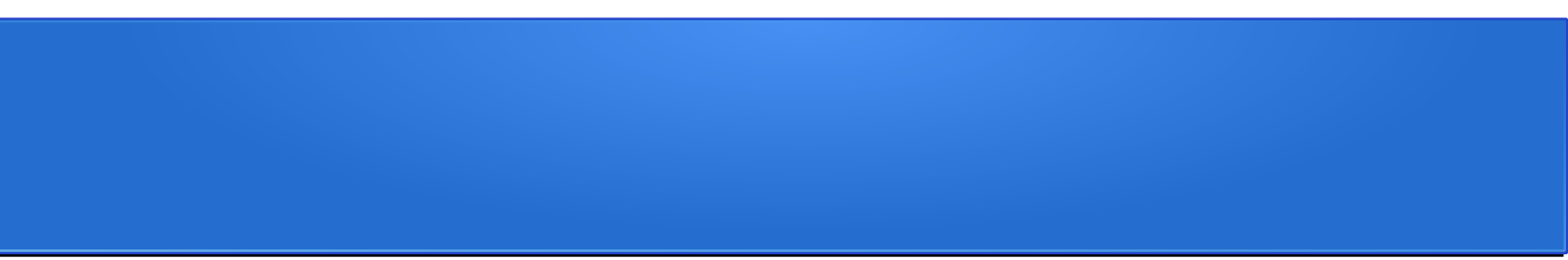
# Article 83...

- **“...Therefore, all just power possessed by the state is hereby granted to the general court to enact laws to prevent the operations within the state of all persons and associations, and all trusts and corporations, foreign or domestic, and the officers thereof, who endeavor to raise the price of any article of commerce or to destroy free and fair competition in the trades and industries through combination, conspiracy, monopoly, or any other unfair means; to control and regulate the acts of all such persons, associations, corporations, trusts, and officials doing business within the state; to prevent fictitious capitalization; and to authorize civil and criminal proceedings in respect to all the wrongs herein declared against.”**

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- A corporation chartered in one's own state is a **domestic corporation** while one from outside of that state is called a **foreign corporation**. If the corporation was chartered in a foreign country, it's called an **alien corporation**.
  - In order for a foreign or alien corporation to do business in a state it must receive permission. This is achieved by obtaining a certificate of authority, which can be revoked.



"States limited corporate charters to a set number of years. Maryland legislators restricted manufacturing charters to forty years, mining charters to fifty, and most others to thirty years. Pennsylvania limited manufacturing charters to twenty years. Unless a legislature renewed an expiring charter, the corporation was dissolved, and its assets were divided among shareholders."<sup>1</sup>

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- Citizens kept banks on particularly short leashes. Their charters were limited from three to ten years. Banks had to get legislative approval to increase their capital stock, or to merge. Some state laws required banks to make loans for local manufacturing, fishing, agricultural enterprises, and to the states themselves. Banks were forbidden to engage in trade.
  - **Private banking corporations were banned altogether by the Indiana constitution in 1816, and by the Illinois constitution in 1818.** <sup>2</sup>

# Meanwhile in Puerto Rico...

**To this day no agricultural corporation in Puerto Rico may own more than 500-acres.**

Yet, we're led to believe that we are not able to rein in the mega-corporations within the states.

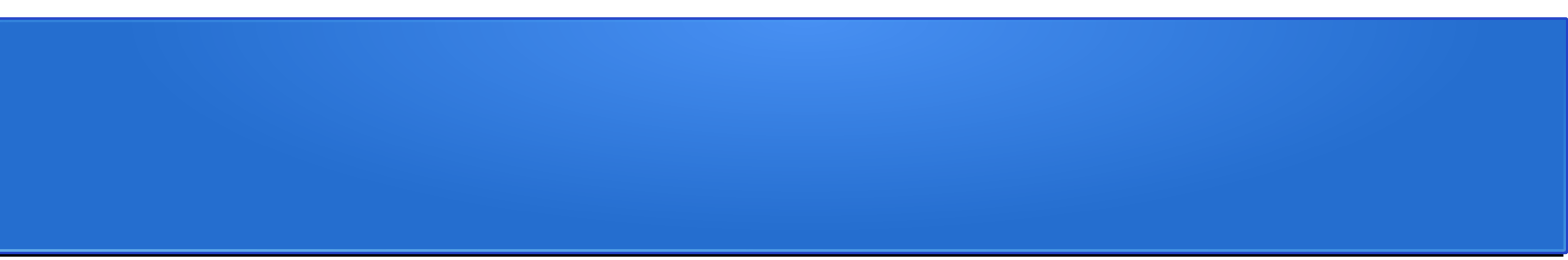
Yeah okay...



# How we got here

The short answer is that the Supreme Court sold us out.

- **“In 1886 the U.S. Supreme Court decreed that corporations are "persons" under the Fourteenth amendment, thus granting them protection under the Bill of Rights.** Such guarantees of free speech, due process, and equal protection under the "law were long considered to apply to human persons. This ruling gave corporations unprecedented "rights" to question almost any law applied to them, and frustrated the ability of the people to direct corporate action in service of the public good. <sup>3</sup>

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- Now "corporations have acquired most of the rights of individuals with virtually none of the responsibilities or liabilities (such as disparate taxation, and no death penalty or incarceration for serious crimes, and limitations on liability for actions)." <sup>3</sup>

# The 14<sup>th</sup> Amendment was never about helping former slaves...

“The Fourteenth Amendment was not only perverted by corporate agents to gain initial "personhood" rights, but also to expand them. As Supreme Court Justice Hugo Black pointed out in Connecticut General Life Insurance Company v. Johnson, Treasurer of California in 1938:

*‘Of the cases in this court in which the Fourteenth Amendment was applied during the first fifty years after its adoption, less than one-half of one percent invoked it in protection of the Negro race, and more than fifty percent asked that its benefits be extended to corporations.’ ”<sup>4</sup>*

# 14<sup>th</sup> Amendment (Sect. 1 of 5)

## **Section 1.**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

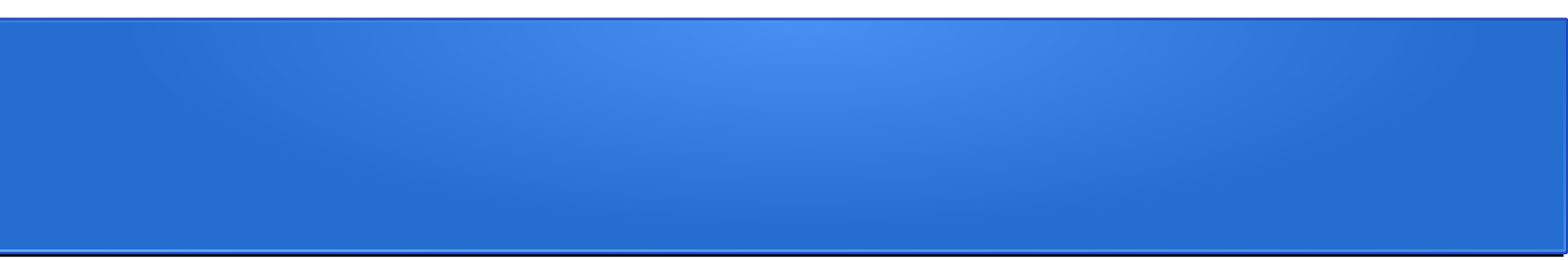


# There is No "Fourteenth Amendment"!

By David Lawrence

U.S. News & World Report

September 27, 1957



“A MISTAKEN BELIEF -- that there is a valid article in the Constitution known as the "Fourteenth Amendment" – is responsible for the Supreme Court decision of 1954 and the ensuing controversy over desegregation in the public schools of America. **No such amendment was ever legally ratified by three fourths of the States of the Union as required by the Constitution itself.** The so-called "Fourteenth Amendment" was dubiously proclaimed by the Secretary of State on July 20, 1868. The President shared that doubt. There were 37 States in the Union at the time, so ratification by at least 28 was necessary to make the amendment an integral part of the Constitution. Actually, only 21 States legally ratified it. So it failed of ratification.” <sup>5</sup>

# Alabama Law Review:

“The question is one for the Supreme Court. Yet, in *Coleman v Miller*, the court discussed the ratification of the Fourteenth Amendment for the first, and likely the last time. The Court did not discuss whether the ratification had conformed to Article V. It only said that:

‘While there were special circumstances, because of the action of the Congress in relation to the governments of the rejecting States (North Carolina, South Carolina and Georgia), these circumstances were not recited in proclaiming ratification and the previous action taken in these States was set forth in the proclamation as actual previous rejections by the respective legislatures. This decision by the political departments of the Government as to the validity of the adoption of the Fourteenth Amendment has been accepted.

**‘We think that in accordance with this historic precedent the question of the efficacy of ratifications by state legislatures, in light of the previous rejection or attempted withdrawal, should be regarded as a political question pertaining to the political departments, with the ultimate authority in the Congress in the exercise of its control over the promulgation of the adoption of the amendment.’ ”** <sup>6</sup>

# Let's Recap:

- The 14<sup>th</sup> Amendment is the legal foundation that corporations use to lord over us.
- Although in actuality the 14<sup>th</sup> Amendment's passage is totally sketch as even U.S. News and World Report admitted in the 1950s.
- Supreme Court in the 1930s says that its passage is a political question and not a judicial question.



# What is a lowly State Rep to do?

- According to the current prevailing wisdom the only way for a member of the General Court to launch an investigation is to obtain approval from the Chairman of a statutory committee.

Although this necessarily means it becomes a political decision with all of the nonsense that the party bosses bring wherever they go.

# Is this what the people of New Hampshire elected us to do?

- Are we to be the do-boys of the party bosses who either through incompetence or acquiescence brought us to the point where we are now?

Corporations have become ungovernable. Remember too big to fail (or audit)?

# It's time to work together absent the party bosses

- Seating a select committee of state representatives focused on righting the wrongs of wayward corporations and acting under the authority of Article 83 is the way out of this mess.
- The Independent Committee of Corporate Abuses (or something to that effect) shall hear the grievances of the public and take action to rectify the wrongs.

# This is the Constitutional way:

- [Art.] 32. [Rights of Assembly, Instruction, and Petition.] The People have a right, in an orderly and peaceable manner, to assemble and consult upon the common good, give instructions to their Representatives, and to request of the legislative body, by way of petition or remonstrance, redress of the wrongs done them, and of the grievances they suffer.

June 2, 1784

# For more information:

- More information can be found within my essay, *The Revolution Solution* (2018).

Downloadable on my website:

[www.GoHardWithGerhard.com](http://www.GoHardWithGerhard.com)

# Sources:

- 1. Grossman, Richard L. and Frank T. Adams. Taking Care of Business: Citizenship and the Charter of Incorporation. 4th Printing. Program on Corporations, Law & Democracy (POCLAD). (1999). Page 8.
- 2. Ibid. Page 9.
- 3. Defying Corporations: A Book of History & Strategy. Program on Corporations, Law & Democracy (POCLAD) and Apex Press. (2001) Corporations for the Seventh Generation: Changing the Ground Rules, by Jane Anne Morris. Page 95. Corporations and the Public Interest: The Development of Property Concepts in the U.S. 'Just Us' System, by Karen Coulter.
- 4. Ibid. Page 107. "March of Folly: Corporate Perversion of the Fourteenth Amendment," by Greg Coleridge.
- 5. Lawrence, David. "There is No Fourteenth Amendment!" U.S. News & World Report. September 27, 1957. Page 140.  
<http://www.supremelaw.org/authors/lawrence/no14th.htm>
- 6. Bryant, Douglas H. "Unorthodox and Paradox: Revisiting the Ratification of the Fourteenth Amendment." Alabama Law Review Page 555-556.  
<https://www.law.ua.edu/pubs/lrarticles/Volume%2053/Issue%202/Bryant.pdf>. Page 579-580. ( (Internal citations omitted.)