



Northeast Ohio American Friends Service Committee
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**TESTIMONY ON SENATE BILL (SB) 214 BEFORE
HOUSE STATE GOVERNMENT COMMITTEE
Greg Coleridge
November 10, 2004**

Thank you Rep. Carmichael, Chairperson of this Committee, and other members of the House State Government Committee.

My name is Greg Coleridge. I am the Director of the Northeast Ohio American Friends Service Committee, based in Akron. AFSC is a national Quaker social action organization. We have 7000 people on our database who support our work on behalf of justice, peace, humanitarian service, and democracy.

I have researched the history of corporations and democracy in Ohio and have written a book, *Citizens over Corporations: A Brief History of Democracy in Ohio and Challenges to Freedom in the Future*. I would be happy to supply a copy to any interested member of this Committee.

I stand here today to voice my concerns about SB 214, most notably the extreme provision of the proposed bill that would legalize for the first time in many decades direct political contributions from business corporations for “independent expenditures” in support or opposition to political candidates. Inserting the word “person” strategically throughout the bill would further open an ever-widening floodgate of money from business corporations to further widen and deepen their corrupting and anti-democratic influence in elections. This occurs election after election at the every level of government through corporate Political Action Committees (PACs). This occurs more specifically through the illegal direct corporate contributions to Supreme Court Justice races through front groups like Citizens for a Strong Ohio, Informed Citizens of Ohio, and Competition Ohio to run so-called “issue ads” that are actually political ads. This is wrong.

It is true that the US Supreme Court considers corporations “persons” --- at least at the moment. It was also true at one time that the law affirmed that blacks were considered property, women couldn’t vote, and people couldn’t directly elect their Senators. There are plenty of anti-democratic laws and court rulings. Equating corporations as persons is one of them at this point in history.

The Supreme Court first “found” business corporations in the First Amendment in *First National Bank of Boston v. Bellotti*, in 1978 when the Court overturned a Massachusetts law that prohibited corporations from spending money to influence legislation unrelated to their business. The ruling overturned the laws of thirty states that had adopted similar legislation.¹

The First Amendment to the U.S. Constitution declares, in part, that governments shall “make no law . . . abridging the freedom of speech.”

In his dissenting opinion in *Bellotti*, Supreme Court Justice White described the decision’s impact:

It has long been recognized, however, that the special status of corporations has placed them in a position to control vast amounts of economic power which may, if not regulated, dominate not only the economy but also the very heart of our democracy, the electoral process The State need not permit its own creation to consume it.
Bellotti, 435 U.S. at 809 (White, J., dissenting)

Africa Initiative Program ~ Debra Calhoun, Director
Economic Justice & Empowerment Program ~ Greg Coleridge, Director

The American Friends Service Committee is a Quaker social action organization seeking non-violent solutions to human problems through promoting understanding and peace, and helping those ill and oppressed. AFSC is a 501 (c) (3) organization.

Courts since *Bellotti* have expanded corporate speech rights without revealing why or how the Constitution compels the conclusion that corporations must be empowered by the First Amendment. They have also avoided any discussion of how the exercise of those rights by corporations negates the ability of people to exercise their own First Amendment rights – thus preventing people from using their own free speech to secure their inalienable rights to life and liberty.

In addition, Courts have avoided the interrelated discussion of how the conferral of First Amendment rights upon corporations involuntarily subjects the majority to the blunt force of the speech of the corporate minority – enabled through the massive wealth of corporations – thus nullifying the fundamental guarantee of a republican form of government.

I ask each and every member of this committee today whether you can assure the citizens of Ohio that expanding the political power of business corporations via direct corporate contributions to political campaigns will not prevent real people from using our own free speech rights to secure our inalienable rights to life and liberty.

I ask each and every member of this committee today whether you can assure the citizens of Ohio that expanding the political power of business corporations via direct corporate contributions to political campaigns will not give a corporate minority greater authority in the political and electoral arenas over the human person majority.

If you cannot assure the citizens of Ohio that this bill will not reduce the free speech rights of human persons, then the word “person” must be removed entirely from the bill.

In conclusion, I hope that this committee ultimately not only removes “person” from this bill but goes even further to reconsider passing law similar to the one created by your predecessors in 1908 and on the books until 1959 which outlawed all direct and indirect contributions by corporations to all candidates and issue campaigns. I look forward to appearing before this committee at that time to speak in favor of such a proposal

Thank you.

1908 Ohio Law Prohibiting Corporation Political Contributions

The General Assembly enacts legislation “to prevent the corruption of elections and political parties by corporations” by barring any corporation from directly or indirectly giving money or property to any political organization, party or candidate.

Section 1, That no corporation doing business in this state shall directly or indirectly pay, use or offer, consent or agree to pay or use, any of its money or property for, or in aid, of any political party, committee or organization, or for, or in aid of, any candidate for political office or for nomination for any such office, or in any manner use any of its money or property for any political purpose whatever, or for the reimbursement or indemnification of any person or persons for moneys or property so used.

Source: [99, Ohio Laws, 23]