

Courts & Corporations, Questions & Notes

1. What can we learn from the Timeline of Corporate Personhood?

People get rights by Constitutional Amendment
Corporations get rights by judicial decisions

2. What role has the Supreme Court played in continued corporate influence of our election?

Look at the 3 Courts History

3. Is the US Chamber of Commerce controlling State Supreme Court Elections?

Rose Bird -Once special-interest politics begins to undermine the rule of law, it is not hard to imagine a system in which judges put their moistened fingers to the wind, decide what is perceived to be the prevailing view and rule accordingly....Such a system would as surely end the rule of law as would the destruction of our constitution itself."
Opposed by big ag & Big Business. Recalled in 1996

4. How has the Supreme Court been connected to the power elite throughout history?

Chart

5. How does judicial interpretation work?

Federalist Chief Justice John Marshall in Marbury v Madison 1803 decided that the Court had the power to declare Judiciary Act of 1801 illegal. Federalists lost the case but won the power of Judicial review for the Supreme court. Supreme Court gets to decide which laws are legal and which laws are not

6. Are the Justices of the Supreme Court policymakers?

All the cases in the corporate timeline are policy making cases

7. What is the conservative legal movement?

Based on Hayek & Von Mises, promoting a market based jurisprudence.
Inundated elite law schools
Money is speech
Citizens United

8. What are the long-term goals of the Federalist Society?

Conservative Problems with SCOTUS – Earl Warren – David Souter, JP Stevens
Corporate Power, Eliminate Campaign restrictions, Conservative takeover of the Court
Scalia a Founder
GW Bush used to Vet SCOTUS judges

9. How does “Austrian Economics” fit into this picture?

Hayek & Von Mises – Market oriented judicial decisions

10. What is the corporate connection to this movement?

Supported by same Foundations, Scaife, Bradley, Koch
Oil, Wall Street, Pharma – Microsoft and big media

11. How is the Chamber of Commerce involved in the legal system?

Chamber building in DC
Institute for Legal Reform
Public Citizen, Chamber Watch

12. Is the US Chamber of Commerce controlling State Supreme Court Elections?

Ohio – AfD Case
Michigan, Texas etc.
Cost of Judicial elections skyrocketing
Judges in contested elections 23% more likely to favor business

13. Who was Lewis Powell?

Virginia Corporate Lawyer
Powell Memo
Nixon Appointed to Supreme Court
Moderate on Social Issues
Rabid on conservative business issues
Buckley v Valleo money as Speech
Belotti Decision Corporate political speech rights

14. What is Sandra Day O’Connor’s solution?

Judicial Commission to select judges at State level
& publicly funded retention elections

15. How do corporate Lawyers game the system?

Design cases to fit the corporate agenda,
Affordable Care Act finding tiny little legal blips
Jan’s article on Kasky & CU

16. How are the rights of nature being promoted?

Thomas Berry- Catholic Theologian
CELDF
Bolivia & Ecuador

17. What is a politician in robes?

Sandra Day O'Connor's term for judges with an agenda promoted by corporate power

18. How could Congress control the Courts?

Jane Anne Morris –
Judiciary Acts,
Multiple Courts,
Eliminate Judicial review of state laws

19. What is Ultra Vires?

Deciding what is beyond the power of a corporation to do Beyond the Powers

20 Why are the Political Conventions important to the Courts?

Deciding who will be president

21. Who does the law favor and how?

Gravel of law
Law favors the wealthy
They make the laws
They can afford to defend themselves against the law