Supreme Businesses: Impacts of Business Cases since 1888

Charlene Canning, WH ‘23

Professor Amanda Shanor, *Advisor*

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Supreme **businesses**

Abstract

Business law in the United States has come a long way from the Industrial Revolution. I analyzed landmark Supreme Court cases involving businesses since *Santa Clara County v. Southern Pacific Railroad* in 1886 to show how they have impacted the rights of individuals. Since the initial recognition of businesses as individuals, they have been able to access rights and privileges enjoyed by people. My research shows how businesses have accessed and impacted the rights and privileges to speech, free exercise and economic engagement. All of this leads to a discussion of how the development of corporate personhood threatens the intrinsic nature of rights.

Some of the Cases Examined:

- *Burwell v. Hobby Lobby*
- *Citizens United v. Federal Elections Committee*
- *Apple Inc. v. Pepper*
- *Bank of the United States v. Deveaux*

Impacts to the First Amendment

Perhaps the most academically-dissected way that corporate cases have impacted the First Amendment rights of individual Americans is through the development of corporate personhood. There is particularly abundant criticism about the overall impacts on First Amendment rights of stakeholders such as shareholders and employees.

Shareholders With this subset of corporate stakeholders, it is easy to make the argument that people are essentially free agents and can accordingly choose to invest or divest from companies as they wish. After all, if shareholders choose to remain investors of companies that “speak in ways that may not reflect the positions of their equity owners,” they have clearly decided that the economic benefit outweighs the burden of any cognitive dissonance. Justice Alito says in the majority opinion that RFRA was intended “to protect the rights of people associated with the business, including shareholders, officers, and employees,” but the reality of only reinforcing the protection of the owners’ religious beliefs proves otherwise. This then leaves the assurance that the owners of the company are the only ones that possess the religious beliefs being exercised.

Money in Politics When wealthy actors in the form of businesses interfere in political processes, the result is political change that does not accurately reflect the will of the people and instead disproportionately reflects the wishes of a small portion of the population. By ensuring that politicians produce legislation that reflects a distorted version of public desire, lobbyists are able to perpetuate the political inefficacy of everyday voters.

Economic Impacts

The most direct impacts businesses have on society at large are economic ones because the codependent nature of independent people and companies. In addition to being shareholders or the owners themselves, individual people are the consumers and employees upon which companies rely.

Monopolies limit the option set and reduce the power of the consumer. An example includes the existence of only one kind of coffee shop on urban college campuses: Starbucks—a common indicator of incoming gentrification. In this common situation, affiliates of a university that are against gentrification have no other choice within the given option set but to support a chain that shares responsibility for uprooting communities and encouraging young white professionals to stay, and even if these people chose not to consume Starbucks products, the remaining portion of the community only has one option for access to convenient caffeine and related products. Here we see that attempted boycotts motivated by problems perpetuated by the private sector become less likely to have a big impact on sale revenue if the businesses responsible for perpetuating the issue are the only available retailers or providers in the area.[1] The impact here is clear: companies that harm society are able to continue doing so when they have significant control of the market, and consumer activism becomes less effective as a result of this monopoly.