

# AS THE COUNTRY TURNS

by *Virginia Rasmussen and Mary Zepernick*

*The following skit (a “drama” in six acts) takes about half an hour, depending on embellishments. Feel free to modify it (except for historical/Constitutional quotes) to suit your situation. Be creative with props, costumes, audience participation, and so on. For instance, you can give it the flavor of an old-time melodrama, with appropriate music and/or cue cards for the audience to “stamp feet and whistle,” “applaud,” “boo and hiss.”*

**Mistress of Ceremony (M.C.):** AS THE COUNTRY TURNS, a drama in six short episodes that tells the story of the shifting relationship between We the People and Corporations in the United States of America. We will interrupt the program for a commercial break.

Episode One: CORPORATIONS AND KINGS.

**SIR JOHN COLEPEPPER:** “Like the frogs of Egypt, they have occupied our dwellings, until we have scarcely a room free from them. They sip from our cup, they dip in our dish, they sit by our fire.”

**NARRATOR:** Thank you, Sir John. This is how Sir John Colepepper, an Englishman of several centuries ago, described the corporations of his day. Imagine what he would say today!

In 1628 King Charles I granted a charter to the Massachusetts Bay Company. to settle the colony. Several decades later the king sent his commissioners to see whether the Massachusetts Bay Company was complying with this charter. The company’s governors claimed this investigation infringed on their rights. The king’s commissioners replied, “The king did not grant away his sovereignty over you when he made you a corporation.”

Kings and queens were raised in those days to ACT like sovereigns, to be in charge. In a democracy, we the people are sovereign. Are we acting like sovereign people? Are we in charge of our society’s arrangements and institutions?

**M.C.:** And now for Episode Two: A NEW COUNTRY IS BORN.

**NARRATOR:** A major question among those struggling to form this new government was “where do ordinary citizens fit into the picture?” Some people, known as the Anti-Federalists, feared control by a wealthy and propertied few; they wanted widespread democratic participation and control by the many. They also knew that such a goal required a high level of equality among citizens. Certainly, a widespread access to education was seen as essential for effective self-governing.

Now, this was a threatening notion to the Federalists who saw stable government as deliverable only by a comfortable elite, an elite that stood apart from the mass of people. And who composed this elite at the time BUT white propertied males, to the exclusion of everyone else.

Well, the Federalists won the day. In the words of historian Howard Zinn, “The American Revolution transferred power from one elite to another.” We hear now from Federalist James Madison, often referred to as the Father of the Constitution.

**JAMES MADISON:** “The greatest conflict in the country is between those who have property and those who have none.” Here are some of my finest Constitutional ideas. Notice how well they protect those who have property.

**READER #1:** The COMMERCE CLAUSE OF THE CONSTITUTION prohibits states from passing tariffs that “hinder” the flow of goods between states, thus favoring big commercial interests over small local enterprises. The commerce clause was recently referred to as “the very first North American Free Trade Agreement (NAFTA).”

**READER #2:** FIRST AMENDMENT RIGHTS — “Congress shall make no law... abridging the freedom of speech, or the press; or the right of people peaceably to assemble.” Notice that the wording offers protection from PUBLIC law, meaning the government may not abridge these freedoms. But PRIVATE abridgement is allowed. In other words, the Constitution ALLOWS employers to deny their workers free speech and assembly.

**NARRATOR:** So we see that the Constitution was written in such a way as to leave public control over so-called private corporate bodies VERY vulnerable. Nevertheless, at the country’s beginning, people working through their state legislatures sought to exert A LOT of control over corporations; they wanted to put them subordinate to the people.

**M.C.:** And now Episode Three: THE FIRST CENTURY OF THE NEW REPUBLIC: STATE LEGISLATURES KEEP A TIGHT LEASH ON CORPORATIONS.

*Enter JANE Q CITIZEN (large name tag) with the CORPORATION on a leash.*

**JANE:** According to the Pennsylvania state legislature in 1834: “A corporation in law is just what the incorporation act makes it. It is the creature of the law and may be moulded to any shape or for any purpose the Legislature may deem most conducive for the common good.”

**NARRATOR:** Indeed, in the early decades of US history corporations were clearly defined and monitored by the people’s elected representatives. State-issued charters specified the purpose, the lifespan, the degree of capitalization permitted, and other stipulations. Based on English common law, quo warranto proceedings were used to enforce charter provisions. “Quo warranto” means by what authority... as the king would ask “by what authority” his subjects or creations did or didn’t do thus or so. In the new country, state officials would institute quo warranto proceedings, calling a corporation’s representatives before a hearing to account for their adherence to their charter.

*CHORUS AND AUDIENCE: QUO WARRANTO POLKA — first verse and chorus.*

**NARRATOR:** As late as 1890 charters were revoked when corporations were found to have acted beyond their authority. An example is the New York Supreme Court revocation of the North River Sugar Refining Corporation charter.

**JUDGE:** “The judgment sought against the defendant is one of corporate death. The state which created, asks us to destroy, and the penalty invoked represents the extreme rigor of the law. The life of a corporation is, indeed, less than that of the humblest citizen....” *Topples CORPORATION to cheers & clapping.*

*CHORUS AND AUDIENCE: QUO WARRANTO POLKA — second verse and chorus.*

**M.C.:** The Fourth Episode: STORM CLOUDS GATHER OVER CITIZEN SOVEREIGNTY.

**NARRATOR:** During and after the Civil War, corporations grew and gained strength and clout. Their lawyers sought and found ways to evade the restrictions legislatures had placed on corporations. As the post-war years unfolded, men of property continued to use the corporate form as a means to gather wealth and power unto themselves. They got the courts to pronounce that their property included all kinds of things — beyond equipment and buildings — things they USED to do their business: land, resources, contracts, for all practical purposes the labor they employed, profits, even future profits. And then corporations received from the Supreme Court the protection of due process of law over all that property.

The corporate form became the beneficiary of the 14th Amendment to the Constitution, passed after the Civil War to protect — with due process of law — the life, liberty and property of freed slaves, natural persons.

Indeed, In 1886, the US Supreme Court, in a footnote to the case of *Santa Clara County vs. Southern Pacific Railroad*, issued the following decision:

**JUDGE:** We declare corporations persons under the law, entitled to the protections of the Constitutions and Bill of Rights.... Now don't ask us to explain this decision. It is the opinion of all of us on this bench that the corporation is equivalent, in law, to a person.

*CORPORATION takes off building and dances around JANE Q CITIZEN and sings: I'm a person, I'm a person, I'm a person, bigger than you, oh ho ho ho ho (to tune of Quo Warranto).*

**NARRATOR:** Did the corporations know how to make the most of this decision in order to enhance their wealth and power? You bet they did. In the 307 cases concerning the 14th Amendment brought before the Supreme Court between 1890 and 1910, 288 of them involved corporations making claims for property protection; only 19 pertained in any way to African-Americans.

What were the people to do about the looming and controlling powers of corporations, entities that had managed to take the law of the Constitution and turn it into the law of the Corporations?

**M.C.:** Episode Five: THE REGULATORY CENTURY.

**NARRATOR:** Toward the end of the 19th century the Populists, made up largely of farmers and workers, recognized that corporations were staging a counter-revolution, a usurping of the people's sovereign authority to govern ourselves. They created a powerful people's movement but corporate interests had already amassed the power and wealth to control the country's agenda. Regulatory agencies were formed, the first one being the Interstate Commerce Commission, created and run by railroad barons, all the while that they howled about government regulations.

In the early 20th century the Progressives achieved some useful labor and safety legislation. However, they were complicit in the regulatory coup that replaced the people's sovereign authority with unelected, unaccountable agencies that became a shield for corporations, far more than a protection for citizens.

Listen to the acting second deputy undersecretary of the ABC Agency:

**OFFICIAL:** On behalf of the ABC Agency, I appreciate your views on the proposed new regulations. After more studies, we'll invite you to hearings on the tenth draft of the regulations, which will lead to new and improved studies and a new and improved enforcement department of the agency, which will then hold more hearings... And if we all work very hard, eventually we may just

be able to slap a fine on those corporations. Then if the agency works even harder, we might actually collect some day.

**NARRATOR:** JANE Q CITIZEN is transformed into JANE Q CONSUMER. (*JANE changes name tag.*) And now for a commercial break.

**CHORUS:**

What a thrill to take the wheel of a rocket Oldsmobile!  
In performance it's a star; it's a rocket engine car.  
Hydromatic drive is new, futuramic styling, too.  
When you make a date with a rocket eight  
There's a big new thrill for you!

**M.C.:** Welcome back to the sixth and final episode of *As the Country Turns: THE COMING CENTURY: CITIZENS ON THE RISE*.

**NARRATOR:** A minority of people, organized in the corporate form, now wields controlling power over the lives, work, health, communities, and future of the vast majority of people all around the globe. They are doing this through a process of global corporatization. In their rush to produce more and more of absolutely everything, it is the corporate goal to do whatever they want with our air, water, genes, crops, food, soil, trees, technologies, capital, people's ideas, services, histories, etc.

But increasingly people and activist organizations are not taking these dispiriting, destructive trends sitting down. Many have had quite enough of governments that pretend to be democracies, of giant corporations dressing themselves in sovereign garb, and of public officials who give away to corporations the rights, responsibilities, and protections due to citizens.

We are beginning to figure out in larger and larger numbers that we need to know more about about the hidden histories of minority rule, that we need to decolonize our minds of a corporate-defined culture, and to help one another in our organizations and communities get a truer take on what real democracy is — what DOING democracy actually requires of us, and what rewards it will, in turn, offer us.

Admittedly, this is not an overnight assignment. We've been a long time getting to this predicament and we will be a long time unraveling it. But it's energizing work because it WILL move us toward a time and place when We the People will be defining our lives, communities, and culture.

*CROWD NOISE demanding to be in charge, seeking democracy, etc.*

*CHORUS AND AUDIENCE: QUO WARRANTO POLKA — third verse and chorus. JANE Q CITIZEN puts the building back on the CORPORATION. Close with QUO WARRANTO chorus.*