

Racism and Global Corporatization

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“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 and 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.”

The persons who were made citizens and granted legal protections by the U.S. Constitution’s 14th Amendment, passed in 1868, were African-Americans, and specifically newly freed slaves. Corporate managers, lawyers and lobbyists — ever seeking to remove the restrictions on corporations established and enforced through state-issued charters — eyed this development as a grand opportunity to advance their cause.

Sure enough, in 1886, the Supreme Court in *Santa Clara County vs. Southern Pacific Railroad* declared the corporate form legally equivalent to a person with regard to the protections of the 14th Amendment. In a bitter irony, the primary beneficiaries of a centuries-old system that literally capitalized on the labor of Africans have used this legal personhood of corporations to increase their illegitimate power and wealth — at the continuing exploitation and expense of people of color.

Between 1890 and 1910, more than 300 cases were brought before the Supreme Court under the 14th Amendment: 288 by property organized in the corporate form; 19 by African-Americans. Enslaved people had been defined as property until the 13th Amendment abolished the institution (if not the legacy) of slavery, prohibiting “involuntary servitude except as a punishment for crime.” Thus has the Constitution supported free labor to corporations past and present, from early railroads to the increasingly privatized prisons today that are filled with the poor and people of color convicted of non-violent crimes.

In 1896, some 10 years after *Santa Clara*, the Supreme Court set forth in *Plessy vs. Ferguson* the “separate but equal doctrine” that legalized segregation through “Jim Crow” laws. In less than 30 years, African-Americans had effectively lost their legal personhood rights, while the corporate form and its operatives piled rights upon privileges, on into the 21st century.

According to historian Jeff Kaplan, these court decisions toward the end of the 19th century “are part of a common social structure in which the exercise of social power through property rights continues to mask the concomitant disempowerment of people of color. In effect, what the courts decided is that corporations are people while African-Americans are not; and that, while property could no longer be held in the form of black skins, it could still be invested in white ones.”

Kaplan quotes African-American legal scholar Cheryl Harris, who points out that “Whiteness and property share a common premise... the right to exclude.” In reflecting on the personification of corporations, Kaplan contends that the “corporate person is a white person. It was given its invisible, but nonetheless valuable, color because of the conjoint exclusionary privileges of whiteness and property.”

Today the five percent of the wealthiest people, who use corporate “persons” as their vehicles for plunder, are wealthier and more powerful than ever. They are the heirs of those who profited from the transatlantic slave trade by inventing the assumption of inferiority based on race and using it as a rationale for decimating, colonizing and enslaving people of color for profit. Racial slavery differs from the slavery of previous eras in creating deliberate and

systemic oppression. It is characterized by the theft of peoples, lands, and resources; rape and lynching; and other efforts to dehumanize and destroy spiritual, cultural, economic, and political systems that have sustained people and communities and provided alternatives for organizing human societies.

In the English colonies, racial prejudice served to neutralize the threat that Africans, indigenous peoples, European indentured servants, workers, and farmers would make common cause. Post-independence, the United States continued the slave economy for nearly a century, and to this day exploits people of color as a pool of surplus, unemployed, and cheap labor to keep wages low and scapegoats them as a counterweight to unrest among the “white” working class. This strategy has worked so brilliantly that in recent decades it has been exported to former colonies of other European nations in the guise of “free trade.” As corporate operatives did with the 14th Amendment, they have seized on global trade and its international infrastructure as a vehicle for the growth of profits and power.

Thus, although global corporatization is now supported by other countries as well (primarily the same western nations who fueled the first age of colonization), our campaign to Challenge Corporate Power, Assert the People’s Rights concentrates on the United States as the creator and engine of global corporatization. The U.S. racism that perpetuates a low-wage pool of people of color and a divide-and-conquer mentality is equally important to global corporatization as a corresponding global movement builds to resist corporate rule, systemic racism, and the militarism that keep these in place.

Therefore, it is wholly in historical character that the United States government sought to dictate the agenda at the World Conference on Racism, in order to maintain the tool of racism to cloak and perpetuate the power of the propertied few. And when political power is insufficient to maintain control, the police and military power of the state is employed: from tracking down fugitive slaves, to mowing down striking workers; from brutalizing the people protesting the closed-door meetings of corporate-political elites, to murderous suppression of those who threaten the safety of capital investment aimed at benefiting the few.

It took almost half a century for *Plessy vs. Ferguson* to be reversed by the 1954 Supreme Court decision *Brown vs. Board of Education*, declaring that separation (segregation) was inherently unequal. This was not a gift of the Supremes, but resulted from civil rights movement building, coupled with decades of patient legal work — the combination changing the political culture enough to achieve this victory. *Brown* certainly didn’t end racism; it simply eliminated a legal impediment and opened an organizing door for continued movement-building and legal challenges.

So it is with corporate personhood, a concept all the more outrageous in contrast to the effective denial of personhood to real live human beings. However, until we understand the history and underpinnings of corporate domination, we shall continue spending our energy challenging corporate *behavior*, rather than corporate *power* that feeds and feasts on oppression.

We cannot achieve justice without the citizens of this country developing democratic tools that make the people sovereign over economic, military, social/cultural, and political systems. In this way we can also prevent the United States from interfering in the sovereignty of other nations.

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