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Joe Barnett jib, pole, twing, boom; jib, pole, twing, boom; jib, pole, twing, boom... (or is it jib, twing, pole, boom?) on Wednesday

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 **Joe Barnett** Some light Saturday morning opinion: More of Sowell on the erosion of our constitutional protections--with the (often forgotten) idea that the constitution requires our protection too.


<http://www.nationalreview.com/articles/244252/point-no-return-thomas-sowell>

The Point of No Return
www.nationalreview.com
Thomas Sowell writes on NRO: How did we get to the point where many people feel that the America they have known is being replaced by a very different kind of country, with not only different kinds of policies but also very different values and ways of governing? Something of this magnitude does not...


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 **Darrin Chandler** "Supreme Court ruled this year that people in corporations have the same free-speech rights as other Americans"


Of course this is complete bunk. The people in corporations already have free speech, as people. This isn't about free speech of people, it's about pretending that corporations are actual people and enjoy the same rights, which is obviously not true in fact.
10 hours ago · [Like](#)

 **Dave Riddle** For the purposes of taxation we treat a corporation as a person. Shouldn't the entity that can be taxed have the right to speak too?


Also, if we give Unions (also made up of people) and 527 issue groups (also made up of people) the right to speak why should a corporation be treated different?
10 hours ago · [Like](#) · [Delete](#)

 **Darrin Chandler** Corporations are given some special status as an entity for the benefit (protection) of business, not in order to tax what was previously untaxable.


I don't think unions should have any special status, either. People have rights. Organizations made up of people do not have rights of their own, and we should be very, very careful in extending rights to conceptual entities. The first step down the "wrong" road is to pretend that companies, unions, et al are actually people with rights.
9 hours ago · [Like](#)

 **Dave Riddle** We don't have to "pretend" that companies, unions, etc have rights. The Constitution guarantees us as individuals and us as collectives (in whatever form that collective takes) those rights in the First Amendment. The Freedom of Association. We are free to gather together (as members, shareholders, etc...) and focus our voice.

A corporation through it's Directors and shareholders, a Union through it's leadership and members or a 527 interest group are all doing the same thing. Seeking to further the interest of the individuals that comprise it's membership. This is no different then a group of people that gather together to express their view by marching down the street waving signs. A group of united voices is more clearly heard that a single voice yelling into the wind that comes from Washington or City Hall.
7 hours ago · [Like](#) · [Delete](#)


 **Joe Hunt** http://www.freerepublic.com/tag/*/index
<http://forums.hannity.com/>
<http://www.republicanoperative.com/>

Much better venues to discuss political bullshit than Facebook. Give them a try.
7 hours ago · [Like](#)

 **Darrin Chandler** Freedom of association/assembly is an individual right, not a right of groups or organizations. Any rights assigned to organizations must derive from the rights of


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ASU Staff

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Married to
Karen Elms Barnett




Children:
Elisabeth Barnett
Sarah Barnett

Birthday:
April 12, 1967

Current City:
Phoenix, AZ




Mutual Friends




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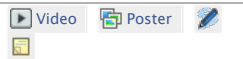
  
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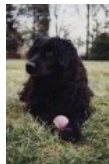


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individual members, but that does not mean all rights are provided, and it most certainly does not mean that the organization is a person.

Let me be clear on this: all rights of an organization derive solely from the rights of individuals. Pretending (yes, pretending) that XZY Corp. is a citizen is a fallacy, and a harmful one.

I realize that some rights are properly given to organizations in order to promote the interests of members. But not all rights, and not the same rights for different kinds of organizations.

7 hours ago · [Like](#)

Dave Riddle Joe, Since it's Joe's wall and he posted on HIS wall the political observation from Dr. Sowell I think Joe has decided that he does not think discussing politics among his friends is beyond the pale of his wall. You are of course free to not read what Joe finds to be of interest to him. I for one am glad that he is not posting Farmville updates (or maybe he is since I hid all updates from that app.)

As long as discussions and debate do not devolve into the typical shoutfest, name calling and profanity (like you used) and which is typical of the echo chamber type sites you referenced why should it bother you what Joe posts?

Darrin, who gets to decide which rights we can enjoy as individuals when we decide to associate with like-minded individuals? I don't want ANYONE telling me, you or anyone else who they can associate with or how they can express individually or collectively what they want to say. I want there to be the free flow of ideas. Those I agree with and those I don't. The Supreme Court has long held that it is important for individuals to be able to join together to amplify their voice.

See NAACP v. Alabama for clarification.

http://en.wikipedia.org/wiki/NAACP_v._Alabama

6 hours ago · [Like](#) · [Delete](#)**Darrin Chandler** Dave,

Good points regarding politics on FB and I agree.

I'm not sure how relevant NAACP v. Alabama is to this discussion.

And there's a long stretch between arguing for your rights, and applying that to anything you choose. Before the SCOTUS ruling wrt corporations you could assemble and collectively voice your opinions in many ways. I'm not clear on how the ruling has strengthened those rights, or how reversing the ruling would impinge on those rights.

5 hours ago · [Like](#)

Dave Riddle The final section of that Wiki lays it out. Shows the error in McCain-Fiengold and also one reason that "Judge" Walker in the Prop 8 case will once again (for a fourth consecutive time) be slapped down by either the 9th Circuit or SCOTUS

"Immunity from state scrutiny of petitioner's membership lists is here so related to the right of petitioner's members to pursue their lawful private interests privately and to associate freely with others in doing so as to come within the protection of the Fourteenth Amendment" and, further, that freedom to associate with organizations dedicated to the "advancement of beliefs and ideas" is an inseparable part of the Due Process Clause of the Fourteenth Amendment. The action of the state's obtaining the names of the Association's membership would likely interfere with the free association of its members, so the state's interest in obtaining the records was superseded by the constitutional rights of the petitioners."

Also, as to "Corporations" having a voice. How do you decide that the New York Times Corporation get's to exercise their First Amendment rights but that XYZ Corporation doesn't get to exercise theirs? Does that mean for XYZ Corp to exercise their First Amendment Rights and their shareholders to exercise their Fourteenth Amendment Rights that XYZ Corp has to begin publishing a periodical or buy a cable channel?

Sure seems like a double standard to me.

5 hours ago · [Like](#) · [Delete](#)

Darrin Chandler If we're to continue, I would appreciate it if you would refrain from unhelpful ad hominem jibes such as the quotes in "Judge" Walker. If there's something that bears on the discussion then please speak plainly, otherwise just leave it out.

You read more into that NAACP ruling than I. I don't even really follow your connection. It's mostly concerned with the 14th Amendment, not the 1st. Even at that time, I doubt Alabama would have been foolish enough to directly challenge NAACP on 1st Amendment grounds. While it's true that they were trying to violate the 1st, they knew better than to try directly. But we're talking directly about the 1st Amendment, and a corporation qualifies under the assembly clause.

Chat (8)

of NAACP was certainly not in question.

As for your points about news media companies v. other companies... I have to think about that a bit. Interesting.
4 hours ago · [Like](#)



Dave Riddle You need to look at what the 14th Amendment does to understand Why Alabama was in the wrong. NAACP is a corporation. NAACP has members.

From the actual ruling

<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=357&invol=449>

"Petitioner is a nonprofit membership corporation organized under the laws of New York for the purpose of advancing the welfare of Negroes."

That advancement is through speech protected by the First Amendment. Alabama tried to surpress the Corporation in violation of the 14th Amendment incorporation clause of the Individual First Amendment rights by the State

From the 14th

"...No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States."

What priviledge or immunity was Alabam seeking to abridge?

From the 1st: " freedom of speech...right of the people peaceably to assemble, and to petition the government for a redress of grievances."

I really like the discussion of or the First and Fourteenth (through incorporation) interact with each as discussed on this page

http://topics.law.cornell.edu/wex/First_amendment
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Dave Riddle As to your question of "whether or not a corporation qualifies under the assembly clause."

"in 1978, the Supreme Court faced directly the important issue of whether a corporation had a First Amendment right to freedom of speech on political issues of economic interest to the corporation. The case involved a corporation's efforts to challenge a state tax that affected the profitability of its operations, and in 1978 in First National Bank of Boston v. Bellotti, the Court concluded that such expression — even on behalf of corporations and even if apparently motivated by commercial self-interest — was fully protected by the First Amendment."

<http://www.firstamendmentcenter.org/Speech/advertising/overview.aspx>
3 hours ago · [Like](#) · [Delete](#)



Dave Riddle Interesting read on this topic

<http://www.professorbainbridge.com/professorbainbridgecom/2010/01/citizens-united-v-fec-the-first-amendment-rights-of-corporate-persons.html>
3 hours ago · [Like](#) · [Delete](#)



Joe Hunt Dave, this is the reason that I dropped you as a friend. Facebook is a social networking site, not a political discussion thread. Log on to one of the sites that I offered if you want to continue your bullshit. Otherwise, go to hell.
about an hour ago · [Like](#)

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