

was substituted for the word “citizen” with a view to protecting corporations from oppressive state legislation.⁴¹ As early as the 1877 *Granger Cases*⁴² the Supreme Court upheld various regulatory state laws without raising any question as to whether a corporation could advance due process claims. Further, there is no doubt that a corporation may not be deprived of its property without due process of law.⁴³ Although various decisions have held that the “liberty” guaranteed by the Fourteenth Amendment is the liberty of natural,⁴⁴ not artificial, persons,⁴⁵ nevertheless, in 1936, a newspaper corporation successfully objected that a state law deprived it of liberty of the press.⁴⁶

A separate question is the ability of a government official to invoke the Due Process Clause to protect the interests of his office. Ordinarily, the mere official interest of a public officer, such as the interest in enforcing a law, has not been deemed adequate to enable him to challenge the constitutionality of a law under the Fourteenth Amendment.⁴⁷ Similarly, municipal corporations have no standing “to invoke the provisions of the Fourteenth Amendment in

⁴¹ See Graham, *The “Conspiracy Theory” of the Fourteenth Amendment*, 47 YALE L. J. 371 (1938).

⁴² *Munn v. Illinois*, 94 U.S. 113 (1877). In a case arising under the Fifth Amendment, decided almost at the same time, the Court explicitly declared the United States “equally with the States . . . are prohibited from depriving persons or corporations of property without due process of law.” *Sinking Fund Cases*, 99 U.S. 700, 718–19 (1879).

⁴³ *Smyth v. Ames*, 169 U.S. 466, 522, 526 (1898); *Kentucky Co. v. Paramount Exch.*, 262 U.S. 544, 550 (1923); *Liggett Co. v. Baldridge*, 278 U.S. 105 (1928).

⁴⁴ As to the natural persons protected by the due process clause, these include all human beings regardless of race, color, or citizenship. *Yick Wo v. Hopkins*, 118 U.S. 356 (1886); *Terrace v. Thompson*, 263 U.S. 197, 216 (1923). See *Hellenic Lines v. Rhodetis*, 398 U.S. 306, 309 (1970).

⁴⁵ *Northwestern Life Ins. Co. v. Riggs*, 203 U.S. 243, 255 (1906); *Western Turf Ass’n v. Greenberg*, 204 U.S. 359, 363 (1907); *Pierce v. Society of Sisters*, 268 U.S. 510, 535 (1925). Earlier, in *Northern Securities Co. v. United States*, 193 U.S. 197, 362 (1904), a case interpreting the federal antitrust law, Justice Brewer, in a concurring opinion, had declared that “a corporation . . . is not endowed with the inalienable rights of a natural person.”

⁴⁶ *Grosjean v. American Press Co.*, 297 U.S. 233, 244 (1936) (“a corporation is a ‘person’ within the meaning of the equal protection and due process of law clauses”). In *First Nat’l Bank of Boston v. Bellotti*, 435 U.S. 765 (1978), faced with the validity of state restraints upon expression by corporations, the Court did not determine that corporations have First Amendment liberty rights—and other constitutional rights—but decided instead that expression was protected, irrespective of the speaker, because of the interests of the listeners. See *id.* at 778 n.14 (reserving question). But see *id.* at 809, 822 (Justices White and Rehnquist dissenting) (corporations as creatures of the state have the rights state gives them).

⁴⁷ *Pennie v. Reis*, 132 U.S. 464 (1889); *Taylor and Marshall v. Beckham* (No. 1), 178 U.S. 548 (1900); *Tyler v. Judges of Court of Registration*, 179 U.S. 405, 410 (1900); *Straus v. Foxworth*, 231 U.S. 162 (1913); *Columbus & Greenville Ry. v. Miller*, 283 U.S. 96 (1931).