

## Republicans Take the Senate

Alex Klosner  
*Staff Writer*

Shortly after the 2008 elections, the cover of *Time* magazine displayed the Republican Party's elephant logo with the title "Endangered Species." Six years later, the American people have empowered a new wave of Republican leadership in Washington and in the states.

Last Tuesday, Christmas arrived early for Republicans. Voters sent a clear message to the White House when the GOP gained seven new Senate seats in North Carolina, Colorado, Iowa, West Virginia, Arkansas, Montana, and South Dakota. Republican Senate victories in the left-leaning states of Iowa and Colorado exemplified the power of voter turnout. The charismatic Joni Ernst from Iowa directed much of her criticism at the Obama administration while on the campaign trail. In her victory speech, Ernst took a swing at the Washington establishment, saying that "politicians are more interested in talking than doing. They ignore problems, hoping they'll go away. But you know what, ISIS isn't just going to go away. The almost 18 trillion dollars of national debt is not just going to go away."

In Alaska, Democratic incumbent Senator Mark Begich will likely concede to former Republican Alaska attorney general Dan Sullivan when all votes are accounted for. In Louisiana, since none of the three candidates won 50% of the vote, Democratic incumbent Mary Landrieu will face Republican congressman Bill

Cassidy in a run-off later this year. Analysts project Cassidy would easily defeat Landrieu in a run-off. The Democratic National Committee has also cut off further funding for Landrieu's campaign. By the time the 114th Congress meets in January, Republicans will have a comfortable 54-46 majority in the U.S. Senate. Sorry, Harry Reid.

Why was the GOP successful? First and foremost, Obama's dismal approval rating (hovering around 40% according to Gallup) and the public's apprehension towards his policies were major contributors. Chairman of the Republican National Committee Reince Priebus asserted that the midterms were "a direct rejection of the Obama agenda." Secondly, the geography of the midterms gave the GOP the upper hand. Republican Senate gains occurred in traditionally red states. Lastly, Republican voters went to the polls while traditionally left-leaning demographic groups failed to do so. According to the Pew Research Project, turnout among young, low-income, and minority voters was much lower than in the 2012 presidential election.

Republicans made significant gains at all levels of government. In the House of Representatives, the number of seats held by Republicans will increase to about 245. Republicans have not held this large of a majority since the 1920s. Additionally, the GOP picked up several governorships. Republican gubernatorial candidates claimed victory in the blue states of Maryland, Illinois, and Massachusetts.

Republicans made history in

### Upcoming Events

**Tuesday, November 11**

Veterans Day Lecture:

"Hamiltonians at War"

7:30 p.m. | Fillius Events Barn

several congressional races. In New York's 21st Congressional District, Elise Stefanik became the youngest woman elected to congress at the age of 30. Stefanik, a 2006 graduate of Harvard University was the first in her family to attend college. She worked on the Domestic Policy Council during President George W. Bush's administration and aided Congressman Paul Ryan during the 2012 Presidential election. Mia Love, another rising star in the GOP won a seat in Utah's 4th Congressional District and has become the first African-American Republican woman elected to congress. Tim Scott of South Carolina became the first African-American Senator elected in the South since Reconstruction.

Although Republicans achieved great victory last week, prospects for 2016 are still unclear. The GOP remains divided into factions and must unify in order to pass practical legislation. Republicans must get to work and pass comprehensive immigration reform, address the outrageous corporate tax rate, achieve a fiscally responsible budget, and kill the medical device tax. Soon-to-be Senate Majority Leader Mitch McConnell emphasized the importance of bipartisan progress in his victory speech: "just because we have a two party system, doesn't mean we have to be in perpetual conflict."

## Lena Dunham: Actress, Author, Predator

Amy Elinski | *Staff Writer*

On November 1, actress Lena Dunham went on a self-described "rage spiral" after media outlets began to pick up the story about several passages in her memoir, *Not That Kind of Girl*, which detail her sexual exploration, and sexual exploitation of her sisters. The story, first published by truthrevolt.org on October 29 attracted the attention of Dunham and her lawyers, who demanded that *Truth Revolt* remove the story and issue an apology to Dunham, alleging that the claims the article made were false. Dunham's lawyers claimed that *Truth Revolt's* allegations of sexual assault were libelous and false depictions of Dunham's character.

The issue with Dunham's claim, however, is that the

stories came directly from Dunham's own memoir. Dunham's memoirs are filled with detailed stories, some of which are quite disturbing. She describes in elaborate detail her childhood sexual exploration, which often involved her younger sister, Grace. In one particularly disturbing passage, she describes how at the age of seven, she decided to examine her one-year-old sister's vagina. Their mother was evidently aware of what Dunham was doing, but thought little of it.

Many have jumped to Dunham's defense, claiming that her behavior was perfectly normal. And yes, sexual exploration as a child is normal to some extent, but sexual exploration during childhood is generally understood to be between willing participants. Grace Dunham was an infant at this time, and was neither able to understand what her sister was doing nor protest it. Additionally,

Dunham's behavior extended beyond the normal scope of exploration. Dunham took to coercion to obtain her sister's affection. Dunham herself describes this behavior as being predatory: "As she grew, I took to bribing her for her time and affection: one dollar in quarters if I could do her makeup like a 'motorcycle chick.' Three pieces of candy if I could kiss her on the lips for five seconds. Whatever she wanted to watch on TV if she would just 'relax on me.' Basically, anything a sexual predator might do to woo a small suburban girl I was trying."

Her behavior did not stop there. In what is probably the most disturbing passage of the memoirs, Dunham recounts how at the age of 17, nearly an adult, she would masturbate while lying in bed with her sister.

Dunham's predatory behavior towards her sister extended far beyond the scope of sexual curiosity. She also recounts in her memoirs her desire to force her sister's

emotional dependence on her. "What I really wanted, beyond affection, was to feel that she needed me, that she was helpless without her big sister leading her through the world. I took a perverse pleasure in delivering bad news to her—the death of our grandfather, a fire across the street—hoping that her fear would drive her into my arms, would make her trust me."

Just as children are capable of bullying, they are capable of committing heinous acts of abuse. They may not be able to comprehend the severity of their actions, but that does not excuse them from the consequences. Dunham should realize that her actions were wrong, and she should not just brush off the allegations as slander from conservative media. She should not be excused due to her celebrity. As a fierce defender of victims of sexual assault herself, she should take a look in the mirror and see just how closely her actions mirror those of the men she marauds against.

## Corporate Personhood

Taylor Elicegui | *Staff Writer*

Corporate personhood has remained a consistent issue in American political discourse. The controversy likely stems from two Supreme Court decisions. In *Citizens United v. Federal Election Commission*, the Court recognized that corporations have speech rights that are separate from the rights of shareholders. Last year, the Supreme Court extended the doctrine of corporate personhood in *Hobby Lobby v. Burwell* by recognizing the religious consciousness of corporations. In this case, the Court essentially equated the religious convictions of shareholders with the religious beliefs of a juridical entity. Shareholders be warned, however, taking advantage of *Hobby Lobby* and *Citizens United* could produce unintended consequences.

The U.S. Small Business Association defines a corporation as "an independent legal entity owned by shareholders. That means that the corporation itself, not the shareholders that own it, is held legally liable for the actions and debt that the business incurs." Business owners gain advantages by incorporating. When you incorporate, you form a "corporate veil" between yourself and the corporation. Shareholders protect themselves from the risks and liabilities involved in forming a business, gain the ability to raise equity capital, and file taxes separately from the corporation. Most importantly, shareholder liability is limited to the amount of their investment in the stock of the corporation. Shareholders cannot be held responsible for debts of the corporation or sued for actions of the corporation. Through the process of incorporating, business owners become shareholders and choose to create, and benefit from, a separation between themselves and

the corporation.

Shareholders can be liable for their corporations, though, in certain circumstances. Court-created statutes—the "alter ego" and "piercing the corporate veil" doctrines—allow courts and creditors of corporations to disregard the separateness of the corporation. *Black's Law Dictionary* explains alter ego as follows: "Under the doctrine of 'alter ego,' court merely disregards corporate entity and holds individual responsible for acts knowingly and intentionally done in the name of the corporation. To establish the 'alter ego' doctrine, it must be shown that the stockholders disregarded the entity of the corporation, made the corporation a mere conduit for the transactions of their own private business, and that the separate individualities of the corporation and its stockholders in fact ceased to exist." In other words, to maintain the benefit of incorporation, shareholders must create a distinction between their personal business and corporate affairs. Should shareholders fail to maintain that distinction, they lose the protection of the corporate veil.

Recently, professors at UC Berkeley Law School published an open letter to the U.S. Department of Health and Human Services stating "To sustain a claim of veil piercing, state corporate law uniformly requires there to be 'unity of ownership and interest' between the corporation and its shareholders. ... A veil piercing conclusion effectively holds that there is no practical difference between the corporation and the shareholders themselves."

In 2010, the Supreme Court granted corporations the right to political speech through the *Citizens United* decision. The Court followed *Citizens United* with the *Hobby Lobby* decision, which found that the contraceptive mandate of the Affordable Care

Act violated corporations' right to freedom of religion. Through these two decisions, the Court granted corporations rights encompassed in the First Amendment. These decisions may have unintended consequences for shareholders.

Corporations are unthinking, artificial entities. Corporations do not have brains and are not capable of thought. The political and religious opinions of the corporation, then, are the religious and political beliefs of the shareholders. By seeking protection for the beliefs of their closely-held corporations shareholders might compromise the benefits of limited liability.

As Mike Coblenz wrote on the *Daily Kos*, "If the owners of Hobby Lobby claim, on one hand, that the corporation's religious beliefs are so intertwined with its owners that it shares their religious views for the purpose of the First Amendment, how can the owners then claim that the two are separate entities for the purposes of liability? I'm not sure that they can." While only time will tell, corporations that express political and religious beliefs could face serious repercussions should the corporation encounter legal troubles.

## Enquiry Staff

**Editor-in-Chief:** Joe Simonson

**Senior Editor:** Mike Adamo

**Staff Writers:** Taylor Elicegui, Amy Elinski, Alex Klosner, Sarah Larson, Andrew Nachemson, Phil Parkes, Will Swett

*The opinions expressed in these articles are the views of their authors and do not represent the views of Enquiry or the Alexander Hamilton Institute.*

Enquiry accepts articles of 500 to 800 words at [jsimonso@hamilton.edu](mailto:jsimonso@hamilton.edu) and [madamo@hamilton.edu](mailto:madamo@hamilton.edu). Please be aware that we do not accept anonymous submissions.