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Judge rejects California man's argument that corporation is a passenger

By Isolde Raftery, NBC News

When Jonathan Frieman of San Rafael, Calif., showed up to traffic court on Monday morning – for driving alone in a carpool lane – he wasn't surprised the judge didn't buy his argument that his incorporation papers should count as the second passenger.

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“A win would mean that everyone could use incorporation papers in the carpool lane,” Frieman told NBC News. “I don't think the judge was going to rule that way. I don't know if he had that kind of latitude.”

In court, Frieman and his attorney argued that his incorporation papers should count as a passenger because California's Vehicle Code defines a person as “natural person, firm, copartnership, association, limited liability company, or corporation.”

Frieman has 30 days to appeal, which he plans to do. After all, he has been dreaming of this for more than a decade.

“About 11 years ago, I saw all these corporations intruding into the environment,” he said. “I thought, rather than fight all these battles, how about we go after corporations and their



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illegal structure?”

Then one day while driving down the road, he noticed the carpool lane sign: "2 or more persons per vehicle." Frieman, who has a degree in law, knew the sign's language was at odds with how the State of California views personhood. In that moment, an idea was hatched.

Related: California man says he can drive in carpool lane with incorporation papers

Corporate personhood became a hot button issue in 2010, when the U.S. Supreme Court ruled that corporate and union spending may not be restricted by the government under the First Amendment.

At the heart of the high court ruling was the argument that corporations -- because they are composed of individuals -- deserve protection under the First Amendment, which guarantees free speech.

Which was what Frieman tried to tell the police officer who pulled over his silver Passat at 7:30 a.m. on Tuesday, Oct. 2. He had been driving in the southbound carpool lane on Highway 101. He took his incorporation papers from the passenger seat and shook his incorporation papers at the officer.

“It was exciting,” he said of when he was pulled over. “I was hoping the police officer would understand what I was doing, but he was too much of the serious type, which was OK. He’s in enforcement; he’s not in legal interpretation.”

Frieman received a \$481 ticket – a small price to pay given that he has gone out driving carpool lanes 25 times in the last decade in the hopes of being pulled over so he could go to court to make his point.

To Frieman's delight, the officer showed up to Monday's traffic hearing. Frieman's attorney, Ford Greene, cross-examined the officer before presenting his case. Greene, a friend of Frieman's from the next town over in Marin County, is also politically active. Greene has gotten into trouble with his community for posting opinionated signs outside his house; Frieman describes himself as a social entrepreneur. He sits on the boards of several nonprofits.

To Judge Frank J. Drago, Greene argued that the incorporation papers should count as a passenger.

But Judge Drago didn't rule on whether the papers could count as a passenger, saying instead that the carpool lanes are about getting people out of their cars and into other cars.

“We hoped the court would take a strict interpretation, but they didn't,” Frieman said.



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