

THE PROTECTIONS OF THE FIRST AMENDMENT, CLARIFIED BY THE 2010 SUPREME COURT DECISION IN *CITIZENS UNITED v FEDERAL ELECTION COMMISSION*

The 2010 CITIZENS UNITED v FEDERAL ELECTION COMMISSION decision struck down most of the campaign finance legislation passed in the past 100 years. This document lists the changes in the interpretation of the First Amendment that the Court's ruling instituted.

CITIZENS UNITED v FEDERAL ELECTION COMMISSION (FEC)

Court for the District of Columbia

<http://www.supremecourt.gov/opinions/09pdf/08-205.pdf>

The First Amendment (and the Court) does not distinguish between media and other corporations.

Corporations and unions are free to spend money both on "electioneering communications" and to directly advocate for the election or defeat of candidates.

The First Amendment protects associations of individuals in addition to individual speakers

The First Amendment does not allow prohibitions of speech based on the identity of the speaker. Corporations, as associations of individuals, therefore have speech rights under the First Amendment.

Spending money is essential to disseminating speech. Therefore, limiting a corporation's ability to spend money in election campaigns is unconstitutional because it limits the ability of its members to associate effectively and to speak on political issues.

The First Amendment purposefully keeps the government from interfering in the "marketplace of ideas" and "rationing" speech. Neither the legislatures nor the courts can create a sense of "fairness" by restricting speech.

The government has no place in determining whether large expenditures distorts an audience's perceptions.

The type of "corruption" that might justify government controls on spending for speech must relate to some form of "quid pro quo" transaction.

There is no reliable evidence to substantiate the risk of corruption or the appearance of corruption.

The statement in the first Amendment relating to "FREEDOM OF THE PRESS" extends to all corporations who should be equally protected from expenditure restrictions.