

# Summary of Thoughts on Citizens United Decision

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In early June of this year, the United States Supreme Court decided – in a 5-4 decision – that profit and non-profit corporations don't shed their First Amendment protections at the proverbial boardroom doors, so to speak. The High Court's decision in *Citizens United v. Federal Election Commission* held that certain federal regulations prohibiting federal election campaign spending on "electioneering communications" were unconstitutional because they restricted speech solely because the "speaker" was a corporation rather than an individual or the media. The Court reasoned that First Amendment protections in election speech should not be limited because the freedom to advocate for or against a candidate for office is an essential part of the "open marketplace of ideas" protecting the integrity of our democracy.

Following the release of the opinion in *Citizens United*, many have questioned the implications of the holding. For example, some legal scholars believe *Citizens United* paves the way for lifting similar electioneering speech regulations that apply to unions. Others voice concerns about whether corporations will use their new found speech to exert enormous influence over federal elections. In response to these concerns, proponents of *Citizens United* frequently point out that the real protections in the marketplace of ideas are state and federal requirements for "disclosure" and "disclaimer" in electioneering speech. Disclosure and disclaimer laws require a "speaker" to inform the "listener" about who is speaking and where the money for the speech came from.

To be sure, in the wake of the *Citizens United* decision, more speech will occur – and generally, that's a good thing. As long as you know who is speaking.

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