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United States Supreme Court

Citizens United v. FEC, 08-205

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The Court rules that the government may regulate corporate political speech through disclaimer and disclosure requirements, but it may not suppress that speech altogether. Specifically, in an action brought by a nonprofit corporation, the makers of a documentary critical of Hillary Clinton's presidential candidacy, challenging the constitutionality of a federal law prohibiting corporations and unions from using their general treasury funds to make independent expenditures for speech that was an "electioneering communication" or for speech that expressly advocated the election or defeat of a candidate, a denial of a preliminary injunction for plaintiff is reversed in part where *Austin v. Michigan Chamber of Commerce*, 494 U.S. 652 (1990), is overruled, and thus provides no basis for allowing the government to limit corporate independent expenditures. Hence, the part of *McConnell v. Federal Election Comm'n*, 540 U.S. 93 (2007), that upheld the Bipartisan Campaign Reform Act section 203's extension of section 441b's restrictions on independent corporate expenditures is also overruled. However, the order is affirmed in part where BCRA sections 201 and 311 were valid as applied to the ads for the documentary and to the movie itself because disclaimer and disclosure requirements may burden the ability to speak, but they imposed no ceiling on campaign-related activities, or prevented anyone from speaking.

Appellate Information

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Court

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