
Citizens United v. FEC

Date of Decision: January 21, 2010

Summary of case

In this landmark case the U.S. Supreme Court ruled that the First Amendment's guarantee of free speech applies to corporate funding of independent political broadcasts in candidate elections. The conservative group Citizens United had sought to stop the Federal Election Commission from using the Bipartisan Campaign Reform Act (BCRA) to prevent its airing of a documentary film that was critical of Senator Hillary Clinton, then a Democratic candidate for president, and to advertise the film during television broadcasts leading up to the 2008 Democratic primary election. The BCRA prevented corporations or labor unions from funding political communication from their general funds and required the release of donor information and the use of a disclaimer when the communication is not authorized by the featured candidate. A federal district court had found Citizens United's advertisements for the film violated the BCRA. By a five-to-four vote along, the Supreme Court determined that provisions of the BCRA were unconstitutional.

Summary of majority opinion

In a majority opinion authored by Justice Anthony Kennedy, the Court ruled that corporations (including nonprofit corporations) have First Amendment rights. The Court overturned existing precedents that restricted political spending by corporations and unions during elections, including advocating for or against political candidates if the corporations and unions hadn't contributed directly to the campaigns or parties. As a result, the Court found the section of the BCRA that banned independent spending by these associations to be unconstitutional.

Justice Kennedy viewed the First Amendment as a safeguard for free speech and did not agree that corporations would corrupt elections, even in cases where their wealth was an advantage. Kennedy did not find that the government needed to ensure fairness. Polls suggest that this decision was unpopular with the American people.

Citizens United v. FEC *(Continued)*

Summary of dissenting opinion

The dissenting opinion by Justice John Paul Stevens, who was joined by Justice Ginsburg, Justice Breyer, and Justice Sotomayor, focused on the danger of special interests influencing politicians by threatening them with media attacks. Justice Stevens argued “that it was important not only to prevent corruption but to prevent the appearance of corruption for a democracy to function effectively, since people otherwise would lose confidence in the election process.” (This was supported by empirical research on public opinion regarding political spending by corporations.)

Citizens United v. Federal Election Commission. (n.d.). Oyez. Retrieved February 6, 2020, from <https://www.oyez.org/cases/2008/08-205>