



Three Myths About... *Citizens United v. Federal Election Commission*

On January 21, 2010, the Supreme Court decided in the landmark and controversial First Amendment case, *Citizens United v. Federal Election Commission*, that the government could not restrict corporations, associations, and labor unions from making independent expenditures in support of or opposition to candidates. Here's the reality behind three common myths often asserted about the *Citizens United* decision:

Myth #1: *The Supreme Court's decision in Citizens United allowed unlimited corporate spending in elections.*

FALSE. *Citizens United* only allowed corporations, labor unions, and trade associations to spend unlimited sums out of their general treasury funds in elections, **independently** of candidates. This is a crucial distinction, as the entities described above are still prohibited from contributing directly to candidates under federal law.

Myth #2: *The Citizens United decision allowed foreigners to influence our elections.*

FALSE. The Supreme Court's ruling in *Citizens United* did not broach the issue of political activity of foreign corporations. Specifically, according to 2 U.S.C. § 441(e), any "partnership, association, corporation, organization, or other combination of persons organized under the laws of, or having its principal place of business in, a foreign country" is **prohibited** from contributing in elections.

Myth #3: *The Citizens United decision overwhelmingly endorsed disclosure.*

FALSE. While the Justices voted 8-1 to uphold requirements for public disclosure in *Citizens United*, what the Justices actually reaffirmed was the existing disclosure regime, according to the precedents of *Buckley v. Valeo* and others cases. Indeed, the Supreme Court has continued to demonstrate concern over the deterrent effect disclosure may have on First Amendment rights.

THE VERDICT: Writing for the Court's majority in *Citizens United*, Justice Kennedy quoted the Court in an earlier decision, reiterating that "the worth of speech 'does not depend upon the identity of its source, whether corporation, association, union, or individual.'"¹ Indeed, the Court's decision was a victory for the First Amendment's guarantee of free political speech for all speakers.

To access the Supreme Court's opinion in Citizens United v. Federal Election Commission, please refer to the information listed on the back of this brief. ²

Further Reading

- 1 Laura Renz, “Do Lower Contribution Limits Decrease Public Corruption?,” *Center for Competitive Politics Issue Analysis* No. 5. Available at: http://www.campaignfreedom.org/doclib/20090122_issueanalysis5.pdf (January 2009).
- 2 Sean Parnell and Matthew Nese, “Do Lower Contribution Limits Produce ‘Good’ Government?,” *Center for Competitive Politics Issue Analysis* No. 6. Available at: <http://www.campaignfreedom.org/wp-content/uploads/2012/04/Issue-Analysis-6-Final.pdf> (July 2011).
- 3 Stephen Ansolabehere, John de Figueiredo, and James M. Snyder Jr., “Why is There so Little Money in U.S. Politics,” *Journal of Economic Perspectives* 17, no. 1 (Winter 2003): 17.



CCP is a nonpartisan, nonprofit 501(c)(3) organization focused on promoting and protecting the First Amendment political rights of speech, assembly, and petition. It was founded in 2005 by Bradley A. Smith, former member and Chairman of the Federal Election Commission.