SUPREME COURT OF THE UNITED STATES

Citizens United v. Federal Election Commission

558 U.S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753 (2010) · No. No. 08-205 · Decided January 21, 2010

SUMMARY

The Supreme Court held that the First Amendment prohibits the federal government from suppressing independent political expenditures by corporations and unions. The Court overruled Austin v. Michigan Chamber of Commerce and the relevant portion of McConnell v. Federal Election Commission, while upholding disclaimer and disclosure requirements. The decision concluded that the federal ban on corporate-funded independent expenditures could not constitutionally be applied to Citizens United’s film Hillary: The Movie.

CASE DETAILS

COURT	Supreme Court of the United States
WRITING FOR THE COURT	Justice Kennedy; Chief Justice Roberts; Justice Stevens; Justice Thomas; Justice Ginsburg; Justice Breyer; Justice Alito; Justice Sotomayor; Justice Scalia
JURISDICTION	Federal
DECIDED	January 21, 2010
DOCKET	No. 08-205
PROCEDURAL POSTURE	Citizens United appealed from a three-judge United States District Court for the District of Columbia judgment granting the Federal Election Commission summary judgment and denying relief concerning the application of federal corporate-expenditure restrictions and BCRA disclaimer and disclosure provisions to the film Hillary: The Movie and its promotional advertisements.
STANDARD OF REVIEW	Constitutionality of federal campaign-finance restrictions reviewed under strict scrutiny; disclaimer and disclosure requirements reviewed under exacting scrutiny, requiring a substantial relation between the requirement and a sufficiently important governmental interest.
PARTIES	Citizens United v. Federal Election Commission

QUESTIONS PRESENTED

1. Whether 2 U.S.C. § 441b covered Citizens United's video-on-demand distribution of Hillary under the statutory and regulatory definition of an electioneering communication.

2. Whether Hillary was the functional equivalent of express advocacy and therefore subject to § 441b under the framework of McConnell and Wisconsin Right to Life.
3. Whether § 441b's prohibition on corporate-funded independent expenditures violated the First Amendment.
4. Whether Austin v. Michigan Chamber of Commerce and the portion of McConnell v. Federal Election Commission upholding BCRA § 203 should be overruled.
5. Whether BCRA §§ 201 and 311, imposing disclosure and disclaimer requirements, were unconstitutional as applied to Hillary and its promotional advertisements.

HOLDINGS

1. The video-on-demand distribution of Hillary was an electioneering communication covered by 2 U.S.C. § 441b because it was a cable communication referring to a clearly identified federal candidate, made within thirty days of a primary, and capable of being received by at least 50,000 persons.
2. Hillary was the functional equivalent of express advocacy because it was susceptible of no reasonable interpretation other than as an appeal to vote against Senator Clinton.

FACTUAL BACKGROUND

Citizens United is a nonprofit corporation funded primarily by individual donations but also accepting some funds from for-profit corporations. It produced Hillary: The Movie, a ninety-minute documentary critical of then-Senator Hillary Clinton, and sought to distribute it through a video-on-demand service within thirty days of the 2008 presidential primary elections. Citizens United also prepared television advertisements promoting the film and feared that the film and advertisements would be prohibited by the federal ban on corporate-funded independent expenditures and subject to civil and criminal penalties.

PROCEDURAL HISTORY

Citizens United sought declaratory and injunctive relief in the District Court, asserting that 2 U.S.C. § 441b was unconstitutional as applied to Hillary and that BCRA disclaimer and disclosure requirements were unconstitutional as applied to the film and advertisements. The District Court denied a preliminary injunction and later granted the FEC summary judgment, holding § 441b constitutional under McConnell and rejecting the disclosure and disclaimer challenges. The Supreme Court noted probable jurisdiction, ordered reargument on whether Austin and the relevant portion of McConnell should be overruled, reversed as to § 441b, affirmed as to the disclaimer and disclosure provisions, and remanded.
