

Liberty and the First Amendment

- ▶ Who has protected rights?
- ▶ Who is a person?
 - Citizens
 - Children
 - Interest Groups
 - Labor Unions
 - Corporations
 - More limits allowed on commercial entities
 - Regulations
 - Narrowly directed at a specific product
 - Serve a substantial public interest

Corporations And The First Amendment

Richard A. Spinello



Corporations And The First Amendment:

The First Amendment and the Business Corporation Ronald J. Colombo, 2015 The role of the business corporation in modern society is a controversial one Some fear and object to corporate power and influence over governments and culture Others embrace the corporation as a counterweight to the State and as a vehicle to advance important private objectives A flashpoint in this controversy has been the First Amendment to the U S Constitution which enshrines the fundamental rights of freedom to speech religion and association The extent to which a corporation can avail itself of these rights goes a long way in defining the corporation s role Those who fear the corporation wish to see these rights restricted while those who embrace it wish to see these rights recognized The First Amendment and the Business Corporation explores the means by which the debate over the First Amendment rights of business corporations can be resolved By recognizing that corporations possess constitutionally relevant differences we discover a principled basis by which to afford some corporations the rights and protections of the First Amendment but not others This is critically important because a one size fits all approach to corporate constitutional rights seriously threatens either democratic government or individual liberty Recognizing rights where they should not be recognized unnecessarily augments the already considerable power and influence that corporations have in our society However denying rights where they are due undermines the liberty of human beings to create patronize work for and invest in companies that share their most cherished values and beliefs

The Impact of Publicity on Corporate Offenders Brent Fisse, John Braithwaite, Professorial Fellow in the Research School of Social Sciences John Braithwaite, 1983-01-01 Uncertainty surrounds the use of publicity as a means of controlling corporate crime On the one hand some agree with Justice Brandeis s dictum that light is the best of disinfectants the most efficient policeman On the other hand many believe that corporations internal affairs are effectively shrouded with a thick fog that prevents the light of public scrutiny from reaching them The Impact of Publicity on Corporate Offenders is the first study to go beyond the rhetoric through an examination of corporate experience Fisse and Braithwaite have carried out a qualitative inquiry concerning 17 large corporations involved in publicity crises Based mainly on interviews the inquiry includes company employees and former employees union officials officers of government regulatory agencies competitors independent accountants government prosecutors public interest activists judicial officers stockbrokers and other experts

Corporate First Amendment Rights and the SEC Nicholas Wolfson, 1990-10-24 In the 1970s the Supreme Court directly ruled for the first time that commercial speech is protected by the free speech clause of the Constitution The Court however did not grant it the full protection afforded to political and artistic speech The SEC regulates a vast array of corporate speech that it considers to be a type of commercial speech In this book Professor Nicholas Wolfson examines the SEC s considerable powers in the control of corporate information and argues that the Court s distinction between political artistic speech and corporate speech is erroneous Wolfson demonstrates that much of so called political speech is concerned with economic self

interest He finds no fundamental difference between it and corporate speech In the domain of SEC regulated speech he demonstrates that traditional notions of commercial speech do not fit the parameters of SEC regulated speech Wolfson proposes that the SEC s regulation of proxy statements prospectuses investment advisory literature and hostile takeover information should be subject to full protection of the First Amendment He fully delineates the doctrine of commercial speech as well as the court cases that have determined the status of SEC speech He analyzes the law and economics literature on commercial speech Finally Wolfson compares governance of a publicly held corporation to the governance of a political entity and demonstrates that shareholder democracy is a political notion that should lead to full rights of free speech and freedom of association This important critique of the regulation of corporate speech will be a valuable reference for securities and corporate lawyers First Amendment attorneys and institutional investors as well as for students in business and law programs Corporate law academic and public libraries will also find it to be a notable addition to their collections

Corporate Speech and the First Amendment Coates, IV (John C.),2015 This Article draws on empirical analysis history and economic theory to show that corporations have begun to displace individuals as direct beneficiaries of the First Amendment and to outline an argument that the shift reflects economically harmful rent seeking The history of corporations regulation of commercial speech and First Amendment case law is retold with an emphasis on the role of constitutional entrepreneur Justice Lewis Powell who prompted the Supreme Court to invent corporate and commercial speech rights The chronology shows that First Amendment doctrine long post dated both pervasive regulation of commercial speech and the rise of the U S as the world s leading economic power a chronology with implications for originalists and for policy Supreme Court and Courts of Appeals decisions are analyzed to quantify the degree to which corporations have displaced individuals as direct beneficiaries of First Amendment rights and to show that they have done so recently but with growing speed since Virginia Pharmacy Bellotti and Central Hudson Nearly half of First Amendment challenges now benefit business corporations and trade groups rather than other kinds of organizations or individuals and the trend line is up Such cases commonly constitute a form of corruption the use of litigation by managers to entrench reregulation in their personal interests at the expense of shareholders consumers and employees In aggregate they degrade the rule of law rendering it less predictable general and clear This corruption risks significant economic harms in addition to the loss of a republican form of government

The Corporation and the Constitution Henry N. Butler,Larry E. Ribstein,1995 The Corporation and the Constitution is a significant contribution to modern constitutional and corporate scholarship It offers a coherent theory of applying the Constitution to the corporation and it forces scholars to appreciate the developments that have taken place totally outside the realm of traditional scholarly discourse on the Constitution Corporations and American Democracy Naomi R. Lamoreaux,William J. Novak,2017-05-08 Recent Supreme Court decisions in Citizens United and other high profile cases have sparked disagreement about the role of corporations in American democracy Bringing together scholars of history law

and political science Corporations and American Democracy provides essential grounding for today's policy debates [Yale Law Journal: Volume 124, Number 2 - November 2014](#) Yale Law Journal, 2014-12-08 The November 2014 issue of The Yale Law Journal the second of academic year 2014 2015 features new articles on law and legal theory by internationally recognized scholars Contents include Article Agency Enforcement of Spending Clause Statutes A Defense of the Funding Cut Off Eloise Pasachoff Essay Bounded Institutions Yair Listokin Book Review Constitutions of Hope and Fear Frederick Schauer Note Price's Progress Sex Stereotyping and Its Potential for Antidiscrimination Law Zachary Herz Note Dual Sovereignty Due Process and Duplicative Punishment A New Solution to an Old Problem Adam Adler Note Measuring the Fortress Explaining Trends in Supreme Court and Circuit Court Dictionary Use John Calhoun Comment Parens Patriae the Class Action Fairness Act and the Path Forward The Implications of Mississippi ex rel Hood v AU Optronics Corp Patrick Hayden This quality ebook edition features linked notes active Contents active URLs in notes and proper Bluebook formatting The November 2014 issue is Volume 124 Number 2 **First Amendment Rights** Nancy S. Lind, Erik T. Rankin, 2012-11-21 This two volume work addresses every key cutting edge issue regarding the First Amendment including subjects such as freedom of religion freedom of press freedom of speech and freedom of organization First Amendment Rights An Encyclopedia provides both historical information and current 21st century topics in First Amendment issues Volume 1 addresses the subject through the lens of past decisions and precedent updated to include controversies between new social media and civil liberties Volume 2 examines the current state of First Amendment rights addressing the changes in interpretations of the First Amendment by the Roberts Court as well as in vogue issues such as Occupy Movements as well as student rights and responsibilities in freedom of religion and speech cases Key cases are highlighted throughout the text to further comprehension of the underlying issues and subtle complexities The information is presented so that readers can examine cases in the Roberts court and draw their own conclusions Coverage is also provided of the challenges and opportunities that arise with the adoption of new technologies and their impact on the interpretations of the First Amendment *Sourcebook on Corporate Image and Corporate Advocacy Advertising*, 1978 [The Law of Public Communication](#) William E. Lee, Daxton R. Stewart, Jonathan Peters, 2019-07-06 Updated to reflect new developments through 2019 the tenth edition of The Law of Public Communication provides an overview of communication and media law that includes the most current legal developments It explains the laws affecting the daily work of writers broadcasters PR practitioners photographers and other public communicators By providing statutes and cases in an accessible manner even to students studying law for the first time the authors ensure that students will acquire a firm grasp of the legal issues affecting the media This new edition features color photos as well as breakout boxes that apply the book's principles to daily life The new case studies discussed often reflect new technologies and professional practices including hot topics such as cyber bullying drones government surveillance campaign financing advertising and digital libel The Law of Public Communication is an ideal core textbook for

undergraduate and graduate courses in communication law and mass media law A downloadable test bank is available for instructors at www.routledge.com/9780367353094 Encyclopedia of American Civil Rights and Liberties Kara E. Stooksbury, John M. Scheb II, Otis H. Stephens Jr., 2017-09-21 Thoroughly updated and featuring 75 new entries this monumental four volume work illuminates past and present events associated with civil rights and civil liberties in the United States This revised and expanded four volume encyclopedia is unequalled for both the depth and breadth of its coverage Some 650 entries address the full range of civil rights and liberties in America from the Colonial Era to the present In addition to many updates of material from the first edition the work offers 75 new entries about recent issues and events among them dozens of topics that are the subject of close scrutiny and heated debate in America today There is coverage of controversial issues such as voter ID laws the use of drones transgender issues immigration human rights and government surveillance There is also expanded coverage of women s rights gay rights gay marriage and Native American rights Entries are enhanced by 42 primary documents that have shaped modern understanding of the extent and limitations of civil liberties in the United States including landmark statutes speeches essays court decisions and founding documents of influential civil rights organizations Designed as an up to date reference for students scholars and others interested in the expansive array of topics covered the work will broaden readers understanding of and appreciation for the people and events that secured civil rights guarantees and concepts in this country At the same time it will help readers better grasp the reasoning behind and ramifications of 21st century developments like changing applications of Miranda Rights and government access to private Internet data Maintaining an impartial stance throughout the entries objectively explain the varied perspectives on these hot button issues allowing readers to draw their own conclusions *The Law of Public Communication* Kent R. Middleton, William E. Lee, Daxton Stewart, 2015-07-30 The Law of Public Communication provides an overview of media law that includes the most current legal developments today It explains the laws affecting the daily work of writers broadcasters advertisers cable operators Internet service providers public relations practitioners photographers bloggers and other public communicators Authors Kent Middleton and William Lee take students through the basic legal principles and methods of analysis that allows students to study and keep abreast of the rapidly changing field of public communication By presenting statutes and cases in a cohesive manner that is understandable even to students studying law for the first time the authors ensure that students will acquire a firm grasp of the legal issues affecting the media This 2016 Update brings the Ninth Edition up to date with the most recent cases and examples effecting media professionals and public communicators New topics include Supreme Court decisions on internet harassment and the streaming company Aereo the FCC s efforts to reclassify broadband providers as telecommunication services court cases dealing publicity rights for celebrity athletes in video games and the recent presidential executive order regarding new government information sources Modernism and the Meaning of Corporate Persons Lisa Siraganian, 2020-11-19 Long before the US Supreme Court announced that corporate

persons freely speak with money in *Citizens United v Federal Election Commission* 2010 they elaborated the legal fiction of American corporate personhood in *Santa Clara v Southern Pacific Railroad* 1886 Yet endowing a non human entity with certain rights exposed a fundamental philosophical question about the possibility of collective intention That question extended beyond the law and became essential to modern American literature This volume offers the first multidisciplinary intellectual history of this story of corporate personhood The possibility that large collective organizations might mean to act like us like persons animated a diverse set of American writers artists and theorists of the corporation in the first half of the twentieth century stimulating a revolution of thought on intention The ambiguous status of corporate intention provoked conflicting theories of meaning on the relevance or not of authorial intention and the interpretation of collective signs or social forms still debated today As law struggled with opposing arguments modernist creative writers and artists grappled with interrelated questions albeit under different guises and formal procedures Combining legal analysis of law reviews treatises and case law with literary interpretation of short stories novels and poems this volume analyzes legal philosophers including Oliver Wendell Holmes Jr Frederic Maitland Harold Laski Maurice Wormser and creative writers such as Theodore Dreiser Muriel Rukeyser Gertrude Stein Charles Reznikoff F Scott Fitzgerald and George Schuyler *Business Ethics* Richard A. Spinello, 2019-01-24 The future of the free market depends on fair honest business practices *Business Ethics Contemporary Issues and Cases* aims to deepen students knowledge of ethical principles corporate social responsibility and decision making in all aspects of business The text presents an innovative approach to ethical reasoning grounded in moral philosophy Focusing on corporate purpose creating economic value complying with laws and regulations and observing ethical standards a decision making framework is presented based upon Duties Rights Justice Over 40 real world case studies allow students to grapple with a wide range of moral issues related to personal integrity corporate values and global capitalism Richard A Spinello delves into the most pressing issues confronting businesses today including sexual harassment in the workplace cybersecurity privacy and environmental justice Give your students the SAGE edge SAGE edge offers a robust online environment featuring an impressive array of free tools and resources for review study and further exploration keeping both instructors and students **Human Rights after Corporate Personhood** Jody Greene, Sharif Youssef, 2020-11-03 *Human Rights after Corporate Personhood* offers a rich overview of current debates and seeks to transcend the outrage response often found in public discourse and corporate legal theory Through original and innovative analyses the volume offers an alternative account of corporate juridical personality and its relation to the human one that departs from accounts offered by public law In addition it explores opportunities for the application of legal personality to assist progressive projects including but not limited to environmental justice animal rights and Indigenous land claims Presented accessibly for the benefit of non specialist readers the volume offers original arguments and draws on eclectic sources from law and poetry to fiction and film At the same time it is firmly grounded in legal scholarship and thus serves as

an essential reference for scholars students lawmakers and anyone seeking a better understanding of the interface between corporations and the law in the twenty first century **The Law of Public Communication, 11th Edition** William E. Lee,Daxton Stewart,Jonathan Peters,2020-07-20 The eleventh edition of this classic textbook provides an overview of communication and media law that includes the most current legal developments It explains the laws affecting the daily work of writers broadcasters PR practitioners photographers and other public communicators By providing statutes and cases in an accessible manner even to students studying law for the first time the authors ensure that students will acquire a firm grasp of the legal issues affecting the media This new edition features discussions of hot topics such as the prosecution of WikiLeaks founder Julian Assange for Espionage Act violations the U S Supreme Court s decision in Iancu v Brunetti addressing the registration of offensive trademarks revenge porn FTC guidelines on social media influencers and efforts by social media platforms to develop coherent approaches to misinformation The Law of Public Communication is an ideal core textbook for undergraduate and graduate courses in communication law and mass media law A downloadable test bank is available for instructors at www.routledge.com 9780367476793 *Cultural Critique and the Global Corporation* Purnima Bose,Laura E. Lyons,2010 This book examines the stories that corporations tell about themselves and explores the powerful influence of corporations in the transformation of cultural and social life Six case studies draw on CEO memoirs annual reports management manuals advertising campaigns and other sources to analyze the self representations and rhetorical maneuvers that corporations use to obscure the full extent of their power Images of corporate character and responsibility are intertwined with the changes in local economy politics and culture wrought by globalization and neoliberalism The contributors to this volume describe the effects of specific corporate practices on individuals and communities and how activists and academics are responding to labor and environmental abuses **Proposing an Amendment to the Constitution of the United States Relating to Contributions and Expenditures Intended to Affect Elections** United States. Congress. Senate. Committee on the Judiciary,2014 The United States Constitution Bertell Ollman,Jonathan Birnbaum,1990-11 NEVER BEFORE ASSEMBLED IN A SINGLE VOLUME the major writings on the Constitution from six critical traditions Corporations Are Not People Jeffrey D. Clements,2014-08-18 A revised and updated edition of the definitive guide to overturning Citizens United Since the Supreme Court s Citizens United ruling that the rights of things money and corporations matter more than the rights of people America has faced a crisis of democracy In this timely and thoroughly updated second edition Jeff Clements describes the strange history of this bizarre ruling its ongoing destructive effects and the growing movement to reverse it He includes a new chapter Do Something showing how state by state and community by community Americans are using creative strategies and tools to renew democracy and curb unbalanced corporate power Since the first edition sixteen states one hundred sixty members of Congress and five hundred cities and towns have called for a constitutional amendment to overturn Citizens United and the list is growing This is a fight we can

win More relevant than ever this updated edition of *Corporations Are Not People* chronicles the remarkably vibrant nationwide grassroots movement to get money out and voters in Katrina vanden Heuvel Editor and Publisher The Nation

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