

## Monday round-up

### Legislative responses to *Citizens United*, the Ten Commandments, and the Justices and weddings

Matt Sundquist | Monday, February 15th, 2010 10:22 am | Tags: [round-up](#)

At [Cato@Liberty](#), John Samples discusses the bill recently introduced by Senator Charles Schumer and Representative Chris Van Hollen in response to the Court's decision in *Citizens United*. (A summary of the legislation is [here](#).) Samples suggests that if the legislative intent is to discourage disfavored political speech, then "the Court could hardly overlook such professions of the purpose behind its disclosure requirements" in evaluating the legislation's constitutionality. J. Robert Brown, writing for [Race to the Bottom](#), examines proposals to require shareholder approval for any political expenditures. He concludes that corporations could "easily place the matter on the agenda of the annual shareholder meeting"; if the expenditures are good for business, then shareholders would likely approve them.

Ezra Klein takes a different approach in his column in the [Washington Post](#). In his view, the proposed legislation is "primarily symbolic," and Congress should instead focus its efforts on creating "a whole new public funding structure." Regardless of the impact, any new legislative restrictions will "undoubtedly" be challenged in court, notes Lyle Dennison, writing for the [Peter Jennings Project](#) for Journalists and the Constitution. Dennison traces the complicated history of corporate "personhood," concluding that the Court will "for the next several years" be grappling with the question posed by Justice Ginsburg during the *Citizens United* argument: "is there any distinction that Congress could draw between corporations and natural human beings?"

James Tyree, writing for [NewsOK](#), reviews a panel discussion on *Green v. Haskell County*, a challenge to a Ten Commandments display outside a county courthouse in Kentucky. Brought by county resident James Green and the ACLU, the case will be considered at the Court's conference on February 19. Ten Commandments displays were also the subject of two companion cases in 2005, *McCreary County v. ACLU of Kentucky* and *Van Orden v. Perry*, recalls Tyree, and these cases created what Political Science professor Peter Irons has referred to as a "tremendous flux in the law."

Writing for the [Brennan Center for Justice](#), Adam Skaggs reviews proposed changes to Arizona's judicial selection process. Retired Justice Sandra Day O'Connor, who as an Arizona state senator was "instrumental in establishing the current system," opposes changes to the selection process.

In a Valentine's Day reflection, the [Christian Science Monitor](#) recalls notable figures whom the Justices have married, including radio talk-show host Rush Limbaugh (Justice Thomas), NPR legal affairs correspondent Nina Totenberg (Justice Ginsburg), and former Federal Reserve Chairman Alan Greenspan (Justice Ginsburg).

Briefly:

- Indiana Attorney General Greg Zoeller plans to file a brief in partial support of Michigan's lawsuit seeking to close shipping locks to prevent the spread of Asian carp to the Great Lakes, reports the [Chicago Tribune](#).
- Justice Breyer, a former Marshall Scholar, will be awarded an [honorary degree](#) from Oxford University this year.
- Kevin Boyle reviews *Root and Branch: Charles Hamilton Houston, Thurgood Marshall, and the Struggle to End Segregation*, by Rawn James, Jr., for the [Washington Post](#).
- The White House is considering potential Supreme Court nominees, anticipating that Justice Stevens or Justice Ginsburg may retire at the end of this term, reports Bill Mears for [CNN](#).
- The [Atlanta Journal-Constitution](#) uncovers new evidence and interviews parties involved in the case of *Wellons v. Hall*, a capital case that the Court recently remanded to the Eleventh Circuit for reconsideration in light of its decision last Term in *Cone v. Bell*.

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