

Wiley Files *Amicus* Brief in Supreme Court First Amendment Case

BRIEF ADDRESSES GOVERNMENT'S POWER TO COMPEL SPEECH USING SPENDING AUTHORITY

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Washington, DC – Wiley Rein LLP today filed an *amicus* brief in the U.S. Supreme Court on behalf of the Cato Institute, supporting the Respondent public health organizations in *United States Agency for International Development, et al. v. Alliance for open Society International, Inc., et al.* This important First Amendment case involves the federal government's power to compel speech of private grant recipients who receive government funds to combat HIV/AIDS worldwide.

The case involves an issue that is almost identical to one the Court addressed and resolved in a prior presentation of this same case, in which Wiley attorneys also filed an *amicus* brief. This time, the government seeks to compel speech of the Respondents through their closely identified affiliates. The constitutional problem remains the same, however.

The brief argues that the government may not force private parties to adopt and espouse its views through private parties' close affiliates because: (a) the First Amendment restrains government power and ensures democratic accountability; (b) the government mischaracterizes the speech at issue as that of distinct foreign entities; and (c) the First Amendment's protections against compelled speech do not depend on the formalities of corporate structure.

The brief makes the case that fundamentally the First Amendment is a restraint on government power over ideas and private speech.

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Practice Areas

First Amendment/Commercial Speech

The First Amendment's restraints on government are needed more than ever, because government grant programs extend into every facet of society, according to the brief:

"This far-reaching web of funding assistance creates the potential for a vast expansion of government power," Wiley said in the brief. "Without a robust First Amendment check, government spending conditions could have a drastic influence on the marketplace of ideas."

Wiley partner Megan L. Brown, along with partner Scott B. Wilkens and associates Krystal B. Swendsboe and Boyd Garriott, authored and filed the brief on Cato's behalf.

To read the brief, please [click here](#).