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Wisconsin Right To Life

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Wisconsin Right to Life Commends Seventh District Court of Appeals for Upholding Free Speech Under the First Amendment

Decision Gives WRTL Ability to Communicate Information at Election Time Free of Onerous Restrictions Imposed by GAB, State Law

“Wisconsin Right to Life is extremely pleased with the May 14 decision by a three-judge panel of the Seventh Circuit Court of Appeals to uphold free speech rights as enumerated in the First Amendment to the U.S. Constitution,” stated Barbara Lyons, Executive Director of Wisconsin Right to Life. “The Court reversed a District Court decision on the challenge brought by Wisconsin Right to Life to certain Wisconsin Government Accountability Board rules and segments of the Wisconsin statutes. This decision will allow Wisconsin Right to Life and similar organizations to freely dispense information in a responsible manner regarding the positions of candidates and legislators on issues at election time.”

The main features of the decision are as follows:

*Wisconsin’s corporate-disbursement ban, which WRTL challenged, is unconstitutional as applied and

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facially under the Supreme Court's 2010 decision in *Citizens United v. FEC*. This was not a close call but a sweeping outcome.

*Wisconsin law triggering political-committee and political-committee-like burdens for WRTL is unconstitutional as applied and facially under Supreme Court case law. The Government Accountability Board (GAB) asserted that pages of *Citizens United* upholding *non*-political-committee reporting requirements for federally-defined electioneering communications allow Wisconsin to trigger onerous political-committee burdens for WRTL. The court ruled that GAB is wrong.

*GAB's *regulatory* attribution and disclaimer requirements are unconstitutional *as applied* to broadcast ads of 30 seconds or fewer and expressed doubts about whether the requirements are constitutional at all. The lengthy attributions and disclaimers take up most of the time within a radio ad and leave little room for WRTL-SPAC's message.

*The limit on what corporations spend to solicit contributions for their separate political committees is facially unconstitutional. This is consistent with WRTL-SPAC's smashing victory in a 2011 appeal to the Seventh Circuit.

WRTL and WRTL-SPAC attorney, James Bopp, commented that: "Wisconsin campaign-finance law is like the Titanic after it has hit the iceberg. After multiple court decisions, the law has so many holes that it can't float. Wisconsin needs to rewrite its law in a constitutional way."

The Seventh Circuit’s opinion is available at <http://media.ca7.uscourts.gov/opinion.html> by entering 12 for the “year” and then 2915, 3046, or 3158 for the “number.”

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Wisconsin Right To Life

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