

## Symposium Panelists

**Solange Bitol-Hansen** joined Public Campaign in the summer of 2005 as National Programs Director, responsible for federal and state campaigns and strengthening Public Campaign's work with campaign finance reform allies nationally and across the country. Prior to joining Public Campaign, Ms. Bitol-Hansen spent five years as the Senior Legislative Advocate for the Service Employees International Union (SEIU), focusing on federal legislation and policy affecting immigrant workers and their families. Immediately after 9/11, she crisscrossed the country, organizing low wage immigrant workers, conducting activist trainings and highlighting the wave of injustices committed against immigrant workers. Prior to working at SEIU, she served as legislative counsel to U.S. Senator Arlen Specter, legislative counsel for the American Civil Liberties Union (ACLU) on first amendment/free speech issues, legislative counsel for the Washington National Office of the NAACP, and Chief of Staff for Congresswoman Eddie Bernice Johnson. A member of the California State Bar, Ms. Bitol-Hansen is a graduate of the University of San Francisco School of Law.

**Adam Candeub** joined the Michigan State University School of Law faculty in the fall of 2004. He is also a Fellow with MSU's Institute of Public Utilities, which is co-sponsored by MSU College of Law. Prior to this position, he was an attorney-advisor for the Federal Communications Commission (FCC) in the Media Bureau and previously in the Common Carrier Bureau, Competitive Pricing Division. From 1998 to 2000, Professor Candeub was a litigation associate for the Washington D.C. firm of Jones, Day, Reavis & Pogue, in the issues and appeals practice. He also has served as a corporate associate with Cleary, Gottlieb, Steen & Hamilton, also in Washington, D.C. Immediately following law school, he clerked for Chief Judge J. Clifford Wallace, U.S. Court of Appeals for the Ninth Circuit. He received his J.D. *magna cum laude* and Order of the Coif from University of Pennsylvania Law School and his B.A. *magna cum laude* from Yale University.

**Jeffrey Chester** is the founder and Executive Director of the Center for Digital Democracy and has been an important force in public-interest media issues for more than twenty years. His book, *Digital Destiny: New Media and the Future of Democracy*, was published in January 2007 by The New Press. In 1992, he co-founded the nonprofit Washington, D.C.-based Center for Media Education. In 1995–96, during the debate on the Telecommunications Act, he played a key role in fighting proposed deregulatory ownership measures for the broadcasting, newspaper, and cable industries. In 1996, *Newsweek* named him one of the Internet's fifty most influential people. In 2001, he was awarded a prestigious Public Interest Pioneer Grant from the Stern Family Fund. Prior to his media policy career, Mr. Chester was a psychiatric social worker, investigative journalist, and a documentary filmmaker. His work has appeared on PBS, NPR, and in many print publications. Mr. Chester was also a co-founder of the National Campaign for Freedom of Expression, an artists' rights advocacy group. He received his M.S.W. in Community Mental Health from Cal-Berkeley in 1978 and his B.A. in psychology from California State University, San Francisco in 1975.

**Eric Chiappinelli** is Associate Dean for Alumni and Professional Relations and Professor of Law at Seattle University School of Law. He teaches in the business law area. His latest scholarly project is a casebook published by Aspen Publishers, *Cases and Materials on Business Entities*. Dean Chiappinelli's current research interests include nonprofit governance and the relation between corporate law and family dynamics. Dean Chiappinelli is an elected member of the American Law Institute. He is an active participant in the ALI's Nonprofit Organizations project, serving on the Members' Consultative Group. He also served as Reporter for the State Bar committee that revised the Securities Act of Washington. He received his B.A. from Claremont McKenna College in 1975, *cum laude*, and his J.D. from Columbia University School of Law in 1978, where he was a Harlan Fiske Stone Scholar. Dean Chiappinelli served as clerk for the California Supreme Court and the U.S. District Court, Central District of California.

**Ronald Collins** is a scholar at the Washington, D.C. office of the First Amendment Center, which is associated with the Freedom Forum. He writes and lectures on freedom of expression and oversees the online library component of the First Amendment Center's website. Before coming to the Center, Mr. Collins served as a law clerk to Justice Hans A. Linde on the Oregon Supreme Court and thereafter was a Judicial Fellow under Chief Justice Warren Burger at the U.S. Supreme Court.

Mr. Collins has taught constitutional law and commercial law at Temple Law School and George Washington Law School. He has published over fifty articles in scholarly journals such as the *Harvard Law Review*, *Stanford Law Review* and *Michigan Law Review*. His writings on the First Amendment have appeared in *Columbia Journalism Review*, *The Nation*, *The New York Times*, and *The Washington Post*, among other publications. Mr. Collins is coauthor (with David Skover) of *The Trials of Lenny Bruce* and *The Death of Discourse*, and editor of *Constitutional Government in America*. His next book, with Sam Chaltain, is *We Must Not Be Afraid to be Free* (Oxford University Press, 2007). In 2003, Collins and Skover successfully petitioned the governor of New York to posthumously pardon Lenny Bruce. In 2004, they received the Hugh Hefner First Amendment Award. Their latest scholarly articles are: *What is War? Free Speech in Wartime*, in the *Rutgers Law Journal*; *Curious Concurrence: Justice Brandeis' Vote in Whitney*, in the *Supreme Court Review*; and *Foreword: The Landmark Free-Speech Case that Wasn't: The Nike v. Kasky Story*, in the *Case Western Law Review*.

**Charlie Cray** is a policy analyst and the director of the Center for Corporate Policy in Washington, D.C. He is the former director of the campaign for corporate reform at Citizen Works and former associate editor of *Multinational Monitor* magazine. He worked for Greenpeace USA between 1988 and 1999. He is coauthor of *The People's Business: Controlling Corporations and Restoring Democracy*.

**Lisa Danetz** was a campaign finance and election lawyer at the National Voting Rights Institute at the time of this conference. Through an affiliation agreement entered into by the National Voting Rights Institute, Ms. Danetz is now Senior Counsel at Demos: A Network for Ideas & Action. She has handled constitutional litigation seeking public financing in North Carolina and defending candidate spending limits at the state and university level; drafted legislation; advised officials and other advocates on the National Voter Registration Act; spearheaded the organization's FEC enforcement work; and published articles on campaign reform. Ms. Danetz was the primary author of an amicus brief regarding corporate political speech in the 2003 Supreme Court case *Nike v. Kasky*; has advised grassroots organizations on restraining corporate money in the political process; and has conducted research related to corporate bundling of political money and state model legislation constraining corporate political money. Ms. Danetz's media credits include *The Washington Post*, *TomPaine.com*, *Associated Press*, *Roll Call*, *Boston Phoenix*, *Law.com*, *BNA Money in Politics*, and other publications, as

well as radio and television appearances. Ms. Danetz received her B.S. from Yale University and her J.D. cum laude from New York University School of Law. Subsequent to law school, she held judicial clerkships with United States Circuit Judge Ruggero J. Aldisert, Jr., and United States District Judge Stanley R. Chesler.

**Bruce Freed** is Co-Director of the Center for Political Accountability, a nonpartisan, nonprofit organization created to bring transparency and accountability to corporate political spending. From 1998 to 2004, he wrote a column on business and politics for *The Hill*. In addition to his column, he commented on business and politics on Public Radio International's *Marketplace*. For 13 years, he managed a strategic public affairs firm. He also served for a decade as chief investigator for the Senate Banking Committee, staff director of a House subcommittee, and senior aide and strategist to members of the House leadership. He began his career as a journalist with the *Baltimore Sunpapers*, *Congressional Quarterly*, and the *Wall Street Journal*. Mr. Freed received his bachelor's degree from the University of Chicago and an advanced degree from Brandeis University.

**Dana Gold** is the Director and co-founder of the Center on Corporations, Law & Society at Seattle University School of Law. Prior to her work with the Center, Ms. Gold served from 1995 to 2002 as a staff attorney and Director of Operations of the Government Accountability Project (GAP), a national nonprofit organization that was founded in 1977 to promote government and corporate accountability through advancing occupational free speech and ethical conduct, as well as by providing legal and advocacy assistance to whistleblowers. Her former legal practice focused primarily on litigation, representing whistleblowers who suffered retaliation for disclosing fraud and serious threats to public health, safety, and the environment while employed on the Trans-Alaskan pipeline, at several Superfund sites, and at contractor-operated nuclear facilities such as Hanford. Currently, Ms. Gold serves as a member of the Hanford Concerns Council, an independent forum for resolving concerns at the Hanford facility for CH2M Hill employees, and she is an adjunct professor at Seattle University School of Law in the areas of whistleblower law and corporate governance.

**Kent Greenfield** is Professor of Law and Law Fund Research Scholar at Boston College Law School where he teaches and writes in the areas of business law and constitutional law. He is also serving as the first Distinguished Faculty Fellow of the Center on Corporations, Law &

Society at Seattle University School of Law for the 2007-2008 academic year. His publications include journal articles in the *Yale Law Journal*, the *Virginia Law Review*, the *Boston College Law Review*, the *George Washington Law Review*, and the *Tulane Law Review*, among others. He is the author of the book *The Failure of Corporate Law*, forthcoming from the University of Chicago Press. Professor Greenfield is a graduate of the University of Chicago Law School, where he graduated with honors and was awarded membership into the Order of the Coif. He also served as Topics and Comments Editor of the University of Chicago Law Review. He received an A.B., with highest honors, from Brown University where he studied economics and history. Before joining the faculty in 1995, Professor Greenfield served as a law clerk to Justice David H. Souter, of the United States Supreme Court, and to Judge Levin H. Campbell, of the United States Court of Appeals for the First Circuit. He also worked at the law firm of Covington & Burling, in Washington, D.C. He has been a Law Fund Research Scholar, a recognition of his scholarly contributions, since 2003. He is the founder and president of the Forum for Academic and Institutional Rights, an association of three dozen law schools and other academic institutions organized to fight for academic freedom and against discrimination.

**Daniel Greenwood** received an A.B. *magna cum laude* from Harvard College in 1979 and then pursued graduate studies in political science at the Hebrew University of Jerusalem from 1979 to 1981. He is a graduate of Yale Law School (1984) where he was an editor of the *Yale Law Journal*. After law school, Professor Greenwood clerked for United States District Court Judge Richard Owen in New York before joining the litigation section of Cleary, Gottlieb, Steen & Hamilton in New York City. His interests lie in the structure and rights of business organizations and other artificial and natural groups. Professor Greenwood currently teaches courses in corporate finance, business organizations, torts, and Jewish law. Professor Greenwood is a Visiting Professor at Hofstra University School of Law and a S.J. Quinney Professor of Law at S.J. Quinney College of Law, University of Utah.

**Erik Jaffe** is an appellate attorney in Washington, D.C., whose practice focuses on the First Amendment and the Supreme Court. He graduated from Dartmouth College in 1986 and from Columbia University Law School in 1990. He clerked for Judge Douglas H. Ginsburg on the D.C. Circuit from 1990–91; worked for five years at the Washington, D.C. law firm of Williams & Connolly; clerked for Justice Clarence

Thomas on the U.S. Supreme Court from 1996–97; and then began his solo appellate practice which continues today.

**Mark Lopez** is a senior attorney with the American Civil Liberties Union (ACLU) in New York, a position he has held since 1996. He has been associated with the organization in various legal capacities since 1985, including a post-graduate fellowship in the Chicago office and a staff position in Washington, D.C. He is a 1985 graduate of Rutgers University in Newark and recently received an award as an outstanding alumnus from the school's Constitutional Litigation Clinic. He has maintained a national civil rights practice throughout most of his career and has brought numerous federal cases in jurisdictions all across the country. In recent years, his emphasis has been on cases involving various First Amendment issues, including two recent campaign finance cases decided by the United States Supreme Court. He is considered a national expert on election law and the public forum doctrine. When not working directly on his cases, he consults on other litigation matters and assists in the drafting of amicus briefs, which the ACLU routinely submits in significant constitutional cases, including the Supreme Court decision in *Nike v. Kasky*.

**Mark Crispin Miller** is a Professor of Culture and Communication at New York University's Steinhardt School of Education. His research interests include modern propaganda, media ecology, the history and tactics of advertising, American film, and media ownership. Mr. Miller also oversees the Project on Media Ownership (PROMO) at NYU. Mr. Miller's books include *Boxed In: The Culture of TV*; *Seeing Through Movies*, *Mad Scientists*; *The Secret History of Modern Propaganda*; *Spectacle: Operation Desert Storm and the Triumph of Illusion*; and *Cruel and Unusual: Bush/Cheney's New World Order*. Miller's account of George W. Bush's rise to power, *The Bush Dyslexicon: Observations on a National Disorder*, followed by *Foiled Again: How the Right Stole the 2004 Election and Why They'll Steal The Next One (Unless We Stop Them)* that brought the author his most recent attention. Mr. Miller holds a B.A. from Northwestern University and an M.A. and Ph.D. from Johns Hopkins University.

**Tamara Piety** is an Associate Professor of Law at the University of Tulsa College of Law. A 1991 graduate of the University of Miami School of Law and an Articles Editor of the University of Miami Law Review, Professor Piety received her L.L.M. from Harvard University in 2000, where she was the executive editor of the *Harvard Women's Law*

*Journal*. She was a clerk to Judge Irving L. Goldberg in the Fifth Circuit and Judge Peter T. Fay in the Eleventh Circuit. Prior to joining the Tulsa faculty she was a Teaching Fellow at Stanford Law School and a Visiting Assistant Professor at the University of Missouri in Columbia. Professor Piety has published several articles about commercial speech, the First Amendment, advertising and culture including, "Merchants of Discontent": *An Exploration of the Psychology of Advertising, Addiction and the Implications for Commercial Speech*, in the *Seattle University Law Review*; *Grounding Nike: Exposing Nike's Quest for a Constitutional Right to Lie* in the *Temple Law Review*, and *Free Advertising: The Case for Public Relations as Commercial Speech*, in the *Lewis & Clark Law Review*. A new article, *Corporate Personhood and the Regulation of Commercial Speech*, is forthcoming in 2007 in the *Berkeley Business Law Journal*.

**Martin Redish** is the Louis and Harriet Ancel Professor of Law and Public Policy at Northwestern University School of Law, and is a nationally renowned authority on the subjects of federal jurisdiction, civil procedure, freedom of expression, and constitutional law. He received his A.B. with highest honors in political science from the University of Pennsylvania and his J.D. *magna cum laude* from Harvard Law School. Professor Redish is the author of seventy-five articles and fifteen books, including *Freedom of Expression: A Critical Analysis*; *Money Talks: Speech, Economic Power, and the Values of Democracy*; and *The Logic of Persecution: Free Expression and the McCarthy Era*. He has been included on a list of the 100 most cited legal scholars of all time and has been recognized by the Institute for Scientific Information as one of the most highly cited researchers worldwide.

**David Skover** is Dean's Distinguished Scholar and Professor of Law at Seattle University School of Law. Professor Skover has coauthored three books: *The Trials of Lenny Bruce*, *The Death of Discourse*, and *Tactics of Legal Reasoning*. He has also authored or coauthored some twenty scholarly pieces in various journals, including the *Supreme Court Review*, *Harvard Law Review*, *Stanford Law Review*, *Michigan Law Review*, *Nation* magazine, and the *Yale Bibliographical Dictionary of American Law*. Professor Skover received his A.B. at Princeton University in 1974, where he was a Woodrow Wilson Scholar. In 1978, he received his J.D. from Yale Law School, where he was a Yale Law Journal editor and note author. Professor Skover was a law clerk to Judge Jon O. Newman of the United States District Court in the District of

Connecticut, and in the United States Court of Appeals for the Second Circuit.

**Lawrence Soley** is the Colnik Professor of Communication at Marquette University in Milwaukee. His books include *Censorship, Inc.*, *Free Radio*, *Radio Warfare*, *The News Shapers*, *Leasing the Ivory Tower*, and *Clandestine Radio Broadcasting*, which was selected as one of “outstanding books of 1987” by *Choice* magazine. *Leasing the Ivory Tower* was selected as one of the most important books of 1995 by Project Censored. Dr. Soley’s scholarly articles have appeared in a variety of journals, including *Journalism Quarterly*, *Journal of Communication*, *Journal of Advertising*, and *Media Studies Journal*. He has also written for the alternative press and received the Society of Professional Journalists’ “Sigma Delta Chi” Reporting Award for a *Mother Jones* story written with Marc Cooper, and the “Project Censored Award” for stories in *Dollars & Sense* and *CAQ*. His research study, “Advertising Pressures on Newspapers,” written with Robert Craig, received the American Academy of Advertising-*Journal of Advertising*’s “Best Article” Award in 1993.

**Scott Thomas** currently heads the Political Law Practice at Dickstein Shapiro LLP in Washington, D.C. He specializes in campaign finance, ethics, and lobbying law at the federal and state level. Mr. Thomas served as a commissioner at the Federal Election Commission from 1986-2006, holding the chairmanship four times. Mr. Thomas has written extensively in the field of campaign finance, including several law review articles and numerous opinions and statements of reasons regarding FEC decisions. He has participated in several delegations abroad to assist election officials, and has taught campaign finance law at many conferences and legal training workshops. He served several terms on the Advisory Commission for the American Bar Association’s Standing Committee on Election Law. He is a member of the D.C. Bar and is admitted to practice before several federal courts, including the Supreme Court.

**David Vladeck** is the Director of the Institute for Public Representation and Professor of Law at Georgetown University Law Center. He teaches courses in federal courts, First Amendment litigation, and civil procedure, and he co-directs the Institute for Public Representation, a clinical law program at the Law Center, where he handles a broad array of civil rights, civil liberties, first amendment, open government, and regulatory litigation. Prior to joining the Georgetown faculty in 2002,



Professor Vladeck spent over twenty-five years with Public Citizen Litigation Group, serving as its Director from 1992 to 2002. He has handled a wide range of complex litigation, including First Amendment, health and safety, civil rights, class actions, preemption, and open government cases. He has argued a number of cases before the United States Supreme Court, state courts of last resort, and over sixty cases before the federal courts of appeal. Professor Vladeck has also testified before Congress, advised members of Congress on legal matters, and written on administrative law, First Amendment, legal ethics, and access to justice issues. He serves as a Scholar with the Center for Progressive Reform and also serves on the boards of various non-profit organizations. He has served on the Council of the Administrative Law and Regulatory Practice Section of the American Bar Association and as a Public Member of the Administrative Conference of the United States. Professor Vladeck received his undergraduate degree from New York University, his J.D. from Columbia University School of Law, and an L.L.M. degree from Georgetown University Law Center.

**Adam Winkler** is Acting Professor of Law at UCLA. Professor Winkler specializes in constitutional law, but also focuses his scholarship on topics such as the right to vote, corporate free speech rights, campaign finance law, affirmative action, judicial independence, constitutional interpretation, and the right to bear arms. Along with Ken Karst of the UCLA School of Law and Pulitzer Prize-winning legal historian Leonard Levy, Professor Winkler edited *The Encyclopedia of the American Constitution*. Outside the area of constitutional law, Professor Winkler has written on corporate social responsibility and international economic sanctions. His articles have been published in the *Columbia Law Review*, *New York University Law Review*, *Michigan Law Review*, *Vanderbilt Law Review*, *Election Law Journal*, and other notable journals. Professor Winkler graduated from Georgetown University's School of Foreign Service, earned his J.D. at New York University School of Law, practiced law in Los Angeles at the firm Katten Muchin Zavis & Weitzman, and clerked for Judge David R. Thompson of the United States Court of Appeals for the Ninth Circuit. Professor Winkler currently serves on the board of directors of the Brennan Center for Justice, a leading public interest law firm and think-tank active in campaign finance reform.



# SYMPOSIUM: CORPORATIONS AND THE FIRST AMENDMENT: EXAMINING THE HEALTH OF DEMOCRACY

## Introduction

*Dana L. Gold*<sup>†</sup>

The mission of the Center on Corporations, Law & Society at Seattle University School of Law is to promote dialogue and scholarship on the role law plays in supporting the positive contributions of corporations while protecting fundamental public interest values, such as a healthy environment, worker health, economic security, and human rights. To this end, on October 20, 2006, the Center on Corporations, Law & Society, in collaboration with noted First Amendment scholar David Skover and the *Seattle University Law Review*, hosted a conference entitled *Corporations & the First Amendment: Examining the Health of Democracy*, in order to explore how two areas of law—corporate law and First Amendment jurisprudence—intersect with the most important public interest value of all: a functional, vibrant democracy.

Our democratic system is the infrastructure that we depend on in the United States to protect the full range of public interest values. Two of the most important pillars of that infrastructure are how we elect our government officials and our access to information, including the content of that information as well as how that information is made available. Corporations are increasingly the dominant institution of our time, and

---

<sup>†</sup> Director of the Center on Corporations, Law & Society at Seattle University School of Law. Ms. Gold was also one of the primary organizers and Chair of the conference *Corporations & the First Amendment: Examining the Health of Democracy*. For more information about the Center on Corporations, Law & Society, visit [www.law.seattleu.edu/ccls](http://www.law.seattleu.edu/ccls).

they play an unprecedented role not only in an electoral process that depends on candidates raising substantial sums for their campaigns, but also as owners of the majority of media sources that we rely on to ensure an informed and engaged citizenry. What role does First Amendment jurisprudence play in fostering these two aspects of American democracy, and how does this jurisprudence intersect with corporate law and structure that drives corporate conduct?

This conference brought together nationally recognized scholars, attorneys, policymakers and activists from across the country who represent a depth of knowledge and range of viewpoints necessary to explore the intersection of corporate and First Amendment law. This discussion was sometimes heated, frequently politically surprising, and always robust.

In this symposium issue, the *Seattle University Law Review* has captured the presentations and exchanges at this unique, multi-disciplinary conference. In the first session, Professor Adam Winkler offers an analysis of the evolution and current status of corporate law and the degree to which the First Amendment has afforded commercial and political speech protections to corporations. This framework helped set the context for the rest of the panels, beginning with the debate between progressive corporate law scholar Daniel Greenwood and libertarian First Amendment attorney Erik Jaffe on *Should Corporations Have First Amendment Rights?* Professor Greenwood argues that First Amendment political speech rights should not apply to corporations at least partly because corporations, unlike individuals, are legally defined to be “monomaniacally” focused on profit motive and thus cannot, and should not, participate in the political process that must respond to multiple values. In contrast, Mr. Jaffe argues that the First Amendment is meant to promote speech that informs the political system, and any restriction based on the source or motive of the speaker would run counter to underlying constitutional speech values.

The next two sessions explore in more detail the legal doctrines governing commercial speech and political speech. Starting from the current state of First Amendment protection of corporate speech after the infamous *Nike v. Kasky* case, the session *Corporations & Commercial Speech* analyzes the difficult modern-day tension posed between First Amendment jurisprudence meant to protect consumers from deceptive corporate advertising in the face of tremendous corporate market power and new advertising techniques and strategies. This session raises the question of whether citizens are in fact benefited by more restriction on commercial speech, as argued by Professors Tamara Piety and David

Vladeck, or less restriction, as argued by Mark Lopez of the American Civil Liberties Union.

The next session, *Corporations & Political Speech: Should Speech Equal Money?*, dives deep into the central issue of corporate influence in the political process. Scott Thomas, former Chairman of the Federal Elections Commission, outlines the legislative efforts that have been made to regulate financial influence in the electoral process. Professor Martin Redish argues campaign finance laws run counter to First Amendment values and protections; if more communication results from having more money, restricting corporate campaign contributions flies in the face of First Amendment goals of not limiting the amount of speech available to the polity. Lisa Danetz, attorney with the National Voting Rights Institute, disagrees that more speech is inherently better for democracy, and instead argues that a healthy democracy depends on *meaningful* discussion and participation in the electoral process, and that under the current system, those with money—largely corporations—have inordinate influence on who gets elected and subsequent policy outcomes. Interestingly, these exchanges show the shared commitment of all of the speakers to a healthy democracy and informed citizenry, but also the very different routes and strategies that each advocates for achieving that goal.

In *The Corporatization of Communication*, Professor Lawrence Soley, author of the book *Censorship, Inc.*, Professor Adam Candeub, former attorney with the Federal Communications Commission, and Jeff Chester, Director of the Center for Digital Democracy, discuss the historical and current law regarding regulation of corporate media ownership in an age where the primary channels of communication—including those new channels being developed as technology and advertising grows increasingly sophisticated—are owned by large, shareholder-beholden corporations, and how that also impacts the content of information being delivered. The session highlighted again how the First Amendment value of “more speech,” when that speech is controlled and delivered by profit-seeking corporations by dint of their legal mandate, must be examined in light of the quality of that speech and the ultimate goal of fostering an informed electorate. There are no easy—or even right—answers to these complex issues.

The last panel however offers some concrete strategies that attempt to address the goal of advancing a responsive, functioning democracy not dominated by corporate interests while respecting the importance of protecting the First Amendment. In *Protecting the Polity: Strategies for Reform*, Charlie Cray of the Center for Corporate Policy discusses legislative and activist efforts to reduce corporate influence in commercial

areas that affect the public interest, such as health care. Mr. Cray also highlights efforts to minimize corporate influence in the electoral process through the example of an initiative in California's Humboldt County to grant political and civil rights only to natural persons and to prohibit non-local corporations from contributing money in county elections. Solange Bitol-Hansen of Public Campaign outlines successful state-based legislation that both comports with the First Amendment and supports "clean elections," which allow candidates to successfully run for office with small individual donations free of corporate campaign contributions. Finally, Bruce Freed, co-director of the Center for Political Accountability, describes the effective strategy he has employed that uses the corporate structure itself—the shareholder proxy process—to compel corporations to disclose their campaign contributions because they compromise shareholder value.

The symposium closes with the keynote address delivered by Professor Mark Crispin Miller, who paints a vivid picture of the multiple paths of corporate influence in the infrastructure of our democracy, ranging from media outlets, to the press, to the voting machines used to tally our ballots. By the end of the conference, it became clear how challenging it is to support structures that give more voice and power to citizens without running afoul of important First Amendment values that support unlimited voices in the marketplace of ideas, even when the loudest of those voices come from powerful corporations.

The Center on Corporations, Law & Society's commitment to fostering dialogue and scholarship on the role law plays in navigating the relationships between corporations and the public interest could not have been more perfectly realized than through this conference and symposium issue. Examining the current state of democracy—and envisioning a more ideal state—could not occur without understanding the intersection of corporate law and the First Amendment. We hope that this transcript of these conference proceedings offers a new lens through which to assess the health of our civil society and to develop strategies to protect it.

NOTE FROM THE EDITOR IN CHIEF

For the sake of clarity, the panelists and members of the *Seattle University Law Review* have made minor editorial changes for the printed version of these remarks, and have added a number of citations to assist the reader.