EXHIBIT 2
Smith, Brad

From: Brown, Mark
Sent: Tuesday, March 04, 2014 7:18 AM
To: Faculty-Law
Subject: Ohio AG concedes Ohio law unconstitutional

This is interesting. Ohio AG concedes that Ohio’s law prohibiting false statements about candidates violates First Amendment:

http://www.ballot-access.org/2014/03/ohio-attorney-general-acknowledges-ohio-law-on-making-false-statements-is-unconstitutional/

Of course, we always assumed it did. Sometimes takes a while to get there.
Ohio Attorney General Acknowledges Ohio Law on Making False Statements is Unconstitutional


The U.S. Supreme Court is set to hear oral arguments in Susan B. Anthony List v. Drieuhaus, 13-193, on April 22. This is a challenge to Ohio’s law making it illegal for individuals to make false statements about candidates or ballot measures, with the intent to influence the election outcome. According to this story (http://www.dispatch.com/content/stories/local/2014/03/03/DeWine-Ohio-Election-law.html), the Ohio Attorney General filed a brief with the U.S. Supreme Court acknowledging that the law violates the First Amendment. But, the Ohio Attorney General, Michael DeWine, also filed a brief defending the law.

The brief in defense of the law is filed by DeWine in his capacity as the Ohio legal officer charged with defending state laws. The brief expressing the view that the law violates the First Amendment is filed in DeWine’s capacity as amicus curiae. Here is his amicus curiae brief (http://electionlawblog.org/wp-content/uploads/13-193-ac-Ohio-AG-DeWine-Final.pdf). Thanks to Rick Hasen for the link.

No Comments.

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No. 13-193

In The Supreme Court of the United States

SUSAN B. ANTHONY LIST, and COALITION OPPOSED TO ADDITIONAL SPENDING AND TAXES,

Petitioners,

v.

STEVEN DRIEHAUS, KIMBERLY ALLISON, DEGEE WILHELM, HELEN BALCOM, TERRANCE CONROY, LYNN GRIMSHAW, JAYME SMOOT, WILLIAM VASIL, PHILIP RICHTER, OHIO ELECTIONS COMMISSION, and JON HUSTED,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit

BRIEF OF AMICUS CURIAE OHIO ATTORNEY GENERAL MICHAEL DEWINE IN SUPPORT OF NEITHER PARTY

ERIK S. JAFFE
(Counsel of Record)
ERIK S. JAFFE, P.C.
5101 34th Street, N.W.
Washington, DC 20008
(202) 237-8165
jaffe@esjpc.com

BRADLEY A. SMITH
WEST VIRGINIA UNIVERSITY
COLLEGE OF LAW
101 LAW SCHOOL DRIVE
P.O. BOX 6130
MORGANTOWN, WV 26506

Counsel for Amicus Curiae