

## THE GOVERNMENT'S SPEECH AND THE CONSTITUTION

Governments must speak in order to govern, and so governments have been speaking for as long as there have been governments. The government's speech is at times heroic, at other times banal, and at still other times despicable. Because the government's speech has changed the world for better and for worse, it deserves our attention, at times our appreciation, and at times our concern. When we discuss constitutional law, we usually focus on the constitutional rules that apply to what the government *does*. Far less clear are the constitutional rules that apply to what the government *says*. When does the speech of this unusually powerful speaker violate our constitutional rights and liberties? More specifically, when does the government's speech facilitate democratic self-governance and contribute to the marketplace of ideas – and when does the government's expression instead interfere with public discourse? Under what circumstances does the government's speech threaten liberty or equality? And when, if ever, does the Constitution prohibit our government from lying to us? This book considers these questions, and more.

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*General Editor*

Alexander Tsesis, Loyola University, Chicago

# The Government's Speech and the Constitution

**HELEN NORTON**

University of Colorado School of Law



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For Marianne Craft Norton and the memory of Bob Norton,  
And for Kenny

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*Not for Attribution: Government's Interest in Protecting the Integrity of Its Own Expression*, 37 U.C. DAVIS. L. REV. 1317 (2004)

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*Constraining Public Employee Speech: Government's Control of Its Workers' Speech to Protect Its Own Expression*, 59 DUKE L.J. 1 (2009)



- Government Speech* 2.0., 87 DENV. U. L. REV. 899 (2010) (with Danielle Keats Citron)
- Campaign Speech Law with a Twist: When Government Is the Speaker, Not the Regulator*, 61 EMORY L.J. 209 (2011)
- Imaginary Threats to Government's Expressive Interests*, 61 CASE WESTERN L. REV. 1265 (2011)
- Government Speech in Transition*, 57 S. DAK. L. REV. 421 (2012)
- The Equal Protection Implications of Government's Hateful Speech*, 54 WM. & MARY L. REV. 159 (2012)
- The Government's Lies and the Constitution*, 91 IND. L.J. 73 (2015)
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