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WLF Urges Ninth Circuit to Block California's Compelled Speech on Climate Disclosures

(U.S. Chamber of Commerce v. Randolph)

“California’s laws flout First Amendment protections by turning companies into unwilling mouthpieces for the State’s climate-change agenda.”

— Cory Andrews, WLF General Counsel and Vice President of Litigation

WASHINGTON, DC—Washington Legal Foundation (WLF) today urged the U.S. Court of Appeals for the Ninth Circuit to reverse a district court decision denying a preliminary injunction against California’s SB 253 and SB 261, which unlawfully compel companies to exhaustively report climate-related risks and emissions. WLF contends that the laws violate the First Amendment by forcing businesses to either parrot the State’s views on climate change or explain their disagreement, eroding free speech rights. WLF’s brief was prepared with generous pro bono support from Jim Wedeking of Boyden Gray PLLC.

The case stems from a suit by the U.S. Chamber of Commerce and other business groups challenging the laws, which require thousands of companies to disclose exhaustive supply-chain emissions and subjective climate-risk analyses. The U.S. District Court for the Central District of California denied the Chamber’s motion for a preliminary injunction, prompting this appeal in the face of imminent compliance deadlines.

In its amicus brief, WLF argues that the laws’ compelled disclosures fail under any level of First Amendment scrutiny, as California identified no concrete harm it was remedying—relying instead on a “nice to have” investor interest rationale—and the requirements are unduly burdensome, forcing companies to adopt viewpoint-driven speech on a controversial issue. WLF urges reversal to protect against regulatory overreach and preserve the First Amendment’s limits on compelled commercial speech.

Celebrating its 48th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.

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