political nature of the contested speech, it is clear that the same principle—the right of the public to receive information—governs nonpolitical, corporate speech.[421]

With some qualifications, therefore, the speech and press clauses may be analyzed under an umbrella "expression" standard, with little, if any, hazard of missing significant doctrinal differences.

The Doctrine of Prior Restraint

"[L]iberty of the press, historically considered and taken up by the Federal Constitution, has meant, principally although not exclusively, immunity from previous restraints or censorship."[422] "Any system of prior restraints of expression comes to this Court bearing a heavy presumption against its constitutional validity."[423] Government "thus carries a heavy burden of showing justification for the imposition of such a restraint."[424] Under the English licensing system, which expired in 1695, all printing presses and printers were licensed and nothing could be published without prior approval of the state or church authorities. The great struggle for liberty of the press was for the right to publish without a license what for a long time could be published only with a license.[425]

The United States Supreme Court's first encounter with a law imposing a prior restraint came in *Near v. Minnesota ex rel. Olson*,[426] in which a five-to-four majority voided a law authorizing the permanent enjoining of future violations by any newspaper or periodical once found to have published or circulated an "obscene, lewd and lascivious" or a "malicious, scandalous and defamatory" issue. An injunction had been issued after the newspaper in question had printed a series of articles tying local officials to gangsters. Although the dissenters maintained that the injunction constituted no prior restraint, because that doctrine applied to prohibitions of publication without advance approval of an executive official,[427] the majority deemed it "the essence of censorship" that, in order to avoid a contempt citation, the newspaper would have to clear future pub-

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[421] Commercial speech when engaged in by a corporation is subject to the same standards of protection as when natural persons engage in it. Consolidated Edison Co. v. PSC, 447 U.S. 530, 533–35 (1980). Nor does the status of a corporation as a government-regulated monopoly alter the treatment. Id. at 534 n.1; Central Hudson Gas & Electric Co. v. PSC, 447 U.S. 557, 566–68 (1980).

[422] Near v. Minnesota ex rel. Olson, 283 U.S. 697, 716 (1931).

[423] Bantam Books v. Sullivan, 372 U.S. 58, 70 (1963).

[424] Organization for a Better Austin v. Keefe, 402 U.S. 415, 419 (1971); New York Times Co. v. United States, 403 U.S. 713, 714 (1971).

[425] Near v. Minnesota ex rel. Olson, 283 U.S. 697, 713–14 (1931); Lovell v. Griffin, 303 U.S. 444, 451 (1938).

[426] 283 U.S. 697 (1931).

[427] 283 U.S. at 723, 733–36 (Justice Butler dissenting).