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NEWS RELEASE

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FEDERAL COURT OPENS DOOR TO REVISITING CONSTITUTIONALITY OF CAMPAIGN SPENDING LIMITS

RULING STRIKES DOWN VERMONT SPENDING LIMITS BUT UPHOLDS MOST OF VERMONT'S CONTRIBUTION LIMITS

Appeal of Ruling On Spending Limits Will Present Opportunity to Revisit Supreme Court's 1976 Ruling in *Buckley v. Valeo*

Individual Contribution Limits Are the Lowest in the Country

BURLINGTON – In powerful judicial language, a federal district court today opened the door to a reconsideration of the constitutionality of campaign spending limits. While striking down mandatory limits on the amount of money that candidates may spend in Vermont state elections, Federal Judge William K. Sessions III states clearly that the time has come to revisit a 1976 Supreme Court ruling which invalidated congressional campaign spending limits and which sanctioned the current system of unlimited campaign spending across the country. The court's ruling also upholds most of Vermont's new contribution limits, including limits on individual donors to candidates – the lowest such limits in the country. As Vermont is the first state since 1976 that has sought to impose mandatory spending limits on political campaigns, the case could set the stage for the Supreme Court to revisit its controversial ruling 24 years ago in *Buckley v. Valeo*.

In ruling on Vermont's campaign spending limits, the court cites the "substantial disagreement" over whether the Supreme Court in *Buckley* left open the question that such limits might be constitutionally justified based on other governmental interests. This disagreement includes recent statements of four sitting Supreme Court justices in a major campaign finance ruling from the nation's highest court issued in January 2000, all of which indicate that *Buckley* may need to be reviewed.

"Powerful, if not controlling, judicial commentary such as this," Judge Sessions states today, "reinforces the view that the constitutionality of expenditure limits bears review and reconsideration. Spending limits are an effective response to certain compelling governmental interests not addressed in *Buckley*."

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Supporters of Vermont's 1997 campaign reform law hailed the court's ruling upholding most of Vermont's campaign contribution limits and accepted the court's invitation to appeal the portion of the ruling on spending limits.

"This is the clearest language yet from a federal court that it is time to revisit the Supreme Court's ruling in *Buckley v. Valeo*," says Brenda Wright, lead counsel for the defendant-intervenors in this case and the managing attorney at the National Voting Rights Institute. "Vermont is leading the way on campaign reform, and the record showed that spending limits were needed to protect the integrity of the electoral process. We welcome the opportunity to take that record to the appellate courts."

The decision emerged in the midst of what many campaign finance experts predict will be the most expensive election in U.S. history, with total spending for presidential and congressional races exceeding \$3 billion.

At the trial of the case, *Landell v. Sorrell*, the Vermont Right-to-Life Committee, the Vermont ACLU, and the Vermont Republican State Committee, squared off against the state of Vermont, represented by the Vermont state attorney general's office, and a coalition of Vermont voters, candidates, and organizations who support the campaign reform law, represented by the National Voting Rights Institute and Burlington attorney Peter Welch. The Institute is a non-profit firm which specializes in campaign finance litigation.

The laws' defenders reject the claim that limits on campaign spending infringe free speech rights. "If money equals speech, then only the wealthy have a real voice in elections," says David Rappaport, Director of the Vermont Public Interest Research Group, one of the intervenors in the case.

Landell v. Sorrell marks the second direct revisitation of the *Buckley* ruling, one of the most hotly debated decisions of our time. Some 24 years of explosive growth in spending in political campaigns, along with an increasing public perception of government controlled by wealthy contributors, have led many to call for a reconsideration of *Buckley*. In 1998, twenty-six state attorneys general and twenty-one secretaries of state called for a revisitation of *Buckley*, as have 38 U.S. Senators and more than 200 constitutional scholars across the country. Further, the White House and the U.S. Justice Department have signaled their interest in seeing *Buckley* reconsidered.

The state of Vermont and the coalition of intervenors jointly argue that the Supreme Court's decision in *Buckley* left the door open for a showing of new facts and circumstances and new interests which would justify the need for campaign spending limits. They say that the experience of unlimited campaign spending in the 24 years since the *Buckley* ruling demonstrate that reasonable campaign spending limits are now necessary to address the important governmental interest of preventing corruption and the appearance of corruption, an interest which the *Buckley* Court recognized in upholding campaign contribution limits. The defense team further argues that Vermont's campaign spending limits are justified by other vital governmental interests, some of which were not considered by the *Buckley* Court. These interests include: 1) freeing elected officials from the pressures of fundraising so they may carry out their representative duties without interference; 2) fostering electoral competition and protecting the fundamental right to equal political participation; and 3) promoting robust debate of ideas and an informed citizenry.

"The time has come to revisit the Supreme Court's ruling in *Buckley v. Valeo*," says former Vermont Governor Philip H. Hoff, one of the individual defendant-intervenors. Mr. Hoff, who served as governor from 1962 to 1969, campaigned under Vermont's previous mandatory spending limits that existed prior to the *Buckley* ruling. "Twenty-four years after *Buckley*, it is clear that we must limit spending, as well as contributions, in order to stop the arms race in political fundraising."

In addition to former Governor Phil Hoff and VPIRG, other members of the coalition of intervenors defending Vermont's campaign finance reform law include State Senators Cheryl Rivers and Elizabeth Ready, Rep. Karen Kitzmiller, the League of Women Voters of Vermont, Rural Vermont, Vermont Alliance of Conservation Voters, the Vermont Older Women's League, and individual activists and prospective candidates.

