



NATIONAL VOTING RIGHTS INSTITUTE

FACT SHEET: Quotes from the Record and Opinions

For the first time since its decision in Buckley v. Valeo nearly 30 years ago, the Supreme Court has agreed to review the constitutionality of campaign spending limits. The case, Randall v. Sorrell, No. 04-1528, raises issues that go to the heart of our democracy. Vermont's comprehensive reform law was adopted in 1997 out of concern over the escalating arms race in campaign fundraising and spending that has undermined public confidence in government and turned elected officials into full-time fundraisers.

This fact sheet provides quotes from the hearings, trial and court opinions about the law and the political funding landscape in Vermont.

Quotes from the trial record

“I’ve got to tell you that I wish I could walk up and down this hall now as President Pro Tem and tell you that I know with a clear conscience that I’m not making decisions that are based upon that whole lot of money I raised.” - *Senate President Pro Tem Peter Shumlin, testifying before a Vermont Senate panel.*

“The evidence is all around us that money is a negative influence on the impartial ordering of priorities and passage or failure of bills around here.” - *Senator Jeb Spaulding, quoted in Burlington Free Press article, “Money Changes Opinions,” April 27, 1997.*

“‘We’ve already lost the drug money, and I don’t need to lose the food manufacture[r] money too. So I’m not going to sign the bill.’ ” - *Trial testimony of Senator Cheryl Rivers, reporting on response of Senate President when he was asked to co-sponsor a bill concerning the labeling of genetically engineered food. The request was turned down because the pharmaceutical industry was already withholding campaign contributions because of the party’s legislative proposals related to pharmaceuticals.*

“Money does buy access, and we’re kidding ourselves and Vermonters if we deny it.” - *Governor Howard Dean, 1997 Inaugural Address.*

“[B]oth sides [Republicans and Democrats] fully understand in my view, based upon the experiences of the last six years ... that if you want to put forth your agenda in the Senate, it’s not just recruiting good candidates anymore. You have to raise bundles of money under the current system which allows you to do it and then you’re going to almost fight with your conscience about whether or not you’re giving access to people based on issues because of their money or because of the policy, and that’s what’s changing and that’s what’s wrong.” - *Peter Shumlin, Senate President Pro Tem, testifying before legislative committee.*

“We have candidates who will do anything to raise money. What they have to offer is the same commodity as in Washington – access to the leaders, access to the full attention of those who are supposed to be our models of integrity.” - *Representative Marion Milne, a Republican, during the floor debate on Act 64.*

“Politicians are forced to spend as much time begging as they do campaigning.” - *Lobbyist and former Vermont Secretary of Administration David Wilson, in “Vermont Legislature Needs Campaign Finance Reform,” Burlington Free Press, Jan. 30, 1997.*

“Campaign reform bill necessary so that “there will be increased time for real debate; [and] that candidates will be able to concentrate more on issues rather than raising public money.” - *Senator William Doyle, a Republican, during the floor debate on Act 64.*

Some Vermont citizens have reported that they do not vote because “[a]ll the big money controls everybody in Montpelier anyways.’ ...They think it’s all wrapped up and that the special interests control it and, quite frankly, they aren’t that wrong.” - *Senator Elizabeth Ready, trial testimony.*

“There is an agenda out there that is pretty much set by folks that are not elected.” - *Senator Elizabeth Ready, trial testimony.*

“Electoral competition is . . . a central component of democratic governance. In many respects, the ultimate weapon of public accountability in a democratic system is the ability of citizens to remove political actors through elections. And, electoral competition is the mechanism that keeps accountability viable. Electoral competition requires that voters be given a choice among at least two viable candidates. High levels of campaign spending pose a threat to such competition because large incumbent war chests tend to discourage serious challengers.” - *Expert report of Dr. Donald Gross.*

“The need to raise unlimited funds “precludes normal people, even people that have a lot of political experience, from getting into the running for lieutenant governor, governor, because who wants to go out and raise, . . . a hundred thousand, two hundred thousand, a half million dollars?... And quite frankly, who can amongst normal members of the public?” - *Senator Elizabeth Ready, trial testimony.*

Quotes from the lower court opinions

“[C]ritically, the *Buckley* Court did not conclude that the Constitution would always prohibit expenditure limits, regardless of the reasons asserted and the record supporting the limitations. It simply held that based on the record before it, “[n]o governmental interest that has been suggested is sufficient to justify” the federal expenditure limits. Accordingly, after *Buckley*, there remains the possibility that a legislature could identify a sufficiently strong interest, and develop a supporting record, such that some expenditure limits could survive constitutional review.” - *Landell v. Sorrell*, 382 F. 2d 91, 107-108 (2d Cir. 2004) (quoting *Buckley*).

“Vermont has established at least two interests in maintaining campaign expenditure limits: preventing the reality and appearance of corruption, and protecting the time of candidates and elected officials. . . . Fundamentally, Vermont has shown that, without expenditure limits, its elected officials have been forced to provide privileged access to contributors *in exchange for* campaign money. Vermont’s interest in ending this state of affairs is compelling: the basic democratic requirements of accessibility, and thus accountability, are imperiled when the time of public officials is dominated by those who pay for such access with campaign contributions.” - *Id.* at 124-125 (*emphasis original*).

“Even with contribution limits, the arms race mentality has made candidates beholden to financial constituencies that contribute to them, and candidates must give them special attention *because* the contributors will pay for their campaigns.” - *Id.* at 119 (*emphasis original*).

“[T]he Vermont system of unbridled expenditures has created a situation where public officials are functionally compelled to sell privileged access through the fundraising system.” - *Id.* at 100.

“[U]nlimited [campaign] expenditures have compelled candidates to engage in lengthy fundraising in order to preempt the possibility that their political opponents may develop substantially larger campaign war chests,” *id.* at 122-123, and “requires that elected officials spend time with donors rather than on their official duties.” - *Id.* at 123.

“[T]he quantum of evidence demonstrating the depth of the problem in Vermont campaigns is great.” - *Id.* at 124.

“The integrity of our democracy is inextricably bound to the voices of those with lesser means. Thus, the categorical preservation of free speech and association cannot lay waste to our other core values such as effective representation, equal access to the political system, and honest, responsive government.” - *Landell v. Sorrell*, 118 F. Supp. 2d 459, 493 (D. Vt. 2000) (*lower court opinion*).