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Federal Court Dismisses Challenge to Radical Increases in Individual Contribution Limits

Higher Limits Distort Presidential Race; Public Interest, Civil Rights and Low Income Groups to Appeal Decision to Supreme Court

Washington, D.C. A diverse coalition of voters, candidates, and public interest organizations roundly criticized today's federal court ruling dismissing their challenge to significant increases in the amount that individuals are permitted to contribute directly to candidates' campaigns for federal office. The groups announced their intention to appeal the decision to the U.S. Supreme Court, which is scheduled to take up various challenges to the Bipartisan Campaign Reform Act (BCRA) on an expedited basis.

"This ruling fails to protect the constitutionally guaranteed rights of ordinary citizens in the political process," said John Bonifaz, Executive Director of the National Voting Rights Institute (NVRI) and lead counsel on the Adams v. FEC case.

The court based its dismissal on the assertion that "no one has a 'right to equal influence in the overall electoral process.'" NVRI attorney Bonnie Tenneriello said "This flies in the face of the one-person, one-vote principle upon which our democracy was built."

"If upheld," added Bonifaz "this decision would permit access to wealth to become a prerequisite for full participation in our democracy. Like the poll tax and candidate filing fee systems of the past, this newest wealth barrier must fall as well."

U.S. campaign finance law previously limited individual contributions to federal candidates to \$1,000 per election. BCRA doubled this limit, allowing the wealthiest Americans to contribute \$2,000 per election, or \$4,000 per election cycle. The law also increased limits up to \$12,000 for candidates facing self-funded opponents, and nearly doubled the amount that individuals are permitted to contribute to all candidates, parties, and political action committees combined.

Civil rights activist Victoria Jackson Gray Adams joined with the California Public Interest Research Group (CALPIRG), NJPIRG, MASSPIRG, U.S. PIRG, ACORN, the Fannie Lou Hamer Project, and non-wealthy candidates and voters to challenge these increases in Adams v. FEC. The plaintiffs are being represented by the National Voting Rights Institute and by the Washington, D.C. office of Hale and Dorr, LLP.

The groups contend that the doubled limits are already making their mark on the 2004 presidential campaign. Nearly one-third (29%) of the money raised by presidential hopefuls is a direct result of the higher limits, according to the State PIRGs' analysis of first quarter 2003 FEC filings. Further, 2004 presidential candidates raised more than 80% of their individual contributions from people who gave at least \$1,000, an eight point jump from the first quarter of 2000.

"The new \$2,000 contribution limit is out of reach for all but an elite few Americans," said Adam Lioz, Democracy Advocate for the National Association of State PIRGs, which includes the lead organizational plaintiffs in the case. "It gives one Washington lobbyist the same influence as 40

middle class families each contributing \$50. So, while big money donors are deciding who has the resources to compete for the Democratic nomination, average citizens are priced out of the game.”

Adams v. FEC plaintiffs charge that the contribution limit increases violate the Equal Protection Clause of the U.S. Constitution by denying non-wealthy candidates and voters equal participation in the political process.

“These new limits will lock low-income Americans out of contention for federal office,” said Victoria Fitzgerald, president of the Washington, D.C. chapter of ACORN, a poor persons’ advocacy organization and Adams plaintiff. “How can a candidate representing my interests expect to be competitive raising \$10 and \$20 contributions when faced with an opponent backed by wealthy interests?”

The Adams v. FEC plaintiffs plan to appeal to the Supreme Court, which is expected to hear various challenges to BCRA this year.

“We hope that the Supreme Court will look more favorably upon the 99% of Americans who can’t afford to cut \$2,000 checks to their favorite politicians,” said Stephanie Wilson, Executive Director of the Fannie Lou Hamer Project, another Adams plaintiff. “Giving the wealthy more power over who runs for office and who wins violates every principle of fairness and political equality. The court should confirm that it also violates the United States Constitution.”

