

NMPIRG

New Mexico Public Interest Research Group

NEWS RELEASE

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CONTACT: Jeanne Bassett
254-1244

ALBUQUERQUE COALITION DEFENDS CITY'S CAMPAIGN SPENDING LIMITS

**Prior to Federal Court Hearing,
Public Interest Groups Speak Out on Need for the Limits**

“Our Democracy is at Stake,” They Say

ALBUQUERQUE, NM -- A coalition of Albuquerque public interest groups joined in defense of the city's campaign spending limits today. The coalition highlighted the need for the limits to protect the integrity of the electoral process in Albuquerque. The coalition held a press conference on the steps of the federal courthouse in Albuquerque prior to a federal court hearing on whether the limits can be enforced for this election.

“Our democracy is at stake,” says Jeanne Bassett, Executive Director of New Mexico Public Interest Research Group (NMPIRG). “For twenty-seven years, these limits have helped to ensure electoral competition and to reduce the threat of corruption and the appearance of corruption in our local election process. If these limits are removed, our elections in Albuquerque, like others around the country, will become auction blocks up to the highest bidder.”

The coalition challenges the claims of mayoral candidate Rick Homans that the city's campaign spending limits violate the First Amendment to the U.S. Constitution.

“Rick Homans misreads a 1976 Supreme Court ruling to claim that his free speech rights are violated by the city's campaign spending limits,” says Sally Davis, Director of New Mexico Common Cause. “In that ruling in *Buckley v. Valeo*, the Supreme Court never said that all campaign spending limits would forever be unconstitutional. Twenty-seven years of experience demonstrates that the city's limits promote, rather than hinder, basic First Amendment values.”

Some 25 years of explosive growth in spending in federal and state 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 40 U.S. Senators and more than 200 constitutional scholars across the country.

In August 2000, a federal district court judge in Burlington, Vermont opened the door for a review of the constitutionality of campaign spending limits. While striking down Vermont's campaign spending limits, Federal Judge William K. Sessions III cited the "substantial disagreement" over whether the Supreme Court in *Buckley* left open the question that such limits might be constitutionally justified based on new governmental interests. This disagreement is reflected even in the Supreme Court itself, where four sitting justices, in a major campaign finance ruling issued in January 2000, indicated that *Buckley* may need to be reviewed (*Nixon v. Shrink*).

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

A federal appeals court in New York is now reviewing Judge Session's ruling.

"Albuquerque citizens do not want a money race in political fundraising in our local elections," says Heidi Brooks with the Presbytery of Santa Fe. "We know what our federal and state elections look like. That is not what the First Amendment intended."

In addition to the NMPIRG, organizations participating in the press conference included ACORN, New Mexico Common Cause, the League of Woman Voters, Presbytery of Santa Fe, ReVisioning New Mexico and United We Stand. The coalition's press conference began at 9:30 a.m. with the federal court hearing to follow at 10 a.m. The hearing will feature arguments from attorneys for Rick Homans and for the city. The city has retained the National Voting Rights Institute to help it defend the limits. The Institute is a national legal center based in Boston which specializes in campaign finance litigation, including the constitutional defense of campaign spending limits.