NATIONAL VOTING RIGHTS INSTITUTE

27 School Street, Ste. 500
Boston, MA 02108
(617) 624-3900
(617) 624-3911 (fax)
http://www.nvri.org

Summary and Analysis of Second Circuit's Ruling in Landell v. Sorrell

by Brenda Wright, NVRI Managing Attorney

In a landmark ruling issued August 18, 2004, the U.S. Court of Appeals for the Second Circuit ruled that Vermont's mandatory limits on campaign spending in state elections are not automatically barred by the First Amendment, while also upholding most other aspects of Vermont's 1997 campaign reform law, known as Act 64. The ruling, *Landell v. Sorrell*, 382 F.3d 91 (2004), largely reinstates an earlier ruling issued by the same panel in August 2002. The *Landell* case is the first in which a federal appeals court has ruled that limits on campaign spending can be upheld on the right factual showing since 1976, when the Supreme Court struck down limits on congressional campaign spending in *Buckley v. Valeo*, 424 U.S. 1 (1976) (*per curiam*). On February 11, 2005, the Second Circuit denied plaintiffs' request for an *en banc* rehearing of the case, making the case ripe for Supreme Court review.

The Second Circuit's decision constitutes a tremendous victory for the reform movement in Vermont and nationwide. The decision can be viewed on NVRI's website, www.nvri.org. NVRI serves as lead counsel for a coalition of Vermont organizations, candidates and voters who intervened in the case to defend the constitutionality of the limits. Plaintiffs in the case, including the Vermont Right-to-Life Committee, Vermont Republican State Committee and a variety of past or potential candidates, are expected to file a petition for writ of certiorari seeking Supreme Court review by May 11, 2005. NVRI's response, which will urge the Court to grant review and affirm that properly tailored spending limits are permissible under the First Amendment, will be due 30 days later, as will any *amicus* briefs supporting the constitutionality of spending limits.

The Road to *Landell*

In 1997, then-Vermont Governor Howard Dean declared: "As I've said before, money does buy access and we're kidding ourselves and Vermonters if we deny it. Let us do away with the current system." The Vermont legislature responded by holding nearly six months of hearings investigating the role of money in Vermont politics, compiling testimony from 145 witnesses. Bipartisan majorities of both houses of the Vermont legislature voted that year to adopt Act 64, which included mandatory caps on campaign spending as part of a comprehensive reform package that also included limits on donations to candidates, political parties, and PACs. Republican State Senator Bill Doyle stated: "Vermont has never stood around waiting for something to happen. This state has taken the lead on many issues. Vermont was the first state to abolish slavery . . . . The bill before us today puts Vermont in the lead on campaign finance reform."

Shortly after it went into effect in late 1998, Act 64 was challenged in federal court by right-to-life groups and other plaintiffs alleging that spending caps are unconstitutional under *Buckley*. A coalition of reform organizations and reform-minded legislators and citizens intervened to defend the constitutionality of the spending caps, with the ultimate aim of bringing the question of spending caps back to the U.S. Supreme Court. In May and June of 2000, U.S. District Judge William K. Sessions III held a ten-day trial, receiving testimony from approximately 35 witnesses and admitting thousands of pages of documentary exhibits. The witnesses included current and former Vermont elected officials and candidates, Vermont organizations and individuals affected by the law, and numerous expert witnesses.

The role of money in Vermont politics was starkly on display at trial. For example, a Senator who sponsored a bill concerning the labeling of genetically engineered food testified that she could not get support from Senate leadership because the pharmaceutical industry was already withholding donations based on the party's legislative proposals. As the Senate President told her, "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."

Based on this and similar testimony, Judge Sessions found, in an August 2000 opinion, that Vermont had presented a compelling case in favor of the constitutionality of spending limits. He ruled, however, that in the absence of further guidance from the Court of Appeals for the Second Circuit, *Buckley* required him to strike down the limits regardless of the compelling state interests they served.

The Second Circuit's Spending Limits Ruling

The Second Circuit has now supplied that guidance. The Court of Appeals ruled that *Buckley* does not automatically preclude a showing that Vermont's mandatory limits on campaign spending are constitutional. The Court further ruled that Vermont had established two compelling governmental interests justifying its campaign spending limits: "preventing the reality and appearance of corruption, and protecting the time of candidates and elected officials." *Landell*, 382 F.3d at 124.

Despite these findings, the Court did not take the final step and rule that Vermont's limits were now constitutional. Instead, it remanded the case to the district court to address the question of "whether there are less restrictive means" for Vermont to satisfy its compelling interests in deterring corruption and candidate time-protection. *Id.* at 126. This inquiry is to include an examination of (1) whether a different type of regulation – such as voluntary spending limits – would achieve these goals, and (2) whether Vermont's interests could have been achieved with limits that were any higher than those established by Act 64. *Id.* at 131-135.

Circuit Judges Chester Straub and Rosemary Pooler joined in the ruling on Vermont's spending limits, with Senior Circuit Judge Ralph Winter dissenting.[1] The Court's detailed majority ruling on Vermont's spending limits has several important features.

[1] Notably, Judge Winter, as an attorney, argued *Buckley v. Valeo* before the Supreme Court in 1975 on behalf of the plaintiffs who challenged the constitutionality of FECA's spending limits.

1. *Buckley did not establish a per se rule against spending limits.* There has been growing debate in the courts and among academic commentators about whether *Buckley v. Valeo* automatically invalidates all mandatory limits on campaign spending, regardless of the facts and circumstances, or whether instead *Buckley* leaves the door open to demonstrate new facts and legal interests that might justify spending limits on a record different from that presented in *Buckley* itself. Prior to the Second Circuit's decision, panel majorities in the Sixth and Tenth Circuits had concluded that *Buckley* stands as a *per se* bar to spending limits, while concurring opinions in each of those cases disagreed, arguing that new facts and legal interests could allow spending limits to be sustained on the right factual record.[2] With the Second Circuit's opinion in *Landell,* an appellate court majority has now embraced the latter view.

Landell observes that "the clear language of Buckley" calls for "exacting scrutiny" of spending limits, not for automatic invalidation of spending limits. *Landell*, 382 F.3d at 107. The Buckley Court's rejection of the particular federal expenditure limits in the Federal Election Campaign Act, *Landell* explains, was rooted in "Congress' purported reasons for such legislation and the failures of those interests to demonstrate any need for expenditure limits." *Id.* Therefore, a different record may require a different result. As *Landell* states:

> [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.

Id. at 107-108 (quoting *Buckley*).

The Second Circuit's reasoning is fully consistent with Supreme Court cases applying strict scrutiny to challenged legislation. The Court has repeatedly rejected the view that strict scrutiny should be "strict in theory, but fatal in fact." *Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 237 (1995) (citation and internal quotations omitted). The Court's conclusion that *Buckley* left the door open to consideration of new and compelling interests as a basis for spending limits also is consistent with the observations of scholars such as Vincent Blasi. *See* Vincent Blasi, *Free Speech and the Widening Gyre of Fund-Raising: Why Campaign Spending Limits May Not Violate the First Amendment After All,* 94 COLUM. L. REV. 1281, 1288-89 (1994).

In addition, although the Supreme Court has not directly addressed the constitutionality of limits on candidates' campaign spending since *Buckley,* four of the current Justices have signaled in recent years that the constitutionality of spending limits may not be foreclosed under

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[2] *Kruse v. City of Cincinnati*, 142 F.3d 907 (6th Cir.), *cert. denied,* 525 U.S. 1001 (1998); *Homans v. City of Albuquerque*, 366 F.3d 900 (10th Cir.), *cert. denied,* 125 S. Ct. 625 (2004). In addition to its role in *Landell*, NVRI served as special counsel to the City of Cincinnati in defense of its campaign spending limits in *Kruse* and as special counsel to the City of Albuquerque in *Homans*. Since its founding, NVRI has argued that *Buckley* left the door open to proof of new facts and new governmental interests justifying campaign spending limits.

the First Amendment. For example, in a Missouri case that upheld limits on campaign contributions, *Nixon v. Shrink Missouri Gov't PAC*, 528 U.S. 377 (2000), Justice Kennedy wrote in a dissent that "I would leave open the possibility that Congress, or a state legislature, might devise a system in which there are some limits on both expenditures and contributions, thus permitting officeholders to concentrate their time and efforts on official duties rather than on fundraising." *Id.* at 409 (Kennedy, J., dissenting). In the same case, Justice Breyer, joined by Justice Ginsburg, called for an approach that balances competing constitutional interests and said "it might prove possible to reinterpret aspects of *Buckley* in light of the post-*Buckley* experience stressed by Justice Kennedy, making less absolute the contribution/expenditure line." *Id.* at 405 (concurring opinion of Breyer, J., joined by Ginsburg, J.). Justice Stevens likewise wrote a concurring opinion stating "Money is property; it is not speech." *Id.* at 398 (Stevens, J., concurring).[3]

2. *The Vermont record demonstrates compelling interests supporting spending limits.* The *Landell* opinion examines the massive record and detailed findings compiled by the Vermont Legislature in its consideration of Act 64, as well as the voluminous trial record, which included testimony by some 35 witnesses (including six expert witnesses) and hundreds of documentary exhibits establishing the impact of unlimited campaign spending on Vermont politics. The Court concludes that, based on this evidence,

> 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. In this case, Vermont's well-documented interest in time-protection is particularly compelling when considered in tandem with the State's firmly-rooted interest in preventing corruption (or the appearance thereof). . . . 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.

Landell, 382 F.3d at 124-125 (emphasis in original).

[3] In the *Nixon* case, Justices Scalia and Thomas indicated they would strike down limits on campaign contributions as well as spending. The other three justices (Chief Justice Rehnquist and Justices O'Connor and Souter) have not indicated their views on the question of whether *Buckley* established a *per se* rule automatically invalidating candidate spending limits. However, in a 2001 Colorado case, *Federal Election Comm'n v. Colorado Republican Federal Campaign Committee*, Justice Souter's majority opinion noted that, while the parties had not asked the Court in that case to revisit *Buckley*'s general approach to expenditure limits," some have argued that such limits could be justified in light of post-Buckley developments in campaign finance." 533 U.S. 431, 443 n.8 (2001). Chief Justice Rehnquist is the only current member of the Court who participated in the 1976 *Buckley* decision. (For a fuller discussion of the Justices' various statements on this question, go to NVRI's website, www.nvri.org, and view the *Landell* briefs posted in the website's Legal Library.)

The fundraising pressures created by unlimited spending, the Court found, greatly influence the agenda and policy issues given priority by the legislature. The Court's remarkably blunt findings on this score include the following:

> [B]ecause of the limited number of campaign contributors and the constant concern of being outspent, candidates and elected officials are significantly influenced in deciding positions on issues by a belief that they are unable to oppose too many special interests, no matter how unpopular, because they will be cut off from funds. . . . If legislation alienates one major special interest group, officials are reluctant to alienate others because the number of entities and people making political contributions is finite and small. One state legislator admitted that, when considering a piece of legislation, "You have to initially consider it as whether or not you want to risk losing the financial support or, in the worst case, having that financial support go to a primary opponent or to a person who opposes you in a general election." (testimony of Peter Smith). (*Id.* at 117)
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> One candidate recalled being told by another lawmaker: "We've already lost the drug money [because of the pharmacy bill], and I don't need to lose the food manufacture money too. So I'm not going to sign the bill." (testimony of Cheryl Rivers) (*id.*).
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> Senator Rivers testified that campaign contributors, by virtue of their role as contributors, can dominate the attention of party leadership or a committee chair, and thereby influence the legislature's agenda . . . . Another senator, Elizabeth Ready, recognized that "there is an agenda out there that is pretty much set by folks that are not elected." Candidates, often with great reluctance, accept the bargain with contributors so that they do not lose large sources of potential fundraising for the "arms race" in which they feel compelled to participate. (*Id* at 117-118.)
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> [A] crucial part of any deliberation on a bill involves speculation about the reaction of contributors because they control the money: politicians are forever asking "what's the industry position, what's the union position, what's--you know, and what they're talking about is where [is] the money behind the issue, what does the money want, where is the conflict between and among the power brokers." (*Id.* at 117 (quoting testimony of former Vermont legislator)).

The Court found that "unlimited [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 evidence in Vermont is clear that the pressure to raise large sums of money greatly affects the way candidates and elected officials spend their time. Special interests, well placed to take advantage of candidates' fear of losing this fundraising war, dominate candidates' time and thereby have been able to exercise substantial control over the information that passes to candidates. They do this by increasingly consuming the opportunities candidates have for meeting with constituent groups and forcing candidates to choose contributors over private citizens who make small or no contributions.

Id. at 122.

Again and again in its opinion, the Court cites strong evidence that "the 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, observing that "the quantum of evidence demonstrating the depth of the problem in Vermont campaigns is great." *Id.* at 124. As the Court explained, "[S]uch influence of campaign contributors is pernicious because it is bought. Certain private citizens and organizations should not be given greater access to public office holders--and thus greater influence--on account of those citizens' ability and willingness to pay for candidates' campaigns. . . . Quid pro quo corruption is troubling not because certain citizens are victorious in the legislative process, but because they achieve the victory by paying public officials for it." *Id.* at 119.

Because the Court found that Vermont's related interests in deterring corruption and protecting the time of officeholders and candidates were sufficient to support the constitutionality of Vermont's spending limits, it declined to address the question of whether additional justifications – such as the interest in allowing non-wealthy citizens to compete for state office on a more equal basis – also may be sufficiently compelling to support spending limits. *Id.* at 125.

3. ***Limits on contributions alone are insufficient to deter corruption and undue influence.*** The *Landell* opinion also rejects a principal argument relied upon by the law's challengers: the argument that limits on contributions alone are sufficient to overcome the problem of undue influence by monied interests. As *Landell* explains, although *Buckley* assumed that contribution limits alone would remove the specter of corruption, this has not been born out by Vermont's experience. "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. Legislators understand that interest groups can generate large numbers of individual contributions, and under a regime of unlimited spending a candidate can ill afford to lose such support. As the Court noted, "If legislation alienates one major special interest group, officials are reluctant to alienate others because the number of entities and people making political contributions is finite and small." *Id.* at 117. "So long as the danger remains that a political opponent might severely outstrip a candidate's financial resources, candidates have continued to feel it necessary to raise ever larger sums of money." *Id.* at 124. Spending caps, by placing an upper limit on the amount of money any one candidate will need to achieve parity with an opponent, thus address the reality and appearance of corruption in a way that contribution limits alone cannot.

4. ***Vermont's spending limits will not impede effective campaigning and communication with the electorate.*** The *Landell* Court examined Act 64's spending limits in light of past spending patterns in Vermont elections, the costs of mass media, the size of the election districts, and the types of campaign methods prevalent in Vermont elections.[4] After an

[4] The expenditure limits are: $300,000 per election cycle for governor; $100,000 for lieutenant governor; $45,000 for lower statewide offices; $4,000-$16,500 for state senate; and $2,000-$3,000 for state house (variations for state

independent review of the evidence, the Court affirmed the district court's conclusion that the spending limits are "appropriate given the costs of running for office in Vermont," and are high enough to permit effective campaigns and political communication. *Id.* at 130; *see also id.* at 131. The record contains strong evidence on this point, including a database and analysis of campaign finance data filed by all candidates in Vermont statewide and legislative races for the three election cycles preceding the trial, as well as detailed testimony by witnesses familiar with Vermont campaigns who confirmed that the limits were appropriately tailored. The record shows that spending in legislative and statewide races over the past three elections was typically lower than the amounts permitted by the limits. (Several of the plaintiffs and their witnesses, in fact, had run effective campaigns for Vermont office while spending less than the new limits would allow.) *Id.* The Court also concluded that Vermont's limits would not unduly benefit incumbents at the expense of challengers, noting that the Vermont law specifically provides challengers with the right to spend 15% more than incumbents in statewide races and 10% more in legislative races. *Id.* at 128.

While agreeing with the district court that Vermont's limits would permit effective campaigns, the *Landell* majority ruled that the limits might nevertheless be unconstitutional under a "narrow tailoring" inquiry if a somewhat higher limit would be adequate to serve the compelling interests supporting the expenditure limitations (specifically, the interests in deterring corruption and preserving the time of officeholders and candidates). "If the choice of the lower spending limit – for example, $4,000 for a Senate race as opposed to $6,000 – is significantly "more restrictive," while no more effective in advancing the interest asserted, then the lower spending limit is not consistent with the First Amendment." *Id.* at 134. Because the district court had not specifically addressed this question, the *Landell* majority held that the district court should examine it on remand by evaluating both "(1) the extent to which the higher spending limit is 'less restrictive' of the First Amendment rights of candidates and voters; and (2) the extent to which the higher spending limit would be as effective in advancing the anti-corruption and time-protection interests." *Id.* at 135. As noted earlier, the Court also directed the district court to examine more closely whether any other type of regulation – such as a voluntary spending cap accompanied by public financing – would have been as effective in serving the state's interests while causing less burden on First Amendment rights.

Other Significant Aspects of the Second Court's Ruling

1. *Contribution limits.* The panel unanimously agreed that Vermont's limits on contributions to candidates, PACs and political parties are constitutional.[5] Applying the Supreme Court's holding two years ago in *Nixon v. Shrink Missouri Gov't PAC*, which upheld

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legislative races depend on number of seats in the district). 17 V.S.A. § 2805a(a)(1)-(5) The limits are reduced by 15% for incumbents seeking re-election to statewide offices and by 10% for incumbents in legislative races, allowing challengers to spend more so as to offset the incumbent's traditional competitive advantage. 17 V.S.A. § 2805(c).

[5] Act 64 includes contribution limits of $400 per election cycle for statewide races, $300 for senate races, and $200 for house races. These limits apply to contributions to candidates from individuals, PACs, political parties, and any other single source. 17 VSA § 2805(a). Act 64 also includes a limit of $2,000 on contributions to PACs and political parties from any single source. *Id.*

limits of $1,000 in statewide elections in Missouri, the Court found that Vermont's contribution limits were well within the discretion afforded to state legislatures under *Shrink*. *Landell,* 382 F.3d at 137-139.

In upholding Vermont's contribution limits, the Second Circuit reversed one aspect of the District Court's ruling. The District Court, while upholding most of Act 64's contribution limits, had struck down the limits as applied to political parties' donations to candidates. Under Act 64, political parties' donations to candidates are subject to the same dollar limit as donations by individuals or PACs: $200 per election cycle for House races, $300 for Senate races, and $400 for statewide races. The District Court concluded that, because of their "unique role in the mechanics of our democracy," states must allow political parties to donate more than individuals or PACs.

The Second Circuit found this reasoning to be inconsistent with the Supreme Court's 2001 decision in *Colorado Republican Federal Campaign Committee v. FEC (Colorado Republican II)*, 533 U.S. 431 (2001), which rejected the contention that political parties, unlike other regulated donors, must be free to make unlimited coordinated expenditures on behalf of candidates. *See Landell*, 382 F.3d at 142-143. Judge Winter did not dissent from this portion of the judgment.

2. *Regulation of Related Expenditures.* Under Act 64, "related expenditures" by third parties are counted as contributions to and/or expenditures by the candidate if the expenditures are "intentionally facilitated by, solicited by or approved by" the candidate or the candidate's political committee.[6] 17 V.S.A § 2809. Most campaign finance laws include a provision counting coordinated expenditures as contributions to a candidate, because otherwise a donor could circumvent contribution limits by paying for a candidate's expenses rather than making a direct donation to the candidate. The Second Circuit upheld the "related expenditure" provision insofar as it treats related expenditures as contributions to a candidate. *Landell*, 382 F.3d 145-46. The Court rejected plaintiffs' assertion that the "facilitated by" portion of Vermont's related expenditure test was unduly vague, reading the phrase to require some "prearrangement" or "coordination" with the candidate. Under this construction, "sharing routine information about a candidate is not sufficient to meet the 'facilitated by' requirement." *Id.*

[6] There is some ambiguity in Judge Winter's position concerning the related expenditure provision, 17 V.S.A. § 2809. He states that he dissents from the majority's judgment on "two aspects of Act 64": its "limits on expenditures by candidates, including related expenditures by individual supporters and political parties, and its restrictions on fundraising and spending on party-building activities by state, county, and local committees of a political party." *Landell*, 382 F.3d at 153 (Winter, J., dissenting). The dissent specifically identifies §§ 2801(5) and 2805a as the two provisions it would strike down as unconstitutional. *Id.* Section 2801(5) is the provision that treats a contribution to a state, county or local affiliate as a contribution to all affiliates, while Section 2805a contains Act 64's expenditure limitations. Judge Winter does not list § 2809, which sets forth the provisions governing when an expenditure by a third party is treated as a "related expenditure," as one of the provisions on which he dissents. Thus, when Judge Winter states that his dissent applies to "Act 64's limits on expenditures by candidates, including related expenditures by individual supporters and political parties," he apparently means that he dissents as to the limits on spending (including the extent to which they treat related expenditures as spending by the candidate), but does not dissent from the majority ruling upholding the definition of "related expenditures" set forth in § 2809 or its treatment of related expenditures as contributions to candidates.

The Court's holding also is significant in affirming the constitutionality of §2809's rebuttable presumption that an expenditure by a PAC or political party made on behalf of six or fewer candidates is a "related expenditure" under the Act (this presumption applies only to political parties and PACs that recruit or endorse candidates). Because the presumption may be rebutted by establishing that the expenditures were in fact independent, the Court found that Vermont's law was distinguishable from the conclusive presumption of coordination between parties and candidates that was struck down by the Supreme Court in a 1996 decision, *Colorado Republican Federal Campaign Committee v. FEC (Colorado Republican I)*, 518 U.S. 604 (1996). *See Landell*, 382 F.3d at 146.

While upholding the "related expenditure" provision insofar as it treats related expenditures as contributions to the candidate, the Court left open for remand whether the provision is constitutional in treating such expenditures as expenditures by the candidate. *Landell*, 382 F.3d at 136-37. The Court did not explain any specific concerns it saw regarding this issue, but simply noted that the district court had not independently addressed this issue, and directed the district court to do so on remand. *Id.*

3. ***Limits on out-of-state contributions.*** The only portion of Act 64 struck down by the Court was a provision limiting out-of-state donations to no more than 25% of a candidate's total donations. 17 VSA § 2805(c). The Court concluded that the limit on out-of-state donations was not supported by a compelling state interest, reasoning that the risk of corruption is not associated with the size of campaign donations, not their geographical source, and that the record did not show more corruption associated with out-of-state donations than with in-state donations. *Landell*, 382 F.3d at 146-148.

4. ***Issues left open for remand to district court.*** In addition to the question whether Act 64's expenditure limits are sufficiently narrowly tailored (including the constitutionality of treating third-party "related expenditures" as expenditures by a candidate), the Second Circuit remanded two further issues to the district court for further proceedings: the operation and constitutionality of limits on contributions to so-called "independent expenditure PACs" that do not contribute funds directly to candidates; and the operation and constitutionality of contribution limits that affect transfers of funds between the national and state political parties. *Id.* at 149.

Role of NVRI

In *Landell v. Sorrell*, the National Voting Rights Institute represents a group of defendant-intervenors that includes Vermont Public Interest Research Group, League of Women Voters of Vermont, Rural Vermont, Vermont Older Women's League, Vermont Alliance of Conservation Voters, former Senator Cheryl Rivers, former State Auditor Elizabeth Ready, former Representative Marion Milne, former Vermont governor Phil Hoff, Mike Fiorillo, Marion Grey, Frank Huard, Daryl Pillsbury, Nancy Rice, and Maria Thompson. Many of the witnesses whose testimony was favorably cited in the Court's opinion were among this group of defendant-intervenors. The Vermont Attorney General's office represents the defendant state officials in the case. The plaintiffs challenging Vermont's reforms include the Vermont Right-to-Life Committee and the Vermont Republican State Committee, represented by Bopp, Coleson & Bostrom, and a group of candidates and donors represented by the Vermont ACLU.