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To Rescue Politics, Adopt Small-Donor Reforms: Lawrence Lessig

By Lawrence Lessig - Oct 3, 2011

There is a feeling today among too many Americans that we might not make it. That we have become Britain, or ancient Rome or [Greece](#). Not that we, as a people, have lost anything of our potential, but that we as a republic have.

The threat to the republic is an economy of influence that draws our democracy away from the will of the people. Congress has allowed an engine of influence to evolve that seeks simply to enrich those connected to it. The rich secure their wealth through the manipulation of government and politicians.

Our Congress has thus been corrupted; its independence is weakened. This corruption also weakens Congress's focus on the people, as it strengthens the focus on the funders. As Republican Senator [Barry Goldwater](#) once put it: "Senators and representatives, faced incessantly with the need to raise ever more funds to fuel their campaigns, can scarcely avoid weighing every decision against the question, 'How will this affect my fundraising?' rather than 'How will this affect the national interest?'"

If dependence upon "the Funders" has weakened our Congress, the solution is to end the compromise. The simplest way would be to make "the Funders" "the people," so that none could believe that the actual influence of the one was substantially different from the influence of the other. No system is going to eliminate the gap completely. More than a century ago, however, political scientist [Robert Brooks](#) observed, "Under a system of small contributions from a large number of people, it would matter little even if some of the contributors were not wholly disinterested."

State Reforms

Over the past 15 years, three states have experimented with reforms that come very close to this idea. [Arizona](#), [Maine](#) and [Connecticut](#) all let candidates for the state legislature (and some statewide offices) fund campaigns through small-dollar contributions only.

Although details differ, the basic structure of all three programs is the same: Candidates qualify by raising many small contributions. Qualified candidates can receive additional state funding, though the best ways of doing so are still in flux.

These “clean money,” or voter-owned, elections have had important [success](#). Candidates opting into these public funding systems spend time talking to voters, rather than funders. They represent a broader range of citizens than the candidates who run with private money alone. The competitiveness of state legislative elections has increased, making incumbents if not more vulnerable, then at least more attentive.

If the U.S. were to adopt any one of these programs to fund congressional elections, it would be an enormous improvement over the current system. But I believe we can do even better.

The principled objections to these state programs are two. First, in these systems, bureaucrats pick the amount of money available to candidates within an election. Second, some people are troubled with the idea of their money being used to fund political speech that they oppose. We can solve both these problems with a small, dollar-funded election that can become known as the Grant and Franklin Project.

Let’s stipulate that every voter in the U.S. produces at least \$50 in revenue to the [U.S. Treasury](#). Ninety percent of adult Americans pay some [tax revenue](#) to the federal government. Add the taxes on gasoline, tobacco and airplane tickets, and the remaining 10 percent of voters are almost certainly swept in.

A Better System

Assuming that, here is an outline of a system to finance political campaigns that would not produce the cynicism that stains the current system:

Start by converting the initial \$50 -- the bill picturing Ulysses S. Grant -- that each of us contributes to the federal Treasury into a voucher. Call it a Democracy Voucher. All voters are free to allocate their vouchers as they wish. Some may target \$50 to a single candidate; others may direct \$25 each to two candidates. The only requirement is that the candidate receiving the voucher must opt into the system.

If a Democracy Voucher is not allocated, then it goes to the political party to which the voter is [registered](#). If the voter is not registered to a party, then it goes to supplement funding for the infrastructure of democracy: voting systems, voter education and the Grant and Franklin Project.

Any viable candidate for Congress could receive these voucher contributions if he or she agrees to one important condition: that the only money that candidate accepted to fund his or her campaign would be Democracy Vouchers and contributions from individuals of up to \$100 per citizen. That means no money from political action committees and no direct contributions from political parties. These campaigns would be limited to Democracy Vouchers plus, at most, one Ben Franklin per citizen.

This plan has a number of essential features:

First, it is voluntary. Candidates opt into the system, just as presidential candidates have (or have not) opted into the existing system to fund presidential campaigns.

Second, the design does not allow “your money” to be used to support anyone you don’t believe in. You get to allocate the first \$50 you send to the federal Treasury to whomever you wish. I get to allocate mine.

Third, this system allows citizens to have skin in the game. If you give a candidate an additional \$100, rather than spend that money on designer jeans, that says something about your commitment to that candidate.

Injecting Money

Finally, this approach would inject an enormous amount of money into political campaigns. In 2010, congressional election spending totaled \$1.8 billion. Contributions to the two major political parties totaled \$2.8 billion. If every registered voter participated in this system, it would produce at least \$6 billion in campaign funds per election cycle (\$3 billion a year). Some portion of that would flow to candidates. The balance would flow to political parties. Within a reasonable range, we can be confident the new system would have a shot at being competitive with the existing one.

Now, focus on the single most important thing that this system could produce: If a substantial number of candidates opted into it, and putting aside here the issue of independent expenditures, then no one could believe that money was buying results. If enough representatives were elected under this system, then whenever Congress did something stupid, it would be because there were more Democrats than Republicans, or Republicans than Democrats. It would not be because of the money. This system gets politicians to worry first about what we, the voters, want.

This reform is the main change that Americans must consider, the fulcrum of others that could follow. But can we afford \$6 billion per election? That is a lot of money for you and me. For the republic, it isn’t, for two obvious reasons.

If this program has its intended effect, it will save far more than \$3 billion a year. The [Cato Institute](#) has [estimated](#) that the federal government spends more than \$90 billion a year on corporate welfare, defined as “subsidies and regulatory protections that lawmakers confer on certain businesses and industries.”

But we have corporate welfare in part because we have privately funded elections. The payback to business donors is indirect and legal, but payback nonetheless.

Pays for Itself

Suppose we could eliminate just 5 percent of that payback, by eliminating the pressures to pay major donors anything, because elections are no longer funded by large, private

contributions. Five percent of \$90 billion a year is \$9 billion per election cycle -- more than the \$6 billion needed to fund the system every election cycle. Here is an investment that would easily pay for itself.

Second, \$3 billion a year isn't a lot if it gives us even a 20 percent chance of fixing our democracy.

Think about how much we spend to support democracy all around the world. A small part of that spending is direct; far more is indirect. We have waged one of the longest wars in American history "to make democracy possible" in [Iraq](#). The total cost of the war: more than \$750 billion. And that's just the money. Put aside the 4,500 American patriots who have given their lives in the effort.

If we're willing to spend \$750 billion so far to make democracy in Iraq possible, we should be willing to spend one- 25th of that to make democracy in America work.

There are details galore to work out. There are comparisons to make and lessons to learn. But for now my aim is to talk strategy. If you believe that our Congress is corrupted; if you believe that corruption can be solved only by removing its source, if you believe special-interest funded elections are that source, then some version of small-dollar funded elections is the core to a strategy that could restore this republic.

This republic, which we have now lost.