



Lawrence Lessig Makes the Case for Bipartisan Reform to Achieve Less Corrupt Democracy that Advances the Public Interest

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"The great threat to our republic today comes not from the hidden bribery of the Gilded Age, when cash was secreted among members of Congress to buy privilege and secure wealth. The great threat today is instead in plain sight. It is the economy of influence now transparent to all, which has normalized a process that draws our democracy away from the will of the people"

By BETH SCHULMAN

In a 2010 [Daily Beast commentary](#) Harvard Law Professor Lawrence Lessig, identifying himself with the "[Coffee Party](#)," and Mark McKinnon, prominent GOP strategist and co-founder of No Labels, assert there is "transpartisan" agreement that Congress is broken:

"[W]hat we do agree on is that the institutions of government in Washington have become corrupt, held hostage by well-funded special interests. It's no wonder that only 17 [at this writing, more like 9 %] percent of the American public in a recent Gallup survey said they had a favorable opinion of Congress. American voters believe, and rightly so, that corporations, labor unions and moneyed special interests have a chokehold on politicians."

Over the past two years, both have been stoking an effort to demand a constitutional convention with the goal of addressing the first amendment interpretations that treat campaign cash as a form of speech, most recently and conspicuously the [Supreme Court Citizens United ruling](#). Their efforts culminated in a transpartisan turnout for a [conference on the convention idea](#) this past September. Participants covered the waterfront. Among the featured speakers were Tea Party Patriots Mark Meckler and Bill Norton, Emily Ekins of the Cato Institute, Reagan Administration veteran Bruce Fein, David Swanson of Progressive Democrats of America, and 2004 Green Party presidential candidate David Cobb.

Lessig, whose latest book, *Republic, Lost*, is high on POGO's [10 Books that Matter Winter Reading List](#), co-hosted the conference with [Fix Congress First](#) and the [Tea Party Patriots](#). As this remarkable collaboration suggests, Lessig is focused like a laser beam on the challenge of finding common cause—that transcends party or ideology—around the urgent need to liberate Congress from the thrall of lobbyist cash. Early in his address to the September conference, Lessig stated categorically, "If I say anything that anyone on the right disagrees with, I have not done my job." Respectful [coverage in the conservative](#)

[Daily Caller](#) as well as the in [The Wall Street Journal](#) suggests he made strides in that direction.

Like his keynote, Lessig's book concentrates on making the nonpartisan case with relatively non-controversial and straightforward examples of the nearly complete "capture" of the governing process by deep-pocketed lobbyists who not only fund campaigns but offer legislators and their key staffers invaluable access to much more lucrative post-Capitol Hill lobbying careers on K Street. He does an elegant job, using examples from both parties, of tracing the trajectory of beltway corruption from the outright bribery of the first half of the nineteenth century and the more subtle quids pro quo of the next hundred or so years to the wholly legal, carefully scrutinized, and incredibly prolific business of 21st century lobbyists' "contributions" that are hard to distinguish from bribes. With homages to the insights of both Republican Barry Goldwater and Democrat Lee Hamilton, Lessig agrees with Leon Panetta's assertion that, "The lobbyists are in the driver's seat...They...know that members have nowhere else to turn..."

Lessig fills his book with vivid examples of public policies that do not appear to advance the common good and would probably not exist were it not for the power of lobbyist cash. Almost every instance exemplifies the failure of policy remedy which, in a less corrupt environment, might well attract support from both sides of the aisle.

- To Lessig, the single greatest problem with the educational system is that we can't get rid of bad teachers. He also bemoans our failure to pay good teachers well. He attributes these maddeningly persistent realities to high levels of teacher union support for Democratic Party candidates and officeholders. Without insisting that there is a cause and effect, something that is very difficult, Lessig argues that the appearance of corrupting influence is inescapable.
- In his words, ill-conceived government regulation "allowed the financial services industry to run the economy off the rails...I find it impossible to believe that our government would have been this stupid had congressmen from both sides of the aisle not been so desperate for the more than \$1 billion in campaign contributions given by individuals and groups affiliated with these firms and the \$2.7 billion spent by them lobbying."
- Attributing the obesity epidemic, especially the threefold increase in recent decades in obesity in children, to the proliferation of high fructose corn syrup in prepared foods, Lessig cites the lobbying onslaught waged by behemoth agricultural conglomerates led by Archer Daniels, Midland. ADM's outsize profits stem from a generous agricultural subsidy policy, a relic of the New Deal, which, in the era of industrialized farming, Lessig characterizes as "idiocy." Yet, lobbying protects the subsidy and the subsidy enriches agribusiness. Lessig easily demonstrates that the nearly \$20 million the corn industry spent on lobbying and campaign spending in 2010 is "tiny relative to the benefit they seek."

Ultimately, Lessig, perhaps because of his belief in fundamental human decency as well as his determination to identify transpartisan common ground, avoids demonizing any but the most heinous behavior. While most of us are in the habit of imagining that corruption, sloppiness and negligence can be traced to bad actors, even villains, Lessig's fundamental premise is that such problems are not rooted in evildoers. Instead he returns again and again to the notion that well-intentioned, principled, people perpetrate evil because corruption is systemic. Both parties, he is convinced, have a stake in breaking the link between money and politics.

His efforts have heartened and inspired grassroots-organizing efforts from across the political spectrum—ChangeCongress.org, Friends of Article V, Move to Amend, and many more—to force the country to confront this systemic corruption.

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