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Stop the Car, Larry. I Want to Get Out.

Jacob Sullum | January 28, 2010

Today I received an update from Stanford law professor Lawrence Lessig in which he hits me up for money on behalf of his Change Congress project, thanks me for all I've done so far to support the organization (shucks, Larry, it was nothing—literally), and closes by saying, "I'm looking forward to traveling this road with you in the months ahead." Among other destinations, this road leads (as I noted yesterday) to a constitutional amendment that would reverse the Supreme Court's decision in *Citizens United*. Lessig wants not only to reinstate the speech restrictions that the Court overturned; he wants to take money out of politics once and for all:

It is not enough for us to get back to the world we had the day before the decision came down; that world was already corrupted by a Congress dependent upon special interest funding. Our Framers wanted a Congress dependent not upon foreign powers, or upon the President, or upon anything else save upon the People. Yet that is not our Congress today.

Amending the Constitution is a profound endeavor, and drafting the text that we would put before the American people for their consideration can't be done by a single person or in a single week. But our shared objective must be an amendment that gives Congress the power to restore its independence, and I am working closely with others now to help craft exactly that amendment.

Talk like this makes me more nervous than the inane, doomed Free Speech for People Amendment, because it is more likely to be taken seriously and might, given Lessig's grand ambitions, do even more damage. To reassure me and other potential supporters who are nervous about amending the Constitution, Lessig tells a heartwarming story about a speech he gave yesterday at the Cato Institute, which he erroneously but tellingly identifies as "a prominent conservative think tank." His message was that "policies like heavy regulation and the complicated tax code—so many of the things that millions and millions of people dislike about the laws of this country—are the product of special-interest intervention into the legislative process." He was happy to find that many in his audience agreed with that analysis. "We agree about the problems," he writes. "Now we need to agree about the solution."

That second part is a bit of a hitch, because while the folks at Cato would respond to special-interest lobbying by reducing the size and scope of government so less of life is politicized and there is less to lobby about, Lessig would respond by *amending the Constitution to restrict freedom of speech*. Given this fundamental disagreement, Lessig's efforts to "build an understanding" with libertarians (and other fans of the First Amendment) will not get him where he wants to go.

You can see Lessig's Cato speech [here](#).