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In an Inequitable Election Process, How to Regain the 'Equal Vote'

Attorney and activist Lawrence Lessig calls upon college students to fight for change to make campaign-funding a fair process

February 27, 2015 | Kevin Terbush ’15

BRISTOL, R.I. – When it comes to achieving top political office in America, enough money can supplant the intention of “a government for the people, by the people.”

That’s according to acclaimed author, attorney and activist Lawrence Lessig, who addressed a standing-room-only audience on Monday, Feb. 23, as part of the President’s Distinguished Speakers Series. With less than one percent of the population providing nearly three-quarters of all federal campaign funding via Super PACs, he said, equality in political representation is far from reality in America.

During his presentation, titled “Equal Citizens,” Lessig described a system in which the hallmark of a successful bid for Congress is whether the contender has secured the support of wealthy donors. Given the two-stage electoral process (nomination campaign, then general election), he explained, the person with the most monetary support tends to secure an initial nomination. And although citizens cast votes, elections by then are limited to a field of candidates whittled down and bought out by very few people with lots of money and their own agendas.

The result? Those who reach Congress find themselves beholden not to the people who gave them their vote, but the donors who got them in the door: “It is no surprise that government policy bends in a direction that radically benefits those that happen to be funding the campaigns of the members of Congress,” said Lessig, the Roy L. Furman Professor of Law and Leadership at Harvard Law School and director of the Edmond J. Safra Center for Ethics at Harvard University.

Income growth is an example, he said: While those holding the top 10 percent of net wealth gained 100 percent of the income growth during the recent economic recovery, the rest of America lost ground – all a result of changes in government policies affecting wealth distribution, Lessig explained.

“This inequality in citizenship denies the basic premise of a democracy inside a republic,” he told the audience.
The flaw, for Lessig, lies in the structure of the two-stage election process. Absent of significant change to the process, inequality will continue to grow. Such change might start at the grassroots level with college students, he suggested, given that they are voting-age citizens with so much of their future at stake.

Taking him up on his call for action, several students asked Lessig what changes he would propose.

He noted that revising campaign-funding laws to restrict donations to small amounts is something for which he advocates. This would increase the power of the average citizen’s voice to be heard while cutting down the influence of lobbyists who advocate on behalf of Super PACs. Additionally, he envisions what he calls “the Super PAC to end all Super PACs,” which funds reform-minded candidates.

Calling upon the deeply entrenched discrimination African Americans confronted in gaining equal status during the Civil Rights movement in America as an example, Lessig emphasized that the battle for equal representation can be won. And whereas that movement required changing a belief system, he said today’s fight for the “equal vote” via overhauling campaign-funding laws should not present as much of a challenge to overcome.

“This change is not a change of us – it’s not imagining legislation to change attitudes, biases and prejudices laid down for generations,” Lessig said in closing his presentation. “This change is a simple change in the incentives for them – the politicians. A change that will lead this inequality toward equality – an equality promised to us by our founders.”