

# Beyond Money: Making Democracy Work

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*Renew democracy by enacting “clean money” public financing laws and by reforming voting, representation and congressional procedures.*

## I. The Problem

The rules that govern American democracy have a single objective: to ensure that power is always subject to challenge, change and renewal. From the right to free expression—which Justice Louis Brandeis said was meant to ensure that we do not become “an inert people”—to the checks and balances between the major institutions of government, through the rules governing lobbying, campaign contributions and other influence, all are intended to prevent power from becoming entrenched in the hands of a few. These rules are the means by which we prevent democracy from destroying itself.

There are two ways that power can become entrenched in a free society. One is when those who win power through the political process abuse it to claim lasting advantages for themselves, their allies, and their economic class. The other is the risk that, in a society based on both capitalism and democracy, the inequalities that are inevitable in the economic system will be reinforced by or even exacerbated by the political process. While many believe that economic inequality cannot co-exist with fair democracy, some level of inequality is an inevitable outcome of a dynamic market economy but should be managed by a political process to maintain competition, protect the weak, and invest in public goods. Justice depends on keeping the sharpest inequalities of the market from entering the domain of democracy so that public deliberation can effectively make these decisions, which may require forbearance or even sacrifice from currently advantaged economic interests.

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Over the last several years, however, power has become more entrenched in the United States. Although there is reason to think that public opinion among those who vote is split about evenly between liberal and conservative viewpoints, a tiny shift in public opinion has produced a huge effect on the actual configuration of power, one that will have lasting consequences and bind many future generations to unpleasant choices. The projected fiscal deficit, the mishandling of our relationships with most of the other nations of the world, the reversal of longstanding principles of environmental protection, and the packing of our nation's courts with far-right ideologues who would resurrect the obsolete legal theories used to invalidate the New Deal are just four of the ways in which those in power today have converted their narrow margin into long-term entrenched power.

Several factors in the political process itself are reinforcing this tendency toward entrenched power—factors that must be radically reformed if we are to maintain our democracy in fact and not merely in speeches:

1. *Money in politics.* Political competition is more expensive than ever, and is controlled by those already in power. Virtually unavailable to most challengers until they are deemed to have a good shot at winning, money has much to do with the stasis of our current politics, as well as with the corruption of decision-making.
2. *The broadcast monopoly over democratic communications.* Although they have been granted a public trust to use a currently scarce common resource—the broadcast spectrum—radio and television broadcasters reap huge profits by assuming the role of gatekeeper over most of the communications between candidates and voters. And the increased concentration of media ownership has given certain economic interests a power, which some have not hesitated to use aggressively, over the way Americans perceive news and events.<sup>1</sup>
3. *A limited electorate.* Both parties assume that the population of voters will not change dramatically, and are generally not eager to deal with the unpredictability that would ensue if it did. They invest little effort in broadening the electorate and, in many cases, strive to limit it. That Democrats as well as Republicans would prefer the

voting population to remain basically as it is can be shown by former California Governor Gray Davis's opposition to an initiative to allow would-be voters in that state to register on election day, which was defeated. One measure of the narrow electorate is that the inequality of income between voters and non-voters has been even greater than the general rise in inequality: a recent study found that the family income of the average voter rose from the 53<sup>rd</sup> percentile in 1964 to the 59<sup>th</sup> percentile in 2000.<sup>2</sup>

4. *Incumbent protection in redistricting.* It is unprecedented that the first congressional election after a redistricting cycle, as the 2002 election was, should produce almost no turnover in the House of Representatives. But redistricting has become so partisan, the techniques so sophisticated, and the natural compromise in closely divided state legislatures so likely to involve protecting all incumbents that only about 40 congressional races were even remotely competitive, and a good number of those were in those states where population decreases had forced two incumbents to face each other. (On the other hand, where a legislature is not closely divided, as in Texas, partisans chose the unprecedented move of redistricting in the middle of the election cycle, in order to wipe out several Democratic incumbents, an example of problem #5, below.)
  
5. *A ruthless willingness by some to manipulate the rules at will.* House Majority Leader Tom DeLay has been quoted as telling lobbyists, "If you want to be part of our revolution, you have to play by our rules." In this case, he meant his rule that, to be given access to Congress, lobbyists would have to stop contributing to Democrats or hiring Democratic lobbyists. But the principle of changing many of the underlying rules of politics to gain advantage pervades our politics in a way that is entirely without precedent in our history. Although the margins by which the Republican party gained control of both legislative bodies, the executive branch, and much of the courts were narrow or nonexistent, this party has created a set of rules that can perpetuate their own power. Examples include the redistricting of Texas congressional districts in 2003, the three-

hour late-night vote in the House on the Medicare bill during which dissenting Republicans were cajoled, worn down, or bribed into going along, and the misuse of special congressional budget procedures intended to reduce deficits to instead push through legislation, with very limited opportunity for debate and amendment, which has given away \$3 trillion largely to the wealthiest Americans.<sup>3</sup>

It is these five pillars, and not the actual opinions of American voters, on which the self-perpetuation of entrenched power rests. Except for the last, the radical rewriting of rules—which is entirely unprecedented and entirely the work of one party—both parties are responsible for much in these trends. And these pillars reinforce one another, locking politics into a degrading and diminishing cycle in which the fullest possibilities of democracy go unrealized. For example, the broadcast monopoly on political communication exacerbates the pressure on money and the exclusion of candidates who can't raise it. The malleability of candidates' claimed positions on issues encourages voters to think there are not major differences between the parties, which deepens the cynicism that, in turn, compounds the problem of a withdrawal from democratic participation. The limited electorate also increases the relative payoff to strongly negative advertising, which in turn requires an advantage in broadcast time and thus money. The paucity of competitive seats, because of redistricting, allows the parties to concentrate resources on just a few, which then become show-downs between outside financial resources, rather than the candidates themselves. And so it goes.

Further, these forces lead to a concentration of political attention on that marginal voter at the fiftieth percentile, who has some real possibility of switching votes or staying home. The concerns of millions of voters who are taken for granted as either loyal voters to one party or another, or as non-voters, go virtually unheard in the election process. For this reason, politics focuses on issues such as the Patients' Bill of Rights, protecting those who have health coverage through HMOs, rather than the 43 million people without health insurance at all.

We are facing a great confrontation in American politics. It is not so much between Democrats and Republicans, or liberals and conservatives. And it is not even between an ideal of "clean" politics and a corrupt sys-

tem, since no political system is free of the temptations of private interests. Rather it is a confrontation between the closed politics of entrenched power, and an open politics in which there is more opportunity for new candidates, new ideas, new voters, and new majorities to emerge. The closed politics of our time occurs when all the anti-democratic forces in our politics come together.

These forces form a vicious circle, and the challenge for advocates of more robust democracy is to break the cycle, turning one or two of these forces around. That alone might be enough to create a virtuous circle, in which the strengths of American democracy reassert themselves and reinforce others, as they have done so many times in the past.

## **II. Recent Developments**

The goal of a political reform agenda should be to address each of the self-perpetuating causes of entrenched power and dismantle them. Perhaps most important is the role of money in politics. Reformers have often focused principally on direct corruption, the implicit corruption of large contributions, or the unequal access and power of large contributors. All these concerns are important. But the goal of opening the system must also be a part of the agenda for campaign finance reformers. In the last several years, there have been major breakthroughs in campaign finance reform, at both the federal and state level, many of which will open the system and others that may not.

The most recent crusade to confront political corruption and the distortion of democracy by money began in 1996. It was in that year's presidential elections that unlimited contributions from individuals, as well as money from corporations and labor unions, made their unwelcome return. These contributions to the political parties and independent groups, which were known as soft money, challenged not just the limits on contributions put in place after the Watergate scandal, but even the prohibitions on corporate funding of politics that dated to 1906. Although the outrage was immediate, it took six more years and an intensive legislative effort for Congress to finally ban these contributions in the Bipartisan Campaign Reform Act (BCRA), more commonly referred to as McCain-Feingold.

As we approach the first national election held under these new rules, some perspective is in order. In 1996, all the soft money raised by both parties put together, for all elections, totaled \$271 million. Eight years later, a

single candidate for President, the incumbent, expects to raise and spend some \$200 million just for the presidential primaries, in which he faces no opposition. Individuals who could raise more than \$200,000 for this candidate were given special designation as “Rangers,” and, based on past practice, were likely to receive preference for presidential appointments and government contracts. Independent organizations on the left, right, and center were looking for ways to attract the funds that formerly went to political parties, with the promise of influencing the election. And the price of a seat in the U.S. House of Representatives remains out of reach to any candidate without the connections to raise at least a million dollars. The average House freshman elected in 1976 raised and spent \$87,000, and in 2002, \$1.1 million.

More to the point, money has distorted the decisions of government in ways that make 1996 look like the age of innocence. Virtually every major policy initiative in the last three years has, either at its inception or as it moved through Congress, become embedded with special benefits for specific donors or for the industries that provided financial support to the party in power. The Energy Policy Act of 2003 was drafted by industry lobbyists working with the White House and emerged from a House-Senate conference with \$31 billion in new tax breaks for industry.

A rare window on the way Washington works opened when an unrelated lawsuit forced a Kansas company, Westar Energy, Inc., to make public internal e-mails. A Westar executive asked why he was being asked to find \$56,000 in corporate and individual contributions for various House candidates and a political committee run by House Majority Leader Tom DeLay with the purpose of electing Republicans to the Texas legislature, even though the company did no business in Texas. The response came back from his superior that the contributions were the price of “a seat at the table” in the negotiations over the energy legislation, and indeed, Westar won a special exemption in the House version of the bill.<sup>4</sup>

Under these circumstances, during the six years between the identification of the problem of soft money, and the passage of BCRA, the influence of money metastasized in ways that will require a more radical solution. As discussed below, the next steps in reform of the democratic process call for an entirely new and more imaginative approach. Which is not to say that passing the McCain-Feingold legislation banning soft money was not a significant improvement to the political process. It was, for several reasons.<sup>5</sup>

First, it proved that there is a vocal, voting segment of the public that really does care about the political process and about reducing the influence of money. Many politicians doubted that, and reform opponents still do. Passage of BCRA was one of the signal legislative achievements of the modern era. It stands as the only significant piece of legislation on any topic to pass into law over the fierce opposition of the Republican leadership during the Bush years.

Second, the lengthy congressional debate and the legal challenge that followed its passage provided substantial evidence of what had been widely, if inexplicably, doubted: that money not only influences elections, but influences the outcome of legislative decisions. This may seem to be common sense and uncontroversial, but for decades, there was a consensus among political scientists, journalists, politicians and fundraisers that money might help contributors gain access to power but that (a) legislative decisions were driven as much by other forces, (b) spending does not decide election outcomes, and (c) restrictions on money would do more to distort democracy than money itself. But the evidence gathered during the legislative and litigative battles leaves no room for any doubt that money has a direct effect on legislative decisions.

The Supreme Court majority summed up this evidence quite succinctly:

Plaintiffs argue that without concrete evidence of an instance in which a federal officeholder has actually switched a vote (or, presumably, evidence of a specific instance where the public believes a vote was switched), Congress has not shown that there exists real or apparent corruption. But the record is to the contrary. The evidence connects soft money to manipulations of the legislative calendar, leading to Congress's failure to enact, among other things, generic drug legislation, tort reform, and tobacco legislation. Donations from the tobacco industry to Republicans scuttled tobacco legislation, just as contributions from the trial lawyers to Democrats stopped tort reform. To claim that such actions do not change legislative outcomes surely misunderstands the legislative process.

Third, BCRA will eliminate the types of financing that have the most potentially corrupting effect on government: huge contributions from a

single individual, as well as contributions of any amount directly from corporate or union treasuries. The latter reflect exclusively economic interests and not the political inclinations and decisions of individual voters. The “bundling” represented by Bush’s Rangers, as well as political action committees that take in small contributions and can in turn make gifts of up to \$5,000 to federal candidates, are disturbing but at least it can be said that they represent sizable numbers of individuals making their own choices, whether based on ideology, economic interest, or personal friendship.

Finally, and in the least well-understood benefit of the new law, it will encourage the parties and other organizations to revitalize politics by engaging actual voters. Soft money was created by the Federal Election Commission in the early 1980s with the admirable purpose of strengthening political parties. Instead, as political scientists Jonathan Krasno and Frank Sorauf have shown, by inducing parties to shift their attention to television advertising on behalf of specific candidates, soft money actually weakened the parties by diverting them from the task of building strong state and local organizations that command the loyalty of voters and engage citizens at the ground level of democracy. Removing this distraction will force parties to rediscover their traditional strengths as participatory institutions for ordinary citizens. What we have learned from the twenty-year experiment with soft money is that rich parties are not necessarily strong parties.

Likewise, while much of the soft money that had been going to parties will undoubtedly shift instead to independent organizations working on voter turnout and on particular issues, those organizations will generally be prohibited from running ads that are obviously intended to influence the election in the final weeks, those notorious ads that evaded previous laws by saying things like, “Call Congressman Jones and ask why he thinks criminals shouldn’t go to jail,” instead of “vote against Jones.” Now they may actually reach out to voters, face to face, and talk about real issues—all of which is far healthier for democracy than the hit-and-run politics of television advertising.

On December 10, 2003, the Supreme Court upheld almost all of McCain-Feingold. Huge soft money gifts were not regarded as constitutionally protected speech; “independent” ads implying who to vote for within 30 or 60 days before a primary or general election could be prohibited; and an “anti-millionaire’s provision” allowing a candidate an increased max-

imum gift if running against a self-financed candidate was upheld.

The fact that the upheld law tracks so closely with the Supreme Court's outline of what's permissible, at least when it comes to limits on contributions, means that it will be very difficult to get much further in a future law. As compromised as McCain-Feingold was, this may be as far as it goes. Absent a major transformation of America's courts, it is unlikely that *Buckley v. Valeo* will soon be reversed to allow spending limits, or to allow further restrictions on independent groups. Even supporters of campaign finance reform should have some trepidations about the consequences for free expression of an effort to close everything that appears to be a loophole in the law. For example, outside groups will always be able to influence elections by focusing attention on issues, such as the environment or national security, that might tend to shift the election agenda in one direction or the other. But to restrict the right of organized groups, even if corporate- or union-funded, to speak out on any issue would quite obviously restrain the give-and-take of ideas on which democracy depends.

In short, we may have reached the limit of limits. Further progress toward a fair political system cannot be achieved by attempting to *restrict* the role of money in politics. But that does not mean accepting a world in which contributors write legislation, or in which less than ten percent of congressional races are competitive. Further progress toward freeing politics from the grip of money will have to take a different approach. It will not only have to follow different legal lines, but also develop a new and clearer sense of the purpose of reform.

### III. Solutions

Newt Gingrich, the former Speaker of the House, was not entirely wrong when he said in 1995 that the problem of money in politics was not that there was too much money, but too little. Too much money in the wrong places, too little money to allow other voices to be heard or enable candidates who aren't connected to big donors. For that reason, the most important step forward to make democracy work is a system of reasonable, voluntary public financing, such as are being pioneered in the states of Arizona and Maine, and in several cities, including New York City.

In Arizona Governor Janet Napolitano in 2002 became the first state executive to win office through a system of full public financing. Rather

than spending the first months of the campaign chasing big donors in the state's major industries, she instead raised 6,000 five dollar contributions to show a broad base of support. Like hundreds of other candidates, she held "five-dollar parties" on Native American reservations, in the poor African-American and Latino neighborhoods of Phoenix, in rural southern Arizona—in short, she raised money in the very same places she was campaigning for votes, where most candidates live very different lives when they are looking for money than when they are reaching out to voters.

Similarly in New York City, the innovative campaign finance system works by providing a public match of \$4 for every dollar raised in contributions of \$250 or less. A candidate can ask for a reasonable sum, such as \$100, knowing that it will be worth \$500 to the campaign. Like the Arizona system, candidates can reach out to the very same people for financial support that they want to appeal to for votes. This campaign worked well in city council races in 2001, many of which had six or seven well-qualified candidates, and in the Democratic mayoral primary, but not in the general election for mayor, where the self-financed candidate Michael Bloomberg chose not to participate in the system and spent an astonishing \$74 million. Other than that, participation in the system, which requires candidates to abide by spending limits, was close to 100 percent and many fresh faces entered government.

These successes are threatened, unfortunately, by the impending unraveling of the presidential public financing system, in which President Bush has refused to participate. That is, he has declined to participate in the first part, the matching funds program, under which his spending for the primaries would be limited to about one-quarter of what he is likely to raise, but he is happily taking advantage of the public subsidy for the second part, the general election. Concerned about being outspent, two major Democratic candidates for president, Howard Dean and then John Kerry, opted out themselves in order to be able to compete with Bush in the general election.

If the presidential system, which provides a one-to-one match on the first \$250 in contributions and full public financing for the general election, is perceived to have failed, it will be a black eye for public financing of all kinds. But there are specific reasons why this system does not work. For one, public financing should never allow a candidate to opt out of one part and not out of another, as Bush did in 2000 and is doing again.

Second, it should provide a match that is generous enough to encourage most candidates to participate. With the increase in individual contribution limits to \$2,000, a match on the first \$250 means that a candidate might receive as little as one-eighth of her total campaign funds in public dollars, not a strong incentive. Third, the presidential system places limits on spending on the primaries in each state, and in New Hampshire the limit of \$730,000 is simply too low, given the importance of that first primary. But all of these are reparable problems, and this is a system that can be fixed, not abandoned.

Just as limiting money in politics is no longer a sufficient solution, limiting our purview to the role of money in politics cannot by itself open up the system. Systemic reforms must address each of the pillars of entrenched power, one by one.

*Media Democracy.* Since the power of money in politics is ultimately a problem of public information, the broadcast media must be open to competition, and broadcasters must live up to their obligations to the public. Currently, broadcasters receive what is quite literally a license to print money, much of which they make from politics—more than \$1 billion in the 2002 elections alone, according to a study by the Alliance for Better Campaigns. The Alliance also found that broadcasters raised advertising rates for candidates by 50 percent in the days before the election, further increasing the pressure to raise money.

The Bush administration in 2003 attempted to rewrite the rules for broadcasters to allow even greater concentration of media ownership. As adopted by the Federal Communications Commission, a single company would be permitted to own a newspaper and a television station in a single market, even if they were the only paper and the only station in that market, and to own stations that reach up to 45 percent of the nation's media markets. Surprisingly, a bipartisan backlash against these proposals led to passage in both the House and Senate of amendments to reverse the FCC. The congressional leadership, backed by a White House veto threat, effectively blocked the will of these majorities.

The fight over the media ownership rules demonstrated that there are voters and activists who understand the issue and are willing to at least call their representatives. But these specific provisions are not nearly as important as requiring broadcasters to respect the responsibilities they owe to the public in exchange for the right to use a public good. Even with media

ownership widely dispersed among companies, the result may be that public issues receive little attention, as the various broadcast owners all seek the same lucrative viewers. But the airwaves are a public good—a “commons”—and with the right to use them for profit should come responsibilities. Chief among those responsibilities should be an obligation to improve democracy. More specifically, broadcasters should be required to provide time for candidates to speak to voters, and to cover local issues and events.

The backers of BCRA, shortly after its passage, introduced legislation to require broadcasters to meet their public obligations, which some of them described as “the next McCain-Feingold.” In order to be fair to broadcasters who are less profitable than others, the “broadcast time bank” established under this bill would require broadcasters to make time available in the form of vouchers that candidates could use to buy ads, but the broadcasters would be compensated.

*Voter Participation.* There are many academic theories about why people don’t vote, and even about whether the preferences of non-voters would be dramatically different from those of voters. Regardless, an electorate that was expanding rather than shrinking, and that was unpredictable rather than predictable, would provide a healthy incentive for parties and candidates to broaden their message. It would also encourage candidates to present positive visions rather than narrow attacks aimed at swing voters.

To broaden the electorate, election-day voter registration should be a top priority reform. At a time when people can sign up on line and within minutes buy and sell thousands of dollars worth of stocks, there is no reason that we cannot create a system that would allow people to decide on the day of the election that they want to vote, and appear at the polling place with some reasonable proof of address, which can then be entered into a computer to prevent people from voting twice. When people take the test to become naturalized citizens of this country, one of the questions is, “What is the most important granted to American citizens?” The correct answer is “the right to vote.” So why do we still cordon that right off behind barriers, delays and bureaucracy? Shouldn’t we do everything possible to make that right universally available? That would include same-day registration, or perhaps even elimination of the unnecessary barrier of voter registration altogether. It should include elimination of the laws in many states that permanently disenfranchise citizens who have been con-

victed of a felony and served their time. It should include aggressive enforcement of laws against intimidation of voters. Citizens of the District of Columbia should have full voting rights for Senators and voting representatives. And backing it all up, we should consider amending the constitution simply to guarantee what we now call “the most important right,” which for some reason doesn’t happen to be mentioned in our founding charter.

*Redistricting, Representation and Voting Procedures.* Other reforms that would revitalize the political process would include changes to redistricting procedures, not just to prevent the raw exercise of power such as the forcible rearrangement of Texas’s congressional districts in 2003 but also to prevent the zero-sum game whereby electing more minority members of Congress and state legislatures comes at the expense of white Democrats. In Iowa, a nonpartisan commission draws the districts, more of which are competitive than in any comparable state.

Another approach to redistricting and representation, which is a longer-term vision, involves proportional representation. Using a proportional system, such as one under which candidates rank their preferences among several candidates, large multi-member districts can be created which might elect a minority candidate, a white Democrat and a moderate Republican, instead of three white Democrats.

The agenda of procedural reforms is crowded, however, with reform ideas that, while they have some public support, do not fundamentally restore the promise of an open, rule-based democracy. One of these is instant-runoff voting, which some believe shares the advantages of proportional representation. In an instant runoff, the voter chooses both a first and second choice candidate; if a candidate does not win a majority on the first ballot, second-choice votes are added automatically until one candidate does prevail. This would allow voters to register support for a third-party or independent candidate, without the risk of spoiling the election for an acceptable major party candidate, such as occurred in 2000 when voters who wanted to show support for Ralph Nader had the effect of costing their preferred major party candidate, Vice President Al Gore, the election.

However, IRV would add very little to our politics because those third-party votes would be symbolic. In the typical situation in which the third candidate is either to the left of the Democrat, or to the right of the Republican, his or her votes are likely to be almost automatically delivered

to the ideologically closest candidate. As a result, the main candidates can take these supporters for granted. The most likely effect of IRV is to allow major-party candidates to ignore outside voices even more than they already do, which may be good or bad for the parties but adds little to democracy.

On the other hand, there are reforms that can allow third parties to function constructively within the political process, as New York's Working Families Party does today. Representing some labor unions and community organizations, the Working Families Party often endorses Democrats, occasionally reformist Republicans, and infrequently sees a need to run its own candidates, including a candidate who won a special election to the City Council in 2003. The party's second ballot line is a valuable asset to Democratic candidates, and encourages them to respond to the issues being raised by the party. The Conservative Party plays a similar role on the right. But the option of endorsing another party's candidates is only available in seven states, and only in New York is it a routine part of the political culture. Expanding the number of states in which such "fusion" parties are allowed to cross-endorse would be a far better means to give voice to those who are not in the center of politics than IRV or other procedural reforms.

*Congressional Democracy.* Most political reform efforts focus purely on electoral politics, whether on money, voting rights, or redistricting. Very little attention has been paid to legislative politics and the urgency of reforming Congress. The most fundamental rules that try to balance the rights of minorities against the fleeting power of majorities have been completely eviscerated in just three years, making Congress an instrument of the raw power of a few leaders.

Consider what's happened to the congressional budget process. A carefully balanced system developed over more than 50 years in order to give Congress freedom to make decisions in a context of planning for the long-term has been corrupted into an instrument that forces Congress to take action without debate or consideration of alternatives. Tax cuts have been pushed through under rules intended principally for deficit-reduction measures that limit debate and stymie most amendments. Congressional votes to raise the debt ceiling have been blocked. Hearings on major legislation are rarely held. Congress attempted to force the Congressional Budget Office to adopt a controversial procedure called "dynamic scoring"

in order to suggest that tax cuts would produce economic growth and greater revenues, and backed off only when they found that even this procedure did not yield the results they wanted.

Perhaps the most egregious example of rewriting the rules is still playing itself out in the battle over judicial nominations. Having failed to block a filibuster on several extremely conservative nominees, Senate Republicans prepared to propose a rules change to say that the institution's rule of unlimited debate, which is what permits filibusters, would not apply to such nominations. Failing to win that rule change, some Republicans—beyond a couple of Presidential “recess appointments” good only until that Congress adjourns—said they were prepared for what they called the “nuclear option”: overruling the Senate parliamentarian to declare that judicial nominations are exempt from the rule of unlimited debate, even though nothing in the 2000 pages of Senate rules supports that position. This comes after the same group had fired an earlier Senate parliamentarian for rulings they did not like during the budget process.

This is not an area where significant new rules are needed, but rather a change in the culture, to respect the spirit of the existing rules. A deeper public understanding of just how far Congress has drifted away from democratic deliberation and toward autocratic control should be part of the public conversation in 2004.

The five pillars that have caused power to become entrenched in the United States—money in politics, media monopoly, noncompetitive elections, a narrow electorate, and the congressional culture of rewriting the rules to suit the powerful have also brought a deeply poisonous element to our politics. They add up to what journalist Ron Brownstein has described as “an age of total war.” “The only rule is that there are no longer any rules.”

Brownstein describes the consequences well:

No one really wins in a political climate where the end always justifies the means. Both parties suffer when their competition has no restraints. The public suffers the most because the intensity of modern political combat makes it tougher, often impossible, for the two major parties to work together to solve problems when the shooting stops. If it ever does stop.

The political warriors need to remember what the real gener-

als learned a long time ago: The reason to accept rules for warfare isn't to be nice to the other guy. It's to protect your own side from the atrocities that are inevitable when there are no standards except survival.<sup>6</sup>

The mission of political reform is not the narrow agenda of putting restrictions on campaign contributions, although reducing the influence of money is the top priority. It is not even the somewhat broader mission of restoring trust and encouraging broader participation, although such measures are the next step. The real mission is to restore the sense that democracy must be governed by *our rules*, that is, rules that bind all of us to an open process of deliberation and debate, rules that we all accede to whether they give us a momentary advantage or not. The alternative to the closed circle of big-money politics, low-vote politics, and politics-as-warfare is a democracy that opens to all the possibilities of renewal and change.

## Chapter Sixteen: Beyond Money: Making Democracy Work

<sup>1</sup> **which some have not hesitated to use aggressively.** A study released in October, 2003 by the Program on International Policy Attitudes at the University of Maryland found that among people who got most of their news from the Fox stations, four-fifths believed at least one of the common misperceptions about the U.S. war in Iraq, such as that Saddam Hussein had ties to al-Qaeda, while only 55% of NBC and CNN viewers, and just 27% of PBS viewers held these erroneous beliefs.

<sup>2</sup> **family income of the average voter.** Richard B. Freeman, "What, Me Vote?," NBER Working Paper No. w9896, National Bureau of Economic Research, August 2003.

<sup>3</sup> **"If you want to be part of our revolution..."** David Maraniss and Michael Weiskopf, *Tell Newt to Shut Up: Prizewinning Washington Post Journalists Reveal How Reality Gagged the Gingrich Revolution*, Touchstone Books, 1996, p. 111.

<sup>4</sup> **Westar.** Scott Rothschild, "Westar Raises Campaign Finance Questions," *Lawrence Journal-World*, May 17, 2003.

<sup>5</sup> **Soft money actually weakened the parties.** Jonathan S. Krasno and Frank Sorauf, "Why Soft Money Has Not Strengthened Parties," in Anthony Corrado, Thomas E. Mann and Trevor Potter, editors, *Inside the Campaign Finance Battle*, Brookings Institution Press, 2003.

<sup>6</sup> **Brownstein.** Ronald Brownstein, "Washington Outlook: In the Political Arena, the Gladiators Are Now Engaged in Total War," *Los Angeles Times*, July 28, 2003.