

ONE DOLLAR – ONE VOTE
 CAMPAIGN FINANCE REFORM AS A THEOLOGICAL IMPERATIVE
 Richard S. Gilbert – Interfaith Impact of New York State Position Paper – April 29, 2013

The philosopher Plato wrote many years ago that democracy was “a charming form of government, full of variety and disorder.” H. L. Mencken thought that democracy “provides the only really amusing form of government ever endured by (humankind).” Please keep these comments in mind as we try to get campaign finance reform in theological and political perspective.

Joseph Campbell in *The Power of Myth* spoke of "...a time when...spiritual principles informed the society. You can tell what's informing the society by what the tallest building is. When you approach a medieval town, the cathedral is the tallest thing in the place. When you approach an eighteenth-century town, it is the political palace that's the tallest thing in the place. And when you approach a modern city, the tallest places are the office buildings, the centers of economic life....That's the history of Western civilization."¹

I believe Campbell’s compelling image is at the heart of American political problems. The market dominates not only our economic life, but our political life as well. We might call it market imperialism, as the market invades and dominates every other aspect of human existence. It is a case of money operating outside its sphere. This is plutocracy - government by the few - rather than a democracy - government by the many - and that is where we are heading as the economic losers increasingly abdicate responsibility to the winners and opt out of the political system.

Common Cause, for example, points out that winners of tax preferences in the 1997 tax and budget accord were groups that had contributed some \$300 million in “soft” (unregulated) money since 1995. In 1996 House races the candidate who raised the most money won 92% of the time, in the Senate 88%.

In this year’s Democratic primaries, attorney general hopeful Evan Davis and gubernatorial candidate James Larocca were the most outspoken advocates for limiting contributions. They also raised the least money in their races. Both candidates, attractive and aggressive politicians, finished last in a four-person primary field. The primary candidates who spent the most money won all four Democratic primary contests.”²

Is it any coincidence that when Big Tobacco gives \$20 million to Republicans in Washington there is no anti-tobacco deal; that stricter rulings on drunk driving failed and restaurant and liquor interests gave congress people. Comptroller Carl McCall received over \$1.8 million from donor groups to which he awarded state pension fund contracts. His predecessor Ed Regan did the same thing; his aid said in a memo, “Those who give will get.”³ Political corruption is a bi-partisan disease.

Yet we are asked to believe New York State Senate Majority Leader Joseph Bruno who said recently, “When vested interests spend money, they are not buying anything. They don’t buy a vote. That’s nonsense. That’s stuff that these do-gooders talk about. It doesn’t mean a thing.”⁴ If it doesn’t, I wonder, why do they waste their time and money doing it.

Lord Acton once said that “power tends to corrupt, and absolute power corrupts absolutely.”⁵ It might also be said that “money tends to corrupt, and unlimited money corrupts absolutely.” Finance reform scandals at all levels of government corroborate those words. The result is that Americans increasingly believe political power is for sale to the highest bidder.

Conservative thinkers understand economic and political freedom as inextricably interwoven. Economist Milton Friedman sees the capitalist economy as a voting booth - each person voting with their dollars for

the goods and services (including government presumably) that they wish. But increasing concentration of economic power as the rich get richer and the poor get poorer, and large corporations control decision-making, threatens this philosophy of human freedom. In political democracy it is one person, one vote.

In political economy we are in danger of seeing one dollar, one vote, since those with dollars exert a disproportionate influence on public policy. To a disturbing degree power grows out of the end, not of a gun barrel, but a dollar bill. Since members of the House and Senate need to raise thousands of dollars a day to conduct a campaign for election or re-election, we have a new Golden Rule of Politics: those with the gold make the rules - or at least control those who do. As the Green Party puts it, "If the founding fathers had wanted American democracy to use dollars bills as ballots, they would have placed cash registers where ballot boxes now stand."⁶

The Hebrew Bible warns about such concentration of money and power. The prophet Isaiah warned, "Woe to those who joined house to house, who add field to field, until there is no more room, and you are made to dwell alone in the midst of the land. The Lord of hosts has sworn in my hearing: 'Surely many houses shall be desolate, large and beautiful houses, without inhabitant.'" (5:8-9) The idea of a radical equality was suggested in the "Year of the Jubilee," in which land was redistributed to its original owners as a means of equalizing land ownership, in those days the primary source of wealth. Amos was powerful in his denunciation of those "who trample upon the needy" and "buy the poor for silver and the needy for a pair of sandals." (8:4-6).

In the Christian scriptures we find a very strong bias toward the poor and powerless. In Matthew Jesus is reported to have said, "... it will be hard for a rich man to enter the kingdom of heaven. Again I tell you, it is easier for a camel to go through the eye of a needle than for a rich man to enter the Kingdom of God." (Matthew 19:23-24) It was said that St. Jerome would rather store money in the stomachs of the poor than in a purse. Economic resources were given in common for the use of all people, not merely the rich. Clearly the concentration of power and wealth was not anticipated by early Christianity. The Social Gospel movement at the turn of the century and the Roman Catholic bishop's articulation of God's "option for the poor," also articulated by Protestant theologians, suggests the need to guard against the rich and powerful exploiting the poor and powerless.

Unitarian Universalists affirm the "inherent worth and dignity of every person," a value undermined when concentrations of power render individual political activity relatively meaningless. The Unitarian Universalist Association's covenant affirms the "use of the democratic process ... in society at large," a value compromised when economic powers exert a disproportionate influence on public policy. Democracy is here understood as the capacity of people to participate in the decisions that affect their lives.

Religious educator Hugo J. Hollerorth once wrote, "To be a human being is to be a dwelling place of power. To move about the world, and interact with it, is to encounter power. We live in a world inhabited by power - power which impinges upon us and affects us every moment of our existence⁷.... Religion arises ... out of the effort of human beings to make their way in a world of conflicting powers."⁸ Individual citizens are in serious danger of losing their power to participate in democratic government. Unless we reform the money-driven political process we will find democracy slowly but surely slipping from our grasp as a moneyed oligarchy increasingly takes control of the political system. This will not only corrupt public policy and widen the already gaping disparities between rich and poor, but also deny the inherent dignity of the individual - which is as much a religious as a political issue.

To be sure each citizen has formal freedom to participate in the process, but lack what political philosopher John Rawls calls "the worth of freedom," the capacity and opportunity to participate in those decisions that affect one's life. To political pundits like George Will, who believes campaign spending limits inhibit free speech, we can only note that in the current mass media context it takes considerable sums of money to

exercise that free speech to the degree necessary to support political campaigns. Anatole France wrote of the “majestic equality of the laws, which forbid rich and poor alike to sleep under the bridges, to beg in the streets, and to steal their bread.”⁹

Likewise both Tom Galisano and I have equal rights to run for Governor – that is formal freedom. But in actual freedom he has money and I don’t. To say money is speech and to limit money is to curtail speech is to say those with more money have more rights to freedom of speech than those without. Limits on campaign spending does not regulate the content of political speech, only how much of it people with money can have – it levels the playing field so there is something resembling equal time for debate. Unregulated campaign spending would mean that if Bill Gates wanted to be President he could be allowed not only to buy almost infinite TV time but also enough TV stations to virtually monopolize the debate. Just call him Rupert Murdoch.

The pillars of democracy, liberty and equality, necessarily exist in tension. Perfect equality requires dictatorship; perfect liberty is anarchy. But if money buys democracy, then we are in trouble. The greatest threat to democracy is not limiting free speech by controlling the influence of big money, but the danger of big money trumping variety of expression.

There is no reason why regulated speech through campaign spending limits cannot be free speech. We give differential treatment to libel, porn, commercial speech and broadcast speech through the FCC Fairness and Equal Time doctrines. All these lead to robust speech.

The 1949 *Kovaks v. Cooper* Supreme Court decision regulated a union sound truck because it was too loud and relentless. The court said, in effect, that your right to speak doesn’t include a right to drown out the opposition, or to annoy the peace of your neighbors. I don’t watch TV much, but when I do, I feel drown out by big money – drowning in garbage for the most part. If anything restricts free speech it is the capacity of big money to hog the available microphones and scare away the voters. In this case, paradoxically, regulated speech is necessary to liberate speech and to rescue democracy.¹⁰

For example, George Pataki, if elected next Tuesday, will have spent \$20 this year and who knows how much in 1994, and will never have participated in a debate.¹¹ This is how unlimited campaign spending produces vigorous debate!

Another reason for limiting campaign expenditures – through public financing: Government officials must deal with finite funds in budget decisions. Let’s see how creative they can be with equal campaign coffers and a campaign cap.

What specific remedies do I suggest?

1. At the federal level a modest but positive step would be to pass the McCain –Feingold - Shays - Meehan bill already passed by a bipartisan majority of 252-179 in the House of Representatives, filibustered to death with the help of Senator Alfonse D’Amato. That would ban unlimited soft money contributions to political parties and bring phone “issue ads” under contribution limits and disclosure requirements of federal election law. It would restrict spending to \$6700,000 for the House and from \$2,004,000 to \$8,250,000 for the Senate depending on the state’s population. It also encourages voluntary limitations on personal spending by candidates to \$50,000. It would restrict “express advocacy” by independent groups that a reasonable person would interpret to advocate the election or defeat of a candidate.

2. Another useful provision is the bill submitted by Louise Slaughter to require broadcast media to provide free air time to qualifying candidates. Of \$1.6 billion spent in congressional elections in 1995-96, \$500 million was for TV. Other estimates suggest that upwards of 60% of campaign spending is to buy TV time. But this free time would not be for those inane sound bites that not only do not inform, but distort truth, the candidates would have to speak directly into the camera. She has withdrawn her bill. Link free air time

with candidate behavior in public interest – like participating in debates, abiding by clean-election guidelines, refuse all special-interest private contributions.

3. Better yet would be public financing of political campaigns contingent upon voluntary spending limits. Spending caps would prevent wealthy candidates to opt out and independent spenders to scuttle the system. Now presidential candidates get public funds if they raise a certain amount is raised on small private donations and they cease private fund-raising. \$62 million for Dole and Clinton in 1996.

4. At the state level, we should adopt the Maine Clean Elections Campaign Finance Reform approved by voter referendum in 1997 after the legislature turned down campaign finance reform 49 times. Candidates who agree to voluntary limits would get public funding. If an opposing candidate refuses to accept the limit or if interest groups become his de facto contributors, then the other candidate receives compensatory public funds. There is a federal version of this approach sponsored by Senators Kerry, Glenn, Wellstone, Biden and Leahy.

5. In Vermont a campaign finance reform law will go into effect in 2000, which combines public funds with mandatory expenditures limits. The City of Albuquerque has enforced an ordinance capping campaign expenditures since 1974. Cincinnati has a similar law which is now in the courts.

My case for campaign finance reform can be summed up as follows:

1. The liberty of free speech must be balanced by the equity of equal access to the means of free speech. Free speech ought not be auctioned off to the highest bidder.
2. Big money from private and wealthy donors corrupts our politicians – it is only a mask for bribery.
3. Politicians spend far too much time and energy raising money rather than the joy we have elected them to do.

Our calling as religious people is to work to create a community in which the commercial, the political and the religious edifices are in creative balance, and no one enterprise dominates the skyline. We must extend the democratic process throughout the society if we are to create the Beloved Community of which Martin Luther King, Jr., among others, spoke.

Reinhold Niebuhr once wisely said that “(Our) capacity for justice makes democracy possible, but (our) inclination to injustice makes democracy necessary.”¹² Reducing the impact of economic power upon democracy recognizes the balancing act we need to do. E. B. White once wrote that “Democracy itself is a religious faith. For some it comes close to being the only formal religion they have.” He also spoke of democracy as the score at the beginning of the ninth inning. There’s always hope, but it’s getting late.

¹ Joseph Campbell, *The Power of Myth* (New York: Doubleday, 1988), 95-97.

² Jay Gallagher, *D&C*, 10/3/98, 8A.

³ *Rochester Democrat and Chronicle*, 10/5/98, 5B.

(4) unknown source.

⁵ Lord Acton.

⁶ Green Party E mail 9/23/98.

⁷ Hugo J. Hollerorth, *Relating to Our World: The philosophy of Religious Education undergirding the multimedia curriculum series of the Unitarian Universalist Association* (Boston: UUA, 1974), 4.

⁸ *Ibid.*, 7.

⁹ Anatole France, *The Red Lily* (New York: Dodd Mead & Co., 1930), 80.

¹⁰ Robert Kuttner, “Rescuing Democracy from ‘Speech’” *The American Prospect*, J/F 1998, 13.

¹¹ Jay Gallagher, *D&C*, 10/3/98, 8A.

¹² Reinhold Niebuhr, *The Children of Light and the Children of Darkness*, xiii.