

To: The Next President

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Re: Reforming Congressional Elections

If campaign 2008 has produced any clear and unambiguous mandate from the American people, it is for fundamental change in Washington. Regardless of their presidential preference, a majority of voters share a profound sense of disgust with small-minded partisanship, special-interest obstructionism, and the power of lobbyists to subvert the common good.

This convergence of demands for change, across the usual partisan and ideological lines, provides you one clear opportunity to overcome the record of the last eight years—and the one distinct path to everything else you want to accomplish. That is why I urge you to make “changing Washington” your first priority as president.

Obviously, you have many urgent challenges competing for your time and attention: bringing the war in Iraq to an acceptable conclusion, turning around our economy, and

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a hundred other things. But rallying public support for a dramatic change in Washington's political culture will help you mobilize political support for every other step you take, and it will improve the chances for progress on substantive reforms.

Specifically, you should signal your continuing commitment to clean campaigns and to the goal of breaking the power of lobbyists over Washington. By calling for voluntary public financing of congressional campaigns you would stick a jamb into the revolving door that now so easily whisks legislative and executive personnel from public decision-making to private decision-influencing.

Such a direct assault on "politics as usual" will pre-empt the otherwise inevitable media story-line that you, like past presidents, are putting aside campaign rhetoric in order to adjust to the realities of power in Washington—a point of view guaranteed to disappoint the public and undermine your postelection momentum.

Any reform initiative must, of course, be tangible to be credible. A two-pronged attack on how Congress perpetuates its own power at the expense of the common good is the best and most audacious avenue to pursue.

I. Public Financing of Congressional Campaigns

With Congress' approval ratings at an all-time low, a reform offensive will also enable members of your party to make a fresh start, while providing members from the other party with an earlier test of their commitment to the reform ethic so many embraced during the 2008 campaign.

Without question, special-interest campaign contributions are the mother's milk of

corruption, obstructionism, and gridlock in Congress. As the cost of political campaigns has grown exponentially, the dependence of congressional candidates on special-interest dollars has grown as well.

This year, the most direct and formal method of special-interest fundraising—political action committees (PACs)—contributed about \$4 of every \$10 raised by House candidates, and about one-third of those raised by Senate candidates (the numbers were significantly higher for congressional incumbents running for re-election).

Special-interest domination of party-committee and independent-advocacy donations (including the increasingly important infusions of cash from the so-called "527s") was significantly larger. Moreover, the widespread practice of "bundling" made it increasingly possible to link batches of individual contributions to particular interests or causes. When you factor in the estimated \$2.8 billion spent on congressional lobbying activities last year alone, it comes to approximately \$5 million per member of Congress.

Recent Supreme Court decisions have weakened earlier congressional attempts to set contribution and expenditure limits. Only a system of public financing for congressional elections is capable of breaking the corrupting nexus of money and influence.

While a variety of models for voluntary public financing have been advanced over the years, the "clean money/clean elections" model, offering direct candidate subsidies in exchange for strict expenditure limits, is the best available today. Seven states have enacted variations on this proposal. In the two states with the most comprehensive public financing systems, Arizona

and Maine, participation in the system by candidates has risen steadily over time, with sizable majorities of state legislative candidates in both states choosing public financing in 2006.

The best current legislation adapting the “clean money/clean elections” model to congressional elections is the bipartisan bill co-sponsored by Sens. Richard Durbin (D-Ill.) and Arlen Specter (R-Pa.). Aside from the basic idea of offering full public financing to congressional candidates agreeing to expenditure limits, this bill also provides discounted broadcast television ad rates, along with “fair fight” funds to offset independent expenditure campaigns—thus closing (or at least shrinking) one of the largest loopholes undermining the public-financing system for presidential campaigns.

This last point is particularly important, given the arguments that broke out during the campaign over the presidential public-financing system. It is time to acknowledge that the presidential system has been broken by outdated spending limits and the independent-expenditure loophole. Bipartisan legislation from Sens. Russ Feingold (D-Wisc.) and Susan Collins (R-Maine) would fix these problems, and merits your support.

Some campaign-finance reformers this last year raised hopes that Internet-based small donations might represent an alternative form of public financing. That may be true, but the “small-donor revolution” remains a distant rumor in congressional campaigns: This year, fewer than 10 percent of all congressional contributions are being made in amounts under \$200.

In any event, voluntary public financing and small-donor fundraising are complementary, not mutually exclusive. Any congressional public-financing model could exempt very

small contributions, and any candidate opting out of public financing in order to raise money exclusively from such donations could be deemed “clean.”

Here is another variation on the clean campaign theme, based on a creative proposal Al Gore made during the 2000 presidential campaign: Instead of making contributions directly to candidates, individuals would have the option of donating money to a new Democracy Endowment that would finance congressional campaigns. They would receive a tax credit for every dollar they contribute to the Endowment. Candidates would qualify for money if they agreed not to accept any other sources of funding and to limit their overall campaign spending.

To offset the advantage of rich candidates who finance their own campaigns, the Endowment’s managers could make sure that participating candidates have enough funding to be competitive. This indirect system of public financing would be entirely voluntary and as such would not raise any constitutional issues.

Whatever approach to reform you choose, the important thing is to demonstrate your resolve to sever the link between public legislation and private campaign donations.

2. Redistricting Reform

Campaign contributions are not the only abuse of power that merits your immediate attention. Thanks to political gerrymandering, the vast majority of U.S. House members remain completely insulated from accountability to the public in any meaningful sense. The steady decline in the number of competitive congressional races in recent years has become an ongoing scandal.

Even in the “wave” election of 2006, which saw an unusual number of incumbents facing viable challenges, 86 percent of House members did not face serious competition, and nearly 95 percent of all incumbents won. The reason is simple enough: Incumbents are generally protected from competition by district maps that favor one party over the other by decisive margins, in sharp contrast to the partisan balance that has characterized national politics generally over the last decade. To a remarkable extent, members of Congress are choosing their own voters, rather than the reverse.

Aside from the inherently antidemocratic nature of a system in which politicians need not fear accountability to voters, numerous studies (including an analysis earlier this year by the Democratic Leadership Council¹) have documented the unsurprising fact that noncompetitive congressional elections depress voter interest and participation.

There has been a lot of discussion in recent years about the de facto disenfranchisement of voters who live in non-battleground states in presidential elections. But an even higher percentage of voters are effectively disenfranchised in House races cycle after cycle, thanks to districting schemes that prevent competition.

Because of the common practice of drawing district lines through multiple media markets, gerrymandering also contributes to the high (and corruption-encouraging) cost of congressional campaigns, even in those few districts that are competitive. Furthermore, there is simply no way to measure the corrosive impact on civic engagement of crazy-quilt districts that defy any concept of contiguity or commonality of interest. That is particularly true in large metropolitan areas where multiple candidates for multiple

seats are competing simultaneously on the airwaves.

With the next round of decennial reapportionment and redistricting due to begin during your first term as president, the time is ripe to push for redistricting reform. But in the states and in Washington, both parties will soon fall into the same old patterns of gaming the system for their own advantage. As events during the last eight years have established, state-by-state redistricting reform efforts have little prospect for success.

Fortunately, redistricting reform with respect to Congress (as opposed to state legislatures) is a federal issue, since Congress has plenary power to regulate its own redistricting. Rep. John Tanner (D-Tenn.) has twice introduced legislation requiring that states utilize independent commissions and follow “traditional redistricting principles” (e.g., compact and contiguous districts) in drawing congressional lines (Sen. Tim Johnson, D-S.D., has introduced a Senate counterpart). The bill would also ban the kind of mid-decade re-redistrictings that broke out during the 1990s, threatening to make redistricting an annual struggle.

Many reformers would argue for stronger legislation that would make competitiveness an explicit factor in congressional redistricting, along with the kind of process reforms contemplated by Reps. Tanner and Johnson. But the key to making the whole subject politically viable is support from the bully pulpit of the White House. Nothing would more clearly signal your determination to put narrow partisan considerations aside and fight for a fundamental change in the culture of our capitol than a high-profile stand for redistricting reform, particularly if it is combined with a call for public financing of congressional elections.

Conclusion

This is not to suggest that you put aside every other priority to go for broke on initiatives to change Congress. Such initiatives, however, should be announced as early as possible. Even if you do not succeed in enacting public financing of congressional campaigns,

or a reform of congressional redistricting that restores competitive elections, it is still worth the fight. Making radical reforms of our broken political system a centerpiece of your administration's initial agenda will help you maintain the momentum from your campaign, and keep faith with the voters who viewed you as an agent of change.

ENDNOTES

1. Dunkelman, Marc, "Gerrymandering the Vote: How a 'Dirty Dozen' States Suppress a Many as 9 Million Voters," Democratic Leadership Council, June 2008, <http://www.dlc.org>.



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