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### March 7, 2016: Bill McKibben Proves Me Right on Campaign Finance, Though He Probably Doesn't Agree

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Title: Bill McKibben Proves Me Right on Campaign Finance, Though He Probably Doesn't Agree

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3/7/2016—I have been involved in a mostly ineffectual campaign finance debate with Larry Lessig and many others about the problem of money in American politics. A book review by Bill McKibben of Jane Mayer's new book, *Dark Money*, reaffirms me in the belief that I am right and that the mainstream left is mistaken about the fundamental questions of money in politics.

Just to review, and there is a law review article from *Cleveland State Law Review* coming out shortly on these issues, my main proposals are the following. First, that the problem of the domination of American political life by the right is primarily a political, rather than a financial issue. Second, that campaign-finance is only a small part of the ways in which money influences policy in America. Third, that the problem of money in political campaigns is about independent spending, rather than about the totals of spending.

Now, I don't mean that either Bill McKibben or Jane Mayer agrees with me in these issues. But between them, they illustrate the soundness of my beliefs. Take the matter of the political, rather than the financial analysis of the political influence of conservative thought. Jane Mayer begins her book in 1980. It is only from that point on that she examines the rise of big spending on the right. But, it should occur to people that Ronald Reagan was elected overwhelmingly in 1980 basically on the very platform that Jane Mayer attributes to the Koch brothers and others. The success of Ronald Reagan in 1980 strongly suggests that the basic message of low taxes and small government is popular with the American people, who have always, left and right, distrusted government.

In terms of the second point—where and how the power of money manifests—McKibben describes how Mayer shows the Koch Brothers' network at work on the issue of climate change. Basically, "they poured tens of millions of dollars 'into dozens of different organizations fighting climate reform.'" They hid the sources of the money and, if Mayer and McKibben are to be believed, which I do, they basically paid people to lie about climate change and to raise false charges against honest researchers. Obviously, I'm not defending any of this, but it has nothing to do with campaign-finance. Similarly, these right wing networks don't just spend money in political campaigns, they spend a lot of money in lobbying and in providing jobs to out of work former officeholders. All of these activities are obviously protected by the First Amendment. The whole story does, I admit, suggest that perhaps democracy and capitalism cannot coexist, which Karl Marx would certainly have anticipated, but it does not suggest in the slightest that campaign-finance reform is relevant to the power of money in American life.

In terms of the third point—how right-wing money works in American elections—McKibben explains that the \$200 million spent in 2010 by this right-wing network was primarily "Republican-aligned independent groups" running "absurd attack ads." These absurd attack ads are unfair, but the main point is that they only can be run, and only would be run, by independent groups. Candidates by and large don't run these ads.

Remember, my proposal is to eliminate campaign contribution limits. If all of this right-wing money went to candidates, it would be spent giving those candidates an advantage, it is true, but that advantage would only lie in the ability to make policy arguments. It would not be used to

tear down political opponents.

We see the power of attack ads run by independent groups right now in the growing movement to try to stop Donald Trump. I don't hear any liberals complaining. These ads, run by independent groups, will be just as unfair to Trump as they have been unfair in the past to Democrats. This is what we need to rein in. We do not need to overturn Citizens United or SpeechNow to end independent spending. All we need to do is eliminate contribution limits.