

MONEY IN  
POLITICS 2009:  
NEW HORIZONS  
FOR REFORM

FRIDAY, MAY 8, 2009  
NATIONAL PRESS CLUB

Convened by the  
Brennan Center for Justice *at New York University School of Law*



## MONEY IN POLITICS 2009: AN INVITATION FOR CHANGE

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This is a new moment in campaign finance. Last year, millions of new and small donors gave to the presidential candidates. This year, new reform proposals are being introduced that revamp public financing with matching funds for small contributions. At the same time, the unfolding economic collapse is threatening public trust in institutions. What does it all mean?

We are thrilled that you can join us as we take the first systematic look at what happened in 2008, and its implications for policy, politics and law in 2009 and beyond.

Public expectations of transparency and accountability are shifting. Our goal is to examine campaign finance and governance in light of new developments in the law, political campaigns and Internet-based organizing tools, including a discussion of how to make space for the democratizing elements of these developments to take root and thrive. The discussion will be vital for anyone who cares about the integrity of political institutions. Thank you for joining us.

Sincerely,

Michael Waldman | Executive Director | Brennan Center



Laura MacCleery | Deputy Director | Brennan Center Democracy Program



## ACKNOWLEDGMENTS

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The Brennan Center for Justice at New York University School of Law would like to thank The Pew Charitable Trusts for its generous support of the *Money in Politics 2009: New Horizons for Reform* conference on May 8, 2009, and our 2009 report with Dr. Thomas Stratmann of George Mason University, entitled *Electoral Competition and Low Contribution Limits*.



# AGENDA

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## MONEY IN POLITICS 2009: NEW HORIZONS FOR REFORM MAY 8, 2009 NATIONAL PRESS CLUB

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Breakfast and registration  
8:15am-8:45am

**I. Welcome: Michael Waldman (Brennan Center for Justice), Robert Kaiser (Washington Post), and Representative Chellie Pingree (D-Maine)**  
**8:45 am-9:15 am**

**II. Panel One: Is the Small Donor Revolution Hype or Reality?  
Campaign Finance and Political Engagement**  
**9:15 am-10:45 am**

Focusing on data from 2008 election cycle, implications for reforms on contribution limits from new research by Professor Stratmann, and public engagement as part of the goals and practice of both campaign finance and governance.

- Laura MacCleery (Brennan Center for Justice) (moderator)
- Michael Malbin, Data on Small Donors (Campaign Finance Institute, University at Albany SUNY)
- Norm Eisen (White House Chief Ethics Adviser)
- Rev. Lennox Yearwood (Hip Hop Caucus)
- Dr. Thomas Stratmann (George Mason University)
- Andrew Hoppin (Chief Information Officer, New York State Senate)

**III. Pre-Luncheon Keynote Presentation: Susan Liss (Brennan Center for Justice) and Lawrence Lessig (Change Congress)**  
**11:00am - 11:25am**

**IV. Lunch**  
**11:25am - 12:00pm**

**V. A conversation on the Internet and Campaign Finance**  
**12:00pm - 1:00pm**

Moderator Micah Sifry (Personal Democracy Forum), Lawrence Lessig (Change Congress), and Adam Bonin (Netroots Nation): A legal framework premised on distinctions between print and broadcast media has struggled to keep up with advances in new media. How can we re-imagine the applicability of campaign finance principles in the age of Internet fundraising, social networking, and digital dissemination of information? Does the Internet provide more opportunities for circumvention, or new tools to expose and combat corruption? How can and should we regulate new media forms in light of the impact of money in politics?

**VI. Panel Two: Money, Politics, and the Constitution: Is campaign finance reform on a collision course with the Supreme Court?**  
**1:15pm - 2:30pm**

Focusing on the explosion of constitutional challenges to campaign finance reform in federal and state courts. Is there tension between the Constitution and the aims and methods of reform?

- Monica Youn (Brennan Center for Justice) (moderator)
- Trevor Potter (Campaign Legal Center, Caplin & Drysdale)
- Allison Hayward (George Mason University School of Law)
- Don Simon (Sonosky, Chambers, Sachse, Endreson & Perry LLP; Counsel, Democracy 21)
- Rick Hasen (Loyola Law School)

**VII. Panel Three: Reconfiguring Reform: Innovations in Campaign Finance Reform**  
**2:45pm - 4:15pm**

Focusing on implications of small donors for changes in the structure of public financing systems and the questions that are raised

- Peter Overby (National Public Radio) (moderator)
- Fred Wertheimer (Democracy 21)
- Nick Nyhart (Public Campaign)
- Beth Rotman (Director, Connecticut Citizens' Election Program)
- Richard Briffault (Columbia Law School)
- Bob Bauer (Perkins Coie LLP)

**VIII. Closing Remarks and Send-Off: Nicole Austin-Hillery (Brennan Center for Justice), Bruce Ackerman (Yale Law School) and actor Sam Waterston**  
**4:15 pm - 4:45 pm**

**IX. Wine Reception at Crowell & Moring**  
**5:00 pm - 6:45 pm**

1001 Pennsylvania Avenue, NW *(Please find walking directions at end of program).*

- Please join us at the reception for a brief screening of the Steve Cowan's documentary film *"Priceless,"* which investigates the impact of special interest campaign money on policy making.

## **Panel I: Is the Small Donor Revolution Hype or Reality? Campaign Finance and Political Engagement**

The historic 2008 elections featured levels of citizen engagement far beyond any election in recent memory. Indeed, some commentators coined the phrase “small donor revolution” to describe a phenomenon in which millions of ordinary citizens clicked a button on the Web site of their preferred candidate to give low-dollar contributions, often on a repeat basis. Only now, 100 days into the new Administration, has data regarding the small donor revolution become available that allows us to analyze this phenomenon. This panel combines new findings regarding the “small donor revolution” and low campaign contribution limits with on-the-ground insights from political operatives and policymakers in order to paint a fuller picture of the small donor revolution. What implications does the small donor revolution have for future campaigns and for the process of governance?

*Moderated by Laura MacCleery, with panelists Michael Malbin, Norm Eisen, Rev. Lennox Yearwood, Dr. Thomas Stratmann, and Andrew Hoppin*

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## **Lunchtime Conversation**

Since Watergate, campaign finance reform has been predicated on the assumption that broadcast television would be the main way in which candidates communicate with the electorate. Today, when email blasts can reach millions of voters instantaneously at minimal cost, and YouTube videos are being created and forwarded at a dizzying rate, the legal framework of campaign finance reform has struggled to keep up with advances in new media. How can we re-imagine the applicability of reform in the age of Internet fundraising, social networking, and digital dissemination of information? Will the Internet result in increased governmental transparency and accountability, or will influence-peddlers use the Internet to evade campaign finance regulations that govern traditional media?

*A discussion moderated by Micah Sifry, with Lawrence Lessig and Adam Bonin*

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## **Panel II: Money, Politics, and the Constitution: Is Campaign Finance Reform on a Collision Course with the Supreme Court?**

Even as support for a reform agenda appears to be building among lawmakers and the general public, both new and longstanding campaign finance reform efforts are being targeted by a recent flood of constitutional challenges. Those bringing the challenges argue that efforts to limit the influence of money in politics violate the free-speech rights of individuals and organizations. Several members of the Roberts Court have indicated some sympathy for this position, equating money with speech. Supreme Court watchers are tracking three upcoming cases -- Citizens United, RNC v. FEC, and Speech Now -- that may clarify whether the Court views the aims and methods of reform to be in tension with the First Amendment. If campaign finance disclosure laws are held unconstitutional, do goals of transparency and accountability become unattainable? Can campaign finance reform loosen

the grip of special interests and amplify the voices of ordinary citizens without violating the Constitution? Does money have First Amendment value if it is used to buy influence?

*Moderated by Monica Youn, with panelists Trevor Potter, Allison Hayward, Don Simon, and Rick Hasen*

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### **Panel III: Reconfiguring Reform: Innovations in Campaign Finance Reform**

With the near-collapse of the banking system and a spate of headline-making pay-to-play scandals, public trust in institutions is at a new nadir. Senator Dick Durbin (D.- Ill.) lamented last week that it is “hard to believe in a time when we’re facing a banking crisis that many of the banks created -- are still the most powerful lobby on Capitol Hill. And they frankly own the place.” To address this problem, Sens. Durbin and Specter, and Reps. Larson and Jones in the House, recently introduced the Fair Elections Now Act, which would dramatically alter the incentives on Capitol Hill by establishing a voluntary alternative to the current private campaign fundraising system. Another bill to fix the presidential public financing system is also in the pipeline. Taking their cues from the last election cycle, these new models of public financing for the Presidency and Congress attempt to harness the voter enthusiasm that powered the small donor revolution. Can the new reforms succeed in allowing ordinary citizens to take back government from monied interests? What lessons we should take from state-level systems such as Connecticut’s? What are the conceptual, constitutional and administrative issues that are likely to be raised in both passage and implementation?

*Moderated by Peter Overby with panelists Fred Wertheimer, Nick Nyhart, Beth Rotman, Richard Briffault, and Bob Bauer*

PANEL AND  
SPEAKER  
BIOGRAPHIES





## BRUCE ACKERMAN

*Sterling Professor of Law and Political Science, Yale Law School*

Bruce Ackerman is Sterling Professor of Law and Political Science at Yale, and the author of fifteen books that have had a broad influence in political philosophy, constitutional law, and public policy. His book, [The Stakeholder Society](#) (with Anne Alstott) served as a basis for Tony Blair's introduction of child investment accounts in the United Kingdom, and [Before the Next Attack](#) was a source for the recent amendments to the French Constitution dealing with states of emergency. [Voting with Dollars](#), with Ian Ayres, sets out a new

paradigm for campaign finance reform.

Professor Ackerman is a member of the American Law Institute and the American Academy of Arts and Sciences. He is a Commander of the French Order of Merit, and the recipient of the American Philosophical Society's Henry Phillips Prize for lifetime achievement in Jurisprudence.



## NICOLE AUSTIN-HILLERY

*Director and Counsel of DC Office, Brennan Center for Justice*

Nicole Austin-Hillery currently serves as the Director and Counsel of The Brennan Center's new Washington, DC office. Prior to joining The Brennan Center, Ms. Austin-Hillery practiced with the law firm of Mehri & Skalet, PLLC where she focused primarily on the firm's civil rights employment litigation practice. Ms. Austin-Hillery worked on all aspects of complex employment class action litigation and outreach to the larger public-interest civil rights community.

Ms. Austin-Hillery also dedicates substantial time to non-profit and community service endeavors. She served a 2-year appointment as the Board President of Suited for Change, a non-profit organization that provides professional attire and work-skills training to low-income women in the Greater Washington Metropolitan Area. She currently holds a second 2-year appointment on the Pro Bono Committee of the Board of Governors of the District of Columbia Bar Association.

Ms. Austin-Hillery is also a Board member and the 2004-2005 President of the Washington Council of Lawyers, the only voluntary bar association in the District of Columbia with a focus on promoting public interest pro bono advocacy. Additionally, Ms. Austin-Hillery is member of the Carnegie Mellon Admissions Council and a former volunteer and current Board member of the Sibanye Mentor Program.



## BOB BAUER

*Firmwide Chair, Political Law Practice, Perkins Coie LLP*

Robert Bauer is the Chair of the Political Law Group of Perkins Coie LLP. In Bob's 30 years of practice, he has provided counseling and representation on matters involving regulation of political activity before the courts and administrative agencies of national party committees, candidates, political committees, individuals, federal officeholders, corporations and trade associations, and tax-exempt groups.

Bob is the author of several books — [United States Federal Election Law](#) (1982, 1984), [Soft Money Hard Law: A Guide to the New Campaign Finance Law](#) (2002) and [More Soft Money Hard Law: The Second Edition of the Guide to the New Campaign Finance Law](#) (2004) —and numerous articles. He also serves on the National Advisory Board of Journal of Law and Politics. In 2000, he received the prestigious “Burton Award for Legal Achievement” for his legal writing. Bob is a 1976 graduate of the University of Virginia School of Law, where he was named Hardy Dillard Fellow in legal writing.

Bob is currently counsel to Obama for America and the Democratic Senatorial and Congressional Campaign Committees, and has served as co-counsel to the New Hampshire State Senate in the trial of Chief Justice David A. Brock (2000); general counsel to the Bill Bradley for President Committee (1999-2000); and counsel to the Democratic Leader in the trial of President William Jefferson Clinton (1999). He has coauthored numerous bipartisan reports, including “Report of Counsel to the Senate Rules and Administration Committee in the Matter of the United States Senate Seat From Louisiana” in the 105th Congress of the United States (March 27, 1997); “Campaign Finance Reform,” A Report to the Majority Leader and Minority Leader of the United States Senate (March 6, 1990); and “The Presidential Election Process in the Philippines” (1986), a bipartisan report prepared at the request of the Chairman and Ranking Member of the U.S. Senate Committee on Foreign Relations. Bob is also the author of the Weblog, [www.more-softmoneyhardlaw.com](http://www.more-softmoneyhardlaw.com), on which he writes about campaign finance and other issues of interest to the political community.



## ADAM BONIN

*Chairman of the Board of Directors, Netroots Nation  
Member, Cozen O'Connor*

Adam Bonin is a member of the law firm of Cozen O'Connor in Philadelphia, where he represents clients in election law matters and has been extensively involved in efforts on behalf of the rights of online speakers. In March 2006, he achieved a major victory before the Federal Election Commission on behalf of leading political bloggers, securing significant new rights for speakers on the Internet to engage in online political speech and advocacy. He has also successfully represented a Democratic

candidate for Pennsylvania state representative in her petition challenge to remove multi-term incumbent from ballot, and continues to represent a variety of candidates and political entities on federal, state and municipal campaign finance and election law matters and is frequently called upon by the media as a pundit on campaign finance affairs.

Adam serves as Chairman of the Board of Directors of Netroots Nation, which hosts an annual conference and regional events on the intersection between the online and political worlds. He also serves as Chairman of the Philadelphia Lawyers' Chapter of the American Constitution Society, which seeks to promote rights and liberties, genuine equality, access to justice, democracy and the rule of law through a variety of events.

Adam earned his bachelor of arts degree, *magna cum laude*, from Amherst College in 1994. He earned his law degree from the University of Chicago Law School in 1997, where he served as comment editor of *The University of Chicago Legal Forum* and as an editor of *The Law School Phoenix*. While at Chicago, he studied both First Amendment Law and The Law of Cyberspace under Prof. Lawrence Lessig and took an election law seminar from then-Professor Barack Obama, but any errors he makes today are solely his own responsibility.



## RICHARD BRIFFAULT

*Joseph P. Chamberlain Professor of Legislation, Columbia Law School*

Richard Briffault is Joseph P. Chamberlain Professor of Legislation at Columbia Law School, and director of Columbia's Legislative Drafting Research Fund. He is the author of numerous books, chapters, and articles in the areas of state and local government law and election law. He was executive director of the Commission on Campaign Finance Reform of the Association of the Bar of the City of New York and principal author of the Commission's report, *Dollars and Democracy: A Blueprint for Campaign Finance Reform* (2000).



## STEVE COWAN

*Director, Habitat Media*

Steve Cowan is the Director of Habitat Media, a non-profit production group that produces documentaries and other media designed to inspire viewer participation in efforts to create a better world ([www.habitat-media.org](http://www.habitat-media.org)). A current work in progress is *Priceless*, a multi-formatted documentary that examines a root cause of many social and environmental problems—the undue influence of special interest campaign money in the policymaking realm. Two case studies are presented, farm and energy policy, as well as a possible solution in the form of publicly financed elections. The project includes a one-hour version for television broadcast and short versions for citizen groups and schools. Previous works include two primetime PBS Specials *Empty Oceans Empty Nets* and *Farming the Seas*, films that examine the critical importance of civic participation in marine conservation efforts ([www.pbs.org/emptyoceans](http://www.pbs.org/emptyoceans)). The Emmy-nominated series won multiple Best Documentary honors including Hollywood's Environmental Media Association Awards and the International Wildlife Film Festival. A two-minute version is featured in over 8 million home-video DVDs of Warner Bros' feature-length animated movie *Happy Feet*. The films have screened before U.S. Congressional Committees, the United Nations, White House staff and in federal judges' chambers. Excerpts have aired on CNN, ABC World News and NPR. Short versions are exhibited at marine aquaria and natural history museums throughout the world and are used in curricula at hundreds of universities, colleges and agencies including NOAA and the FAO.



## **NORMAN L. EISEN**

*Special Counsel to the President for Ethics and Government Reform*

Norman L. Eisen is Special Counsel to the President for Ethics and Government Reform. He was previously the Deputy General Counsel of the Presidential Transition Team, and before that a partner at Zuckerman Spaeder LLP in Washington D.C. He served as the co-chair of the firm's Public Client Practice, acting as outside counsel to governmental clients in a wide array of matters, including internal investigations and ethics counseling. He also defended white-collar, Congressional and other government investigations during his 17-plus years at the firm, and maintained an active election law practice with a particular focus on voting technology issues. Mr. Eisen is the co-founder of Citizens for Responsibility and Ethics in Washington (CREW). He received his bachelor's degree from Brown University in 1985 and his J.D. from Harvard Law School in 1991.



## **RICHARD L. HASEN**

*William H. Hannon Distinguished Professor of Law,  
Loyola Law School Los Angeles*

Richard L. Hasen is the William H. Hannon Distinguished Professor of Law at Loyola Law School in Los Angeles. He holds a B.A. from the University of California at Berkeley and a J.D., M.A. and Ph.D. (Political Science) from the University of California at Los Angeles. After law school, Hasen clerked for the Honorable David R. Thompson of the United States Court of Appeals for the Ninth Circuit, and then worked as a civil appellate lawyer. From 1994-1997, Hasen taught at the Chicago-Kent College of Law. He joined Loyola's faculty in 1997 as a visiting professor and became a member of the full-time faculty in fall 1998. In 2005, he was named the William H. Hannon Distinguished Professor of Law. Hasen is a nationally-recognized expert in election law and campaign finance regulation, is co-author of a leading casebook on election law and co-editor of the quarterly peer-reviewed publication, *Election Law Journal*. He is the author of more than three dozen articles on election law issues. In 2002, Hasen was named one of the 20 top lawyers in California under age 40 by the Los Angeles (and San Francisco) *Daily Journal* and one of the top 100 lawyers in California in 2005. Hasen also writes the widely read "Election law blog." His opeds and commentaries have appeared in many publications, including the *New York Times*, *Washington Post*, *Los Angeles Times*, and *Slate*. His election law book, "The Supreme Court and Election Law: Judging Equality from Baker v. Carr to Bush v. Gore," was published by NYU Press in 2003.



## **PROFESSOR ALLISON HAYWARD**

*Assistant Professor of Law, George Mason University School of Law*

Prof. Hayward is Assistant Professor of Law at George Mason University School of Law. She teaches election law, constitutional law, ethics, and civil procedure. She also serves of the Board of the Office of Congressional Ethics. Prior to joining the Mason faculty, Hayward was an attorney and writer specializing in campaign finance, government ethics, and related fields. She writes widely on these topics and has been published in a variety of magazines and journals.

Prof. Hayward graduated from Stanford University with degrees in political science and economics (1985), and received her law degree from the University of California, Davis (1994). She clerked for Judge Danny J. Boggs of the United States Court of Appeals for the Sixth Circuit. She was an associate at the firm Wiley, Rein & Fielding in Washington DC and Of Counsel at the firm Bell, McAndrews & Hiltachk in Sacramento, California. She has served as counsel to FEC Commissioner Bradley A. Smith, in-house counsel at the National Republican Congressional Committee, and legal staff to the Senate Special Investigation of the 1996 presidential election (the “Thompson Investigation”).

Prof. Hayward lives in McLean, Virginia with her husband and two children.



## ANDREW HOPPIN

Chief Information Officer, New York State Senate

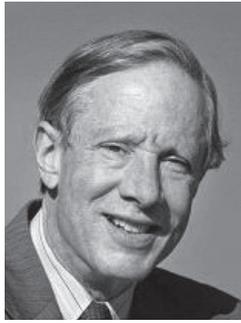
Andrew Hoppin is the first ever Chief Information Officer for the New York State Senate. The mission of this newly created office is to leverage technology and information to create a more transparent State legislature, to empower Senators to serve their constituents in a more effective and efficient manner, and to provide New Yorkers with the means to participate more actively in their State government.

Previously, Andrew co-founded the NASA CoLab program at NASA Ames Research Center, which aimed to increase efficiency and transparency at NASA by building new partnerships between NASA and external communities of practice such as the entrepreneurial technology community, the global open-source software movement, and constituents in the virtual world of “Second Life.” Andrew has also served as an online strategy consultant to leading technology-driven non-profit organizations such as the Craigslist Foundation.

As an entrepreneur, Andrew has co-founded or directed business development for DEABrasil, a political campaign technology firm, GoodStorm (acquired by Zazzle), a progressive eCommerce venture that helps organizations raise money to support themselves, Trellon, a leading open-source software consulting firm for online community building, and Moonfront, an aerospace design consulting firm. He also directed business strategy for CivicSpace Labs, a developer of open-source software and communities for online organizing and advocacy borne out of Howard Dean and Wesley Clark’s 2004 Presidential campaigns. In 2003, Andrew founded the largest local grassroots group in the national Draft Clark movement, New York for Clark, and later joined the Campaign to help manage the campaign’s voter data and web application development. As a consultant, he has executed marketing campaigns for leading technology startups such as mobile messaging provider Jaiku (now Google) and online geographic data provider N Space Labs.

Andrew serves on the Advisory Boards of Netroots Nation (formerly Yearly Kos), the Space Generation Foundation, Yenza and the New Organizing Institute. He also represents the Space Generation Advisory Council at the United Nations Economic and Social Council (UN ECO-SOC) in New York.

Andrew is a graduate of the NASA Academy and the International Space University, and holds bachelor’s and master’s degrees from Brown University and Berkeley in Planetary Sciences and Environmental Science, Policy, and Management respectively.



## ROBERT G. KAISER

*Associate Editor and Senior Correspondent, Washington Post*

Robert G. Kaiser is associate editor and senior correspondent of the *Washington Post*. He has been at the Post since 1963, when he worked as a summer intern while still a college student. He has served as a special correspondent in London (1964-67), a reporter on the city desk in Washington ('67-'69), and a foreign correspondent in Saigon ('69-'70) and Moscow ('71-'74). He returned to the national staff in Washington and worked as a reporter for seven years, covering labor, the U.S. Senate, the 1980 presidential campaign and the first Reagan administration.

In 1982 Kaiser became associate editor of the Post and editor of Outlook, a Sunday section of commentary and opinion. He also wrote a column for the section. From 1985 to 1990 he was assistant managing editor for national news. From 1990 to 1991 he was deputy managing editor, and from 1991 to 1998 served as the paper's managing editor. He began his current assignment in September, 1998.

Kaiser is the author or co-author of seven books: *Cold Winter, Cold War* (1974); *Russia, The People and the Power* (1976); *Great American Dreams* (with Jon Lowell, 1978); *Russia from the Inside* (with Hannah Jopling Kaiser, 1980); *Why Gorbachev Happened* (1991); *The News About The News: American Journalism in Peril* (with Leonard Downie Jr., 2002) and now *So Damn Much Money: The Triumph of Lobbying and the Corrosion of American Government* (2009). *The News About The News* won Harvard University's Goldsmith prize for the best book of 2002 on politics and the news media. Kaiser's work has also appeared in the *New York Review of Books*, *Esquire*, *Foreign Affairs* and many other publications. He has been a commentator on NPR's All Things Considered, and has appeared often on *Meet the Press* and other television programs. His dispatches from Moscow won the Overseas Press Club award for best foreign correspondence of the year in 1975. In 2003 he won the National Press Club prize for best diplomatic reporting of the year.

Born in Washington, D.C., Kaiser graduated from Yale College in 1964. He received a masters degree from the London School of Economics in 1967. He is married to Hannah Jopling, an anthropologist, and has two daughters, Charlotte and Emily.



## LAWRENCE LESSIG

*Co-founder, Change Congress  
Professor, Stanford Law School*

Lawrence Lessig is a Professor of Law at Stanford Law School and founder of the school's Center for Internet and Society. Prior to joining the Stanford faculty, he was the Berkman Professor of Law at Harvard Law School, and a Professor at the University of Chicago. He clerked for Judge Richard Posner on the 7th Circuit Court of Appeals and Justice Antonin Scalia on the United States Supreme Court.

For much of his career, Professor Lessig focused on law and technology, especially as it affects copyright. He represented web site operator Eric Eldred in the groundbreaking case *Eldred v. Ashcroft*, a challenge to the 1998 Sonny Bono Copyright Term Extension Act. His current academic work addresses a kind of "corruption."

He has won numerous awards, including the Free Software Foundation's Freedom Award, and was named one of Scientific American's Top 50 Visionaries, for arguing "against interpretations of copyright that could stifle innovation and discourse online."

Professor Lessig is the author of *Remix* (2008), *Code v2* (2007), *Free Culture* (2004), *The Future of Ideas* (2001) and *Code and Other Laws of Cyberspace* (1999). He is on the board of the Creative Commons project, MAPLight, Free Press, Brave New Film Foundation, Change Congress, The American Academy, Berlin, Freedom House and iCommons.org. He is on the advisory board of the Sunlight Foundation and LiveJournal. He has served on the board of the Free Software Foundation, the Electronic Frontier Foundation, the Public Library of Science, and Public Knowledge. He was also a columnist for *Wired*, *Red Herring*, and the *Industry Standard*.

Professor Lessig earned a BA in economics and a BS in management from the University of Pennsylvania, an MA in philosophy from Cambridge, and a JD from Yale.

Professor Lessig teaches and writes in the areas of constitutional law, contracts, and the law of cyberspace.



## SUSAN LISS

*Director of Democracy Program, Brennan Center for Justice*

Susan M. Liss joined the Brennan Center as the Director of the Democracy Program in January 2009. In her 30-plus year legal career, Susan has worked for a number of constitutional, civil rights and women's organizations, including the Alliance for Justice, Citizens' Commission on Civil Rights, People for the American Way, and the National Women's Law Center.

During the Clinton-Gore administration, she served at the Department of Justice as Deputy Assistant Attorney General for Policy Development and as Chief of Staff and Counselor in the Civil Rights Division. She also served as Chief of Staff to Mrs. Gore and Special Counsel to the Vice President. From 2001–2004, she was the Executive Director of the Project on Medical Liability in Pennsylvania, a research and public education project of the Columbia University Law School, supported by the Pew Charitable Trusts. Prior to joining the Brennan Center, she was the Director of Federal Relations for the Commonwealth of Massachusetts. She is a graduate of the University of Michigan and Georgetown University Law Center, and a member of the Bar of the District of Columbia.



## LAURA MACCLEERY

*Deputy Director, Democracy Program, Brennan Center for Justice*

Ms. MacCleery works to enhance the fairness of electoral systems through public funding of elections and to increase judicial independence. Prior to coming to the Brennan Center, she was the Director of Congress Watch at Public Citizen. While at Public Citizen, she worked on oversight of the federal regulatory agencies on transportation safety and other matters, campaign finance and lobbying reform, public funding of elections, and citizen access to the courts. She has appeared on NBC Nightly News, CSPAN-2, and other television broadcasts. She has been quoted by *USA Today*, the *New York Times*, the *Washington Post*, the *Los Angeles Times*, *Forbes*, *U.S. News* and *World Report* and numerous other publications. She clerked for Justice Gregory Hobbs of the Supreme Court of Colorado. She received her law degree from Stanford Law School, cum laude, and her B.A. in Political and Social Thought from the University of Virginia, *magna cum laude*.



## MICHAEL J. MALBIN

*Co-founder and Executive Director, Campaign Finance Institute  
Professor of Political Science, State University of New York at Albany*

Michael J. Malbin is a co-founder and Executive Director of the Campaign Finance Institute (CFI), a non-partisan research institute affiliated with The George Washington University. He is also a Professor of Political Science at the State University of New York at Albany. One of the country's leading scholars in this field, Malbin has written extensively about money and politics for more than three decades.

Before he went to SUNY in 1990, Malbin he was a reporter for National Journal, resident fellow at the American Enterprise Institute, Associate Director of the House Republican Conference and Speechwriter to the Secretary of Defense. He has also been a member of the National Humanities Council, visiting professor at Yale University and a guest scholar at The Brookings Institution. His most recent books are *The Election after Reform: Money, Politics and the Bipartisan Campaign Reform Act* (2006) and the latest edition of *Vital Statistics on Congress*, which he co-authors with Norman Ornstein and Thomas Mann.

Five years ago, the Campaign Finance Institute launched a major multi-state project and federal research effort entitled "The CFI Participation Project: Strengthening Democracy through Small Donors and Volunteers". The project has become a leading source for analyses of the role of small and large donors in federal and state elections. As part of this effort, CFI recently released Malbin's working paper, "Small Donors, Large Donors and the Internet: The Case for Public Financing after Obama" (April 2009). It is available at the organization's website, <http://www.CFIinst.org>.



## NICK NYHART

*Co-Founder and President, Public Campaign*

Nick Nyhart is a co-founder and the President and CEO of Public Campaign. A three decade veteran of social change politics, issue advocacy, grassroots organizing, and non-profit management, Nyhart brings a wealth of experience to the national reform movement. Following the 1992 elections, Nyhart became Director of the Northeast Action Money and Politics Project, a six-state venture that laid the groundwork for Maine's 1996 breakthrough full public financing victory.

In January 1997, Nyhart joined scores of state and national money and politics activists to found Public Campaign, where he served as National Field Director and Deputy Director before assuming the group's helm in 2000. At Public Campaign, Nyhart has worked to win cutting edge state reform efforts across the country and has organized a number of innovative national collaborations to promote publicly financed elections at the federal level.



## PETER OVERBY

*Correspondent, Power, Money and Influence, National Public Radio*

Peter Overby covers campaign finance and lobbying for NPR News. In 2002, he received an Alfred I. DuPont-Columbia University Silver Baton, one of the highest honors in broadcast news, for reporting that “set the bar for stories about money, power and political influence.” NPR listeners react strongly to pieces that examine backroom political influence and the role of money. One listener scolded Morning Edition, “You really don’t have to air every story submitted by Peter Overby.” But another wrote that these pieces “should be required listening for

everyone in America.”

Overby previously was senior editor at *Common Cause Magazine*, sharing an Investigative Reporters and Editors award for an extensive probe of “soft money” donors in the first Bush administration. Earlier, he reported for daily newspapers in northern Virginia and New Jersey.

He frequently speaks at conferences on politics and political coverage. His byline has appeared in numerous publications, including *Reader’s Digest*, *Utne Reader*, *The Washington Post*, *Los Angeles Times*, and *The Washington Monthly*. He is a Washington-area native and a graduate of Boston University.



## REPRESENTATIVE CHELLIE PINGREE (D.-ME)

Representative Chellie Pingree was elected to the Maine State Senate in 1992, representing Knox County. In 1996, Chellie was chosen by her peers to be the Maine Senate Majority Leader. She helped lead the Senate for four more years, until leaving office due to term limits. As a Senator, she fought for economic and social justice, taking on powerful adversaries - most notably the pharmaceutical lobby. In her last session, Pingree sponsored one of the nation’s first prescription drug pricing bills, *MaineRX*. After a legal fight that led all the way to the U.S.

Supreme Court, the bill became law, and has since been a model for states around the country working to lower prescription drug prices.

Chellie also sponsored the successful “Parents as Scholars” program, a national model for welfare reform, which continues to help working Maine parents gain access to education to help them achieve a better life for their families. She led successful efforts to protect Maine’s environment, for corporate accountability, to protect workers, to promote a women’s right to choose, and in support of Maine’s small businesses. As a state Senator, Chellie was also a founding member of the Maine Economic Growth Council.

Pingree’s leadership in Maine politics led to numerous international appointments. She traveled to Hungary as an Eisenhower Exchange Fellow, served as a member of the White House delegation to observe elections in Bosnia, and was a member of a U.S. delegation to Northern Ireland, working with women political leaders there.

After being term-limited from the Maine Senate in 2000, Pingree challenged incumbent U.S. Senator Susan Collins in 2002. As one of the few outspoken opponents of the Iraq War running for U.S. Senate, Chellie mounted a strong, but ultimately unsuccessful campaign.

From 2003 to 2007, Chellie served as the National President and CEO of Common Cause, a non-partisan citizen activist group with nearly 300,000 members and 35 state chapters. Common Cause's mission is to help citizens make their voices heard in the political process and to hold their elected leaders accountable to the public interest. Under Chellie's leadership, Common Cause increased its membership and diversified its agenda to include limiting media concentration and consolidation, promoting Net Neutrality, and election reform, while continuing to pursue its traditional goals of campaign finance reform and oversight of government ethics and accountability.

In 2008 Chellie was elected to Congress from Maine's 1st Congressional District—the first woman elected to Congress from that District. It also marks the first time in American history that women make up the majority of a state's Congressional Delegation.



## TREVOR POTTER

*Founding President and General Counsel, Campaign Legal Center  
Political Activity Law Practice, Caplin & Drysdale*

Trevor Potter is the founding President and General Counsel of the Campaign Legal Center, and helped to successfully defend the McCain-Feingold law in the lower and Supreme Courts. He is one of the country's best-known and most experienced campaign and election lawyers, and a former Commissioner (1991-1995) and Chairman (1994) of the Federal Election Commission. Mr. Potter has been described by the American Bar Association Journal as “hands-down one of the top lawyers in the country on the delicate intersection of politics, law and money”. Mr. Potter has been listed as one of Washington's Best Lawyers by Washingtonian magazine and was recognized as a “Super Lawyer” by Washington DC Super Lawyers magazine in 2008. He served as General Counsel to the John McCain 2008 campaign (while on leave of absence from the Legal Center) and also held that position with the McCain 2000 campaign.

Mr. Potter is a non-resident Fellow at the Brookings Institution. He has published several books and articles in the field, including: Political Activity, Lobbying Laws and Gift Rules Guide (West Publishing, Third Edition 2008, Second Edition 1999); The New Campaign Finance Sourcebook, Brookings Institution, 2005; and Federal Election Law and the Internet, Brookings Institution, 2000. He is a frequent guest speaker at a variety of professional meetings, has testified before Congress on federal election proposals and campaign finance regulation, and has taught campaign finance law at the University of Virginia School of Law and Oxford University. He is Co-Chair of the Election Law Committee of the American Bar Association's Administrative Law Section, and a member of the Advisory Committee of the Standing Committee on Election Law of the ABA. Mr. Potter is also a member in Caplin & Drysdale's Washington, D.C. office, where he leads the firm's Political Activity Law Practice.



## BETH A. ROTMAN

*Director, Connecticut Citizens' Election Program*

Beth A. Rotman is the first Director of the Connecticut Citizens' Election Program for the State Elections Enforcement Commission. Ms. Rotman first worked with the Governor and the General Assembly on key legislative and fiscal changes that enabled a historic first run of the landmark Program, and now leads the day-to-day administration of the Program, advises the Commission on legal and policy issues and

consults with State leaders on changes to its existing framework. Previously Ms. Rotman served as Associate Counsel and then Deputy Counsel of the New York City Campaign Finance Board where she supervised the Board's administrative enforcement and penalty process and drafted legislation that extended the Board's jurisdiction to the regulation of all candidates for elective office in New York City, not only those participating in the public funding program. After graduation from NYU School of Law, Ms. Rotman clerked for the U.S. Court of Appeals for the Second Circuit and was a Derrick Bell Civil Rights Fellow at NYU School of Law. Ms. Rotman is a member of the Council on Government Ethics Laws (COGEL) Model Law Committee and co-authored a forthcoming COGEL publication, *A Model Law for Campaign Finance, Ethics and Lobbying Regulation*.



## MICAH L. SIFRY

*Co-founder and Editor, Personal Democracy Forum*

Micah L. Sifry is co-founder and editor of the Personal Democracy Forum, a website and annual conference that covers the ways technology is changing politics and TechPresident.com, an award-winning group blog on how the American presidential candidates are using the web and how the web is using them. In addition to organizing the annual Personal Democracy Forum conference with his partner Andrew Rasiej, he consults on how political organizations, campaigns, non-profits and media entities can adapt to and thrive in a networked world. In that

capacity, he has been a senior technology adviser to the Sunlight Foundation since its founding in 2006. He and Rasiej also write the "Politics 2.0" column for Politico.

From 1997-2006, he worked closely with Public Campaign, a non-profit, non-partisan organization focused on comprehensive campaign finance reform, as its senior analyst. Prior to that, Sifry was an editor and writer with *The Nation* magazine for thirteen years. He is the co-author with Nancy Watzman of *Is That a Politician in Your Pocket? Washington on \$2 Million a Day* (John Wiley & Sons, 2004), author of *Spoiling for a Fight: Third-Party Politics in America* (Routledge, 2002) and co-edited *The Iraq War Reader* (Touchstone, 2003) and *The Gulf War Reader* (Times Books, 1991). In June, his latest book, *Rebooting America*, an anthology of writing on how the Internet and new technology can be used to reinvent American democracy, co-edited with Allison Fine, Andrew Rasiej and Josh Levy, was published. (It's available online for free download at [rebooting.personaldemocracy.com](http://rebooting.personaldemocracy.com).) He is also an adjunct professor at the Political Science Department of the City University of New York/Graduate Center, where he teaches a course called "Writing Politics." His personal blog is at [micah.sifry.com](http://micah.sifry.com).



## DONALD J. SIMON

*Partner, Sonosky, Chambers, Sachse, Endreson & Perry LLP  
Counsel, Democracy 21*

Donald J. Simon is a partner at the Washington, D.C. law firm of Sonosky, Chambers, Sachse, Endreson & Perry LLP, where he specializes in campaign finance law, legislative affairs and Native American issues.

Mr. Simon currently serves as outside counsel to Democracy 21, a leading public interest group in the field of campaign finance reform. Through 2003, Mr. Simon was general counsel to Common Cause, one of the nation's leading public interest organizations that works for reforms to make government more open, honest and accountable.

From 1995 until 2000, Mr. Simon was executive vice president of Common Cause, and in that capacity, directed the legislative and legal programs for Common Cause. Mr. Simon is an expert on campaign finance and election law issues, and has been involved in numerous major legislative and litigation initiatives on campaign finance and related issues. Mr. Simon was deeply involved in the congressional consideration of the Bipartisan Campaign Reform Act of 2002, and in the Supreme Court litigation over the constitutionality of that statute, *McConnell v. FEC*, 540 U.S. 93 (2003). He has testified numerous times in Congress and before the Federal Election Commission on the constitutional and policy issues involved in regulating campaign financing.

Mr. Simon also has extensive experience in redistricting matters, having represented candidates, parties, governmental entities and minority groups in redistricting issues.

Mr. Simon received his B.A. from Harvard College in 1975 *magna cum laude* and his J.D. *cum laude* from Harvard Law School in 1978.



## DR. THOMAS STRATMANN

Thomas Stratmann has a Ph.D in economics from the University of Maryland and is currently a professor of economics at George Mason University. He has written on topics of political economy and health economics and has published in journals such as the *American Economic Review*, the *American Journal of Political Science*, the *American Political Science Review*, the *Journal of Political Economy*, the *Journal of Law and Economics*, and the *Review of Economics and Statistics*.

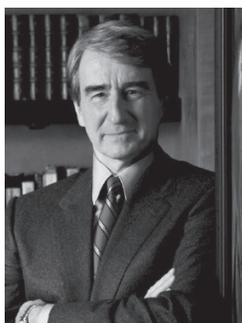


## MICHAEL WALDMAN

*Executive Director, Brennan Center for Justice*

Michael Waldman is executive director of the Brennan Center for Justice at NYU School of Law, a law and policy institute focusing on democracy and justice. He became director of the Center in 2005. Mr. Waldman was director of speechwriting for President Bill Clinton from 1995-1999, serving as Assistant to the President. He was responsible for writing or editing nearly 2,000 speeches, including four State of the Union speeches and two Inaugural Addresses. Previously, he was Special Assistant to the President for Policy Coordination (1993-1995).

He served as the chief administration policy aide on campaign finance reform, and drafted the administration's proposal for public financing of elections. He is the author of several books, including *A Return to Common Sense: Seven Bold Steps to Revitalize Democracy* (2008), *My Fellow Americans* (2003); *POTUS Speaks* (2000); and *Who Robbed America? A Citizens' Guide to the Savings and Loan Scandal* (1990). Prior to his government service, Mr. Waldman was the director of Public Citizen's Congress Watch, then the capital's largest consumer lobbying office. After leaving the White House, he was a Lecturer in Public Policy at Harvard University's John F. Kennedy School of Government and a litigator in private practice. Michael Waldman is a graduate of Columbia College and NYU School of Law.



## SAM WATERSTON

*Board of Directors, Oceana*

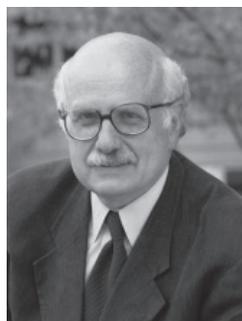
Sam Waterston's portrayal of District Attorney Jack McCoy, in Wolf Films/Universal Network Television's *Law & Order*, has earned three Emmy nominations for Outstanding Actor in a Drama Series, the 1999 Screen Actors Guild Award, a Screen Actors Guild nomination in 1998 and a Golden Globe nomination in 1995.

Waterston received a Best Actor Oscar nomination for *The Killing Fields*, three Emmy nominations and a Golden Globe Award for *I'll Fly Away*, and Golden Globe nominations for Best Supporting Actor and Most Promising Newcomer for the "Nick Carraway" role in *The Great Gatsby*.

Waterston's extensive film credits include Woody Allen's films *Interiors*, *Hannah and Her Sisters* and *Crimes and Misdemeanors*, John Waters' *Serial Mom*, *Hopscotch* and *Heaven's Gate* and two Anthony Harvey films; Tennessee Williams' *The Glass Menagerie* with Katharine Hepburn, Michael Moriarty, and Joanna Miles and *Eagles Wing* with Martin Sheen and Harvey Keitel. On television, he played portrayed Abraham Lincoln opposite Mary Tyler Moore in Gore Vidal's television mini-series, *Lincoln*.

Waterston earned a Tony Award nomination as Lincoln in *Abe Lincoln in Illinois* at the Lincoln Center Theater in New York, and an Obie Award and a Drama Desk Award for his "Benedick" in *Much Ado About Nothing*. His stage work includes the New York Shakespeare Festival, productions *As You Like It*, *Cymbeline*, *Measure for Measure* and *Hamlet*. In 2004 Waterston returned to The Public Theater's Shakespeare in the Park in a reprise production of *Much Ado About Nothing*, portraying "Leonato" opposite his daughter, Elisabeth (*The Prince and Me*) starring in the "Hero" role. Most recently, Waterston appeared at the Delacorte as "Polonius" in Michael Stuhlbarg's *Hamlet*.

Waterston is a graduate of Yale University and currently serves on the board of Oceana, the world's preeminent ocean conservation organization. Waterston lives in Connecticut with his wife. Their children James, Elisabeth, and Katherine, are a new generation of ever more successful actors, playing important roles on stage in New York, as well as on film and television. Their son Graham is a writer and director. They have two grandchildren.



## FRED WERTHEIMER

*Founder and President, Democracy 21*

Fred Wertheimer is the Founder and President of Democracy 21 and Democracy 21 Education Fund. The nonpartisan, nonprofit organizations work to strengthen our democracy and ensure the integrity and fairness of government decisions and elections.

Wertheimer has spent more than 35 years working on democracy issues. He is a national leader and spokesman on money in politics issues, including campaign finance, lobbying and ethics reforms, and on government integrity, transparency and accountability.

Wertheimer was named in 2008 as one of the 90 greatest Washington lawyers of the last 30 years by *Legal Times* and as one of Washington's top lobbyists by *The Hill*, a Capitol Hill newspaper.

Wertheimer has been described by *The New York Times* as "the country's leading proponent of

campaign finance reform,” by *Washington Post* columnist E. J. Dionne as “the eminence grise of the campaign reform movement,” and by *The Boston Globe* as a “legendary open-government activist.” *The Washington Post* has said “Democracy 21 is one of Washington’s foremost watchdog groups.”

According to the *BNA Money & Politics Report*, Wertheimer was a “key player in both the legislative and court battle over [the McCain-Feingold law],” which ended the corrupt soft money system. Senator Feingold described his role in the effort as a “tour de force” performance. Wertheimer also played a key role in the enactment of landmark congressional ethics and lobbying reform legislation in 2007. House Speaker Nancy Pelosi praised Wertheimer for his “exceptional leadership to hold Congress and government to the highest ethical standard,” in the reform battle.

Wertheimer established, manages and is a member of “Project Supreme Court,” a uniquely experienced team of lawyers that provides *pro bono* services to defend the constitutionality of campaign finance laws and to ensure their proper interpretation.

Wertheimer is a graduate of the University of Michigan and Harvard Law School. He served from 1981 to 1995 as President of Common Cause, a nonpartisan citizens’ lobby. Wertheimer served in 1996 as a Fellow at the Shorenstein Center on the Press, Politics and Public Policy at Harvard University, and in 1997 as the J. Skelly Wright Fellow and Visiting Lecturer at Yale Law School. Wertheimer also has served as a political analyst and consultant for CBS News, ABC News and ABC’s Nightline.

During his tenure at Common Cause, Wertheimer led the organization’s successful lobbying campaign in the 1970s to establish the presidential public financing system, described by campaign finance scholar Tony Corrado as “the most innovative change in federal campaign finance law in American history.” He also was a “key architect” of the nuclear arms control coalition in the 1980s, according to *Congressional Quarterly*.



## REV. LENNOX YEARWOOD, JR.

*President, Hip Hop Caucus*

Rev. Lennox Yearwood, Jr., is a minister, community organizer, and one of the most influential people in Hip Hop political life. Firmly grounded in his Caribbean and Louisiana roots, Rev. Yearwood is a fierce advocate for human and civil rights in the 21st century. A powerful and fiery orator, Rev. Yearwood works diligently and tirelessly to encourage the Hip Hop generation to utilize its political and social voice.

Rev. Yearwood, was born in Shreveport, Louisiana. He earned his undergraduate degree from University of the District of Columbia in 1998 and was awarded a Master of Divinity from Howard University in 2002.

He currently serves as President of the Hip Hop Caucus in Washington, D.C. The Hip Hop Caucus is a national, nonprofit, nonpartisan, organization that inspires and motivates those born after the Civil Rights Movement of the 1960s.

Rev. Yearwood was a co-creator of the 2004 campaign “Vote or Die” with Sean “P Diddy” Combs. He was also the Political and Grassroots Director for Russell Simmons’ Hip Hop Summit Action Network, and a Senior Consultant to Jay Z’s Voice Your Choice.

Rev. Yearwood was the National Director of the Letelier-Moffitt Human rights Award winning, Gulf Coast Renewal Campaign in which he organized a coalition of national organizations and grassroots organizations to advocate for the rights of Hurricane Katrina survivors. Rev. Yearwood has become an important figure in the peace movement as an outspoken critic of the war in Iraq and the Bush Administration. He was an Officer in the U.S. Air Force Reserve and led the “Make Hip Hop Not War” national bus tour to engage more young people in the movement for peace.

During the 2009 election Rev. Yearwood led the award winning Respect My Vote campaign, a non-partisan voter registration, education, and mobilization campaign of the Hip Hop Caucus with Grammy Award Winning artist T.I. and Platinum Selling artist Keisha Cole on Respect My Vote! This groundbreaking initiative focuses on the 18-29 year old demographic that did not attend college.

Rev. Yearwood has been seen on CNN, BET Tonight, XXL magazine, Newsweek, The Nation, MTV, AllHipHop.com, Al Jazeera, Streetz Magazine, BBC, C-Span, and Hardball with Chris Mathews and featured in the Washington Post, The New York Times and VIBE magazine.



## MONICA YOUN

*Counsel, Democracy Program, Brennan Center for Justice*

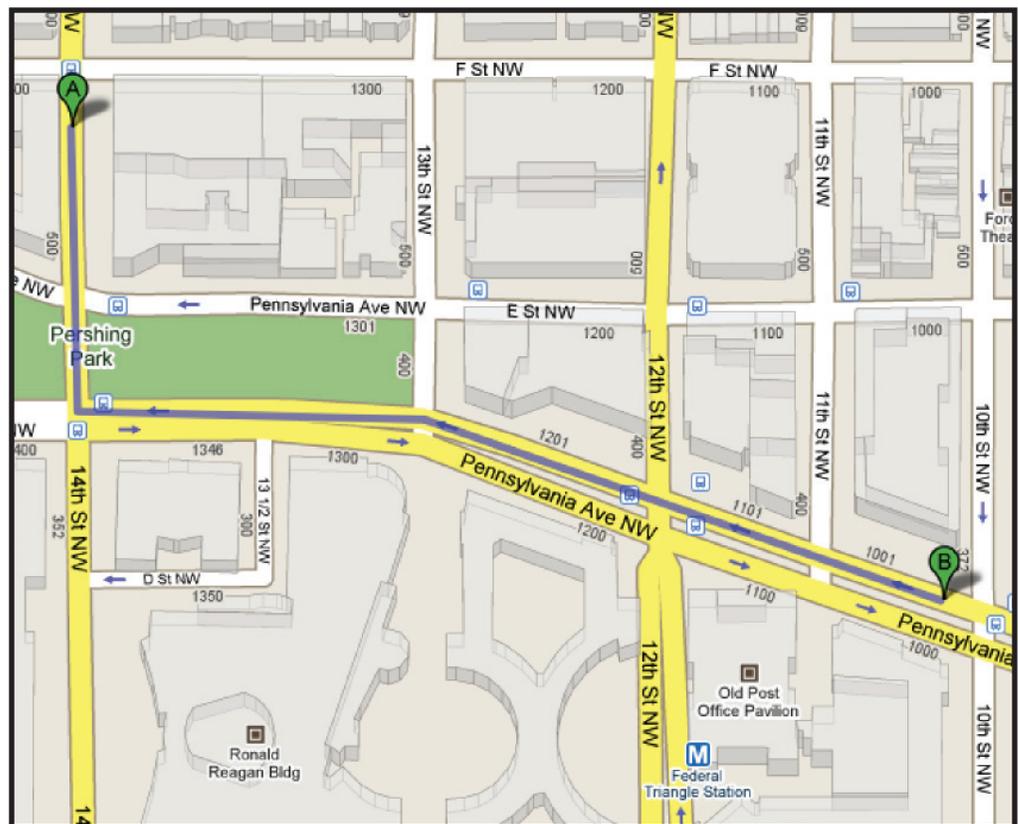
Monica Youn works as an attorney in the Democracy Program of the Brennan Center, focusing on campaign finance reform and other means of achieving and protecting broader participation in the political process. She was previously in private practice, and also served as law clerk to Judge John T. Noonan, Jr. in the United States Court of Appeals for the Ninth Circuit. Ms. Youn received her J.D. from Yale Law School, her M. Phil from Oxford University, where she was a Rhodes Scholar, and her B.A. from Princeton University. Her political commentary has appeared in Roll Call, the Huffington Post, and Slate.



## DIRECTIONS TO CROWELL & MOORING

### From (A) The National Press Club to (B) Crowell & Mooring:

1. Walk south on 14th St NW towards Pennsylvania Ave NW (0.1 mile)
2. Turn left onto Pennsylvania Ave NW. Crowell & Mooring, at 1001 Pennsylvania Avenue NW, will be on the left (0.3 miles)
3. Once entering the building, make a right and take the elevators to the 11th floor. Let the 11th floor receptionist know that you are here for the Brennan Center event.



## OUR MISSION

The Brennan Center for Justice at New York University School of Law is a non-partisan public policy and law institute that focuses on fundamental issues of democracy and justice. Our work ranges from voting rights to redistricting reform, from access to the courts to presidential power in the fight against terrorism. A singular institution — part think tank, part public interest law firm, part advocacy group — the Brennan Center combines scholarship, legislative and legal advocacy, and communications to win meaningful, measurable change in the public sector.

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