

TESTIMONY OF
LAWRENCE LESSIG
CAMBRIDGE CITY COUNCIL
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My name is Lawrence Lessig. I work in Cambridge, and am grateful for the opportunity to address this council on a question raised by the agenda today.

At the February 20th council meeting, you considered a proposal for a study into the benefits of publicly funding elections in Cambridge. That idea was met with skepticism. As one member said, “I fail [...] to understand what problem this was going to solve that we have in Cambridge.”

The issue before this Council today — the Normandy/Twining Proposal — is a perfect response to that failure to understand.

As this Council knows, the Normandy/Twining proposal comes at the end of a long deliberative process — cut short. Almost three years ago, Cambridge launched a two year planning study for Central Square. (The “C2 study”). That study is the ordinary process that any rational planning initiative would require. As other town and cities have, the purpose of the C2 study was to frame the requirements of the development process in a balanced, and forward looking way — to represent all of the interest of all of the citizens and residents of Cambridge, rich, and poor and middle class alike. The next logical step was to translate this study into a comprehensive zoning and implementation scheme.

It is undisputed that Cambridge has now sidelined that ordinary policy review process. In its place, the council is considering ad-hoc zoning decisions affecting the interests of incredibly wealthy investors and real estate developers.

That shift from a deliberate to ad-hoc planning process seems unwise at best. But on its own, it raises no issue of corruption. What does raise a critical issue of corruption is the tight correlation between these changes in Cambridge’s planning process, and significant contributions to members of this Council and the

mayor. According to the research I have seen, close to 75% of the mayors largest contributions [25 of 34 of \$500 or more] came from employees of real estate companies doing business in Cambridge. 77% of this council has received contributions from the parties interested in securing a deviation from the ordinary planning process, in a pattern of giving that — as I have posted on my blog — tracks the evolution of this project directly.

I am not saying there is anything illegal in what these numbers show. I'm not even saying there's anything unethical. But what I am saying is that when politicians express surprise at the deep cynicism that most Americans have about about their government — at all levels, including this Council — facts like these help explain that cynicism.

Members of this Council are human. Humans respond to favors favorably. If you didn't, you wouldn't be brave or strong. You'd be a sociopath. Every normal human would be affected by the size and concentration of these contributions.

So when the council is puzzled by the thought that the way campaigns are funded in Cambridge might matter to the citizens of Cambridge, you should think back to this. No citizen — not on some interested party's payroll — would look at these numbers and believe that the deviation from normal planning practice here is driven by reason, or the public interest of Cambridge citizens alone.

You may not have been compromised by this pattern of contributions. The proposal today may reflect the best interests of all of Cambridge citizens. I have no view one way or the other on that. But the only way the citizens of Cambridge will believe that is if you give them a chance to believe that — by ceasing the practice of taking money from the very people whose wealth — by your regulations — you are creating.