

# Maine Policy Review

---

Volume 23 | Issue 2

---

2014

## Maine as a Bulwark of Democracy

Peter Mills  
pmills@mainelegal.net

Follow this and additional works at: <https://digitalcommons.library.umaine.edu/mpr>



Part of the [American Politics Commons](#), and the [Public Affairs Commons](#)

---

### Recommended Citation

Mills, Peter. "Maine as a Bulwark of Democracy." *Maine Policy Review* 23.2 (2014) : 8 -11, <https://digitalcommons.library.umaine.edu/mpr/vol23/iss2/3>.

This Essay is brought to you for free and open access by DigitalCommons@UMaine.

## THE MARGARET CHASE SMITH ESSAY

## Maine as a Bulwark of Democracy

by Peter Mills

As a former English major, I am embarrassed to admit how seldom I take time any more to read creative literature. Instead, I find myself entirely absorbed by contemporary public affairs, the economy, and government policy. This is strange indeed because nearly all the news in these overlapping spheres is made so hopelessly glum by the dreadful state of U.S. politics.

When Mark Shields and David Brooks were challenged by PBS *NewsHour*'s Judy Woodruff to identify anything "uplifting" about the then-upcoming 2014 elections, neither could respond except to suggest that the governors' races were not so bad as those for Congress.

Although other periods in history have surely been worse, what makes this era so frustrating is to think how close we could be to unprecedented success. We have so much going for us:

- Women have come into their own in most professions.
- We have proven it possible to elect and re-elect not only a black president but thousands of other capable people of color at all levels of government.
- Allowing same sex couples to marry is no longer a shock—indeed it is hardly even controversial as it was just a decade ago.

Is it because we have moved so far, so fast, on these so-called social issues that the forces of reaction have jammed our polity into reverse on everything else?

Citizens are begging politicians for progress on immigration and tax reform, improved performance in K–12 education, infrastructure repairs, a coherent energy policy, upward economic mobility, a reduction in the insane cost of medical treatment, and broader access to health care and higher education.

So many opportunities lie just a compromise away. Most citizens understand—and approve—what is required for the necessary bargains. They ask why Congress can't

- Simplify federal taxes, eliminate loopholes to raise revenue, lower rates, and cut entitlements to balance the budget, pay down our national debt, and bring solvency to Social Security and Medicare.
- Combine energy independence with the promotion of sustainable technologies supported by long-range inducements for investors to fuel innovation, lower energy costs, and combat climate change for ourselves and the world.
- Provide health care for all, facilitated by cuts in cost to make medical treatment affordable without excessive reliance on budget-busting public subsidies.

These possibilities for enlightened greatness may not be simple to achieve, but the pathways are clear, blocked mainly by political dysfunction.

While diagnoses for our political ills are legion, author Jason Grumet in his recent book *City of Rivals* adroitly

summarizes our most common complaints in three alliterative categories: "media, money and [gerry]mandering." Grumet points out that these phenomena are at least as old as the American republic.

## MEDIA

Yellow journalism was rampant long before the Revolution. Some of the vicious allegations against our founding fathers are enough to make one's hair stand on end. In later decades, Lincoln was similarly demonized. Even later still, William Randolph Hearst ginned up the Spanish American War to sell more newspapers. Maine's famous congressman Thomas Brackett Reed rejected Hearst's hype, opposed the war, and lost an opportunity to run for president.

During much of the twentieth century, as radio and TV journalism came into its own, Edward R. Murrow, David Brinkley, and Walter Cronkite announced the news in a consensus fashion for all Americans. With the advent of the Internet and multichannel cable outlets, however, people now select much of their news and commentary from sources with a preconceived bias, ranging from that of Rush Limbaugh to that of Rachel Maddow.

Self-selection for biased news harkens back to the earliest periods of printed broadsheets and has been a factor throughout history. However, the modern digital environment broadcasts sources of greater range than anything previously imagined. While it creates unprecedented opportunities to open people's minds to diverse perspectives, it

also allows consumers to confine themselves within the narrowest of world views. This trend is not about to be reversed by any directive that could pass First Amendment muster.

---

## MONEY

---

Graft in politics could hardly have been worse than in 1833 when U.S. Senator Daniel Webster wrote to the Bank of the United States to complain that “my retainer has not been renewed, or refreshed, as usual.” Money was more famously corrupting in the administration of President Grant and during a century of venal practices by New York’s Tammany Hall. Although the direct purchase of political favors is no longer in vogue, twenty-first century America has become a plutocracy every bit as extreme as that of the Gilded Age with its policy dominance by corporate trusts.

Worse yet, money has taken over today’s politics. Efforts since Watergate to constrain money in elections have largely been obliterated by Supreme Court rulings not likely to be overturned any time soon. Fortunately, the Court has endorsed the remedy of forced disclosure. Citizens may constitutionally insist on laws requiring greater transparency of political speech, whether it be the product of independent expenditures or messages from a candidate.

Transparency is particularly important to reduce the impact of negative campaigning. Camouflage makes slander a more tempting weapon to deploy. Worst of all, negative ads suppress turnout, create disgust with the democratic process, and discourage citizens from running. As a candidate, one of my major fears was to be blamed for a foul attack on my opponent independently paid for by someone trying to help me.

While the lack of constitutional power to reduce money in politics is frustrating, we may take solace from examples where excessive spending has been ineffective. In 2014, Maine Republicans took control of the state Senate and came close to winning the House despite being outspent two to one by negative ads in a number of races. In the national election, Republicans achieved a similar result, but in this case Republicans outspent Democrats by substantial margins.

Perhaps the composite lesson is this: In a wave election, money may accelerate the wave, but it can’t stop it. As David Brooks wrote in the *New York Times* on October 19, 2014, while it is essential for any candidate to be sufficiently supported to get the message out, beyond a certain point the public becomes inured. As more ads are bought, “big swings in spending produce only small changes in the vote totals.”

---

## GERRYMANDERING

---

The evils of packing electoral districts have long been with us. The term *gerrymandering* goes back to 1812. Although the sin of allowing elected officials to choose their own voters is not new, Grumet reminds us that gerrymandering cannot explain the present dysfunction of the U.S. Senate where each member is elected from an entire state.

Nor does it account for the phenomenon of self-sorting as explained by Bill Bishop in his book *The Big Sort*. Just as more Americans are choosing their own media outlets, they are also gathering to live with like-minded neighbors in places where common beliefs are shared. My three daughters who live in the South often meet people whose first inquiry is, “And what church do y’all attend?”

As Grumet observes, it is simply not possible “to craft an honestly marginal district amid a sea of northeastern progressives or southern conservatives.”

---

## MAINE

---

Maine today has much for which to be grateful. Each of the 151 members of our over-sized House of Representatives represents only 8,600 people. Almost everyone in Maine has met his or her legislator—and many people have been one. It takes only 25 signatures to become a candidate for the House, 100 for the Senate. While the House is perhaps too big and inefficient, it has the virtue of being close to Maine people.

Every member of the legislature may introduce any number of bills. Every bill is assigned to a committee and gets a hearing. Any committee member may bring a bill to the floor for debate. Any legislator on the floor may offer amendments and may speak or filibuster for so long as he or she can stand on two feet. These traditional privileges are seldom challenged because they are so seldom abused.

The Maine Legislature has *joint* policy committees cochaired by a member from each chamber. Only two other states, Massachusetts and Connecticut, organize their bicameral legislatures in this way. When committees are jointly managed, House and Senate members may cosponsor each other’s bills, and the two houses coordinate well even when led by different parties. Many bills pass through both houses in the same form, making committees of conference unnecessary.

In Maine, the paid staff who provide expert help on finance and policy are nonpartisan. Their services are freely shared among all legislators and with the public.

A quirk in our Maine Constitution makes it difficult to adopt a basic biennial

budget without obtaining a two-thirds vote in each chamber. Thus, the minority party is a significant player in crafting the final product. The tradition of requiring a super-majority vote has been violated only five times in recent history.

It is customary for the 13-member Appropriations Committee to agree unanimously on each major budget. Once it comes to the floor, the budget is stoutly defended not only by the committee but by leaders of both parties who work to defeat any amendment that threatens the committee's tender consensus.

Maine's Constitution requires the legislature to adopt by two-thirds vote a new apportionment for legislative districts every 10 years. If the parties are unable to agree, the Maine Supreme Court resolves the differences. Gerrymandering is thereby limited.

Except for probate judges, Maine has no elected judges. In many other states, judges must campaign and raise money from some of the same attorneys or special interests who appear before them. In Maine, most judges are appointed by the governor, subject to confirmation by a legislative committee whose decision may be overridden by a two-thirds vote of the Senate. The process is reinforced by a long-standing tradition for the governor to rely on a bipartisan committee of trusted attorneys to screen each applicant's qualifications.

### THE CHALLENGE ELSEWHERE

Political structures in other states are not nearly so successful. In many legislative bodies, the floor agenda is dictated by the partisan head of either chamber. Most bills die without a vote and often with no committee consideration.

In the U.S. Congress, multiple committees from each body may struggle for jurisdiction over a common policy and produce inconsistent bills, if any bills at all. When a bill reaches the floor, amendments may be denied by rule. U.S. senators may exert filibuster power without having to speak. It is uncommon for any bill of substance to pass without a committee of conference.

Because most members of Congress commute weekly from their districts and floor work is limited to a few days each week, sessions are often suspended or not attended by members who need to raise funds and entertain lobbyists.

While we should not give up on efforts to improve national politics, we need to recognize that success may only be incremental and unsatisfying. It will certainly depend on the caliber of people we send to Washington.

That is why discussions on the following pages of *Maine Policy Review* are so important, why Maine has a lesson to teach, and why more states need to send leaders to Washington like Margaret Chase Smith, Bill Cohen, Joe Brennan, Ken Curtis, George Mitchell, Olympia Snowe, Ed Muskie, Tom Allen, Susan Collins, and Angus King. Although their levels of partisanship have certainly varied, each has shared a deep respect for democratic governance, a tolerance for human differences, and an instinct for finding common ground.

My dad, who served several terms in the Maine Legislature, was sometimes challenged for being a maverick within his party. He would vehemently deny the charge with words to this effect: "A maverick is a dumb western horse that doesn't know what he is doing. I know exactly where I stand. When members of my party are wrong, I am obliged to disagree with them."

### TEACH OUR CHILDREN WELL

People of all political persuasions must acknowledge that children are the true victims of America's political paralysis. America's young children are attending some of the least effective schools in the free world. College students are incurring unthinkable debts to qualify for jobs that will not support their future loan payments. Meanwhile, most of us over 65 enjoy universal Medicare and a monthly stipend from Social Security. Now that we've got ours, we have pulled the ladder up so that no one else may ascend.

Elections are dominated by growing numbers of elderly voters with ever longer life spans. Their elected politicians evade present-day problems by running up debts for the young—obligations that include not only the national debt, but also the unfunded liabilities for Medicare, Social Security, and public pensions, over a trillion dollars in student loans, and the cost of poorly maintained highways and deteriorating infrastructure throughout the built environment. Our present political impasse imposes a cruel burden on the generations to come.

While it is important for young people to be well trained for productive careers, it is just as important that they benefit from a *liberal* education (from the Latin *liber* meaning free), an education of the sort promoted in ancient Greece and revived by the Enlightenment to develop open-minded, skeptical, and reflective citizens trained to think freely for themselves. Without a strong, liberal education, people cease to question. They become mentally lazy, enslaved by dogma, and too quickly frustrated by difficult challenges. They drift toward wrong, simplistic, and often dangerous answers. It is through effective education that future voters learn to seek truth, to

find balanced news, to see through slander, to discount for hyper-spending on political ads, to reject puffery from candidates, and to make rational choices on Election Day.

When candidates reject the findings of science, educated citizens should jeer them off the podium. We must be intolerant of ignorance and stupidity. Our biggest epidemic is not Ebola or the winter flu; it is an epidemic of ignorance too often promoted by politicians for their own, selfish purposes. We must train the young to become dynamic and perceptive leaders willing to shock their fellow citizens out of complacency, to inspire them to think objectively, to examine evidence, to grapple with complexity, and, perhaps above all, to honor the work of others with varying views. 🐉



**Peter Mills** has practiced law in Portland and Skowhegan. In 2010 he completed 16 years of service in the Maine

Legislature, having served in both the house and senate. He has served as executive director of the Maine Turnpike Authority since 2011.