

MOTIVATING REPUBLICANS IN 2006

JEFF MAYERS

Tom DeLay, Jack Abramoff, Bob Ney, Randy “Duke” Cunningham and Lewis “Scooter” Libby.

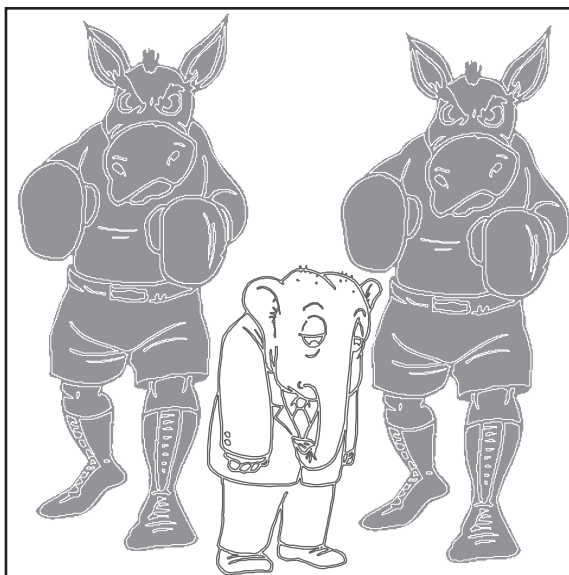
Scott Jensen, Steve “Mickey” Foti and Bonnie Ladwig.

All touched by legal problems, those Republican political names could live in infamy this campaign season as Democrats seek to use scandal and perceived scandal in their efforts to tag Republicans in Washington, D.C. and Madison as corrupt and ethically-challenged.

Ethics, and voter’s mistrust of incumbent politicians, was setting up early this year as an important theme in November 2006 as it was in November 2002, when Republicans won control of the state Senate by tying certain Democratic incumbents to charged Democratic leader and Senator Chuck Chvala.

In early May 2006, as the Republican-controlled Congress and Wisconsin Legislature grappled with ethics legislation, the headlines suggested incumbent resistance to major reform moves.

Observers and strategists wondered whether it was just another reason to predict big Republican losses in this year’s congress-



sional and legislative elections.

Those doing the wondering put the failure to forcefully and publicly deal with ethics problems in a group of what appeared to be a growing heap of negatives at both the state and national level: high gasoline prices, the war in Iraq, President Bush’s lousy poll numbers, the perception—fed by conservative commentators—that

Republicans at the federal and state levels are big spenders, and the failure to cap taxes or provide significant tax relief at the state and local level. Add to that the fact that this is a mid-term election in the second term of a limping lame-duck president.

All of the above appeared to put the party controlling Washington and the party controlling the Wisconsin Legislature—the Republicans—in danger.

The negatives appeared to overshadow a good economy and put the conservative base in an uncaring-to-foul mood as spring blossomed in the Badger State. Other than the constitutional amendment to ban gay marriage

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(apparently not a big issue with all fiscal conservatives) and defeating Democratic Governor Jim Doyle (apparently not a huge issue with some in the business community) and an advisory fall referendum on the death penalty (apparently not a unanimous issue with Republicans), strategists asked what would be the motivators that would turn out conservatives en masse to vote this November.

Without that powerful phalanx of motivated base Republican voters from the conservative and the social wings, could the ethics issue dominate, helping Democrats win control of Congress and the Legislature and reversing a tide that has helped make the GOP a power since 1994?

Democrats in Wisconsin have for months been predicting that 2006 would be 1994 in reverse, a reference to the Newt Gingrich-led revolution that provided a wake-up call to Bill Clinton in his first term and gave former Governor Tommy Thompson a Republican majority in the Assembly and the speakership to David Prosser, now a state Supreme Court justice. Democrats' predictions for 2006 were bolstered by anti-incumbency trends and bad poll numbers.

Longtime GOP Congressman Tom Petri of Fond du Lac recently acknowledged the situation for Republicans this election year is not a rosy one.

"There are a lot of variables," Petri told a WisPolitics.com luncheon in late April.

"[But] the bottom line for the election coming up is the Democrats are filled with hope and the Republicans are filled with fear," Petri said. "But fear is a great motivator."

Petri, who is seeking to become the chair of the House Transportation Committee, likely won't have to worry about his own reelection. But if the House doesn't come back in Republican hands, his shot at the transportation chair would dissolve. The only Wisconsin House seat that national analysts pegged as a competitive race early this year was northeastern Wisconsin's 8th Congressional District.

The 8th has been occupied by Mark Green. Green's run for governor opened up the district and made it a national target. It's the kind of seat Democrats have to win if they have any hope of winning back the House, and it's a seat the GOP must hold if they are to keep control, analysts in both parties say.

Three Democrats were in the race as of early May. On the Republican side, Speaker John Gard was the GOP's choice to beat fellow state Representative Terri McCormick in a September primary.

McCormick and campaign finance reformers targeted Gard in the spring for the Assembly Republican's failure to take up a Senate-passed bill pushed by Fox Valley veteran state Senator Mike Ellis, R-Neenah. The measure would combine the state Ethics and Elections board into a single, more powerful body. Reformers and Doyle portrayed it as a weapon against the kind of corruption that resulted in the "caucus scandal" charges against Republican and Democratic legislators. Opponents said it reached too far and was an over-reaction.

All the charged legislators are out of office, but only one—Jensen, the former speaker and a Gard mentor—went to trial.

While Gard didn't testify in Jensen's trial and add to the hanging of Republican dirty laundry, it's not hard to imagine Democrats tagging Gard as being on the wrong side of the ethics debate, given what happened to a trio of his former leadership colleagues—Jensen, Foti and Ladwig.

Yes, Democrats have their ethics worries, too, in Wisconsin, given the federal probe into possible Doyle campaign fundraising abuses and the convictions of former Democratic state senators Chuck Chvala and Brian Burke.

And many Republicans are in safe seats, thanks to redistricting and doing all the little things that help legislators get reelected year after year—currying favor with local officials and concentrating on constituent relations and personal in-district politicking.

But periodic swings in broad voter discontent do occasionally wash down through the state Legislature and result in big swings of partisan control.

Of course, the 1974 Watergate elections were a huge boost for Democrats in Congress.

At the state level, the swings most remembered by politicians are in 1970 and 1994. In 1970, Republicans who had begun the session two years before with a 52-48 edge, came out of the November 1970 elections in the minority by a whopping 67-33 margin. The wild swing is owed to Republicans caving in on the sales tax and the tumult of the Vietnam War and protests at home.

In 1974, the year of the congressional "Watergate babies," Democrats gained a seat in the Assembly, to 63, after dropping to 62 two years after their big 1970 election year. But in the Senate, Democrats went from the minority to the majority because of the national anti-Republican tide stemming from corruption and the scandal that forced President Nixon to resign. Democrats would dominate in the Senate until tight, see-sawing majorities in the 1990s.

In 1994, it was the Assembly Democrats' time to swoon. They went into the election with a 52-47 edge, and came out of it being in the minority, 51-48. Prosser became speaker, and Democrats began a long decline in Assembly power.

Going into this election year, Assembly Republicans held a 59-39 majority with the usually-Republican Jensen seat in suburban Milwaukee vacant. The 20-seat majority would seem to be close to the high-water mark for Republicans, though predictions of Democratic gains based on that theory have been exploded

by Republican electioneering excellence under Jensen and Gard.

But could Assembly Republicans lose the majority this year because of events and moods not entirely in their control? Even with all the over-arching negative political tone, that scenario seemed improbable to most analysts, given redistricting and the sheer numbers needed by Democrats. The GOP Senate majority, which had a 19-14 edge going into the elections, had for months been seen by analysts as the more vulnerable majority because Republicans had more swing seats to defend.

However, in the spring came some doubts about this conventional wisdom. They arose from the GOP Assembly leadership's handling—or mishandling, according to the critics—of the proposed constitutional tax cap to the constitution, the "Taxpayer Protection Amendment (TPA)," and ethics legislation sent over by the state Senate.

While Gard was said by friends and foes to be concentrating on running for Congress, support in his caucus for a strong TPA slipped and the busi-

ness-ag coalition that backs so many Republican measures fell apart. The Assembly ended up approving a watered-down TPA by a narrow margin. The TPA then failed in the Senate.

Then there was the handling of ethics legislation, a controversy stretched out by Democrats and reformers and the May 16 sentencing of Jensen, Ladwig and former Foti aide Sherry Schultz. Jensen was sentenced to 15 months in prison by a Dane County judge as he worked on an appeal.

The Jensen saga plus ethics problems in Washington, D.C. became big news in early 2006. Jensen's resignation and pending sen-

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tencing was a background theme to what was the last scheduled general floor period of the two-year session in late April and early May.

But majority lawmakers in D.C. and Madison appeared to be resisting major reform measures. Democrats and reformers knocked the Republicans and got media play.

One dispute that bubbled over into the media involved GOP Representative Steve Freese. The western Wisconsin Republican is a member of the GOP Assembly leadership team who mans the podiums during floor debates. He was rebuked by colleagues after he publicly pressured Assembly leadership to schedule the Ellis-backed Ethics-Elections board merger (SB-1).

Freese, also the chair of the Campaign and Elections Committee, started the internal Republican controversy on April 13 with a press release in which he called on Gard, and possible Gard successor Mike Huebsch (R-West Salem), and the current Assembly majority leader, to schedule the merger bill for a floor vote.

"This fall's general election will prove to be one of the most expensive and nasty in Wisconsin history, and it will come on top of the convictions of former legislative leaders, numerous developing scandals on every level of government, and the public's general lack of faith in the ethics of their elected officials," wrote Freese in the letter to Gard and Huebsch. "Ethics and campaign reform is just as important as tax reform, so we must seize this opportunity. We ignore it at our own peril."

Freese also raised the ire of Republican colleagues by working with Common Cause in Wisconsin, a campaign reform group led by a former Democratic aide, Jay Heck. A Heck quote appeared in the press release.

Then on Thursday April 27, as the TPA debate roiled the Assembly Republican caucus, his colleagues froze out Freese when it came to a decision on whether to bring the merger bill to the floor.

According to WisPolitics reporting, Freese begged fellow Assembly Republicans privately to bring SB-1 to a vote. He even threatened to resign his post as speaker pro tem in the process.

He still didn't get his floor vote.

His threat to quit his leadership post was the most dramatic move, producing a tense, four-hour caucus that turned into what some described as a bloodbath as Freese was blasted for his public call for a floor vote on SB-1. Sources say Freese issued his threat to resign in the heat of the moment and later dropped it as tempers cooled. Some members were "vicious" with Freese for his association with Heck, one source said. Members exchanged harsh words and engaged in name-calling, other sources added.

Freese wouldn't give details about what exactly occurred.

In the end, bringing SB-1 to the floor garnered only two votes of support—despite his pleas that the legislation to merge the Election and Ethics boards into one entity with new investigative powers was imperative to clean up the Legislature's image. But Gard had publicly questioned the need for the legislation, arguing current law worked just fine in the conviction of five lawmakers over the past six months.

"The fact of the matter is we have the toughest ethics laws in America," Gard told a newspaper reporter in the spring. "Those laws were enforced in Wisconsin, and people were convicted and are being punished. Combining the ethics and elections boards is a whole 'nother discussion."

Added Gard: "The laws were already enforced and five people have been convicted. So I don't know, does (Ellis) want to convict them again?"

Some said GOP Assembly members saw passing SB-1 as an admission that their former speaker, Jensen, did wrong. Some Republicans maintain Jensen was the victim of selective prosecution and did nothing different from

Democratic legislative leaders who went before him.

Freese wouldn't say much about what happened in closed caucus.

"That's all going through the course of the day and dealing with a lot of other issues," he said.

One thinks of things like that every time I have to deal with breaking a gavel to keep this place in line. So it's not anything out of the ordinary. I'm staying, the team is keeping me, and there's really nothing more to say about that.

But Freese was defiant when asked about his colleagues' strong reaction to his association with Heck, a former Senate Democratic Caucus employee who some GOP caucus members suspect as a partisan. But Heck has worked closely with Ellis on SB-1, and some think the Assembly Republicans' refusal to take up the bill is tied to reported longstanding tensions between Gard and Ellis.

"They can be unhappy all they want," Freese said of his colleagues. "I guess it would really be no different than me being unhappy with another member standing side-by-side with Wisconsin Manufacturer's & Commerce trying to toot the ethanol bill."

Gard wouldn't comment on the dust-up.

"I don't talk about closed caucus," he said. "Steve's a great guy and a good friend."

A campaign finance reformer said Freese "showed incredible courage," adding, "If Gard thinks Ellis is going to forget this, he has another think coming. . . . The Assembly Republicans are going to get bit . . . maybe not now but at some point."

Assembly Republicans the next week, after more heat on SB-1, did get behind one reform measure, however. The Assembly voted unanimously to require former, current, and future Assembly members and employees who are convicted of a crime to repay the state for legal fees.

But to state Representative Mark Pocan, a Madison liberal and leading Democratic caucus strategist, the episode was a winner for Democrats.

Pocan said the Republicans refusal to take up SB1 "is like a gift to us."

Added Pocan:

I hope they realize we're not going to let it go down easily. To kill it by a body that just had two former members going to jail is crazy. But, personally, I applaud them for it. This is our best issue in 10 years.

Some Republicans were in private agreement.