

TRUE GRIT?

Taking a stand can be seen as courageous by some and a cop-out by others. The reality is somewhere in between.



BY SUZANNE WEISS

In an interview not long after the Colorado General Assembly adjourned in mid-May, Senate Minority Leader Josh Penry, a Republican, made a point of lauding the political courage of a small band of Democratic legislators who played a pivotal role in the passage of a groundbreaking teacher-effectiveness bill.

The battle over the Great Teachers and Leaders bill was one of the fiercest in recent memory, and proved to be a nail-biter all the way to the closing minutes of the 2010 session.

The legislation makes Colorado the first state in the nation to adopt an interconnected set of reforms that include mandatory annual

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evaluations for both teachers and principals. There's a requirement that tenure be granted only to teachers who receive good evaluations for three consecutive years, and tenured teachers found "ineffective" for two consecutive years lose certain protections and, potentially, their jobs.

In proposing the bill, rookie Democratic legislator Michael Johnston—who had been appointed to fill a vacant Senate seat less than a year before—took on a particularly formidable foe, the 40,000-member Colorado Education Association.

CEA's opposition to the bill was well-organized, intense and unwavering. The teachers' union held news conferences, staged rallies and wrote op-ed pieces, ran radio ads and sent teachers daily to lobby lawmakers.

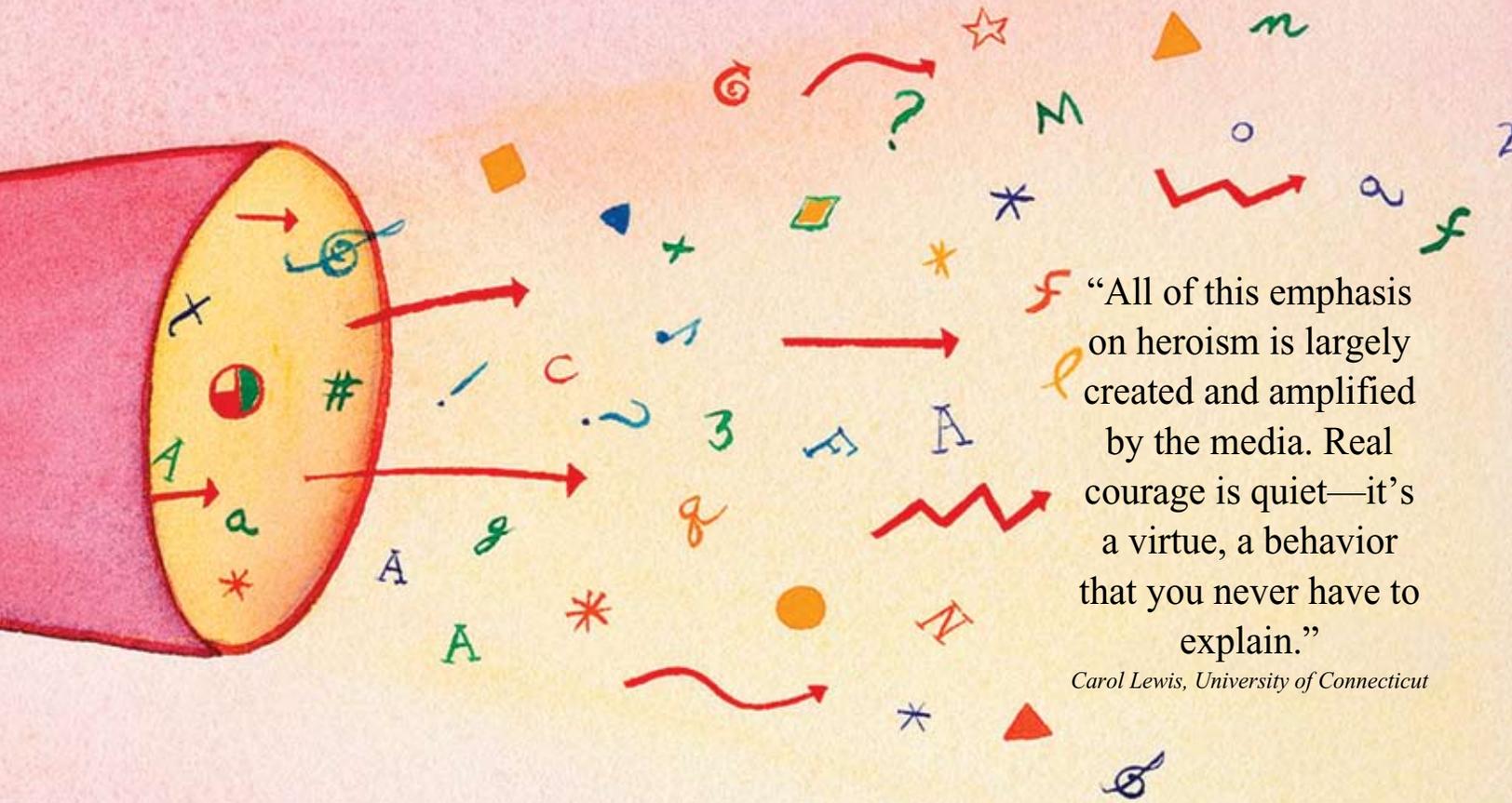
Johnston also faced enormous opposition within his own party, particularly in the House, where the bill came close to being killed. For

Johnston and other Democrats who voted for the legislation, the consequences could be substantial, considering the political clout of the teachers' group and the resources it can muster to defeat candidates it opposes.

"I know that I'm very much exposed to the political winds as a result of this," says Johnston, who will be up for election in November to serve out the final two years of his predecessor's term. "But, honestly, I didn't give that a lot of thought. I took this job because I believed I could do things that



SENATOR
MICHAEL JOHNSTON
COLORADO



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Carol Lewis, University of Connecticut

would make a difference.”

Some of the criticism, though, made clear the murkiness of the concept of political courage. Far from being courageous, critics say, the measure was simply kowtowing to the federal government in an effort to secure some of the Race to the Top competitive grants for Colorado. On the other hand, others say, passage of the bill has likely jumped Colorado to the top of the list for the second round of funding in the competition.

HERO WORSHIP

Americans love a hero, and when it comes to politics, we seem to crave larger-than-life figures who rise above the fray and heroically put themselves on the line for “what’s right.” In fact, our most unambiguous and cherished examples of political courage have, over the years, been provided by the movies—from the idealistic young congressman in “Mr.

Smith Goes to Washington” to the principled vice-presidential candidate who refuses to give in to blackmail in “The Contender.”

But to Carol Lewis, a political science professor at the University of Connecticut, such stereotypes serve to obscure what we really ought to expect from and value in our elected officials. It’s not Hollywood-style heroism we should look for, but a “strong sense of stewardship focused on what is in the public interest over the long term” coupled with determination, perseverance and pragmatism.

“Why do we need heroes, and what kind of burden does our need for heroes put on our political representatives?” she asks. “All of this emphasis on heroism is largely created and amplified by the media. Real courage is quiet—it’s a virtue, a behavior that you never have to explain.”

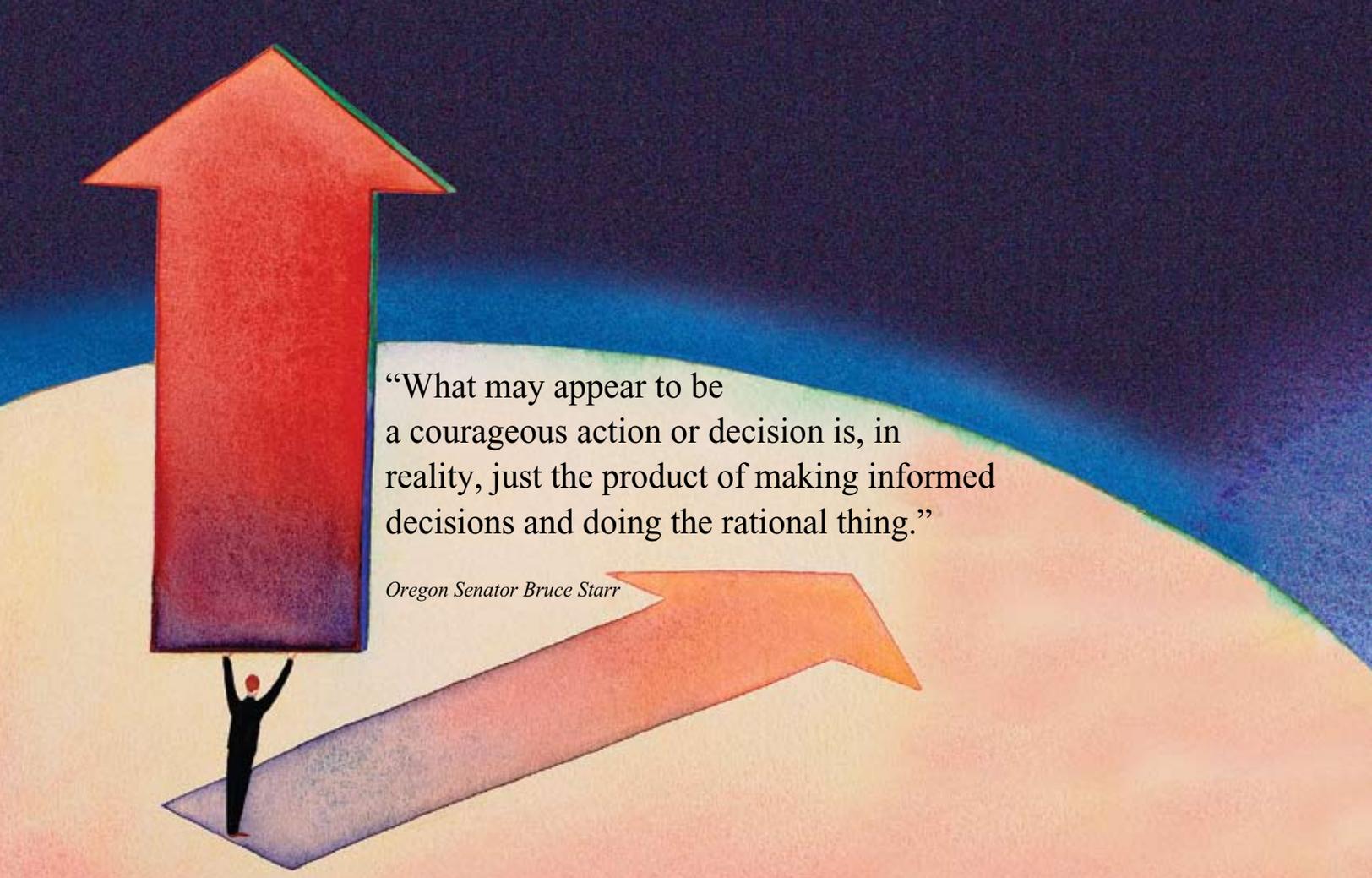
Senator Bruce Starr of Oregon is also skeptical about conventional notions of polit-

ical courage. Legislators and other public officials “typically have information about issues that other people don’t have,” he says. “And so what may appear to be a courageous action or decision is, in reality, just the product of making informed decisions and doing the rational thing.”

Former Illinois legislator Steve Rauschenberger agrees. “The fact is, you don’t often see legislation characterized as politically courageous because issues are seldom black or white,” he says. “There’s so much gradient



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in public policy—you can’t really use sports or military metaphors.”

UNDER PRESSURE

There’s no denying the enormous and often unnerving pressures exerted on elected officials who take a controversial stand. There is a flood of abusive phone calls and letters and public denunciations that come from colleagues, lobbyists, editorial writers and special-interest groups. There are warnings that range from intimations of the loss of future political and financial support to outright death threats.

In the case of Arkansas Senator Joyce Elliott, who has championed extending in-state tuition rates to undocumented college students, the threats were serious enough to warrant the attention of the FBI and for her

to be given police protection during the 2009 session.

Elliott’s proposal generated strong reaction in the form of “hundreds and hundreds of e-mails and phone calls—some of them really awful,” she says, along with marches, rallies and a three-week-long, 24-hour-a-day prayer vigil by protestors outside the Capitol. “I knew there would be opposition, but the level of it surprised me because, after all, this was about children and the future of our state.”

Looking back, Elliott says, “What kept me going was my deep conviction that if we fail to educate an entire segment of our population, we’re creating an underclass that will drag down our economy. When you run for office, you have to be centered on the things that are important and that are worth fighting for.”

Senator Rosie Berger of Wyoming recalled

a bruising, three-year battle over private property rights in which she and her supporters eventually prevailed, but for which she admits to being initially unprepared.

“As a freshman, I didn’t really know what I was getting into,” she says. “I think that if I had been in the legislature for a couple of years, I probably would have been too intimidated to take on that fight.”

What Berger proposed was a set of protections for ranchers, farmers and other surface landowners during oil and gas development, including a requirement of 30 days’ notice before obtaining access to private lands and fair compensation to landowners for economic losses caused by oil and gas activity.

The proposal was strongly opposed by the oil and gas industry; its political influence is enormous in a state where nearly 70 percent of revenues come from taxes on natural resources development.

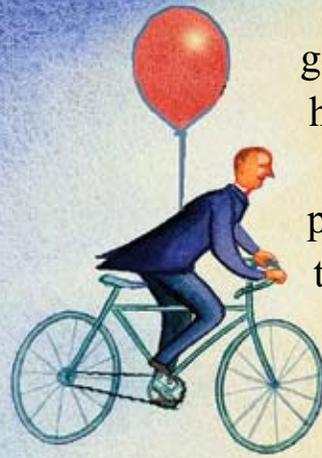
“It was a real struggle because this was the first time we had broad discussion in our state about the private-property rights issue,” she says. “I learned that you have to do the hard work of building dialogue and consensus, and you have to be willing to compromise—but



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not to the point of giving up too much.”

At the time, Berger said, she didn’t dwell on the question of whether sponsoring the legislation would hurt her chances of being re-elected. “Fear of opposition can paralyze you,” she says. “I think that if you’re always preoccupied with how your constituents will react, you’re trapped in a gray, ‘what if’ zone.”

And in the end, said Berger, who is running for a fifth term representing a rural district in northern Wyoming, sponsorship of the property rights bill has actually helped her politically. “I think people have come to see me as someone who is fair and has integrity, who sticks to her commitments and is prepared to fight for something that needs to be done.”

POLITICAL PAYBACK

The political consequences for individuals who take on powerful opponents, however, can be decidedly harsh.

Rauschenberger, who served 14 years in the Illinois Senate, cites the case of his friend and former legislative colleague Peter Fitzgerald, who served in the U.S. Senate from 1998 to 2004.

Midway through his term, Fitzgerald nomi-

nated an aggressive and independent-minded East Coast prosecutor for appointment as U.S. Attorney for the Northern District of Illinois. The nomination was fiercely opposed by the state’s top political leaders, including Mayor Richard M. Daley and Congressman Dennis Hastert, who was then speaker of the U.S. House of Representatives.

Fitzgerald was under “enormous pressure to nominate someone from one of the city’s big law firms who understood the rub-a-dub of Chicago politics, and who would focus on the usual things—taxes and drugs,” Rauschenberger says. “But Peter saw this as the first opportunity in more than 40 years to clean house in Illinois.”

Approval of such nominations by the White House typically takes 90 days, but Fitzgerald was forced to wage a grueling, 18-month battle that seemed certain to doom his chances of re-election.

“It would have been so easy for him to go along, get along,” Rauschenberger says. “At the time, even I couldn’t figure out why he was pushing this so hard.”

Fitzgerald eventually won the fight, but it cost him his Senate seat. Facing a tough

race in which his party’s leaders made clear he would not have their support, Fitzgerald decided not to run for re-election.

To Rauschenberger, Fitzgerald’s actions constitute a clear and compelling example of political courage.

The prosecutor he fought so hard to appoint—Patrick Fitzgerald (no relation)—has over the past nine years put together cases leading to the conviction of more than 200 public officials and other individuals, ranging from former Governor George Ryan and media mogul Conrad Black to police detectives and mayoral aides. His office also conducted the investigation that led to the arrest of another governor, Rod Blagojevich, in 2008 on corruption charges.

“Those prosecutions, the weakening of the mayor’s control of patronage, the passage of contemporary ethics legislation governing public officials, a major change in the whole political culture in Illinois—none of that would have happened without Peter’s willingness to make a personal sacrifice, and put the interests of the people of our state above his own,” Rauschenberger says.

“That is the legacy of political courage.” ■