

# Texas Monthly

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## Let There Be Right

**After obliterating the Democrats in November, Republicans will swagger into the state house next month with what could be the most conservative legislature, well, ever. Now comes the hard part.**

by Paul Burka

Amazing. Historic. Defining. Pick your own adjective. The Republican tsunami that rolled through Texas on November 2 profoundly altered the state's political landscape. After losing 22 seats in the House of Representatives, the Democratic party will not be a factor in Texas politics for a decade, at least. Not that it has been much of a factor for the past decade. This was not just a defeat; it was an annihilation bordering on political genocide.

Like all dramatic, world-changing events, it has spawned a number of story lines. One is the political genius of Rick Perry, whom Democrats must have surely learned, once and for all, never to underestimate. Perry's machine runs so ruthlessly and smoothly that at his election-night victory celebration he was selling advance copies of his new book, *Fed Up! Our Fight to Save America From Washington*, the tour for which started immediately and serves as his first volley in a now-inevitable national campaign. Perry played the electorate like a harp. By the time early voting began, he had worked Republicans into an anti-Obama frenzy. He didn't just criticize Obama. He took him on personally. He ran a TV spot that appeared to show him confronting—dissing—the president face to face. His attorney general sued the Department of Health and Human Services (over the health care bill), the Environmental Protection Agency (over permitting), and the Department of Education (over discriminatory treatment in funding) and filed an amicus brief opposing the Justice Department's attempt to void the Arizona immigration law. In so doing, Perry and his allies gave new life to constitutional issues that have long lain dormant in American politics: states' rights and the meaning of the Tenth Amendment. Presidential elections have been won on less.

Another story line is the sorry state of the Democratic party. For the Democrats, this election was a catastrophe. After a renewal of hope in the middle of the decade, their brand once again lies in wreckage. Their party's titular leadership is impotent, and its legislative floor leader, Jim Dunnam, was defeated for reelection. Their ticket for statewide offices other than governor was a pathetic list of has-beens and never-heard-ofs. They have no bench. They have no big-time consultants. Their reliance on trial lawyers for campaign funding prevents them from getting contributions from the business

continuity, leaving them chronically underfunded. This was the first election cycle after the U.S. Supreme Court's *Citizens United* decision, and one Democratic operative told me that Democrats in Texas were outspent eight to one in this cycle. A subplot of this story is that it's all Bill White's fault, that he was a bad candidate, that he micromanaged his campaign, that he didn't stick to a few clear, simple messages but instead seemed to have a different message every day. But the truth is that the strength of the Republican wave made White's shortcomings, whatever they were, almost irrelevant. Lyndon Johnson could not have beaten Rick Perry this year. The final tally was Perry 54.97 percent, White 42.28 percent. White's tally was just under what Obama received in Texas two years ago and only a couple of percentage points higher than what Tony Sanchez got in 2002. Eight years of voter registration, organizing, party building, and fund-raising, and the Democrats have made almost no headway against the Perry juggernaut.

These are both fine story lines, but the most significant result of the Republican rout is that the House of Representatives that convenes next month will have a 99–51 GOP majority, the greatest since Reconstruction. It will also be the most conservative in half a century. You would have to go back to 1957 to find a House so dramatically shifted to the right. Though the times and issues were different then, the underlying concern was the same as now: that the federal government was encroaching on the states. The 1957 session came just three years after the U.S. Supreme Court had struck down segregation, and the fervor to resist integration was widespread in the state. The House sought to do this with a package of ten bills. But when they reached the Senate, Henry B. Gonzalez, of San Antonio, later a U.S. congressman, filibustered with another senator for 36 hours—a record at the time—and killed eight of the ten. It was one of the Texas Legislature's most dramatic moments.

What will this year's group of conservative lawmakers do? Well, they could turn on one another in a series of purity wars, beginning with a Speaker's race. Even though incumbent Speaker Joe Straus appears to have a solid majority of members behind him, a small but motivated group of hard-line ideological conservatives are plotting against him. These lawmakers have generally been excluded from the inner circles of power in the past, no matter which party was in charge, but they've been scheming to break Straus's grip on the speakership ever since he ousted Tom Craddick in January 2009, ushering in, supposedly, a more moderate era. Foremost among them is Warren Chisum, of Pampa, who had filed papers to run against Straus before election night but whose campaign looked less quixotic after the returns came in. To head him off, Straus laid out the names of 79 Republicans and 50 Democrats who support his reelection as Speaker. But within hours, Chisum held a press conference and called for the next Speaker to be chosen by the Republican caucus rather than by all the members. Choosing the Speaker in the caucus strengthens the position of the outside pressure groups who regard Straus as too moderate. But any proposition before the caucus must receive a two-thirds vote to take effect. That means 66 of the 99 Republicans would have to vote to choose the Speaker selected by the caucus—a high hill to climb with Straus already sitting on 79 Republican votes. Nevertheless, it could get ugly in the upcoming weeks, as pressure is brought to bear on new members by conservative groups. If Chisum somehow pulls off the victory, you can add to the amazements of this election that a rural West Texas member could be elected Speaker in an urban state of 25 million people.

Once the dust settles, regardless of who wields the gavel, the House will turn to the host of issues up for debate. The big Republican majority will mean a likely death for any gambling bills, since many R's see gambling as a moral issue. It will also mean certain passage for a voter ID bill, something that Democrats such as Dunnam probably should have allowed to happen last session. More tort reform will be on the agenda, and an Arizona-style anti-immigration bill, which seemed like a pipe dream a month ago, has new life. But these issues are only preliminaries. The elephant in the room is the hole in the state budget, which could be as much as \$24 billion. Most of the new Republican members will be inclined, if not pledged, to vote against raising taxes, or even fees, to close the gap. Nor will they want to vote to use the

Rainy Day Fund. So the most important story line for the next legislative session, the one that affects us all, will be the epic showdown between the unstoppable force and the immovable object: The Most Conservative House of Representatives Ever meets the Worst Budget Deficit Ever. Something has to give.

The 99 Republicans can keep voting to shrink the size of government, of course, but at some point they'll come to realize that Texas government has already been shrunk. Legislators are fiscal anorexics: They look at the budget and see nothing but fat, when Texas really is lean and always has been. The reason for the deficit is simple. The Legislature made a massive cut in property taxes four years ago. It attempted to raise some revenue through a new business tax, but the tax did not generate as much money as its proponents projected. This created a structural deficit that will grow worse every two years unless the state raises more revenue or slashes spending. We all know which alternative the next Legislature would prefer. But will they also recognize that the basic functions of state government, especially public education, must go on?

Until now, the leadership has failed to rise to this challenge, and there is little reason to believe that the Most Conservative House Ever will suddenly find the will to do it. For many of these lawmakers, the road to the Legislature was paved with antispending rhetoric. But they will soon find that business leaders back home want them to vote for bonds to build new roads, which will cost the state hundreds of millions of dollars in interest. Or that their school districts are strapped for funding, because state support is frozen at 2006 levels. They will tell their superintendents to live off their district's reserve funds, but then what will they tell them the next year, when the reserve funds are depleted? They will learn that their hometown universities want to raise tuition because state funding is meager, but their constituents will demand that they lower the cost of attending college.

The Republicans are riding high, and they deserve to. They had an electoral success that will be remembered for many years. But there is more to governing than winning elections. All that the surviving Democrats can do is stand on the sidelines and make impassioned, ineffectual speeches. The Republicans are in full control. It is up to them and them alone to be good stewards of the state. We must try to overlook the fact that they have failed that test in the past and let the budget crisis grow to such nightmarish proportions. For here is what David Dewhurst, Tom Craddick, and Rick Perry know in their hearts: Never in one million years would Bob Bullock, Pete Laney, and George W. Bush have let this mess happen.