

Regarding Henry

What are conservatives to make of Gov. Brad Henry? Perspective editor Brandon Dutcher recently traded e-mails with OCPA adjunct scholar Andrew Lester, a partner in the law firm of Lester, Loving & Davies.

Dutcher: Andy, you have a long history in the vast right-wing conspiracy, so I must say I was impressed with Brad Henry for reaching out and inviting you to be a part of his transition team. I was also impressed when, at your invitation, the governor-elect came to the center-right coalition meeting I was running and spoke humbly and candidly to our folks. I don't know the man, but my impression is that he is easygoing, likable, and steady. Despite his left-of-center inclinations, I get the sense that he wants to be a peacemaker – he seems to have a well-balanced, almost judicial, temperament – which probably serves him well as he tries to balance competing interests. Is that impression accurate?

Lester: Brandon, you know my conservative bona fides are strong. I was an intern for Bob Dole in the 1970s, on Ronald Reagan's presidential transition team in the 1980s, founder of Oklahoma City's Federalist Society chapter in the 1990s, and a lawyer for Governor Keating's congressional redistricting plan in 2002.

Yet, I like our current Democratic governor. The Brad Henry I know is a moderate, a coalition builder.

Look at his appointments: Scott Meacham, director of state finance, a former small-town bank president; Gerald Adams, the governor's widely respected chief of staff; Norman Lamb, state Senate liaison and secretary for veterans affairs, who served Governor Keating in those positions and spent 17 years as the Republican state senator from Enid; Don Davis, House liaison, former Cameron University president and state representative; Robert Butkin, transition team chairman and longtime state treasurer. These are good folks, people we want serving Oklahoma.

If you can learn about a chief executive by the people around him, Brad Henry is doing well. I sense, though, you have doubts. Why?

Dutcher: I can be persuaded that he has moved to the middle since he has been governor, but you'll have a hard time persuading me he's not left of center. Remember, he cast a lot of votes during his 10 years in the legislature, and he emerged with a lifetime conservative index rating of 17 percent. Yikes. That's better than hardcore leftists Cal Hobson (10 percent) and Bernest Cain (10 percent) – but not much better. Think about that. Ten years of votes can tell you a lot about a person. Now don't misunderstand – I'm not criticizing the man for not being a conservative. It makes no sense to criticize a Ford for not being a Chevy. He is who he is. He got more votes than Largent and he has a right to govern, regardless of what people like me think.

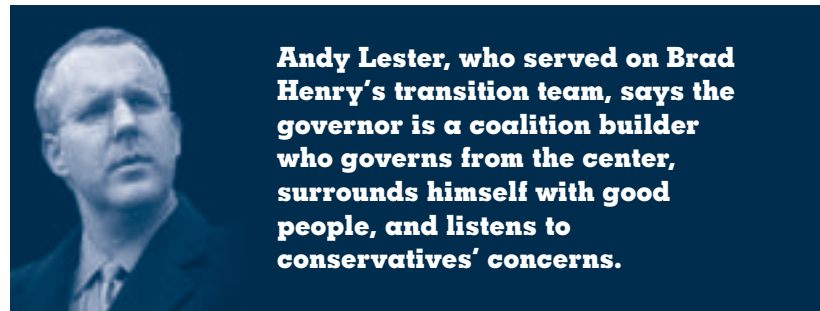
As for personnel, I'll see your Norman Lamb and raise you a Susan Savage, Claudia San Pedro, and Kathy Taylor (last spotted on the campaign trail with Brad Carson). I don't think a comprehensive tally of his appointments would warm conservative hearts. Again, this is fine. If I were governor I wouldn't appoint liberals.

Look at this year's legislative session: It consisted of taking care of the governor's left-wing base (and, worse yet, using IOUs to do it). He took care of the school employee labor unions (pay raises for

the competent and the incompetent, with no demand for reform), the public employees (ditto), and his largest contributors, the trial lawyers (weak tort reform and no workers' comp reform). He's working to raise a regressive tax on an unpopular minority so he can add more people to the health care rolls. He's working for another regressive tax (the lottery) even though it's clear that giving the monopoly school system more money isn't going to help. I mean, when Cal Hobson calls it "the most successful session in my 26 years here at the Capitol" and says the governor "has his feet on the ground now, he has an agenda for this state," conservatives don't go to bed with happy thoughts.

Lester: Rest comfortably, Brandon. The state's in good hands. Let's look at the record.

Running for office, Brad Henry promised he wouldn't balance the budget by raising taxes. Despite skepticism from the right, and criticism from the left, he kept his word. This was no easy task. Oklahoma faced its largest budget shortfall ever. The easy way to



Andy Lester, who served on Brad Henry's transition team, says the governor is a coalition builder who governs from the center, surrounds himself with good people, and listens to conservatives' concerns.

deal with that was to raise taxes. Ask the Republican governors of Arkansas, Alabama, Connecticut, Georgia, Idaho, Nevada, Ohio, South Dakota, and Tennessee, all of whom made similar pledges, and all of whom, unlike our governor, reneged. Not Brad Henry. He made hard, difficult cuts.

And he is implementing zero based budgeting. That sounds conservative to me.

Tort reform – do you really think any tort reform would have passed without Governor Henry? Ask the plaintiff's bar – they don't like it. Perhaps you didn't get everything you wanted. But you got the most sweeping tort reform in the state's history. The issue's not new, but you didn't complain when Frank Keating pushed a less sweeping tort reform bill in 1995. By the way, do you remember the state senator who made that one happen? That's right – Brad Henry.

Is the upcoming referendum on a cigarette tax really promoting "taxes on an unpopular minority"? The polls seem to show an overwhelming majority of Oklahomans will vote for the proposal.

This is the record of a moderate, a peacemaker. That's the Oklahoma way. Are you ready to cast aside your skepticism?

Dutcher: Cast aside my skepticism about a trial lawyer whose record puts him just a tad to the right of Cal Hobson? Frankly, that might take some time. I know a leopard can change his spots

(witness David Horowitz), but it usually takes time. It didn't help that the governor went to Boston and identified publicly with a certain Massachusetts liberal running for president. How can anyone support a candidate who won't prohibit jamming scissors into the skull of an unanesthetized baby who's halfway out the birth canal? That's bad.

If he had pulled a Zell Miller I would really be impressed. Democrats in this state who identify themselves as "conservative" – a majority of state Democrats, by the way! – prefer Bush over Kerry two to one; it would be nice if the governor was one of them.

Now, I realize that conservatives could do worse than Brad Henry. To his great credit, he cut spending his first year, just as his fellow Democratic governors Phil Bredesen (TN) and Jennifer Granholm (MI) have done. But whether you call him moderate (as you do) or left of center (as I do), he's not a conservative. He's not going to push for bold, pro-growth tax cuts and lead the charge for a Taxpayers' Bill of Rights, for example. He's not going to push through workers' comp reform, as Gov. Schwarzenegger did. He's not going to push real tort reform through a Democratic legislature, as Mississippi Gov. Haley Barbour did. He's not going to veto 106 pork-laden spending bills and walk into the capitol rotunda with a live pig under each arm, as South Carolina Gov. Mark Sanford did.

Brandon Dutcher is unconvinced. He says the governor is a liberal trial lawyer, and that Reaganite conservatives wanting bold tax cuts, tort reform, and school choice will continue to be disappointed.



He's not going to lead the charge for parental choice in education, as Colorado Gov. Bill Owens and Florida Gov. Jeb Bush did.

Again, I repeat: I'm not criticizing the man for not being a conservative. He is what he is. But if I'm a conservative and I want to see conservative public policies in this state, Brad Henry's not the first name that comes to mind. I'm sure he would be the first one to say to people, "Look, if you wanted a conservative, you should have voted for Largent." Are you suggesting that conservatives should be positively aglow about Brad Henry – that he should be preferred over an actual conservative?

Lester: A year ago, if you had said someone wasn't a conservative like Arnold Schwarzenegger, the right would have taken it as a compliment!

Pigs at the capitol? It's tempting, Brandon, but I'm not going to touch that one.

You mentioned pay raises for teachers. I'm sure you recall that Steve Largent also promised increased teacher pay, "beyond the regional average." Would you be criticizing him?

Yes, conservatives should like Brad Henry. He's listened to our issues and he's pursued many of them. We should applaud him for what he has done, and encourage him to do more.

He's fought for economic development. He cut the state budget.

He's implementing zero based budgeting. He's called for permanently lowering the top income tax rate. He's made the elimination of the capital gains tax on Oklahoma property a priority. He led the way to curb the illegal production of methamphetamine. Other states, and even the White House, are coming to Oklahoma to see the great success here.

He's twice signed tort reform bills and continues to push for more, such as the adoption of the federal summary judgment standard, a true tool for weeding out frivolous cases. He's recently said that workers' compensation reform "will probably be the top priority" in next year's legislative session.

That sounds like a record anyone should be proud of. Certainly conservatives should appreciate this record.

I've been a loyal Republican for my entire adult life, and I remain one. I look forward to the reelection of President Bush. But being a partisan doesn't mean I must oppose every elected official from the other party.

I want a governor who's going to get things done. That's Brad Henry. Let's see: He appoints good people. He listens to our concerns. He does what he says. He gets the job done. What have I missed?

Dutcher: Well, we don't want a governor who's going to get things done *if they're the wrong things*. I'd like to see a governor get things done like bold income-tax cuts, a Taxpayers' Bill of Rights, school choice, and comprehensive tort reform and workers' comp reform. *Listening* to our concerns is fine, but it would be better to *implement* them. But again, he can't be criticized for not implementing them – he's not a conservative.

I applauded the governor (in a letter to the *Wall Street Journal*) for resisting the push for tax hikes last year. We applauded his initial tort reform plan. We spent nine months (and several thousand dollars) applauding his plan to let teachers control their own retirement money.

It has nothing to do with partisanship. No one wants to get rid of Arlen Specter more than I do. Give me Zell Miller over Lincoln Chaffee any day. OCPA has always stood for free markets and limited government, and we have ticked off numerous high-ranking Republicans along the way. It was a liberal Democrat law professor who wrote our paper on getting rid of Oklahoma's death tax. It's about principle, not party.

I'm sure Brad Henry is a decent human being, and I don't mean to deny him proper respect. He occupies the office of governor, and I don't. He has authority over me, so I respect him and pray for him and continue to pay my taxes. (Indeed, he is prayed for regularly from the pulpit in our conservative church in northwest Oklahoma City.) I mean, one day he's a state senator, and the next day he's deciding if a death-row inmate lives or dies. Believe me, I respect the office and pray that the governor will have wisdom. At the same time, if I don't exercise my First Amendment right and continue to fight for conservative policies, then I'm out of a job. My only hope then would be to win the lottery.

Lester: Brandon, you and I agree – the issue is what's good for Oklahoma, not what's good for partisan gain. I hope our fellow conservatives will let Governor Henry's job, not his party affiliation, persuade them. ★