

MASSACHUSETTS POLITICS 2012

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The period since the elections of 2010 has been busy for the key political players and parties in Massachusetts. Nothing has occurred that would disturb the conclusion of Professor Jerold Duquette in [True Blue Mass 2010](#) that political equilibrium has returned to the Bay State after Scott Brown's surprising victory in the 2010 special election to fill Edward M. Kennedy's seat in the U.S. senate. But there has been some change, a good deal of stasis, and the revival of an unfortunate political malady that has long been part of the state's political DNA – charges of corruption.

That return to equilibrium has imperiled Senator Brown as he seeks re-election to a full term in 2012. Residents watched with more bemused interest than passion as former Governor Mitt Romney secured the Republican presidential nomination. Even as the typical partisan balance in the state has largely remained undisturbed change has come to the congressional delegation. Democrats in the legislature don't face much challenge from the forlorn state GOP, but they are nervous about criminal investigations by the state attorney general and U.S. attorney.

The big news in most states would be a favorite son capturing the nomination of his party for the presidency. Not in Massachusetts; here the dominant story is the battle between Senator Scott Brown and Harvard law professor Elizabeth Warren for "the people's seat." For most of 2011 the Democrats were adrift in their hopes of running a competitive race against Brown. The

telegenic senator was by far the most popular politician in the state and enjoyed a huge war chest advantage over any contender. Prominent Democrats ducked the race. Then along came a gift from the oddest of donors – the Republican caucus in the U.S. senate. Their obstinate refusal to allow President Barack Obama to appoint Warren as the first head of the Consumer Financial Protection Board sent the professor back to Massachusetts to contemplate her future. It didn't take much prodding from eager Democrats for Professor Warren to decide that her future would be as a candidate for the senate seat held by Scott Brown. The Democrats went from no credible candidate to a forceful and accomplished advocate for the middle class, and one who had been made a martyr by the Republican Party.

Where Scott Brown has frequently been described as a rock star, now the Democrats had one of their own. Several lesser Democrats remained in the field but they quickly scurried away in the face of the Warren onslaught. Only one, attorney Marisa DeFranco, remained to contest the party's endorsement convention but Warren racked up another unusual achievement at the gathering: she actually united the perpetually feuding party regulars and reformers and dispatched DeFranco from the field. Moreover, Warren's draw with liberals nationally enabled her to match and exceed Brown's fundraising prowess.

Senator Brown, of course, is not one to sleep through a challenge. He has continued with his own prodigious fund raising efforts, and he remains amazingly popular in the state (although some polls have found him no longer the most popular politician in the state trailing, of all people, Attorney General Martha Coakley). The likeable senator continued to appeal to Independents and Reagan Democrats, including Catholics and even members of union households. Brown touted his independent voice in Washington, often distancing himself from

the (to many Massachusetts voters) unpopular national Republican Party. One contrary example was his embrace of the Blunt amendment on contraceptives, a stand that enraged pro-choice progressives but may have been calculated to appeal to Catholics upset with President Obama's mishandling of the religious liberty concerns involved. The most prominent and silliest issue exploited by Brown was the question of Warren's claim to Cherokee heritage. Though the heritage question generated a lot of news stories and tweets it had little or no impact with the electorate. Some surveys indicate that most of the voters in this Democratic state had made up their minds by mid-summer and the contest polled as a toss-up for some time, leaving the candidates to spend their millions on a tiny slice of the electorate. Whether that is effective or not political scientists have learned that a solid organization does add points, and the Democrats in Massachusetts have a top-notch ground game.

One endearing aspect of the Brown-Warren contest has been their signing of "The People's Pledge," which was designed to limit outside expenditures in the race. By May of 2012 outside groups had already poured millions of dollars into the state to run negative ads. The candidates agreed to the pledge, which would require the candidate benefiting from an outside expenditure to contribute half of the amount of the expenditure to a charity of the opponent's choice. The Pledge worked, at least in the early months of its implementation.

Former Massachusetts Governor Mitt Romney captured the Republican nomination for the presidency four years after his first attempt, begun while still serving as the commonwealth's governor, ended in defeat to Senator John McCain. Romney used the four years well, building his organizational and fund raising advantages. Still, he remained suspect to many in the party as insufficiently conservative and his Mormon religion still turned off some of the evangelical

religious base in the party. The Tea Party did not warm to Romney but it failed to coalesce around a single candidate. There was a seeming inevitability to the Romney candidacy, but it was badly punctuated by the fact that the party kept elevating terribly flawed candidates over him, only to see the new front runner descend nearly as quickly as he or she had arisen. Michelle Bachmann, Herman Cain, Donald Trump, Rick Perry, Rick Santorum, Newt Gingrich – all sprinted past Romney in the polls only to be dragged down by their own faults and Romney’s relentless march to the nomination.

Romney spends little time speaking of his record as Massachusetts governor, but his leadership in passing Massachusetts’ health care act bedeviled him amongst Republicans who have come to revile “Obamacare.” Even though Gingrich continuously assaulted him with the epithet “Massachusetts moderate” the former governor was simply too well financed and organized for even “Romneycare” to deny him the nomination.

As Governor Romney faces off against President Obama another aspect of his past in Massachusetts has been raised to prominence, and that is Romney’s record as a job creator or job destroyer while he ran Bain Capital. When he ran for the U.S. senate in 1994 against Ted Kennedy the Democrats exploited news stories of layoffs instigated at Bain by companies the firm bought and the emotional stories of those who had lost their jobs. Newt Gingrich won the South Carolina primary making similar claims, and the national Democratic Party and Obama campaign have picked up that theme. Since Governor Romney’s focus in the campaign is to argue that his business experience qualifies him to revive a sputtering economy, the Kennedyesque attacks hurt.

The decennial census was unkind to Massachusetts as the state lost one of its ten congressional seats. As the state legislature neared completion of redistricting, Congressman John Olver made life a bit easier for the other nine Democratic incumbents by announcing he would retire at the end of his term. But when the new Fourth Congressional District was drawn in a manner unappealing to Congressman Barney Frank the long-time liberal announced that he too would retire from Congress. That set off a scramble of Democratic aspirants looking to succeed Frank which was quelled when Joseph P. Kennedy III announced that he would run. Kennedy was left free to raise large amounts of money and prepare for one of three Republican candidates, including 2010 Frank tormentor Sean Bielat, to settle their nomination battle.

Representative John Tierney's Sixth District was also redrawn to include more Republican areas but that was just one of his problems. Former Republican lieutenant gubernatorial candidate and state senator Richard Tisei decided to make a run against Tierney. Still, incumbent Democratic congressmen don't usually lose in the state absent a scandal. Unfortunately for Tierney his brothers-in-law have done their best to provide one, claiming that Tierney had full knowledge of their illegal offshore gambling operations. Since his wife had earlier been ensnared by pleading guilty to criminal charges involving her willful ignorance of the source of money her brothers had provided her, Tierney faced a difficult campaign.

Tierney was hardly the only state politician dogged by charges of dubious dealings. Federal and state probes focused on legislative leaders and their allies in the Probation Department scandal. Spurred on by the reporting of the *Boston Globe* Spotlight Team the Supreme Judicial Court appointed an Independent Counsel to look into allegations of corruption in the Probation Department, led by Commissioner John O'Brien. Independent Counsel Paul F. Ware issued a report in November 2010 finding that legislators arranged with O'Brien to hire or

promote their favored candidates, that O'Brien has pressured employees to give money to the campaign accounts of legislators, and that legislators had in turn provided the Department with budgetary bounty. The prosecutorial fallout has seen several former Department officials indicted on criminal charges, including O'Brien. But the real action may be yet to come as the State House buzzes that prosecutors are considering indictments against legislative officials.

The perception of the state's public officials suffered another blow when former state treasurer and gubernatorial candidate Tim Cahill was indicted by the state attorney general on charges that the state Lottery, which is under the direction of the treasurer's office, had expended \$1.65 million in television advertising that was really designed to bolster Cahill's foundering gubernatorial campaign. Given the tradition of numerous politicians having engaged in exactly the same conduct, many observers remarked that Cahill had been indicted for practicing politics. That view was small comfort to the indicted former treasurer, however.

As for the state parties, the clean Democratic sweep of statewide offices in 2010 suggested that the Brown victory was a blip on the screen to be avenged in 2012. However there was a real silver lining for the Republicans – they doubled their number of seats in the House of Representatives in 2010, and then won two special elections in 2011. Since we can't have accountable politics without competitive political parties this was potentially important for Massachusetts' sort-of-democracy. The GOP set about to snatch defeat from victory, however. The competent party chair Jennifer Nassour resigned to give birth to her third child and was replaced by a Romney loyalist and former Bain compatriot, Robert Maginn. His portfolio was to help funnel money through the state party to the presidential nominee's national effort and to assure that the home state party did nothing to embarrass the Romney. As might be expected for

a former Bain executive Maginn was able to execute the financial aspect. But he badly bungled the political task as Ron Paul delegates knocked out Romney aspirants at the April party caucuses for seats at the national convention. The state party then ginned up a loyalty oath and bumped many of the Paul delegates when they failed to sign in time. The bigger problem though was the failure of the party to recruit able candidates for legislative seats in 2012, thus failing to build on the success of 2010. The party faces a further knotty challenge: a lot of the energy is coming from Paul loyalist and other similar enthusiasts who hold views far different from the median Massachusetts voter and even from the party establishment. So within the small state Republican Party, establishment and insurgents eye each other warily.

As for the Democrats, the state party remains in the capable hands of its chairman, John Walsh, a master of the organizational politics that is so effective. The Democrats are ready to challenge nearly all the freshman Republican legislators, and notwithstanding the problematic allegations of corruption, the party's legislative dominance is unshakeable.

Not that all is harmony. On a number of issues Democratic Governor Deval Patrick and the legislature parted company, notably on an end-of-session three strikes and you're out crime bill, welfare reform having to do with Electronic Benefits Transfer cards, and immigration issues. But the leaders have collaborated on important measures, too. Budget season has gone smoothly and the first state with universal health care has taken steps to reign in out-of-control health care spending. Implementation of the state's casinos legalization has gone less smoothly, but such a complex process will always have its detours.

In November 2012 Massachusetts voters will reject their former governor and give the state's eleven Electoral College votes to Barack Obama. No such categorical statement can be

made about the Brown-Warren race which shows all the signs of going down to the wire. With rumors that Senator John Kerry could become Secretary of State in a second Obama administration the state's political pros will then turn to who might succeed Kerry and then, of course, to who will succeed the departing Deval Patrick as governor in 2014.