

Illinois Issues – May 2009

A break from the past

By: *Bethany Jaeger*



The soulful sounds of “A Change Is Gonna Come” resonated throughout the Illinois Senate January 14, when flowers and American flags adorned the chamber for a momentous inauguration ceremony.

Then-Gov. Rod Blagojevich, who had been impeached by the Illinois House five days earlier, fulfilled his constitutional duty by swearing in senators of the 96th General Assembly.

Legislators and guests who filled the chamber sat eerily silent as the governor shifted his weight and went through the formal procedures, including his obligation to introduce Lt. Gov. Pat Quinn, who would take his place two weeks later; Supreme Court Chief Justice Thomas Fitzgerald, who would pound the gavel when all 59 senators voted to convict and remove Blagojevich from office; and Auditor General William Holland, who would testify about numerous deficiencies in Blagojevich’s administration.

Tension peaked when individual senators stood to describe the challenges ahead and officially nominate their next Senate president. As they spoke, Blagojevich blankly stared at them from the front of the cavernous room.

“Ideally, we’d be electing a Senate president under much different circumstances,” Sen. Louis Viverito said as he nominated Sen. John Cullerton to lead the chamber. “A historic budget shortfall, the rising unemployment and the trial of our governor — never before has this [body been called upon] to deliberate these serious and solemn issues.”

Those are the uncomfortable and foreboding conditions under which Cullerton took the podium, joined by his wife of 30 years, Pamela Cullerton.

As soon as Blagojevich left, the new Senate president injected humor back into the room. The Chicago Democrat recalled that when he asked his wife why they’ve stayed together so long, she said, “We both love the same man.”

He congratulated the new Senate Minority Leader, Christine Radogno of Lemont, the first female to hold the honor, as well as her Republican leadership team. Then he quipped, “We hope

you will keep the job of minority leaders for many years to come.”

He struck a more serious tone as he spelled out an agenda to set a new spirit of bipartisan cooperation within the Senate, with the House and also with the executive branch. Cooperation is necessary as they try to dig Illinois out of a \$12.4 billion budget deficit and smooth out the economic turbulence made worse by a national recession.

The Illinois General Assembly, Cullerton said, would be measured by its ability to break with the past and restore integrity and confidence in the system in a short amount of time.

Cullerton, along with Quinn as governor, has helped to completely refresh the atmosphere within the Capitol. While members of both political parties have said so far, so good, Republicans, in particular, ask how long that bipartisan tone will last. By the end of May, the legislature is expected to vote on whether the state will raise taxes and fees as a way to restore Illinois’ fiscal health and to spur the economy with a major public works program.

Democrats have the majority in both legislative chambers, and Cullerton’s extra majority of 37 members — compared with the Republicans’ 22 — gives him extra wiggle room if a few of his politically vulnerable Democrats want to avoid voting in favor of tax increases. He only needs 30 votes to approve major pieces of legislation before May 31.

His ability to advance measures to the governor’s desk regardless of Republican support is strengthened by his close personal and professional ties to House Speaker Michael Madigan. Cullerton is the godfather of Madigan’s only son. They’ve been friends since 1979, when Cullerton began a 12-year tenure in the House, including six years on the speaker’s leadership team.

Madigan says he perceived Cullerton’s intelligence, his law background and his work ethic as a good combination with his “very good personality for working with people.”

“If you’re going to be a leader among these people, and if you are going to be able to lead them, you have to have a feel for how they view things, how they view you,” Madigan says. “And John had a good sense for that when he first came here, and of course, he’s made it better.”

Radogno notes Cullerton’s ability to articulate his point of view and to respect the positions of others.

“I view him as someone who is generally public-policy oriented. Obviously, he’s a political being, but he comes across to me as someone that has a general interest in public policy. And I really appreciate that about him and respect it.”

Cullerton’s longtime Republican co-chair of the Senate Judiciary Committee, Sen. Kirk Dillard of Hinsdale, also is a friend. Dillard says: “I think John is off to a very fine start on all fronts. And I kid him that sometimes he’s too good from my partisan Republican perspective. It’s a compliment, but I wish he would screw up so that my party could take back some seats.”

With the strong relationship between the Senate president and the House speaker, the Democratic majority is capable of producing a Democratic-only budget for state operations. To approve a major capital construction program, however, some House Republican votes will be needed.

Madigan says he's already coordinating with Cullerton to prepare his members for those tough votes.

"That's where working together really counts. Things are moving around the building all the time. And if the presiding officers are coordinated, then some of those moving parts can be put into an equation that gets the job done."

How Cullerton will handle end-of-session negotiations could be foreshadowed by his approach so far.

He's been seen on numerous occasions leaning over and whispering into Madigan's ear and laughing during a public hearing of a special bicameral committee on government reforms. And he's often seen meeting one-on-one with Radogno, whether after a committee when they're the only ones in the room or during a committee hearing before members cast a vote.

Cullerton says that while Democrats were the minority party in the Senate for 10 years, he learned that it pays to at least listen to what the opposing party has to say.

"In the end of the day, I don't know if [Republicans are] going to agree with us philosophically," he says. "There's a reason there's two different parties. But I just think it's a much nicer workplace. And maybe, just maybe, the fact that we are communicating, I think you get a better work product."

Cullerton grew up in the Village of Winfield in DuPage County, but his family history is rooted in Chicago politics and government. The city's former 20th Street became Cullerton Street, named after his great-grandfather's brother, Edward Cullerton, a state representative who served in the Old State Capitol for one term in 1873. Then Edward went back to local government and still is one of the longest-serving Chicago aldermen, according to John Cullerton.

The Senate president says he didn't discover the depth of his roots until after he ran for the Illinois House in 1978. His family was one of the original settlers in Chicago in 1835 and is the longest-serving family in Chicago politics, particularly around the 38th Ward on the northwest side.

Cullerton says his interest in running for the Illinois House came from another relative, Parky Cullerton, Cook County tax assessor under Mayor Richard J. Daley from the 1950s through the '70s. He also gained valuable experience and contacts by being elected as a delegate to the 1976 Democratic National Convention in New York, where Jimmy Carter was nominated for president.

By 1976, Cullerton had earned his bachelor's degree and law degree from Loyola University in Chicago, served in the Illinois National Guard and entered the public sector as an assistant public

defender for the City of Chicago.

He joined the private sector in 1988 at a Chicago law firm now called Thompson Coburn Fagel Haber, where he remains a partner. Also that year, he clocked his fastest marathon at age 40.

After spending 12 years in the House, he was appointed to fill then-state Sen. Dawn Clark Netsch's seat when she became state comptroller in 1991. Cullerton won election on his own a year later.

He has since earned the honor of sponsoring more bills than any other legislator and of having the most bills signed by the governor between 2003 and 2006.

Comedy is a common thread throughout his public service. He performs at his annual fundraiser at the Second City Chicago theater, which has hosted comedians John Belushi and Bill Murray. Cullerton's impersonation of Mayor Daley won him the crown of Mr. Wonderful from the Conference of Women Legislators in 1979. He still stows the purple crown in a cabinet near his office desk in the Capitol.

He covertly tried to win a different crown for his longtime friend and former chief of staff, Rep. Sara Feigenholtz, who now shares his legislative district. He secretly submitted her photo to a truckers' association for its annual queen contest. She unknowingly became a finalist.

"The only thing I don't like about John is that he does not laugh about my jokes," Feigenholtz says. "He laughs at his jokes."

Joking aside, she says even their arguments are even-keeled, intellectual disagreements. And consistent with being a lawyer, Cullerton tries to get others to think through their positions. "He actually encourages me through his even-handedness in getting something rather than nothing."

Feigenholtz, a Chicago Cubs baseball fan, can attest to Cullerton's several dichotomies. He's a loyal fan of the Chicago White Sox; yet, his district includes the Chicago Cubs' neighborhood of Wrigleyville.

He's not a "Cub hater," says friend Barry Maram, former president of the 44th Ward Democratic Organization and current director of the Illinois Department of Healthcare and Family Services. Maram supported Cullerton's failed congressional campaign in the 1994 race against embattled U.S. Rep. Dan Rostenkowski, a Chicago Democrat, who eventually lost his bid for his 19th term in the general election.

Cullerton's paradox is furthered by being the senator who represents Blagojevich. In fact, they live down the street from each other on the north side of Chicago. Yet, Cullerton led his chamber in convicting and ousting Blagojevich from office.

When Blagojevich's criminal indictment came down from the feds last month, Cullerton said: "I think it's a sad situation because he is the father of a couple of kids. He lives down the street from me, and it's always sad when stuff like this happens. But, at the same time, I can't imagine

what this place would be like if he were still the governor trying to solve the problems that we have with the incredible deficits that we have.”

As Senate president, Cullerton has quickened his pace in the Statehouse and worked longer hours, recently returning his first phone call of the day at 6:38 a.m. to Paula Wolff, senior executive at the Chicago Metropolis 2020 civic and business organization. They’ve worked closely together since 2005 to reform the state’s cumbersome and complicated system that addresses criminal activity.

Wolff says Cullerton resolved controversies in the least controversial ways.

“He is an absolutely fabulous combination of a lively, interesting, amusing person on the one hand, and a serious determined effective legislator on the other,” she says.

As a legislative leader, Cullerton has to forge the Senate Democratic agenda, which ranges from enacting a major capital program for road and school construction projects to offering property tax relief if income taxes rise. He has to negotiate with the influential subgroups of legislators who belong to the Latino, African-American, Chicago suburban and downstate caucuses, all of whom have used their leverage in the past to get what they want.

A new sense of partnership could diminish that need, says Sen. Martin Sandoval, a Chicago Democrat and Latino Caucus leader who frequently clashed with former Democratic Senate President Emil Jones Jr.

“We’re not looking forward to having to leverage him at the end of session, as has traditionally been done in the last six years,” Sandoval says. “It’s a new day, and he’s a real partner with us, individually and as a caucus. And I think that he’s off to a great start.”

The way in which Cullerton became chamber president demonstrates his leadership style. He made clear his intent to return some power back to individual legislators, establishing a more open process where each member has more control over his or her bills.

The expectations were for the new president to be a facilitator, a compromiser, someone who could unite the caucus. Even more so, members wanted someone who could improve relations with the House and the governor’s office, although some expressed concern about Cullerton being too close to Madigan.

Cullerton dismisses that concern.

“Only in Illinois would that be news. ‘Oh, the Democratic speaker and the Democratic president of the Senate get along with each other.’”

Cullerton wasn’t unanimously elected Senate president, although he won a majority over the runner-up, Sen. James Clayborne of Belleville. Upon his election, Cullerton named Clayborne his second-in-command as majority leader.

Clayborne says the Senate president is laser-focused on his job to represent the concerns of Democrats from throughout the state.

“It’s always new when you’re the leader because you intend to please everybody, but at some point, you recognize that you can’t,” Clayborne says. “You have to do the right thing, and John has done a tremendous job on building consensus and adapting to the office so that he can move the agenda of the Senate Democrats forward.”

Building a consensus sometimes has overshadowed Cullerton’s own interests, including some that had been rather firm positions in the past.

Cullerton was the chief sponsor on such Chicago-centric bills as the so-called 7 percent rule for Chicago property taxes. The program caps the taxable amount of residential properties’ assessed values, which started skyrocketing in 2000. He also has favored reducing local property taxes as the primary source of funding for public education, which would require an increase in state income taxes and an expansion of the state sales tax.

He’s sponsored gun control measures that divide Democrats of varying geographies. He supports stricter gun laws, to the dismay of downstate gun rights advocates. He succeeded in enacting a state law that requires guns to be stored or locked and out of reach of children, as well as a mandate to conduct background checks of people who buy firearms at gun shows.

Having been on the opposite side of Cullerton’s agenda, gun-rights lobbyist Todd Vandermyde describes him as a “formidable opponent.” He says the Illinois State Rifle Association is taking a wait-and-see approach to gauge how Cullerton the Senate president differs from Cullerton the state senator.

“He has a very diverse caucus: downstate, central state, suburban. It’s not just Chicago,” Vandermyde says. “So we’re waiting to see — we’re cautiously optimistic — does he want to be the president of the Senate for the state of Illinois, or does he want to be the Senate president from Chicago?”

Cullerton also negotiated the controversial statewide ban on smoking in restaurants, bowling alleys and other public places. He’s considered a national expert on driving safety, having crafted the state’s mandatory seat belt law and child safety provisions in cars.

Using state policies to shape behavior, he says, is obligatory in the case of driving safety and smoking prevention.

“In those cases, we’re talking about *saving lives*. I think government has the right. Even Libertarians agree that there should be stoplights,” he says.

Radogno says while Cullerton always has been up front about his agenda to prioritize public health and safety, there’s a fine line when trying to influence legal behavior. She cites the Senate’s recent approval of increasing the state sales taxes on cigarettes. Shortly after the federal government levied a 62-cent increase on each pack, the state Senate narrowly approved phasing

in a \$1 increase on top of that.

“I think at that point, you’re more than influencing,” Radogno says. “I mean, you’re almost punishing.”

It took a last-minute, closed-door meeting between Cullerton and Madigan before the Senate president could twist a couple of arms to secure the 30 votes needed to pass the cigarette tax increase. Twenty-six members still voted against the measure.

Cullerton says the close Senate vote indicates a difficult road ahead for future tax increases. “This was the first bill that required people to actually vote for a tax,” he said after last month’s vote. “And you can see it’s not easy for people to do that. Unfortunately, we’re probably going to have to do a lot more.”

A House committee has approved the increase, and the legislation awaits a vote before the full House.

Madigan says he personally worked with some Senate Democratic members to support Cullerton’s bid for chamber president; yet, the two leaders don’t always agree.

For instance, Madigan says he disagreed with the way Cullerton chose to negotiate with Jones and Blagojevich during the past few years of political stalemates.

“I thought that during the Jones presidency, that [Cullerton] could have taken a different approach to what he did,” Madigan says. “He disagreed with my view, and he did what he did, which was basically to bide his time and work with people in the Senate, looking toward the day when there’d be a new Senate president. And I would say that the results of his election prove that he knew what he was doing.”

Madigan says that more recently, the two disagreed about the size of a so-called mini-capital plan, which resulted in a \$3 billion investment in repairing existing roads, bridges and mass transit systems.

“I think my view would have been a little more restrictive in terms of what the spending would be,” Madigan says. “His was a little more expansive. I acceded to his thoughts.”

Radogno, the Senate GOP leader, says Cullerton has allowed more Republican-backed bills to be called for debate. “The whole decorum in the chamber is positive. And it had really deteriorated. So that is just refreshing.”

But the bipartisan, bicameral cooperation could be a double-edged sword for Republicans.

As Dillard says, “It will be good to get rid of gridlock and pettiness, but it also means that if the Democrats stop infighting, they can steamroll the Republicans.”

Radogno counters that while the Democrats could steamroll the Republicans if they really

wanted to, she's not certain they would want to, given that tax increases during an economic recession could be "pretty toxic."

Then again, Cullerton has seven members to spare and still has enough Democratic votes to approve an income tax increase without GOP support. His approach may mirror that of Madigan's.

"On the tough decisions of this session, I do not expect cooperation or support from the Republicans," the speaker says. "They can go ahead and pleasantly surprise me if they wish, but I don't think it'll happen."

Cullerton often jokes about his low risk of losing a majority by cooperating with Republicans.

In fact, Dillard says he warns his Republican peers that Cullerton may be jovial and helpful on the Senate floor, but he will cut out their hearts to protect his candidates during election season.

"You can't get lulled by John's charm,' I tell our target members, 'because he's a wily, partisan Democrat,'" Dillard says.

Cullerton's partisan power is likely to increase, particularly because Madigan expects to join forces with him during the 2010 campaign cycle.

"We will, we will, we will," Madigan says. "Here, again, that never happened with Jones, but we will."

Cullerton will go down in history as the Senate president who led his chamber in convicting a sitting governor and removing him from office for good. But in doing so, he also became the Senate president who revived the power of rank-and-file senators and opened the chamber doors to a bipartisan, bicameral cooperation in some of the toughest economic and fiscal conditions the state has seen to date.

The measure of his success will, indeed, be whether he can break with the past and restore integrity to the process.

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