

# Dr. Patterson Goes to Phoenix

By The Honorable Thomas C. Patterson

Early in his career as an attorney, Abraham Lincoln was elected to the United States Congress. At that time there was a strong tradition in most congressional districts for very short—one term—careers in Congress. In his second year, Lincoln wrote back to Springfield, to the party leader in his district, and told him that actually he was having a good experience being a legislator. It seemed to agree with him. Some people thought he had some talent along this line and he certainly didn't seem to mind Washington as much as other people did. He thought that if no one else was interested in running, the chairman might consider letting him run for another term. The chairman wrote back: "Well, there are other people interested in running, so just come home."

We've changed a lot since that time, both in what we expect of politicians and in what politicians expect of themselves. But I'm not so sure that the principles of democratic governance have really changed all that much. Today, we know that at the federal and even at the state level, policy is made by an ever-growing army of professional politicians, a self-selected elite, who by their very nature favor the centralization of power. They have developed sophisticated techniques for their own election and reelection, mostly by convincing us that they are more conservative than they are and that they are more respectful of our opinions and our interests than they are. Yet, these professional politicians as a group remain profoundly and willfully unconcerned about the effect of their decisions on the welfare of the citizens and on the future of our country. I firmly believe that the rise of this professional politician class, basically a phenomenon of this century, is a principal reason why today policy-making is less a clash of ideas than simply a contest of raw political power.

The primary dynamic in Washington and in the state houses around the country is the desire of professional politicians to seek their own reelection, not the pursuit of any greater good. And the sad fact is that we have tended to accept this and we really don't expect much more of our politicians. But I want to tell you today that I'm not sure that it has to be.

In 1988 I was what I am today, a practicing emergency physician. I had at that time absolutely no political experience whatsoever. I don't believe I had ever given to any political candidate. I was in my early forties and owned my own company, a professional corporation that now employs about 50 physicians in the Phoenix area. I had been in the habit of reading history and politics in my spare time for several years, and I had developed some very serious concerns about the dangers that we face with the ever-higher levels of government involvement in our lives. I worried about ever higher levels of taxation and about failing social institutions, especially schools and families. I was convinced that my generation was squandering a glorious political heritage. Until that time, my focus was really only on clarifying my own thoughts. It was enough for me to believe that I was right. Now, my wife says that at that time I ran into a mid-life crisis; I did begin to be plagued by worrying that nothing I was doing mattered very much. I was financially okay, my children had left home to go to school, and as I began to think about doing something, I realized that I did have the time and capabilities to make some financial sacrifices on behalf of what I believed.

---

The Honorable Thomas C. Patterson, a physician, is Majority Leader of the Arizona Senate.

He spoke at the annual meeting of The Heritage Foundation's Resource Bank, Chicago Illinois, April 22, 1994.

ISSN 0272-1155 © 1994 by The Heritage Foundation.

The thought that really clinched my decision was this: I had always been aware of the inter-generational damage caused by many of the policies that we pursue today. The willy-nilly growth of programs like Social Security and Medicare without any real provisions for paying for them in the future and the build-up of the national debt were two things that concerned me very much. This reached the point that when my children were growing up, I consciously made an effort to express myself in front of them so that later, in their adulthood, they would know that what had happened was not something that I had supported. But then I began to fantasize some future conversation that we might have when my now grown daughters would be talking about *their* futures and how difficult their lives were and how much our country had changed for the worse since the time when they had grown up. And I would remind them that I had opposed those things. But then, I thought, what if they asked: "But Dad, why didn't you *do* something?" Why didn't you do something?

So I resolved to do something. My idea of a way to get involved was to run for office. I had watched that movie, *Mr. Smith Goes to Washington*, so I knew a little bit about politics. I ended up running against a 19-year incumbent in the state legislature. I thought that he was vulnerable due to some things that were happening locally at the time. Moreover, he was a person who really had never been involved in a very tough race, which is common at the state level. I asked around, got some advice about how to run, was able to raise some money, and got a very good technical manager for my campaign. In the end, to my surprise, not to mention everybody else's, I won the election.

Needless to say, when the Democrats saw who had won in my district, they immediately became interested in the general election, and I actually had a tougher time there with a very clever and attractive candidate. But I was able to win that also, so I was now a state senator. At the organizing meeting two days after the election, I wanted to ask my new colleagues for their autographs because I was so impressed with actually meeting the people I had heard so much about for so long.

As a freshman I was a very idealistic, naive legislator. My bills tended to be large ones that challenged the status quo and tried to change the world. I wanted to abolish teacher tenure; I wanted to privatize our entire prison construction system; I pushed for school choice (and of course was rebuffed every year). So my record of success wasn't very great, but I'd like to think that as John Madden says, I did "move the pile" a little bit. At the end of those two years the Republicans lost the majority and I was elected the Minority Leader. The main lesson I learned from those next two years was to try and avoid ever being in a legislative minority again, if there is a way to do it. In the election of 1992, the Republicans regained the majority and I was fortunate enough to be elected the Majority Leader.

I can tell you this about my experience as a legislator: It has been a very emotional experience for me. There are many times when I do get tired and discouraged and people who know me sometimes question my judgment in maintaining my interest and continuing, at least until now, to run. Sometimes I even get bitter. But I can honestly say that every day I still get a thrill out of being able to participate as a citizen in this greatest experiment in self government that ever was.

Now I happen to be in the position of being surrounded by people with an outlook somewhat like my own: citizen legislators who have some principles and who have been able, I think, to put together a record that is constructive. Some of this may sound like bragging, but I do want to review the legislation that we've enacted in the Arizona State Legislature this year, because I think it serves as an example of what can be done.

**First of all, we cut taxes.** We cut taxes with a balanced budget for the third year in a row. When I went to the legislature in 1989, the one thing that everybody knew the day they set foot on the floor of the Senate was that taxes would go up that year. They had gone up every year in the 1980s and they were going to go up again — the only question was how much. Liberals argued that they should go up a lot, like maybe 10 percent of the general fund budget or more. The conservatives argued that they really shouldn't go up that much, and moderates, as always, were in the middle of that argument. We raised taxes in 1989 and did it again in 1990, but *this* year, on a general fund base of approximately \$4 billion, we cut personal income and property taxes \$122 million, and we enacted some \$1 billion in phase-outs, of business taxes primarily. This will result in the next five years of over \$1 billion being taken out of Arizona's public sector and put into Arizona's private sector where it can do the most good. There has been a complete change in the culture, and I can tell you with some pride that it will be a long time before anyone will threaten to make Arizona into the high-tax, low-opportunity state that it was about to become.

**Second, welfare reform.** Now we weren't going to do anything on welfare reform, but you know we were just listening to Clinton's State of the Union address and we all just got fired up and wanted to do something. I kid. The difference is, of course, we wanted to *do* something and we did significant things. We were serious about welfare reform simply because we know that welfare, in its present form, ruins lives. This year we enacted a child cap that said we're not going to pay for more than the second child for a woman on welfare. We passed a time cap that says we are not going to pay for more than two years out of five. We enacted a bill that had to do with unwed minors, which I think is a very important bill that says to unwed minors that we are not going to pay you automatically a cash allowance just because you got pregnant. If you are eligible for AFDC benefits, you will be eligible as a member of your family. You're still a kid; you made a mistake, but we're not going to pay you for it. If your family is eligible they will still be eligible and they'll get the cash, but it will go to your mamma, or your guardian, or your daddy, or whoever's there. It will not go to you. I think that is very important in taking some of the bad incentives out of this very important decision for young women, at this most impressionable and important period of their life. Finally, we enacted a full-employment program similar to the one in Oregon that would take welfare benefits, AFDC, and food stamps and give those to private employers so that they can provide jobs for people who need the job experience, who need to learn the discipline of the work place, and have never done that. We will no longer pay the able-bodied to do nothing.

I think, taken together, those four bills are a very solid step in Arizona toward changing the perverse incentives that trap people in dependency and hopelessness. They all need federal waivers, but I am hopeful of that too. I am very much looking forward to seeing how those bills can work to change the culture of welfare.

**Third is health care.** We enacted a medical savings account bill. I think that it was the first to pass in the states. We also passed some insurance reform which makes insurance more accessible and less expensive, tort reform, and some other things to reduce the expenses in the system. I think we've been able to put together a pretty decent state-level health care reform. Our program is based upon building on the strengths that are in the system now. It uses empowerment of patients and reliance on market forces to rationalize health care decision-making.

**Fourth is regulatory reform.** This year we passed a comprehensive measure at the explicit request of our local small business community that streamlines rule-making in state government, that eliminates some of the worst bureaucratic abuses of overregulation and duplicate regulation from different levels of government within the state. This bill permits the regulated community to have substantial inputs into the rule-making process, and they are very appreciative of that.

**Fifth is criminal justice.** This was an area where I didn't have much involvement, but we did respond to the public outcry for greater safety by passing a truth-in-sentencing bill that will call for criminals to serve a minimum of 85 percent of the time to which they have been sentenced. I think most of you agree that is an important reform, to have punishment be more certain as well as more swift. We also reformed the juvenile justice system to get rid of the revolving door and the multiple slaps on the wrist that our most dangerous juveniles get. We increased our ability to take care of them by building more secure facilities, and those are privatized facilities. And finally, we eliminated some of the serious RICO abuses we had seen in our state by raising the threshold for the proof of RICO and requiring that law enforcement officials prove that a crime is being committed, and that it is for the financial interest of the person involved, before a RICO seizure could be made.

**Sixth, the all important subject of federalism and state's rights.** In Arizona, we are taking the lead among state legislatures in an attempt to restore the traditional, constitutional role of states in making policies for ourselves. We are absolutely outraged at the ongoing arrogance of the federal government, who we see as threatening to turn us into mere ministers of the policies they elaborate in Washington.

In Arizona this year, we passed a constitutional defense council, which is a small group of state elected leaders who will be charged with pressing forward our legal case, funded with \$1 million of start-up money, to challenge the federal government on Tenth Amendment and other grounds when they seriously encroach our policy-making rights. We also passed a bill which will call for a hearing to be held sometime this year and every year, in which a committee of our legislature will call back our congressional delegation and ask them to explain their votes on various bills that encroach on the rights of states to determine their own policies. We want to know why these people voted for the Education Reform Bill. Why do they vote for things like the Voting Rights Act, the Air Quality Act, the Americans with Disabilities Act, Indian gaming, the "Racial Quota Act." (I know there is another more PC name for that). We want them to know that they're up there making all these feel good votes, and they're killing us. We're going to ask them their thoughts and we're going to give them some of our feelings about what's going on. And that's in law that we are going to do that on a yearly basis.

This year we also reformed our environmental education to make sure it didn't teach environmental craziness and advocacy, but instead supportable scientific and economically based environmental policy. We were able to do some more with privatization and with efficiency measures for government agencies. We were able to pass measures that helped to secure the property rights of Arizonans, particularly in stream beds that environmentalists claim may have at one time been part of a navigable stream and on which people have been living and conducting their businesses for years. We changed some of the funding formulas in state government. We passed laws that will help with the economic development in our state, and we were able to continue to deregulate our environmental regulations to a more scientifically supportable level.

Finally, I want to talk a little bit about education reform. I guess it is debatable whether or not you could say this was a victory because the fact is, we lost the biggest, highest profile and most important battle of the year by three votes in the Senate. That was very discouraging and even a little bit embittering for me. I can only add to all the things that you heard before that it really came down to just one thing, which was *not* that we ever lost on the merits of the debate. We did very well, if I might say, on the arguments. We lost because we didn't have the political power to win against the most powerful interest group in state government. That was the Arizona experience, and I can assure you, in all the different forms, that is what has happened in every state so far. Now we're going to win; I told our opponents from the start that the very most they could do was to beat us for this year. We're going to be back, and we already are back. We'll win because

this is right, because society cannot sustain nonfunctioning institutions like our public education system, which commands ever greater amounts of public resources and does not perform on the very important function to which it should be dedicated. Our country simply cannot afford to not do anything. I like to think that we did a lot to inform the debate; we certainly educated many Arizonans who are now supporters and will always be in the fight for education reform. I also think that in a week or two we are going to get to go back, and as a consolation prize get charter schools and possibly public school open enrollment, which isn't all bad either.

Categorical statements in politics are always risky. I haven't told you about the bad parts of this session, but I think a fair approximation of the truth is this: that this is the result of the work of citizen legislators who are elected for the ideas they stand for, who stick with those ideas once they are elected, and who are able to take strong stances, primarily because our preservation in office is not our highest priority. Personally, I know that I can take politically risky positions because my financial security does not depend on my reelection. Nor does my reputation with the people I care about depend on my reelection. My tests are, first: With what I do can I sleep well? And if I can stand by my principles and not wimp out, I sleep fine. My other test is: Will I be able to look back on this and be proud of what I did? I'm very aware that this is an interlude in my life, which is going to be unique for me. It's not going to last forever. I'm going to leave elected office soon. I want to know that I did my best, and that I can always look back and say that I fought a good fight.

I want to leave you with some of the structural characteristics of citizen legislators that are things I think we should advocate if we want to return the culture of citizen legislators to government. This may sound like a strange list to you, but the first thing on the list is low pay. It is very important that we don't listen to good government types that say that we need to pay legislators more, who say that you'll get what you pay for. I think you *will* get just what you pay for. What you will get are people who want the job for the money. Nothing could be worse than the situation that we have in Washington where many Congressmen could not possibly earn as much money in the private sector as they are earning now. So they spend hundreds of thousands of dollars of other people's money to get elected, and once they're in office they spend billions of other people's dollars (who didn't even volunteer to give it) to stay in office and keep that \$150,000 a year salary. We have to take that little bit of cheese away from the mouse so he quits his destructive behavior.

Along with low pay, I think low perks are important. I think there is nothing worse than having a retirement system for a state legislator. We have that in Arizona—I think most states do—but it's perfectly inconsistent with the idea of a citizen legislator to provide a retirement system. We have jobs outside the Legislature and those should be the source of our financial security.

The third thing is a small staff. I think it is very important that we not allow our legislative staffs to grow like the staff in Congress has. I know this cuts both ways. In one way I am free to talk, because I have a terrific staff. They are extremely bright and committed and loyal, and I know not everybody is blessed with that. I sometimes wish that I could have more staff because obviously you can do more. But the fact is that staff is involved primarily, particularly when there are too many of them, with buffing up the image of the elected official. I think on balance the dangers of too much staff far outweigh the dangers of having too little staff. I think the experience in Washington in the last couple of decades has absolutely confirmed that impression.

Fourth, I think we need to expect less in the way of time commitment from legislators. In Arizona we have self-imposed a limit of one hundred days on our legislative session the last two years. We had been going six months with pressure to go longer. We took the position that we could do it in 100 days if we did it right, and we've been able to do that. Now we have had some special sessions, we have had some complaints, but the key to it all is that we all have to learn

simply to expect less of our elected officials: less in the way of personal favors, less in the way of interacting with other levels of government. We need to develop other methods of solving problems rather than through legislation. We *can* cut down the workload of legislators, and they and we will all be better for it.

And finally, we need short terms. Self discipline, as in Abraham Lincoln's time, is probably the best way to do it. In the real world of today we need laws. I think the short terms, as we are starting to see in California, can have a profound effect on the behavior of legislators by returning them, whether they like it or not, to the mind set of a short-term citizen legislator.

More than anything, I think we need to change the fundamental social contract between Americans and their politicians. We need to realize once again that in our system of governance, the government is *us*. To paraphrase Newt Gingrich, in totalitarian systems people like to sit around and talk about their problems, and they like to speculate on what *they*, the ruling elite, will do. Well, in America, each of us looks in the mirror each morning at the person who is most responsible for our future. It is simply us. It is not some elite priesthood, it is not an aloof politician, it is not even mysterious political forces beyond our control. It is you and me because there is simply nobody else to do it. And we have to regain that feeling for all of us.

I'd like to conclude by repeating my message in the local vernacular we use in Arizona, and with apologies beforehand, I want you to know that this is how we would put it: That if you have the right principles, if you don't care too too much about being reelected, and if you don't care about who gets the credit, you can really kick some major tail.

