

In Case You Have Been Wondering ....

Rep. Cynthia Browning

In the Vermont House of Representatives there are various ways in which the Democratic leadership can enforce discipline. People have been asking me about this because of the fact that the Speaker of the House Mitzi Johnson has punished me for insisting that the rules of the House be followed by removing me from my committee assignment. It may be useful for people to know about the way things work in the House, in order to understand the patterns of behavior that they observe.

First of all, the Democratic House leadership uses rewards and punishments to get votes for the bills they wish to pass. This is through committee assignments, campaign support, and systems of communication. Such things are part of how political parties work. But I think that sometimes such mechanisms can be taken too far, and start to interfere with the ability of a representative to properly and fully represent their constituents, or start to interfere with public access and transparency.

House Democratic Leadership members keep track of votes, and if a Democratic representative votes against caucus priorities they are less likely to get the committee assignment they want or to ever become a committee vice chair or chair. Any particular bill or amendment that they support will be less likely to move forward. If a Democrat is a committee chair or vice chair, they must vote for every bill the Democrats are moving forward, unless given special dispensation, or risk losing their position. I have seen committee chairs vote for bills they opposed, that they knew would hurt their constituents, because of this.

In most cases bills pass with substantial support – Democrats tend to agree on basic policy issues and many bills have solid Republican, Progressive, and Independent support as well. But every once and a while votes are really close, and the threat of punishment can definitely affect the votes and the outcome. Such a situation might be a vote on whether to override a veto by the Governor, or a vote on a bill like Act 46 that merged school districts.

I think that it would be better for Vermont if representatives were free to vote as they see fit based on their judgement as to the quality of the legislation in question and the best interests of their constituents.

Yet another system of control is connected to the drive of representatives to get re-elected. Now, all of us run for office to serve and to get good things done, although we may differ about the ends and the means. The problem that I see is that at the very start of a two year legislative biennium, the talk is IMMEDIATELY about what we have to do to get re-elected. Immediately. Political considerations always dominate policy development. This provides additional mechanisms for controlling representatives through the allocation of campaign funds and other forms of party assistance.

For instance, despite rules against raising campaign money during the legislative session, the Democrats hold an event called the Speaker's Soiree, at which they solicit donations from lobbyists and special interests to the House Democratic Campaign. The claim is that since it is not INDIVIDUAL representatives raising the money, it is okay. Campaign funds from that event and other fundraising along with other forms of party assistance are then later allocated during the next campaign, presumably based in part on who has voted as leadership directed. Party leadership can also threaten members with primary opposition to keep people in line on controversial votes.

It is not surprising that political parties would use the reward of campaign support to enforce loyalty. But I think that it would be better if during the Legislative session the primary focus were on solving problems for Vermont, not worrying about re-election.

Currently there is an even tighter connection between the Vermont Democratic Party and House leadership. The House Majority Leader, Rep. Jill Krowinski works as the executive director of an organization that trains Democratic women to run for office and supports them in their campaigns. This organization is called Emerge VT. A number of House members are graduates. Since we are a part time citizen legislature, we all have other jobs in the off season. But the Majority Leader seems to have a striking overlap between her roles, and it would appear that this may give her even more influence over Democratic representatives who have graduated from Emerge or who may do so in the future. As Emerge VT director, Rep. Krowinski has been sending emails to current House members asking them to participate in the upcoming training programs. Are these members now wondering if they will get favorable consideration from leadership in House proceedings if they do participate? Are they wondering if they will not get into Emerge VT if they vote against the wishes of the Majority Leader? Outside of the Legislative session, has Rep. Krowinski asked for financial contributions or in-kind support from corporations or unions affected by the activities of the legislature? In my opinion she should choose whether to be part of House leadership or director of Emerge VT.

Another system of political control is a network of secret Democrat only communications. There are public party caucus meetings which are open to the public and the press. There is an official legislative email system, which I believe is subject to public records requests. Then there are secret caucus meetings away from the state house with no press and no public. There is also a secret email system that the Democratic leadership uses to distribute information and answer questions for their members, to help them deal with political problems, and to urge them to vote as they are told. Since the Democrats have a large caucus, on occasion these meetings and these emails may involve more than half of the house – 76 members -- which is actually a quorum.

It is understandable that private meetings and messages are useful, and the legislature may be exempt from the Open Meeting and Open Records laws that govern other public bodies. But especially since there might be a quorum of the House participating I have to wonder if these secret meetings and emails violate at least the spirit if not the letter of laws requiring transparency and accountability.

The Speaker of the Vermont House has recently asserted that our activities have been open and transparent during the difficulties with COVID-19. However, the private Democrats only caucus meetings have continued using Zoom and the secret Democrats only email system is still in use.

As for me, I was removed from my committee assignment and publicly vilified for exercising my right as a house member to call for a quorum. The Speaker was trying to push through a change in House rules to allow remote House sessions and remote voting without a majority vote of the House, which is a violation of those very rules. If she had dropped that resolution I would have dropped my quorum call. What happened to me doesn't matter, but it does illustrate the system of party control of votes and behavior.

I am a Democrat. Political parties are an essential part of our system of representative democracy. However, I think that once in office the focus should be on good government. Support for legislation can be sought based on the quality and effectiveness of the bill, not threats of retaliation or offers of reward. Good government is always good politics.

I hope that in January 2021 there will be new leadership in the Vermont House.