

Managing In A Crisis Dee Long's Tumultuous Year

When Minnesota Representative Dee Long entered the St. Paul capitol on the morning of August 4, 1993, she alone knew it would be her last day as Speaker of the House. She had made her decision privately after discussing her options with husband Nick. Reasoning that "maybe if I step down, the press will stop attacking us," Long concluded that she should resign. As she sat at her desk writing out a short letter to the caucus, Dee Long reflected on the tumultuous series of events which had brought her to that painful moment.

The Ordeal Began Quietly

Dee Long was born in 1939, the daughter of a Minneapolis minister. She was first elected to the House in 1978 from a progressive community in Minneapolis. Almost immediately, she was widely recognized for her intelligence, determination and outstanding legislative abilities. The St. Paul Pioneer Press described her as "Blunt. Strong. Impatient. Smart. Brassy. Pragmatic." Former Speaker Bob Vanasek was so impressed when he battled Long over a hazardous waste bill that he named her Tax Committee chair. In 1989, Long was narrowly elected majority Leader after seven ballots in a contest between the progressive and conservative wings of the Democratic, Farmer, Labor party (DFL). Two years later, after Vanasek decided to take a private sector job, Long was elected the first female Speaker in Minnesota history by a wide margin. As is the tradition in the House, she remained neutral in the race for Majority Leader. Allan Welle, a progressive from rural Willmar, was elected to that post in a close vote over Irv Anderson, a House veteran from Minnesota's far northern Iron Range. This represented the continuation of a factional dispute which began in 1980, when Anderson was denied the Speakership after 29 dissident DFLers (including Dee Long) joined with 46 Republicans to elect Fred Norton.

While still Speaker-elect in late 1991, Dee Long first became aware of problems with the House's phone system. Earlier that year, Administrative Services Director Dave Kienitz had notified Welle that excessive long-distance phone charges were accruing to his WATS line. Since Welle made few long distance calls, he was perplexed by the charges and asked Kienitz to investigate with the vendor, MCI. In November, with hundreds of calls flooding the system and slowing down the entire House telephone network, Kienitz shut down Welle's line. By December, MCI had determined the problem stemmed entirely from fraudulent calls made using Welle's WATS number, and that the cumulative charges were in excess of \$50,000. Moreover, MCI told Kienitz and Welle

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that the House was liable for the full amount. Without further consultation, Welle told Kienitz to pay the bill.

In late December, Welle informed Long about the bill for the fraudulent charges. Long was troubled by the payment but was told that trained MCI investigators could not trace the calls. Therefore, according to the Legislature's contract (which had been negotiated by the Department of Administration, an executive branch agency), the House had legal responsibility for the bill. What Welle did not tell Long was that he had learned his teenage son and nephew were responsible for the calls. Welle, whose wife was ill with cancer, had given his WATS number to them so he could be reached in an emergency. They in turn had shown it to friends, and the number eventually found its way onto electronic mail bulletin boards across the country. But rather than stepping forward with this information, Welle chose to say nothing in the hope of protecting his family.

Shortly after she was formally elected Speaker in January, Long ordered Kienitz to change over to a calling card system. The changes made oversight and accountability for charges easier but the new system was awkward for legislators, who complained about the imposition. Nevertheless, the fraudulent calls stopped and Long turned her attention to more pressing matters. The caucus was not told the extent of the charges and relatively few members knew the real reason for the new phone system.

By most accounts, the 1992 session was one of Minnesota's most successful in recent memory. Several significant pieces of legislation were passed, including one of the nation's most comprehensive state health plans. Even the budget was passed quickly, with a minimum of partisan wrangling. Republican Governor Arne Carlson called it "a well-run, cooperative session" and gave Speaker Long notable credit. In the fall elections, the DFL gained seven House seats, bucking a national trend toward the Republicans and giving the party a comfortable 85 to 49 majority. Her own media relations were so positive that Long didn't see any need for a press secretary; she was proud of her openness. "She was a good quote and a respected person...very accessible" said Dane Smith of the Minneapolis Star Tribune. Art Sasse of KSTP/TV said, "Dee was always at ease with the press and she was great with the sound bite. She could dress down Governor Carlson better and quicker than anyone." By the end of 1992, Long's star was soaring and she was considered the leading DFL candidate for the U.S. Senate race in 1994, a position she was already actively campaigning for.

A New Session, A New Media

Before the start of the 1993 legislative session, Speaker Long decided to shake up the House's committee structure. "Some of the old gray heads had to change," Long later explained. Her idea was to eliminate the Appropriations committee and spread out its budgetary responsibilities to the policy committees in order to rationalize spending

priorities and satisfy some of the younger members who were anxious for a bigger decision making role. Long made these changes almost unilaterally within the House, working only with a few staff and close advisors. "I felt if I talked about it too much, it would fall apart," the Speaker explained. She did not involve Representative Wayne Simoneau, who had been Chairman of Appropriations for the previous three years and a supporter of Long's.

I heard through [a friend in the Senate] that Appropriations was going to be eliminated. So I called Dee up and asked, "What's going on?" She told me that the first through third termers wanted more involvement on the spending side or else they wouldn't support her for Speaker. I told her then, "This is going to cause a lot of trouble." I guess she figured there were a lot more of those whiny, snot-nosed brats than us old farts, so it wasn't much of a choice.

Simoneau was later named chairman of Health and Human Services but this gave him little consolation: "She forgot who took her to the dance!" Despite engendering the hard feelings of Simoneau, Anderson and other members of the "old guard," Long was easily reelected Speaker in January.

Before the new session was more than a few weeks old, however, it was apparent that both Long's honeymoon with the press and the bipartisan cooperation established in 1992 would not continue. In late January, newly elected legislators and their families were invited to an all-expenses-paid weekend trip to Duluth, sponsored by that city's Chamber of Commerce, ostensibly to educate them on the needs of the area. Although this biennial trip had been in existence since the early 1960s, Republicans and the media criticized legislative leaders who allowed it to continue. John Myers of the Duluth News Tribune noted: "Our paper had been reporting that this new public attitude was coming and changing forever the days when you could 'buy access' this way. But I think the people up here were absolutely taken aback by all the criticism of this." Several weeks later, sponsors announced they would end the practice.

In early February, on the last afternoon before the Minnesota legislature's annual mid-winter recess, Republicans again charged House leadership with mixing business with pleasure. Noting that Long and several of her female DFL colleagues (including the Secretary of State) planned to go skiing in British Columbia during the long weekend, Senate Minority Leader Dean Johnson charged in a lengthy and televised floor speech that the Speaker had "brought state government to a halt" by calling the break to accommodate her travel plans. Despite the fact that the break had been approved some four months earlier by House and Senate leaders, including Johnson, and that many other DFL and Republican legislators were planning vacation time, the media found the elements of Long's ski trip - foreign travel, powerful women, elite sport - to be irresistible. In particular the television and talk-show radio media gave the story prominent coverage, with one radio hostess even giving out Long's hotel phone number to the public.

Many legislators on both sides of the aisle considered the story “a cheap shot”, as did Dane Smith of the Star Tribune.

We did a very small article [on the ski trip] only because the Republicans were screaming about it on the floor. TV really played it up big though...they sensationalized and oversimplified, the way they always do. [But] when legislators wonder why people have a poor opinion of them, they should look to the increasingly partisan charges which are flung around here. If they wonder where we get our material, nine times out of ten it comes from partisan enemies...they give it to us.

House Minority Leader Steve Sviggum defended his party’s tactics, saying: “We just tried to add a little fuel to the fire and destabilize the system. This is a very partisan state and as the minority party, our only opportunity to influence the process is use the media and call attention to the Democrats’ mistakes.”

The Emergence of a Scandal

In early March of 1993, Dane Smith and his Star Tribune colleague Dennis McGrath received a tip from “a well-placed source” that House Majority Leader Allan Welle had allowed his telephone calling card to be used by lobbyists and campaign contributors, and that extraordinary charges had accumulated over a period of time. In a meeting with Welle and Kienitz around March 10, the reporters were told a big bill had been incurred but that the calls were fraudulent, made without Welle’s knowledge and against his will. When the reporters requested a detailed listing of Welle’s phone bill, “the request was met with a stone wall” according to Smith.

Welle told us the bill was stolen. Kienitz, who served under Welle, told us we couldn’t have any of the information we sought because they were private records. When we went to Long a few days later, she backed them up. So without further information, our initial story was that these charges had been incurred and paid nearly 15 months earlier without any notification of law enforcement authorities.

During this period, Long repeatedly asked Welle what he knew about the charges. He responded with increasing anger and denial. “With a growing sense of unease, I began talking to staff,” recalled Long. “When I learned it was Allan who had halted MCI’s investigation, I met with him again and advised him to come clean. He refused in a very confrontational way.”

The Star Tribune’s story broke on March 17. On March 18, Long called on Minnesota’s Attorney General to conduct a thorough investigation of the matter. In the ensuing days, the media’s insistent demands for more information were rejected based on an

amendment to the 1989 budget bill which exempted the state legislature, alone among all public agencies, from disclosing its administrative records. On March 21, the Ramsay County attorney announced he had begun a criminal investigation of the affair and would subpoena the House's phone records.

The next day, in a rather spectacular announcement, Welle admitted he had discovered his son was responsible for the fraudulent calls but had not disclosed this information to anyone. This instantly set off a firestorm of protest around the state. "The talk shows went nuts," said Smith. "It really struck a chord because most people understand that they're liable if their own children make calls, and here they were getting stuck with the bill just because Welle's a public official." Again it was Dee Long, alone in front of the cameras and microphones, who stood and answered the media's withering barrage of questions and demands.

Phonagate Erupts

By the following Tuesday, March 23, "Phonagate" had reached crisis proportions. With reporters, cameras and klieg lights camped out in every capitol hallway, the House became paralyzed as legislators held their breath for the next devastating episode. Several freshman Republicans took the floor and called on Welle and Long to resign, saying their "actions betray an institutional arrogance and a monopolistic abuse of power by a party which has been in control far too long." Within the DFL caucus, there was increasing tension between the minority who favored releasing the phone records and the majority who wished to maintain their privacy. This conflict was brought into the open when it was decided to go to court rather than hand over the records to the Ramsay County attorney. "The great majority of the caucus were opposed to releasing what they viewed as their personal phone records," said Representative Becky Kelso, a fourth term DFLer.

I thought prompt disclosure was the best course, and I know Dee did too. But that wasn't the will of the caucus so she fought the case in court, which looked like stonewalling to the public. Of course, that put her in an untenable position with the press. And as they turned up the heat, there developed a sort of mob psychology within the caucus to defy the press and reject their demands.

That afternoon Long called for another caucus meeting, this time at the request of Welle: he had decided to resign from his leadership position, though not from the legislature. The press were notified that Welle would be making a statement at 5:00 p.m. "I remember there was a lot of emotion that day," media consultant D.J. Leary later recalled.

Dee was struggling to balance her duty to her caucus with her public responsibilities. And her public responsibilities were getting short shrift because

she had a revolt going in her caucus. Some members felt she had known more than she'd let out, which made them all look bad.

It was a gut-wrenching session, especially for Long who had been getting little sleep. At 4:30, Welle entered the room through a seldom-used rear entrance, made a short statement of resignation, apologized to his colleagues, and retreated out the rear entrance without being noticed by the press. Long then broke the news that the total bill for the fraudulent calls had risen to more than \$85,000 (it would eventually total almost \$90,000). Representative Peter Rodosovich described the mood of the caucus as somber and emotional. "We didn't condone Allan's actions but we were sympathetic. There was no shouting or accusations."

It was agreed that Long would read Welle's statement to the press, disclose the increased amount of charges, then announce that a bipartisan commission would be formed to recommend improvement in House management. It was also agreed that Long would not take any questions from the media until the next day. This took nearly an hour of discussion, leaving the impatient press standing in the adjoining hallway waiting for Welle and worrying about impending deadlines. When the press was finally ushered into the cramped caucus room, a frenzied atmosphere quickly enveloped reporters and legislators alike. Art Sasse of KSTP/TV recalled the scene vividly.

We had heard rumors all day that Welle was going to resign and the tension in the capitol was almost palpable. When they let us into the room it immediately became chaotic. We made the decision to go to live coverage, expecting the story to be Welle's admission that he'd lied about the coverup, but Welle was nowhere in sight and instead Dee Long began reading a statement.

After Long's short statement, several reporters began to shout out questions. When the Speaker started to answer the first question, several male legislators rose and began loudly declaring that the meeting was over. They quickly formed a phalanx around Long and started pushing their way through the media to get her out of the room. Some were putting their hands in front of cameras; Rodosovich used a file folder to shield her from sight. As legislators, cameramen and reporters jostled for position, Long was led into an elevator and back to her office.

Belated Damage Control

An hour later, and after watching the evening news reports of the event, Long reconsidered and hastily called a press conference for that evening. She patiently responded to every question until there were no more, but it was too late; the media had its story and Long had become its focus. The next day (March 24), Dennis McGrath's article in the Star Tribune said; "the strange episode underscored the disarray in the DFL ranks, the sense that they are under siege, and Long's own tenuous standing as Speaker."

That afternoon, a bill to allow the state Auditor to conduct performance audits of all House administrative services was hastily drafted and passed. It also called for annual public audits of the Legislature's accounts and expanded public access to legislative records, though not retroactively. The media gave the bill scant attention, however, focusing instead on Long's persistent refusal to violate the 1989 law and turn over the telephone records.

In fact, many within her own party began to question Long's judgment. Pat Forciea, a Minneapolis businessman and DFL advisor noted, "I couldn't understand why things weren't opened up if there was nothing to hide. The big mystery to me is why Dee didn't trust voters with the truth." Irv Anderson agreed: "The public blamed Dee for the scandal and the media played on that. She should have held a press conference early on to disclose everything she knew; that would have avoided a lot of grief for all of us."

On March 25, the DFL caucus elected Irv Anderson to succeed Welle as Majority Leader by one vote over Speaker Pro Tempore Jerry Bauerly. To many observers, this signaled that Long's support in the caucus was rapidly dwindling. Lynda McDonnell wrote in the Pioneer Press, "Long says she and Anderson are committed to working together. But with her weakened and him victorious after a long political exile, no one expects that to be easy."

Meanwhile, District Judge Kathleen Gearin was reviewing the House's request to block release of the phone records if the Ramsay County attorney's investigation did not result in criminal charges. On Tuesday, March 30, Gearin rejected the claim that the phone bills were private data, ruled on the spot that the 1989 appropriations act which defined them as private was "constitutionally vulnerable", and ordered them released to the public. When asked again by reporters when Long would release the records, the Speaker said she needed time to review the oral decision and to consult with Anderson, Sviggum and others before deciding whether to appeal. The following day, House and Senate leaders announced they would make all records public when the investigation had been completed. Then, in a surprising turn of events, the House attorney urged Gearin not to base her decision on the constitutionality of the entire 1989 appropriations act (which would threaten unrelated and permanent provisions of law) but instead allow the Legislature to repeal the specific privacy provision at issue in the case. Attorneys for several media outlets, who had joined the case as intervenors, vehemently argued against this on the grounds that it would further delay implementation of the judge's orders. In a subsequent maneuver to avoid violating the law, Long asked the Ramsay County attorney to release the records if this would not impede his investigation but he declined, adding: "Perhaps they should think about dismissing the lawsuit they initiated to keep this matter private before they request I release the records."

Even as this courtroom drama was unfolding, tempers on the House floor reached the boiling point. Early on the morning of April 1, couriers for the Pioneer Press delivered letters to every legislator and constitutional officer asking that they divulge their state income tax payments. On top of the media's increasingly humiliating and vitriolic coverage of Phoneygate, this prompted both Republican and Democratic representatives to deliver blistering speeches denouncing the media's "slander" and disrespect for the Legislature. On April 2, beneath an editorial urging Republican Senator David Durenberger to resign for unethical conduct, the Star Tribune called on Long to resign, saying:

She has appeared to put the welfare of individual members above the needs of the whole House and her responsibility to the public. By waffling and stonewalling on the release of long-distance records, Long has created strong suspicions of widespread House misconduct. Her credibility is shot, and the reputation of the entire House is sinking fast.

Two days later, Long wrote an op-ed piece in the Star Tribune to clarify and defend her actions, concluding with: "I am enormously sorry that this scandal has shaken public confidence in the Legislature as an institution and in legislators as individuals. We are working to rebuild your trust."

On April 8 Judge Gearin reiterated her original ruling that the long distance records were public documents and should be released but based her ruling on the Minnesota Data Practices Act. This was consistent with the House's argument and preserved the constitutionality of the 1989 appropriations act. Nevertheless, the media were jubilant in victory: the Star Tribune's front page headline proclaimed "Phone Logs Will Be Released." On April 14, 8400 pages of House phone records from 1991 and 1992 were made public. The Star Tribune's frenzied review found them "sprinkled with calls to vacation spots and national and international locations with no clearly discernible link to legislative business." Over the following week, dozens of stories focused on various phone irregularities including one senator who had allowed a lobbyist to use his phone and another who had made \$300 worth of phone calls to relatives in California. Around two dozen legislators and staff reimbursed the state for personal calls which amounted to several thousand dollars. But as the Star Tribune noted, "There appeared to be no major new abuses of the system."

Notwithstanding a last minute confrontation between the Legislature and the Governor which forced a one-day special session, Long and the DFL survived the end of session without any further damage. After adjournment, a bipartisan house committee issued its report on Phoneygate, concluding that the failure to discover phone fraud quickly was due more to bureaucratic confusion than individual neglect of duty. The same day, Allan Welle was indicted in Ramsay County on two criminal counts; he pleaded "not

guilty". In early June, the Attorney General's report on the matter concluded that the blame for Phonegate was "the ultimate and principal responsibility" of Welle, I also chastised the executive branch Department of Administration and MCI for not being more aggressive in the fraud investigation. Two days later, Long called on Welle to resign, saying: "Mr. Welle has betrayed the trust of a lot of people." She also asked for and received the resignation of David Kienitz, the staff director who was responsible for managing the House's administrative services. Press coverage of these moves was generally favorable. Under the headline, "Long Stands Up, Takes Charge", a June 12 Pioneer Press article credited the Speaker with "taking the wheel" and "looking like a take-charge leader again." It also warned: "If the Legislature truly moves forward on cleaning up its act and doesn't continue covering its rear. Long will look good. If the Legislature steps in another mess soon and continues on its arrogant way, she will be toast." Other media reports suggested that Long may have weathered the storm.

The Feeding Frenzy Gets a New Meal.

On July 20, the Pioneer Press listed all 33 legislators who were planning to attend NCSL's annual meeting in San Diego and noted that it would cost taxpayers \$50,000. Long defended the trip: "I think services will be delivered better than they are now as a result [of the conference]...If I wanted a junket, I'd go someplace where I wouldn't have to attend meetings most of the day and night." Two more Pioneer Press articles ran on July 22, one on the number of lobbyists coming to the meeting (twice the number of legislators) and the other on how few Wisconsin legislators were attending in light of past criticism. On July 23, the Pioneer Press ran yet another article on how the DFL was attempting to improve the Legislature's public image and quoted Long saying: "We've decided to stamp out fun and put bumper stickers on our cars advertising that fact."

This jocularly masked the strain the Speaker still felt as a result of the phone scandal. She yearned to get away from the constant grind of negative press coverage, the hostility and ignorance of the talk radio jockeys, and the pressures of being constantly scrutinized. Her staff knew Long and her husband wanted to leave early and get in a few rounds of golf; still they urged Long not to go. There had been rumors that KSTP/TV was sending an "investigation team" out to the conference to "dig up some dirt." Yet Long was insistent. "I really felt so beaten down that I wanted to get away for a little private time," she recalled.

Once in San Diego, it did not take the Longs much time to realize they were the focus of KSTP's "hidden cameras." In fact, the two KSTP reporters went out of their way to pester Long wherever she went - on the golf course, around the pool, during sessions - even walking behind the podium where Long was speaking as a panelist. KSTP's cameras also captured one Representative walking into an X-rated theater during conference hours and a Senator leaving the conference to join his family on an excursion to Tijuana.

On August 2, the Monday following the conference, KSTP/TV's Joel Grover interviewed Long in her home. During the hour-long interview, his questions included the following: "Who do you think should oversee lawmakers...when they are on these trips?" "Wouldn't the taxpayers have benefitted more had you gone to meetings than been on the golf course or been out and about around town?" "You don't think it looks bad to the taxpayers that they pay your airfare to San Diego but then you use a good portion of that time as your own personal vacation time?"

The next evening, KSTP's hidden cameras showed Long playing golf while she "could have been" attending session at the NCSL conference in San Diego. The report failed to note that Long had golfed on Sunday, prior to the opening plenary session (though sessions were being held), and that she had paid all her expenses for the days she took as personal time. Neither did it mention anything substantive about the conference, nor the many sessions she did attend, nor her role in organizing a meeting of Midwest legislators to discuss federal flood relief.

On Wednesday, August 4, after meeting with several staff and legislators to inform them of her decision, Dee Long resigned as Speaker. By the time the letters were distributed to her House colleagues, Long had left the Capitol. The following day, with obvious relief, Long once more faced the press and apologized for "any perception of wrongdoing or embarrassment" she had caused. She later reflected on that decision.

It was partially based on colleagues and staff making me realize that the abuse was never going to go away, that it would always linger in people's minds, and that it was destructive for the caucus. But ultimately I decided that I'd had enough abuse.

It would be quite some time before Long could overcome those feelings and decide to run for reelection in 1994.