

Women AGs Throughout the Country Take on Tough Issues to Make Their Mark

by Stephanie B. Goldberg

Four years ago, the office of the Washington state attorney general made a mistake of epic proportions when it blew the deadline for filing an appeal of an \$18 million judgment. That sort of misstep would ordinarily prove fatal for an elected official, but Christine Gregoire, regarded as one of the country's most dynamic attorneys general, has survived the ensuing brouhaha and remains the frontrunner in the state's 2004 race for governor.

Why was she able to weather the storm? The answer may lie in the tens of millions of dollars she has brought to the state's coffers through her able stewardship of consumer protection litigation—some of it filed jointly with other states, some brought individually. Gregoire rose to national prominence in October 1998 when she helped negotiate a historic \$246 billion settlement in a lawsuit brought by 46 states against Philip Morris to recoup expenditures for smoking-related illnesses. Four years later, she led negotiations and “closed the deal” on a \$484 million settlement of fraud claims against Household Finance Corp., says James E. Tierney, director of the National State Attorneys General Program at Columbia Law School in New York. The lawsuit, brought by Washington and five other states, alleged that Household Finance misrepresented and inflated interest rates, tacked on costly penalties, and forced customers to buy unneeded insurance.

Taking aim at the pharmaceutical industry during the last few years, Gregoire was involved in the settlement of a series of multi-state lawsuits accusing drug manufacturers of keeping generics off the market, price fixing, misrepresenting drug prices to Medicare, and promoting off-label uses of prescription drugs.

Gregoire's brand of activism has made her “a wonderful role model for other female attorneys general. I've watched them gravitate toward her and ask her for advice,” says Tierney, a former attorney general of Maine. According to Tierney, Gregoire's leadership skills are on a par with those of two other former attorneys general—Jennifer Granholm of Michigan and Janet Napolitano of Arizona—both of whom used their jobs as a stepping-stone to the governor's mansion.

It's a very natural ascension and one reason the National Association of Attorneys General (NAAG) has been nicknamed “the National Ascension of Aspiring Governors,” notes Lynn Mather, a professor of law and political science at the University of Buffalo. In most states, the AG spot is the second most powerful job after the governor's because of people's perception of AGs as knights in shining armor who fight ceaselessly. Illustration by Steven Mach on the people's behalf, Mather says.

The image is one more commonly associated with the men who've held this office, such as Michael Moore of Mississippi, the first to take on the tobacco industry, and Elliot Spitzer of New York, whose investigations of conflicts of interest in the financial services industry were the springboard for national reform.

State attorneys general have not always gone after corporate America so assiduously; indeed, some groups, such as the Republican Attorneys General Association, contend that they have abused the power inherent in multi-state litigation and need to step back. What brought them to this junction is the devolution of power through the “New Federalism,”

which vests greater control of programs such as Welfare and Medicare in the state, Mather says.

A concomitant development has been the deregulation of environmental and antitrust controls through three Republican administrations, Tierney adds. “The states have stepped in to fill the regulatory vacuum.”

Women in Power

Unfortunately, the increasing power and prestige of the position may make it a tough nut for women to crack. At present, there are only five female state AGs: Gregoire, Lisa Madigan of Illinois, Peg Lautenschlager of Wisconsin, M. Jane Brady of Delaware, and Patricia Madrid of New Mexico—down from an all-time high of nine a decade ago. All are Democrats except for Brady.

The shortage of women at the top isn’t for lack of qualified candidates, Mather notes, “We know from a 1995 study of the social organization of the Chicago Bar that women lawyers are over-represented in government legal jobs. To go from county prosecutor to a state AG role is a fairly natural transition.”

So why doesn’t it happen more frequently? Blame it on the glass ceiling, says Christine Sierra, a political science professor at the University of New Mexico and a visiting professor at the Center for American Women and Politics at Rutgers University in New Jersey. “Women have just not been promoted or selected to run as attorney general to the same extent that they have been supported for lesser offices like secretary of state or treasurer.

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