

From Courtroom to Campaign Trail: Legal Skills Play Well in Politics

By Ann Farmer

US. Rep. Stephanie Tubbs Jones always seems to land in the vanguard. In 1982, she became the first African American woman to sit on the Common Pleas bench in Ohio. Nine years later, she became Cuyahoga County, Ohio's first female and first African American prosecutor. In 1999, Ohioans elected her the state's first African American female representative to the U.S. House of Representatives. Once there, she became the first African American to serve on the powerful Ways and Means Committee and to chair the Ethics Committee.

All of it stemmed from her early years as a trial attorney. "My legal background has been invaluable," says Tubbs Jones, describing how the skills she honed as a lawyer and judge facilitated her transition from the courtroom to the legislative realm. "I love getting on the floor to speak. It's like being back in the courtroom," she says. "When I ask questions in a hearing, it reminds me of being a trial lawyer. I have to remember that I'm not a trial lawyer here, because it's not the same kind of adversarial situation."

Numerous female lawyers with political aspirations have leveraged their legal experience into careers in the federal and state legislatures. In fact, lawyers comprise a disproportionate number of legislators. "Knowing the nature of law, how to create law, and understanding legal terminology is a huge advantage," says Susan Carroll, a senior scholar at the Center for American Women and Politics of the Eagleton Institute of Politics at Rutgers University.

Especially for women entering politics for the first time, touting a law degree can provide that needed boost. "Women often have to have stronger credentials than men when they run for office," says Carroll, whose organization runs training programs for women candidates. "You've heard the old adage, that to succeed a woman needs to be twice as good to go half as far?"

Legal prowess also comes in handy when trying to elicit support for legislative initiatives. Tubbs Jones, for instance, has introduced various pieces of legislation during her five terms, including the Count Every Vote Act, the Uterine Fibroid Research and Education Act, and legislation to toughen measures

against predatory mortgage lenders. When she presents her point of view to the congressional body, she tries to make her argument as cogent and convincing as when she used to present closings in court.

"My skills as a trial lawyer have been helpful to me in congressional hearings—to be able to get to the right questions, to ask the right questions, and to do the appropriate analysis of whatever is being presented," Tubbs Jones says. "I tell everyone, getting a law degree was the best thing I ever did."

Activist to Lawyer to Political Player

"Without a doubt, being a lawyer gave me credentials that made me more acceptable to the voting public," says Elizabeth Holtzman, a former four-term congresswoman from New York, who first ran in 1972, when the numbers of women elected to Congress were much lower than today. When she took office that year at age 31, she became the youngest woman elected to the House of Representatives—a record she still holds.

As an undergraduate at Radcliffe College, however, Holtzman primarily

studied literature. While attending Harvard Law School, she began working in the civil rights movement. “It gave me a sense of optimism,” she says. “It showed me how you could affect people’s lives in positive ways.”

After a few years of practicing law, she was invited to join the administration of former New York City Mayor John V. Lindsay. She recalls going in thinking that elected officials possessed some kind of special charisma, something unique or extraordinary. “But when I got up close, I realized they were just ordinary people. And in many cases, they were not as smart and not as capable as I was.” She says she decided, “Well, if they can do it, I can do it.”

Holtzman was quickly labeled a staunch liberal during her first campaign for the House. Her opponent, Emanuel Celler, an almost 50-year incumbent, was quoted as comparing her chances of beating him as “something like a toothpick’s chance in toppling the Washington Monument,” Holtzman recalls. She won on an anti-Vietnam War platform.

Taking the Hill by Storm

Shortly after arriving on Capitol Hill, Holtzman became the lead plaintiff in a lawsuit against the secretary of defense challenging the administration’s bombing of Cambodia on separation of powers grounds. Although she won the lawsuit at the district court level, the decision was stayed by a court of appeals—a ruling the U.S. Supreme Court refused to overturn.

Her legal training and knowledge of the Constitution again proved useful when, in 1978, she introduced a bill to extend the time period for ratification of the proposed equal rights amendment. After a lower court ruled the congressional extension unlawful, the Supreme Court, without ruling on the merits of the deadline extension, declared the issue moot in 1982 on grounds that the

proposed amendment had failed to achieve ratification by the required 38 state legislatures, with or without a deadline extension.

Holtzman’s legal credentials also got her placed on the House Judiciary Committee, an assignment she was not terribly enthused about until the committee was charged with determining whether President Richard Nixon should be impeached based on his conduct in connection with the Watergate break-ins, including his unlawful use of wiretaps against political opponents.

7 Steps to Launching a Successful Campaign

- ➔ Identify your call to service.
- ➔ Know your community.
- ➔ Build your leadership teams.
- ➔ Define your message.
- ➔ Connect with people.
- ➔ Raise the money.
- ➔ Mobilize to win.

Source: *Campaign Boot Camp: Basic Training for Future Leaders* by Christine Pelosi

(Recently, after learning of President Bush’s authorization of wiretaps as an aid in the war on terror, Holtzman coauthored a book, with journalist lawyer Cynthia L. Cooper, titled *The Impeachment of George W. Bush: A Practical Guide for Concerned Citizens*.)

Her legal know-how didn’t always win her friends on Capitol Hill, where form often triumphs over substance. For example, she had a dispute with the attorney general about his refusal to pursue the testimony under oath of a Korean national, alleged to be involved in a U.S. bribery scandal. The attorney general claimed he had no legal authority to obtain the testimony from the man who, by that time, was in England. She recommended that his office request the issuance of a Letter Rogatory, as authorized by

U.S. law, seeking to compel the witness’s testimony. “And it stumped them,” recalls Holtzman, who wrote about it in her book *Who Said It Would Be Easy? One Woman’s Life in the Political Arena* (Arcade 1996), also co-authored with Cooper.

Following her congressional service, Holtzman made further legal inroads as Brooklyn’s district attorney. Today she practices law in New York City. But whereas she soared to a high office practically overnight, most political careers take more time to build. Political expert Susan Carroll recommends that women lawyers consider starting at the local level, especially because organizations like zoning boards and planning boards need people with legal expertise. “Often it’s not that hard to get appointed to something—if you show up at a few meetings, meet some people, show that you’re interested,” Carroll says. “It’s a lot about getting involved and creating networks.”

Successful Campaigns

These days, groups like EMILY’s List, a political network for pro-choice Democratic women, and the Susan B. Anthony List, a Republican anti-abortion equivalent, try to provide viable female candidates with the necessary networks and support they need to make successful bids for elective office. The Susan B. Anthony List recruits and funds candidates. Similarly, Emily’s List begins two years ahead of an election, training its chosen candidates on everything from how to dress, to how to stump, to how to ask for donations.

Networking and fund-raising are areas in which women lawyers, with their high profiles and myriad connections, have another distinct advantage. “What I stress is friend raise before you fund raise,” says Christine Pelosi, a lawyer and the author of *Campaign Boot Camp: Basic Training for Future Leaders* (PoliPoint Press 2007), which is based on her grassroots experience on the campaign trail with her mother, Nancy Pelosi, the first

(Continued on page 14)

FROM COURTROOM TO CAMPAIGN TRAIL

(Continued from page 11)

woman Speaker of the House.

In her book, she lists seven critical steps to launching a successful campaign. “Politics are tough,” she says, recommending that women lawyers take this litmus test to determine if they’ve got what it takes. “Women lawyers need to think, ‘What is the toughest case I fought?’ If you don’t want to do that every day for four years, don’t run.” She also warns that voters carefully scrutinize female candidates on whether they exhibit the necessary leadership skills: “They’re thinking, if she can’t defend herself, how can she defend the country?”

Pros and Cons of Public Service

Some female lawyers don’t limit their political ambitions to the legislative body. Lois Frankel, for example, made a successful bid to the executive branch. In 2003, she

became mayor of West Palm Beach after serving 14 years in the Florida state legislature.

In the legislature, she primarily focused on children’s issues such as early intervention, child care, and child abuse. By contrast, her current job demands a much more multi-dimensional focus. “It’s quite dynamic. I’m running a city now,” she says, adding that she’s had to deal with multiple crises since taking office. “It’s not an easy job, I’ll tell you. We’ve had so many tough issues. Everything you can think of. We’ve had hurricanes. We’ve had droughts. We’ve had water contamination. I’ve had commissioners going to jail.” She sighs, “I could write a book.”

Looking back, however, Frankel says, “Politics was something I was destined to do.” Like many other politicians who came of age during the civil rights and feminist movements, running for office was a natural outgrowth of her activism. As a young lawyer, for instance, she founded the first domestic assault shelter in West Palm Beach.

When she began her political career in the state legislature, she was divorced with an eight-year-old son. “To do it, you have to have a good supportive network,” explaining how she and her ex-husband turned that busy period into an opportunity for him to spend more time with their son. Although many women lawyers enter politics after they’ve achieved law partner and raised a family, Frankel warns, “If you wait for that perfect moment, it will never happen.”

Asked how she’s withstood all the challenges along the way, she responds, “I must have a very thick skin. It takes a really serious commitment to public service, believe me, to take the punishment of this job.”

On the other hand, she adds more brightly, “It’s been an incredible privilege. I wouldn’t give it up.” 

Ann Farmer works as a freelance breaking news reporter for the New York Times and writes frequently about culture, law, travel, and other topics for various publications. She lives in Brooklyn, New York.