



## **'That's just the way things are': Why Delaware lawmakers are hesitant to go against the governor — <https://bit.ly/3JQo44i>**

**Meredith Newman, Delaware News Journal**

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When House Democrats failed to override Gov. John Carney's marijuana veto in early June, it showed that an old-school style of politics is still very much embedded in Legislative Hall.

You don't go against the family. Or in this case, your Democratic governor.

House Majority Leader Valerie Longhurst, who co-sponsored the legalization bill, did not vote. Three Democrats – Reps. Andria Bennett, William Carson and Sean Matthews – initially voted yes on the legalization bill and then voted no on the veto override. Two Republicans, Reps. Mike Ramone and Jeff Spiegelman, did the same.

After it was made clear the override would fail, Reps. Franklin Cooke and Larry Mitchell, who were also co-sponsors, changed their votes from “not voting” to yes. Three Democrats voted no to the override, including House Speaker Pete Schwartzkopf, who had been against the bill.

Recreational marijuana will likely not be legalized in Delaware until after Carney leaves office in 2025.

The Delaware General Assembly has not voted to override a governor's veto in nearly half a century. Lawmakers' failed vote to do so in June was the first time it has even been attempted in decades.

Last month, the General Assembly concluded the 151st session. Though lawmakers passed progressive bills – including implementing paid parental leave, banning assault weapons and expanding abortion access – the inability to legalize recreational marijuana was among the most dramatic and significant moments of the session.

Specifically, the decision among some Democrats to not defy the governor's veto puts a spotlight on a long-lasting dynamic in Dover: The governor continues to have powerful sway over the legislature.

“When governors send signals that they're going to veto things, the legislators rethink their position. The bills never get there,” said Bob Byrd, former lawmaker and longtime lobbyist, who among many in Dover is considered to be an expert on the inner workings of Legislative Hall.

“If your governor is of the same party, you're reluctant to override a veto,” he said. “That's just the way things are.”

But could this be changing? This culture has led to growing frustration among some younger, and often more progressive, lawmakers. They are more open to criticizing the governor and don't automatically defer to leadership.

Delaware is not alone in its lack of overrides: Twenty-two legislatures from 2010 to 2020 had not successfully challenged their governors' vetoes, according to Ballotpedia. The First State requires a three-fifths threshold, while most states need two-thirds support to override.

Carney, in his nearly six years as governor, has vetoed seven bills among the dozens passed each legislative session. His veto of recreational marijuana didn't come as a surprise. For years, the governor has been vocal about being against recreational marijuana.

Byrd was one of the lawmakers in 1977 who voted to override Gov. Pete du Pont's veto of the budget – a significant moment in Delaware history. The state's finances were in disarray then, and the legislature, controlled by Democrats, believed the governor's office had underestimated the state's revenue. In a blow to du Pont, lawmakers won the override vote.

Lawmakers were right in this scenario, he said, but they could have easily been wrong – and ended up with “egg all over our face.”

“In the business of politics and governing, you try to be everybody's friend,” Byrd said. “You try not to make people mad. ... Overriding a governor's veto is a pretty big deal. That's why it's only happened once in what, 40 years?”

“Politics and governance,” he said, “is a game of compromise.”

Delaware lawmakers have a tendency to “defer power” and not stand up to those in party leadership, said Claire Snyder-Hall, executive director of Common Cause Delaware, an organization that advocates for open government.

“Legislative deference to the executive is really troubling for ‘small d’ Democrats because it undermines the separation of powers,” she said. “The legislature’s an equal branch of government. The governor is not the boss of the legislature, just like the president is not the boss of Congress.

“But it seems that more and more politicians seem to forget that, particularly when they’re looking through a partisan lens rather than a civic lens.”

David Redlawsk, a University of Delaware political science professor, said a state legislature not overriding a governor’s veto in 45 years is “highly unusual.”

Delaware’s political culture, which can either be praised or derided as ‘The Delaware Way,’ is known for its behind-the-scenes politicking. Compromises are often hashed out and “then everybody falls in line,” Redlawsk said.

But this idea appears to be breaking down, due to partisanship getting much stronger.

“It’s also a new generation that’s not willing to wait its turn,” he said. “Part of the Delaware Way historically included: ‘You’re waiting your turn.’”

Two years ago, four of seven incumbent Democratic lawmakers lost their seats to underdog challengers. It sent shockwaves throughout Legislative Hall that Delaware voters were looking for younger, more diverse and more progressive representation.

This included then-Senate President Pro Tempore David McBride, who had been in the General Assembly for four decades. He lost to now-Sen. Marie Pinkney.

There are 10 competitive primary elections this year, four involving incumbent Democrats. Some of these races include more progressive Democrats. One of the more high-profile Democratic primaries will likely be the district of Rep. Larry Mitchell, the House majority whip.

He has not been challenged in a primary since winning office in 2006, according to election data.

Even though he has been supportive of recreational marijuana, and has been a co-sponsor of several related bills, it’s unclear how Mitchell’s decision to not vote, and then change his vote to yes once the veto override failed, will affect the primary.

His opponent is DeShanna Neal, a first-time candidate, who supports recreational marijuana.

“For a bill sponsor to not support a bill that you put your name on, in my mind, is outrageous,” Laura Sharer, executive director of recreational marijuana advocacy group Delaware NORML.

“Our next step for sure ... will be bringing attention to these campaigns in the fall.”

Senate President Pro Tempore David Sokola, in a May interview, described the recent turnover as “refreshing.” The turnover has also had consequences: It helped lead to the passage of paid parental leave and gun reform as well as recreational marijuana legalization getting the farthest it ever has.

“They’re very confident in their positions on things,” he said of newer lawmakers. “I think they're also very good at being respectful of others, but I'm thinking that there might not be the same level of deferring to the governor today as there might have been years ago.”

Rep. Melissa Minor-Brown, D-New Castle, acknowledged that generational difference among House Democrats, and how that played into the marijuana veto vote. Minor-Brown, who voted for the veto override, said there is respect for her senior colleagues, and the work they have done, but “they need to be able to get with the times.”

“Things are changing,” she said.

Rep. Madinah Wilson-Anton, D-Newark, said legislators talk about Carney as if he’s the 63rd lawmaker in Legislative Hall. In her time as a representative, and her years as a legislative aide, she’s seen lawmakers “stand up for what they believe in,” and then get punished. This could mean their own legislation not getting support or being stalled in committee.

Once that happens to a lawmaker, Wilson-Anton said, they learn to not do it again.

This goes beyond dynamics with the governor, Wilson-Anton said. It exists in both the House and Senate chambers.

If Wilson-Anton doesn’t agree with fellow lawmakers, she’ll publicly vocalize that – often on Twitter. But many of her colleagues will not, which she said only hurts Delaware voters.

“We’ll fight behind closed doors and then in public, we all just go along with whatever we've decided on in private.

“I’ve never been that kind of a person and I think a lot of the new folks — we don't work that way,” she said. “We don't operate that way.”

Just 30 minutes after the veto failed on June 7, Wilson-Anton expressed her frustration on Twitter, specifically how Democrats got even fewer votes than the first time. Her tweet included six clown emojis.

“Can someone,” she tweeted, “post a link to @runforsomething? We need new reps down here. It’s brutal.”

