

## Ethics board revamp is serious business

Tuesday, February 19, 2008 Stephanie Grace

When good government groups tell a good government politician to back off, it's never a particularly good thing.

In the case of the current dust-up over Gov. Bobby Jindal's proposal to reassign one of the state Board of Ethics' primary duties, just how bad it is depends on what comes next.

Here's the good news about the chorus of criticism over Jindal's proposal to revamp how the ethics board deals with potential violations: Nobody's really defending the status quo.

The current arrangement, which calls for the same board to investigate and to decide cases, has passed legal tests of due process, but that's beside the point. When it comes to basic fairness, it doesn't pass a gut check.

Or, as Jim Brandt, president of the Public Affairs Research Council, put it: "The ethics board and staff currently share responsibilities for all phases (initiation of an investigation, investigation, prosecution and judgment) of deciding guilt or innocence in an ethics case. This does seem to create inherent conflicts of interest that could lead to biased decisions."

The question at hand is what to do about it.

Jindal's answer, which is codified in House Bill 41 by Speaker Jim Tucker and which has already passed the House by an overwhelming margin, is to shift responsibility for deciding cases to administrative law judges.

Concerns raised so far generally center on whether the ethics board's power would be unduly and perhaps unconstitutionally diluted.

Barry Erwin, President of the Council for a Better Louisiana, has asked for more time to consider options, arguing that "this would be a major change in the very core mission of the Ethics Board. It would, in essence, remove from the board the primary role for which it was created."

In a self-serving but also well-reasoned argument, the chairman of the ethics board, Henry "Hank" Perret Jr., has proposed an alternate solution. He wants to divide the board into two different panels, one to consider charges and one to judge the merits of those charges, with separate staffs assigned to each.

And in the sharpest criticism to date, leaders of the League of Women Voters of Louisiana and Louisiana Common Cause questioned the governor's professed need to rush.

"This bill was not part of Gov. Jindal's campaign platform, was not considered by his Ethics Advisory Committee, was slipped in the special session call at the last minute, was not made available to the public until its prefiling on the Saturday before the special session was opened on

Sunday, and was approved on a continuing fast track by the House Committee on the following Monday. Despite the plea from the Ethics Board that there are serious constitutional and other problems with the bill, and despite requests, by at least two good government organizations, to the Governor's Office for further study the House approved the measure last Friday," they wrote in a joint statement.

And that gets to the root of the matter.

The ethics board proposal did emerge as part of Jindal's expansive package late in the game, just days before the Legislature opened its fast-track special session on ethics reform but after Jindal had held a series of meetings with legislators.

Given that the ethics board's multiple roles have long irked state lawmakers, the proposal certainly looks and smells like a bone that Jindal tossed to buy goodwill on some of his other measures.

Nothing wrong with that, on its face. Leveraging support for your priorities by supporting someone else's is business as usual in this and every legislature.

But revamping the ethics board should be serious business, not just the means to an end for Jindal. If he takes it seriously, he's really got no choice but to pull back, take a good long look at the various options, pick the best one and promote it on its merits.

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