



Ignorance of law poor excuse by judges

Editorial

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We've always heard that ignorance of the law is no excuse.

We're not so certain that applies in Louisiana.

Recently, a panel of three administrative law judges refused to levy a fine on a Democratic Party advocacy group that spent almost \$650,000 for TV ads critical of a Republican candidate for state attorney general in 2007.

The public face of the TV ads was the Louisiana Justice Fund, which was funded solely by the Democratic Attorneys General Association, a Denverbased group. It had failed to fill out the proper disclosures in Louisiana in violation of the state's campaign finance laws.

Oops. Their bad.

As for the panel's ruling - which basically said, "That's all right, you didn't know. We'll let it go this time." - reaction to it hasn't been exactly kind.

"What a cop-out. It's ludicrous. It rewards ignorance of the law, which has never been recognized as an excuse," said Royal Alexander, the candidate who was the target of those TV ads.

Members of the state Ethics Board, which is required by state law to adopt the decision of the panel, found the law judges to be "unbelievable" and "absurd" in their decision making.

The board, to its credit, refused to adopt the decision despite the state mandate.

There's a couple of points to be made in this case.

The first is that it might be kind of hard to police our campaign finance laws now that anyone can come in, run a campaign without filing disclosures, and then say, "We didn't know we had to do that."

Another is that the Ethics Adjudicatory Board - the panel of administrative lawyers - is a creation of Gov. Bobby Jindal's ethics reform effort that was empowered by the Legislature in 2008. The

move resulted in the loss of adjudicatory authority of the state Ethics Board and led to the resignation of 10 of its 11 members.

Those Ethics Board members in place now also oppose the current set up.

The change in ethics roles had raised concerns at their onset. The Public Affairs Research Council in 2009 stated "the process of deciding guilt or innocence of those accused of ethics violations is too important to be altered without thorough legal study and thoughtful consideration."

PAR found that the Legislature acted with little discussion of alternatives or implications. Some saw the move as retaliation for ethics charges filed against some high-up state officials.

With the outcome of this case, it's easy to see why the public in the state and from outside it cast wary eyes at Louisiana government.

"So much for the Jindal ethical 'gold standard,' " Alexander said.