

Nobody around to enforce Jindal ethics laws

By Kevin McGill • The Associated Press • August 15, 2008

NEW ORLEANS — Mindful of Louisiana's rich lore of corruption, Bobby Jindal made ethics reform the battle cry of his 2007 campaign for governor. After taking office in January 2008, he pushed a major expansion of the state ethics code through the Legislature.

But now, with a key element of the package taking effect today, there's nobody around to enforce the new laws. Most state Ethics Board members quit in June amid complaints Jindal, while broadening the law, complicated the job of proving ethics code violations. Their departure bottlenecks the process until replacements are chosen, which could take months.

Meanwhile, critics say Jindal has given the governor's office too much influence in the enforcement process — a big concern in a state that gave rise to the dictatorial former Gov. Huey Long and scandal plagued Gov. Edwin Edwards, now serving a federal prison term.

"Our concern is, we're not talking about Jindal forever," said Jim Brandt, director of the nonpartisan Public Affairs Research Council. "We are talking about a change in the system that will be passed on to other governors."

Jindal, a Republican mentioned frequently as a possible vice presidential running mate for John McCain, has drawn widespread praise for most of his ethic reform package. It includes greater restrictions on state officials getting government contracts and requirements that hundreds of state officials make public their sources of income. The governor, who did not return a call for an interview, touts his package as the "gold standard" of ethics laws and says it will cleanse the state's corrupt image and encourage businesses to locate in the state as it recovers from two devastating 2005 hurricanes, Katrina and Rita.

Louisiana had ranked 44th with the Center for Public Integrity in how much financial information it requires lawmakers to disclose compared to other states, getting 43 points on a 100-point grading scale. The center has not updated the rankings since 2006, but says in a recent news release Louisiana's new laws give it a score of 99 out of 100.

But the abrupt departure of most Ethics Board members has put in limbo scores of pending ethics complaints and raised questions about future enforcement.

In public appearances, Jindal has suggested the board members left because they themselves would come under the new financial disclosure laws.

But former board vice chairman John Greene, a retired state judge, denies that. He and other board members complained that the task of deciding whether an ethics violation occurred is being handed

over to administrative law judges, who will be selected by an appointee of the governor. The board would be reduced to an investigative body.

"We had no duties anymore," Greene said. All board members expressed disappointment with their reduced role; 10 protested the changes in a March 3 letter to Jindal.

"At every important point in the process, gubernatorial-political pressures are certain, and designed into the new process," said Elliott Stonecipher, a political consultant.

Critics also complain about a provision of the new ethics law that raises the standard of proof to determine whether an official has violated ethics laws. Where the board formerly could determine a violation had taken place based on "reliable and substantial evidence," the law raises the standard to "clear and convincing evidence."

Former Ethics Board administrator Richard Sherburne, the board's top attorney who resigned in June without stating a reason, said the new standard would require additional evidence gathering and make the job more difficult. Departed board members predicted the new language likely will result in years of court battles, further gumming up ethics enforcement.

Jindal has downplayed the criticism and defended the new laws. His press secretary, Melissa Sellers, stressed in an e-mail Thursday that the administrative law judge provision was the idea of legislators, not the governor, although Jindal controlled the agenda for the Legislature's ethics session and his chief counsel lobbied for passage, along with his legislative allies.

Backers of the change said the Ethics Board should not play the dual role of investigator and judge.

"There was a way to address the concern about separation of responsibilities within the ethics board without totally gutting the ethics board's authority to hear cases," Brandt said.

Stonecipher says the governor is doing the bidding of legislators and political allies who wanted a weaker ethics board. He accuses Jindal and his legislative leaders of "eviscerating" enforcement.

Brandt is less severe. "We're going to continue to follow them very carefully and closely and hope our concerns about weakened enforcement will not bear out in the long-run," Brandt said.

That will take a while. The administrative law judges who will hear cases cannot be selected until the Ethics Board is reconstituted and Sherburne is replaced, which will take months.