

ADVICE TO AVOID ETHICAL PITFALLS

A panel of veteran legislators offers advice on how lawmakers can avoid some of the obvious and not-so-obvious ethical pitfalls.



BY PEGGY KERNS

As legislators tip-toe through the mine fields of policy choices, they face other potential dilemmas. Whether it is building relationships with colleagues, lobbyists and staff, being attentive to their families, campaigning for reelection, doing outreach to the public or keeping their heads above water, ethical dilemmas do arise.

Former Ohio Senate President Dick Finan, North Carolina Representative Deborah Ross and Oregon Representative Dennis Richardson combine years of experience as elected officials to offer their advice on how to act ethically in the legislative environment.

★ 1 ★

BEWARE OF THE HIDDEN TRAPS OF CONFLICT OF INTEREST.

Conflicts of interest occur in all walks of life and are not inherently wrong. It's how you handle them that may present problems. The panel advises never to vote your financial interests and be watchful of situations where your personal interests may overlap into your professional ones. Be conscious of what effect your professional employment, com-

munity involvements, personal and partisan relationships and even your family have on your votes. "You are elected to represent your constituents, but you also are your own person," says Representative Ross. Keeping their best interests in mind will help you make the right choices, but ultimately, you have to live with your actions, she says.

★ 2 ★

MAKE FRIENDS AND BUILD RELATIONSHIPS.

But be cautious about what those relationships mean. Representative Ross says it is good to have an open door policy with anyone who wants to talk with you about issues. "It's natural to like some people more than others, but be wary of forming personal relationships with people whose job it is to influence you." Representative Richardson agrees, "Legislators should never confuse positive business relationship with friendships." Former Senator Finan takes a different tack. Over his many years in the Ohio legislature, he found that friendships with lobbyists can be valued relationships. "They also can provide you with inside information. But quickly learn whom you can trust and whom you cannot. Loose lips sink ships."

★ 3 ★

DEAL ETHICALLY WITH THE PRESS.

You must deal with the press as honestly as everyone else. But how do you deal with a reporter's difficult question that you don't want to answer? Respond as accurately as possible while emphasizing the points you want to make. Respect the confidentiality of issues and accurately describe your opponent's views. Senator Finan adds that many times you can skirt the issue on a tough question. "But if you lie to the press, they will be all over you."

★ 4 ★

DON'T FEEL YOU OWE A DEBT TO YOUR SUPPORTERS AND CAMPAIGN CONTRIBUTORS.

Contributors and supporters are owed candor, not favoritism. Cast votes as you see fit, after you have gathered information from all sides and then be prepared to explain your votes to constituents. Representative Richardson warns that it's a myth that big contributions are sent for any reason other than to influence you. Accepting these gifts creates an implicit sense of indebtedness. That's where your ethical values kick in. "The legislator has an ethical duty to vote his or her conscience and not to please the contributor. High political ethics takes courage and strength of character," he says.

★ 5 ★

KEEP YOUR WORD.

Senator Finan warns against what he sees as a typical freshmen mistake. "Never commit until you have all the facts. Now you must stick

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to your word. Next time get all the facts first.” Representative Richardson counters, “A legislator’s word is his political capital. If new information comes along and the legislator must change his mind, his credibility and reputation can be maintained if the legislator immediately let’s the bill sponsor know.” Otherwise, Representative Ross says legislators leave an impression that they were not truthful in the first place. “This will affect your relationship with that member in the future,” she says.

FINAL ADVICE

Representative Ross

- ◆ Do not make promises about how you will vote until you have enough information.
- ◆ Be wary about introducing bills for people until you have researched the issue and vetted it with your constituents.
- ◆ Do not think that your reelection means you have any less accountability to your constituents.
- ◆ You are not obligated to answer all press questions. It is better to answer the question you wish they asked.

Senator Finan

- ◆ Use your experience to help eliminate your mistakes.
- ◆ Develop relationships with fellow members, the press and lobbyists; it’ll make your life easier.
- ◆ Vote your principles whether your constituents agree or not.
- ◆ Your campaign contributors have the right to access your ear, but you do not owe them your vote.

Representative Richardson

- ◆ Make key votes based on sound reasoning and ethical judgment, and be prepared to explain those votes.
- ◆ Avoid the appearance of impropriety. Before accepting gifts or trips from lobbyists, consider how it will look to your constituents.
- ◆ Be thorough and timely in filing all required disclosure reports. The public usually does not know the difference between a procedural violation and a criminal offense.
- ◆ By keeping relationships with lobbyists professional, a legislator lessens the conflicts of interest that develop when legislation is considered that would adversely affect a “friend.”

Ethical actions have consequences and responsibilities. To maintain the integrity of the office, legislators have a duty to work hard, speak the truth, withstand pressures to influence votes and not take advantage of their position.

And what if your values conflict with those of your constituents? “You ran your campaign on the general principles you believe in. You were elected on those principles and you must vote your principles whether your constituents agree or not,” Senator Finan says. This commitment is needed to avoid ethical pitfalls. 

 **CHECK OUT** advice from Representative Dennis Richardson on how to keep track of vote commitments, an online extra that goes with this piece. And don’t forget the regular online magazine feature: “Being Ethical: Advice for Legislators by Legislators.” Find them at www.ncsl.org/magazine.