Convictions Put Spotlight on Need for Change

ith the June 15 conviction of Sal DiMasi on one count of conspiracy, two counts of mail fraud, three counts of wire fraud and one count of extortion, Massachusetts has achieved the trifecta. The last three speakers of the Massachusetts House all have been convicted of felonies committed while in the speaker's chair.

Massachusetts is not alone.

In the past year or so, indictments and convictions of sitting legislators, some presiding, have occurred in Alabama, Alaska, New York, Pennsylvania and Tennessee. In Pennsylvania, the criminal conspiracy resulted in the

convictions of a former speaker and former chair of the House Republican Campaign Committee. In New York, it was the former Senate majority leader. In Alabama, it was four senators—two Democrats, a Republican and an independent.

What's going on here?

I have more than a passing interest in understanding the Massachusetts situation. I served three terms in the Massachusetts House during my formative years, and the place and the process are both close to my heart.

The convictions nationwide, however, suggest a pattern that may tell us that, in at least some legislatures, there is a more systemic problem.

From a leadership perspective, making meaning out of the Massachusetts trifecta and the indictments and convictions in other states is important. The interpretation will drive what remedies, if any, are implemented. At its

essence, exercising leadership involves three core steps: observation, interpretation and intervention.

Observation involves collecting the objective data, in this case the indictments and convictions.

Interpretation is the tricky part. Everyone creates his or her own view of how to make sense of these straightforward facts. What story do they tell?

We usually are committed to our own interpretation of reality. As my 98-year-old mother says, "That's my story, and I'm sticking to it." We are influenced in making our interpretations by whatever lens we look through, by our backgrounds, our ideology, by the role we play in the story. The interpretation is critical because any intervention to address the situation will inevitably be based on an interpretation, a theory of the case.

This business of interpretation is a leadership opportunity. Human beings and organizations will ordinarily try to make interpretations of reality, especially in particularly difficult situations, with explanations that have three characteristics:

- ◆ They point to the failures of individuals.
- ◆ They describe the situation as a technical problem that can be fixed by changing the rules.

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◆ They assume progress can be made without anyone having to give up any important values or beliefs or identities in the process.

It is an act of leadership to remain open to interpretations that:

- ◆ Are systemic rather than focusing on individuals.
- ◆ Require people to adapt by giving up beliefs or values or practices they hold dear
- ◆ Require conflict, tension and loss if progress is to be made.

Applying this notion to legislative corruption scandals, the conventional explanations—these were a few bad apples or all politics is rotten—and the conventional responses—such as changing the ethics code—do not mea-

sure up

Let's explore what it might mean to look at the situation differently, to start from an assumption that there is a culture in those legislatures that implicitly condones or even passively colludes in the corruption. To this way of thinking, the enablers would include all legislators, statewide officeholders, activists, donors, people in the business community, advocates and the media.

This would be an interpretation that is systemic, adaptive and likely to cause conflict.

The implications for interventions are dramatic and provocative. Here are some leadership interventions based on that interpretation.

Raise or lower salaries. Most state legislatures pay their members in the never-never land of not being as much as a full-time job and adequate to raise a family, yet enough so that outside work becomes a political liability. Legisla-

tors, especially House speakers, think they need more money to live and to conduct themselves as people expect them to do. Their situation is different from governors, many or most of whom not only make more money and have considerable staff and monetary resources at their disposal, but who came from successful careers outside of government and have savings to draw upon. Speakers and other legislative leaders typically depend on their legislative salaries plus perhaps a part-time law practice or other job. They must give up that outside income, however, when they become speaker, which is clearly a full-time job.

Raising salaries for what amounts to full-time jobs would remove some of the temptation to supplement meager public incomes inappropriately or illegally to provide for families and pay kids' college tuitions. Lowering salaries would take the pressure off legislators to treat electoral office as a full-time job, restore a notion of citizen-legislator, and give lawmakers the freedom to spend time and energy nurturing their nonelective professional lives.

Decentralize power. Massachusetts has one of the most institutionally powerful speakerships in the nation. In most state legislatures, however, real power is centralized among a handful of folks in key positions. It is the Lord Acton principle—"All power corrupts; absolute power corrupts absolutely"—in practice. The system works well enough for most legislators and lobbyists because they know the rules of the game. As a result, winning and keeping the favor of the handful of key players is an aspiration for every legislator. In fact, it's a goal for every officeholder, including the governor, the cabinet secretaries, every lobbyist and advocate, and

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every businessperson whose success may be affected by what is and is not enacted.

Most people contribute to the war chests of key legislators not because they have a tough fight for re-election, but because they get what they want from them. Keeping these lawmakers in their powerful roles works for contributors. In the DiMasi trial in Massachusetts, people from the governor's office and from the legislature testified they were enablers—my word, not theirs—by moving forward the legislation and ultimately the contract for which DiMasi was convicted of receiving kickbacks.

Diffusing power among a wider group of lawmakers and democratizing the legislative process would make it more difficult for those trying to affect legislation to make things happen their way by concentrating on only a few members. With dispersed power, a legislature would be less vulnerable to corruption of the process by advocates illegally currying favor by bribing only one or two members. Any attempts to do so would be more likely to be exposed before they were fully executed.

Eliminate the House altogether. Nebraska, the only state with a Unicameral Legislature, has been relatively free of corruption, as far as we know. The bicameral U.S. Congress structure was created to give small states a chamber where they were equally represented and the six-years Senate terms were designed to give senators a longer perspective on their responsibilities. The first rationale never existed for the states. As for the second, in most states the terms of the senators and the representatives are the same.

Two chambers reduce accountability. One house can pass lousy bills as favors to contributors—or bribers—without feeling responsible, since those bills can be given a quiet burial in the other chamber. How many times have you heard something to the effect, "I know it's a terrible idea,

but they'll kill it in the Senate." I heard that a lot when I was in the House, and again when I worked in the governor's office in the 1990s. With a single chamber, members would not have the freedom to do "favors" by moving bills out of their chamber, knowing that the other chamber would do the right thing.

Sure, eliminating the House seems wildly unrealistic. It will never happen. But if there is a systemic issue, rather than just some bad apples, the change will have to be deeper than a bunch of new ethics laws, outlawing what we all knew was wrong already.

Someone smarter than I said that once is an incident, twice is a coincidence and three times is a pattern.

Pretending that all politics is corrupt or, alternatively, that all those convicted legislators were just bad apples will not deal with the systemic issues that produced the current reality.

In the fall, the whole country was consumed with the child molesting scandal at Penn State. The individual versus systemic interpretations have been at war there as well.

Leadership that aims to reduce the likelihood of corruption will take courage and could come from anyone in the affected states: legislators, the governor, the business community, lobbyists or activists. All have benefited from how the system currently is organized, and have all contributed to it. They all have a piece of ownership in the pattern of corruption in their own states.

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Read Marty Linsky's earlier column at www.ncsl.org/magazine.