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Freebies compromise legislators and those who give them

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Perhaps state legislators are going hungry these days. That may explain their need to

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change the gift law to allow nonprofits to feed them.

They are trying to convert a bill that would have improved the gifts law, Senate Bill 671, into one that would provide them perks for doing the public's business.

The purpose of the gifts law is to be sure that our government is not for sale. The original bill would have strengthened this purpose by requiring increased reporting of contractual and financial relationships between lobbyists and public officials, campaign donations made during the legislative session, and lobbying events attended by legislators.

But the leadership of both houses of the Legislature wanted to expand their right to freebies after they learned from Ethics Commission Executive Director Les Kondo that \$200 tickets to a dinner did not meet the state's ethics guidelines. Up in arms, they gutted the original bill and inserted one that would have allowed any state employee or legislator to receive — or solicit — gifts from anyone at any time for any purpose.

The Senate Judiciary and Labor committee toned it down quite a bit, limiting the permissible gifts from 501(c)3 organizations to tickets for charitable fundraising events. The Ethics Commission, which is charged with promoting public confidence in government, did not support even the revised bill, on the basis that many 501(c)3 organizations receive public funds or have activities that are regulated by the government. Thus, they have reason to court legislators or regulators, and their dinner "gifts" are not without the hope of a return or, more bluntly, could be construed as attempted bribery.

In addition, many for-profit organizations have associated 501(c)3 organizations that share their goals and interests, and that could serve as a cover for illegal gift-giving by the parent organization.

But our starving legislators can't seem to stop angling for perks, despite strong public outcries. The House Judiciary Committee has floated a new version of the bill, once again expanding who can give out pricey tickets. The current proposed draft, to be heard at 2 p.m. today in room 325 at the Capitol, would allow 501(c) organizations — including not only the 501(c)3 charities but also lobbying organizations, labor unions, business organizations such as the Chamber of Commerce or the Board of Realtors — to give tickets to charitable fundraisers to legislators and public employees.

What's wrong with that? Many 501(c) organizations, including charitable 501(c)3 organizations, are big business, with a strong interest in legislation that would affect them.

Does it improve trust in government for these groups to be allowed to curry favor with public officials or legislators with gifts of expensive tickets to their own or other groups' fundraisers?

In addition, many have activities, such as preschools, that are regulated by the state. Should they be allowed to court the officials who regulate them?

And why would a charitable organization, while trying to raise money, want to give away costly tickets?

An unpleasant truth has come out in testimony: Some organizations that hold high-stakes fund-raising dinners feel they need to give freebies to legislators in order to lure lobbyists



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and business executives to attend their functions with a promise of extended access to decision makers. So these organizations are essentially using the legislators as bait — selling access instead of a dinner and the importance of their organization.

These activities are not compatible with public trust in government and may also undermine public trust in some of our more prominent charities.

The public needs to weigh in loudly to tell our legislators that no matter how hungry they are, promoting their own self-interest is simply wrong.



Barbara Polk is the legislative chairwoman for Americans for Democratic Action Hawaii.

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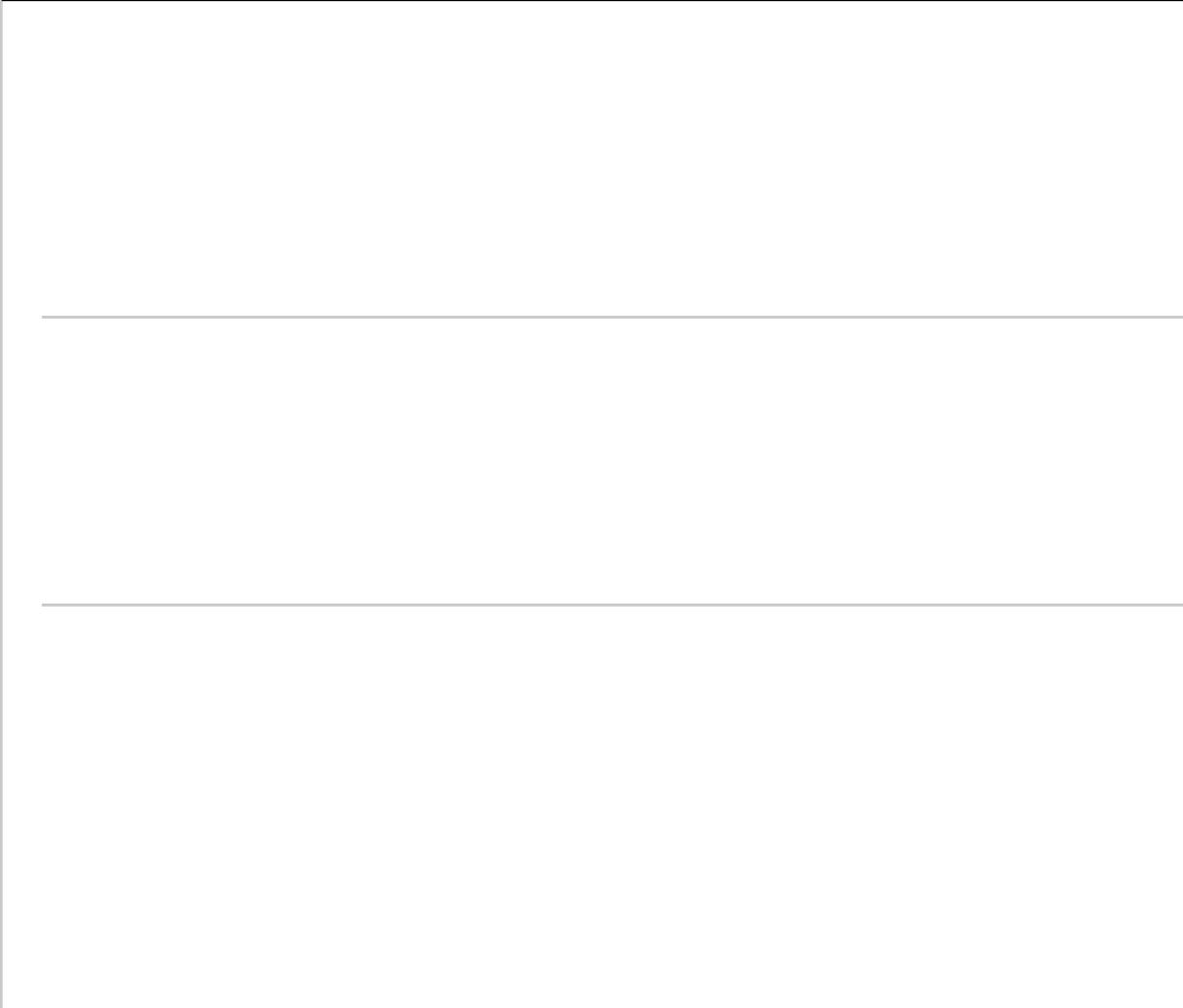
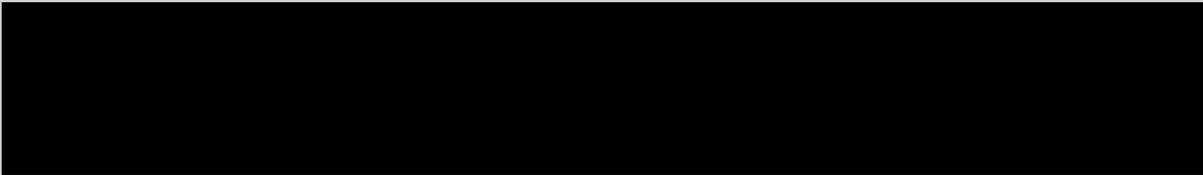


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