

Column

Ian Lind: Lawmakers Got Ethics Awards For Not Breaking The Law

Sorry, but simply getting legally required paperwork filed on time isn't enough to justify a special award for ethics.

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By Ian Lind  / June 28, 2017

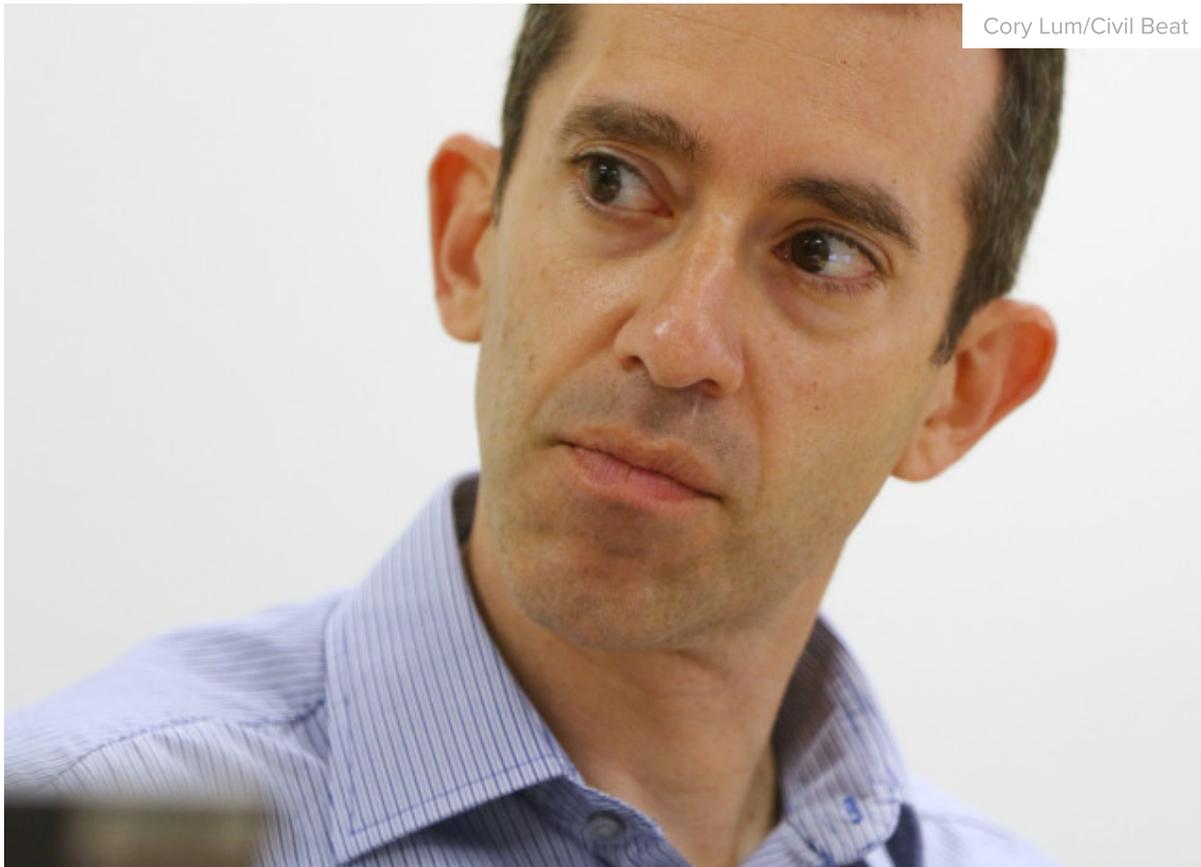
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Earlier this year, the State Ethics Commission announced its first Ethics Awards, intended to reward and promote “positive ethics behavior.”

I've been following issues of ethics in government for 35 years, and have seen the good, the bad and the ugly. Over time, it seems, we hear more about the bad and the ugly.

So the commission's new awards seemed like a great idea, and long overdue.



In the press release announcing the Ethics Awards, State Ethics Commission Director Dan Gluck congratulated legislators for “leading by example.”

I assumed they would recognize those who exemplify the promise expressed by Article XVI of the state constitution: “The people of Hawaii believe that public officers and employees must exhibit the highest standards of ethical conduct and that these standards come from the personal integrity of each individual in government.”

Then the recipients of the first awards were announced by the commission in [an April 24 press release](#).

The winners? The Hawaii Legislature, both the House of Representatives and the Senate. Certificates signed by all members of the commission were presented to the House speaker and Senate president.

And what exactly had legislators done to earn this honor?

According to the press release: “The Commission wishes to congratulate all Representatives and all Senators for having completed their 2017

Disclosures of Financial Interests by the January 31 filing deadline, and has therefore issued Ethics Awards to both houses of the Legislature in recognition of their 100% success rate in completing the filing requirement on time.”

Restated slightly, and somewhat cynically: Members of the House and Senate were selected to receive the award because they actually complied with the legal deadline. For perhaps the first time, all 76 legislators were on time. None was tardy. None had to pay fines for missing the deadline.

But while they were on time, we don't know if those financial disclosures were complete and accurate, because the Legislature has never provided the Ethics Commission with the funds necessary to audit the reports. Instead, the commission largely relies on the public to identify and report any omissions and errors.

Financial disclosures are important. The process of filing out the forms provides an opportunity for each employee or elected official to consider whether any of their varied interests might create conflicts with their public duties. And the completed forms provide the basis for members of the public to independently assess any potential conflicts.

But while meeting the deadline was an achievement of sorts, it was not, at least in my view, one that warrants a special award for ethics. Perhaps a certificate of completion might have been reasonable, but doling out awards solely for meeting a simple statutory deadline sets the bar inappropriately low. I think the public should expect a bit more.

Being Ethical Isn't Easy

[Several years ago](#), I suggested several reasons why maintaining high ethical standards is difficult. They are worth repeating, as we rethink how the Ethics Awards might be bestowed.

We teach kids a few simple things: Don't lie. Don't cheat. Don't be selfish. Expressed positively, we admonish them to tell the truth, follow the rules, and play fair.

Those are the same basic building blocks of the state ethics code. But in practice, living up to those high ethical standards isn't easy.

First, it's always easier to see other people's ethical challenges. They have conflicts of interest. We just have friends, family and business associates, and naturally want to help them out if we can. Isn't that what friends are for?

I often put it this way: There is a very fine line between community and corruption, and it's all too easy to step across the line in our natural desire to help our friends.

Second, in politics and government, some people are paid very well to bend public policy decisions in their clients' favor.

Lobbyists aren't paid to do what's "right" for the whole community, although I'm sure most like to think their particular interests are also best for the rest of us as well. They are paid to make public decisions come out right for their clients.

Lobbyists earn their keep by using other people's money to build positive relationships and trust with decision-makers, striving to become everyone's best and most useful friend, and then using their friendships and personal influence to get their clients what they want.

With both money and power at stake, it's no coincidence that many potential violations of the ethics law involve gifts or favors exchanged, solicited or offered in those complicated relationships between lobbyists and legislators.



**Save the special recognition
implied by the Ethics Awards**



for those who have actually distinguished themselves.

Third, good-government reforms have a short half-life. Most laws are passed once and done.

But reforms, including public interest ethics laws, have to be won, and then won again, and again. These reforms usually grow out of scandal, get support from public officials as long as the spotlight is on them, and then are allowed to slowly drift into the background until the next scandal comes along. And while they are in the background, legislators and lobbyists return to chip away at them, coming back again and again to restore special privileges when the public isn't paying attention or when public interest groups are stretched too thin to effectively resist.

Fourth, it turns out there are a lot of legal technicalities to consider when translating those basic ethical principles into effective ethics laws. And this means that even where there's a consensus on ethics policies, there can be legitimate legal disagreement over how to translate that consensus into clear, understandable laws. The more complicated these disagreements, the harder it is for the public to remain interested and involved in the issues.

For all these reasons, those basic ethics rules can be hard to follow. And standing up for high ethical standards through example, or challenging potential misbehavior by others, requires bucking peer pressure or higher authority.

Ask any whistleblower who has called out a boss, or a co-worker, for failing to live up to those high standards, and you'll find out that there's all too often a price to be paid for good citizenship.

I feel bad aiming this criticism at the commission, which perhaps hopes some positive reinforcement is in order after years of tense relations with the Legislature. But while I applaud the commission's intent, its awards should

recognize those who have stood up to demand, promote or display “the highest standards of ethical conduct.”

Simply getting legally required paperwork filed on time isn’t enough to justify a special award for ethics.

Sure, go ahead and let the public know which state departments or agencies have managed to get 100 percent compliance with ethics deadlines. If the House and Senate lead the way, that’s great. And if this generates some competition between departments to be first to reach the goal, that would be a bonus.

But save the special recognition implied by the Ethics Awards for those who have actually distinguished themselves so that we can all continue to expect the highest standards of ethics among our public employees and officials.

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Ian Lind is an award-winning investigative reporter and columnist who has been blogging daily for 15 years. He has also worked as a newsletter publisher, public interest advocate and lobbyist for Common Cause in Hawaii, peace educator, and legislative staffer. Lind is a lifelong resident of the islands. [Read his blog here.](#)

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