

Step up ethical vigilance to fix public corruption

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Florida government is suffering a disturbing and widespread corruption crisis.

The former speaker of the House faces criminal charges he steered millions of dollars to a campaign contributor. Eight commissioners in Broward and Palm Beach counties have been indicted in recent years. Gov. Charlie Crist recently noted that he has removed more than 30 public officials -- about one for every month he's been in office.

Crist has asked the Florida Supreme Court to empanel a statewide grand jury to investigate public corruption, citing the "unconscionable violations of public trust by public officials."

Certainly, criminal prosecution is an important tool to combat corruption. But the so-called honest-services law that has been so popular with federal prosecutors across the country has come under fire from the U.S. Supreme Court as being unconstitutionally vague.

The more effective way to cleanse the system and restore public faith in elected officials at all levels would be to invest the Florida Commission on Ethics with greater power.

Florida's public-ethics-watchdog agency recently asked the state Senate to consider increasing its jurisdiction to investigate breaches of the Florida Code of Ethics, including the right to initiate its own investigations rather than waiting for a formal complaint to be filed. This lessens the burden of proof from clear and convincing evidence to a preponderance of the evidence, and raises the maximum fine from \$10,000 to \$100,000.

The FCE annually submits similar legislative proposals, which often fall on deaf ears. However, the current public corruption crisis should be cause for greater consideration. Some legislators are focused on adopting an honest-services law that would stand up to constitutional challenge, or a stronger state official misconduct law. But I would argue that strengthening the state's ethics commission would be more effective because it would address public misconduct before it becomes a crime.

In a 1982 Atlantic Monthly article, two sociologists put forth the "broken windows" theory of combating crime. They reasoned that just like failing to fix one broken window encourages vandals to smash more panes, failing to enforce minor laws signals to criminals it is OK to commit more-serious offenses. Before long, respectable citizens have fled the neighborhood entirely. Former New York Mayor Rudy Giuliani made this theory famous during the 1990s, and credited it with reducing the city's crime rate by more than half over eight years.

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In much the same way, a more vigilant FCE could prevent ethical lapses from escalating into full-blown public corruption offenses, and could restore the public's trust. The foundation of all public corruption and, indeed, all white-collar crime, is simply a lack of ethics. As with broken windows, failing to challenge minor ethical lapses breeds a climate in which they escalate and serious corruption can thrive.

The French industrialist Andre Godin once said, "The quality of our expectations determines the quality of our action." In that same regard, we should expect greater ethical leadership from our public officials.

There may be no better example of this than former speaker Ray Sansom, who as the House budget negotiator steered more than \$30 million to a college where he was given an unadvertised six-figure job. Part of that money was \$6 million he set aside to build a hangar for a key campaign contributor under the guise that it would be used as an emergency operations and training facility.