

Beacon Hill Byline by Mary Rogeness

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## **Ethics**

Beacon Hill is finally showing concern about ethical lapses among public officials. However, the public is far ahead of their leaders on this topic. Here are some of the happenings in this year alone that have led to ever-increasing disenchantment by the public.

State Senator James Marzilli, after prosecutors dropped earlier charges of assaulting a female acquaintance, was charged with multiple offenses after a series of events on a single day that involved several other women. A Boston firefighter seeking disability retirement turned up as a competitive body builder. An elected Middlesex County official was arrested after surveillance video showed him removing money from the office copy machine. Several House members have been in the press because of questionable financial dealings, and the Speaker's relationship with possibly unregistered lobbyists is a recurring topic in the Boston Globe. The federal government began an investigation of multiple disability retirements from the Boston Fire Department. And in August, state officials fined Senator Dianne Wilkerson \$10,000 for multiple campaign finance irregularities.

Compiling this listing makes me wonder why nobody was addressing problems earlier on. But the legislature kept Sen. Marzilli in his leadership position, and the symptoms of corruption did not get much response from the State House. The governor campaigned for Sen. Wilkerson even after she was fined by the state for campaign violations. The case that finally brought ethics to Gov. Patrick's attention was the indictment of Sen. Wilkerson on federal bribery charges.

Gov. Patrick then issued an executive order establishing a task force to review the state's ethics laws. I serve on that 13-member panel in one of my last legislative assignments. (Between the time of my appointment to the task force and of writing this column, Boston City Councilor Chuck Turner was arrested on related bribery charges).

In considering what corrections we should make to our policies, laws and procedures, here are a few of my thoughts.

In some areas, I am reminded of a Shakespeare quotation. To paraphrase, it is possible that the fault is not in our *laws* but in our selves. Our state has laws against misusing campaign dollars and peddling influence. But my review of enforcement actions by administrative boards makes me think they may have more interest in protecting our institutions than enforcing the law. Violations might be inadvertent, and penalties seem to reflect that fact. A private slap on the wrist is a frequent sanction for a breach, though the law would authorize significant penalty.

We can review laws and update the fines for misdeeds, which have not been updated after many inflationary years. But increased fines will not help if enforcement is lax. And ethics laws will not prevent such problems as Boston's disability retirement surge, which came to light only because of federal action. That issue deserves a state task force of its own to evaluate the scope of the issue and recommend changes. We in Massachusetts should be able to police ourselves.

The following suggestion would apply to legislative rules, not ethics law. Felony charges like those brought against two sitting senators carry the presumption of innocence. But cases can be pending for months or years, so the house and senate need to set a protocol in place to avoid a repeat occurrence of this year's situation. Both senators have now resigned, but for a time the senate had two of its 40 members under indictment.

The task force has met privately for several weeks. We held a public hearing on December 3<sup>rd</sup> to hear the concerns of individuals. Later this month, we will report to Gov. Patrick. I hope the report will lead to stronger laws. I hope as well that is not the end of Beacon Hill's concerns about honesty in government. Serious wrongs have been alleged this year, and often we required federal law enforcement agencies to make them public. It

also helped that once out in the daylight, public outcry forced state officials to finally confront the problem.

If we have good laws on the books, we need the will to enforce them. And if those laws are not sufficient to pursue public corruption, we must make them stronger.