

Thin line separates corruption, good politics

By Jim Nowlan

A recent US Supreme Court decision, discussed below, prompts the question:

What is politics?

As I see it, politics is a legitimate, indeed essential, game about winning offices (or influencing those in office) so as to be able to guide policymaking and the distribution of government largesse.

And if a person in elected office lacks sufficient power and influence by himself to achieve his objective of a new health care policy or a wider highway for his constituents, that official is often willing to trade his limited influence with others to put together the necessary support.

A simple example: A state legislator votes to pass a bill out of committee even though he doesn't like the bill's substance, so that the bill's sponsor will someday do the same in return. This is not good theoretically, yet it makes practical sense to the legislator trying to move his own objective forward.

That is politics—a game of debits and credits in which the official with the most credits is most likely to achieve his objectives. A governor has, for example, more credits to use than a first-term state lawmaker. The governor can sign or veto the freshman legislator's bill; he can accelerate or slow the release of funds for the important park project in the lawmaker's district.

The lawmaker is not totally without power. He can vote for or against the governor's tax increase proposal, possibly in return for something for his district.

Politics gets its bad name in part because the above trading of credits for *political* gain is seen as unsavory and not the ideal of weighing everything solely on its merits.

Politics is, of course, especially sullied in voters' eyes when an official seems to gain *personally* at the public's expense. For example, when a lawmaker receives a bribe in return for voting in favor of a bill he might not otherwise have supported.

In recent decades, federal prosecutors and jurors have been shifting the definition of corrupt politics to include actions that provide political as well as personal gain.

For example, during the trial of former governor George Ryan, prosecutors waved around lists of special license plate numbers that George awarded to people with some political credits, or influence, of their own. The claims of the prosecutors, never proved to my knowledge, were that Ryan somehow gained personally or politically from the award of license plates. And indeed, the award of the special plates may have been used to help convince an otherwise opposed lawmaker that he owed George a vote for his tough anti-drunk driving proposals, in which George was successful.

Recently, however, the US Supreme Court struck down a vague federal statute that made it criminal for a public official to deprive citizens of the "honest services" of office. By this now invalidated law, George Ryan deprived citizens of honest services by not putting all license plate numbers up to a lottery in which every citizen had equal opportunity to win a low license plate number.

When I was a young state legislator in the early 1970s, there was a Republican precinct committeeman in Bureau County named Lou Falletti who "controlled" the votes

of nearly all the 500 or so votes in his precinct. That is, the voters respected this precinct committeeman and were willing to vote the way he recommended. When I first ran for legislator, and lost, I received just 3 votes in his precinct, and the winner received the 500. The next time I ran, Lou supported me, and I received the 500 votes—and I won office in large part because of the vote in that one precinct.

So whenever the Lou called me to see if I could get a college student a summer job on the highway crew, I did all I could to fulfill his request, even if I had other equally qualified college student candidates elsewhere in my district (and how do you determine who is best qualified for such a job?).

Under the honest services law, I was probably technically depriving citizens of my honest services, because I showed favoritism (and I indeed received political, not personal, gain from my action).

In recent weeks, President Obama has been criticized for apparently offering an unpaid post to a congressman in return for having him drop out of a race for the US Senate (which the congressman did not do).

What Obama tried to do represented a time-honored, if not citizen-honored, use of political resources, or credits. Obama was trying to maximize chances of retaining a majority for his party in the Congress, which in turn would more likely support his objectives than would the Republican Party.

So where do we stand? Personal gain at public expense clearly represents corrupt action. But is political gain equally corrupt? I contend not, for politics is a serious game about achieving difficult objectives. The use of political credits to achieve those objectives is part of the game.

Nevertheless, citizens and juries rule. So I recommend to those in the political game today that they evaluate all their actions with a view to how the actions would sound to a grand jury!

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At 870 words, I appreciate that this piece is long. I think that the reference to my personal case can be deleted, as well as the Obama illustration, bringing it back to the 700+ word category.