

Gifts abound, but ethical culture lacks

By Rep. Mike Doogan

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A couple of days after I was elected in November, a rich guy interested in fisheries issues sent me a package of smoked fish.

Around Christmas, a state employees union gave me a table-top-sized solid chocolate holiday card.

When I arrived in Juneau, the city offered me a wicker basket full of goodies.

In my first week in office, one lobbyist assumed he'd be buying me dinner soon and another suggested I might like to ride an oil tanker from Valdez to Los Angeles.

On my desk are a sheaf of invitations to receptions and luncheons sponsored by interest groups. Free food is so pervasive here that I overheard a legislator refer to the round of receptions as "legislative subsistence."

Now, I'd like to think all this stuff is coming my way because the world has discovered that I'm as charming as Cary Grant. But I'm pretty sure that's not it. In fact, I'm confident that all 60 members of the state legislature were offered the same things.

This is all legal. But is it ethical?

There's a lot of talk about the ethics of state officials lately. Especially legislators. An FBI raid and an indictment will do that. But much of the talk is confused, and the biggest confusion is that people talk about what's legal and what's ethical as if they are the same thing. They aren't. Legal is about what the law says you can and can't do. Ethical is about what your conscience says you should and shouldn't do.

That's too bad, because people want ethical state officials, people who do the right thing because it's the right thing. All the law can give them is state officials who know that they will be punished if they're caught doing X, Y or Z. Think of it this way: Do you think the legislature can write a law that will make a dishonest person honest? If you answered "no," you've just admitted the limits of ethics laws.

What would work better?

Well, an ethical culture would. If legislators as a group enforced ethical standards of behavior, ethics would cease to be a problem.

But they don't. Many legislators pay attention to their own ethics, but they turn a blind eye to the antics of others. And even those who are concerned about their own ethics draw the line in different places. That's because ethics aren't always about what's right and wrong. A lot of ethical choices are about what's more right.

The current legislative culture provides no guidance on these "more right" questions. Its standard is a legal one: If you ain't breaking the law, it's okay. That's a problem for a couple of reasons.

First, an ethical culture should look like an ethical culture, and legislators taking things that come to them simply because they are legislators doesn't look ethical to most people.

Second, there's the recipe for cooking a frog.

You don't cook a frog by throwing it into a pot of boiling water. The frog will hop out. You put the frog in a pot of cool water, turn the heat up gradually and – voila! – the frog is cooked.

People develop ethical problems the same way. Free meals lead to little gifts lead to junkets and so on. And even if a few say no, most say yes. And those that say yes exert social pressure – sometimes subtle, sometimes not so subtle – on those who say no.

Look, we need laws against taking bribes and self-dealing and other big ethical failings.

But for the little things, we need an ethical culture. We need voters who elect ethical people. We need a press that pays consistent attention – which Alaska's press does not – to ethics and their

application. We need people who are involved in the process of governing – public officials, staffers, lobbyists – who see ethical behavior – their own and others’ -- as their responsibility, not as a set of laws and rules to either suffer under or find a way around.

A handwritten signature in black ink that reads "Mike Doogan". The signature is written in a cursive, flowing style with a large initial "M" and "D".

Representative Mike Doogan