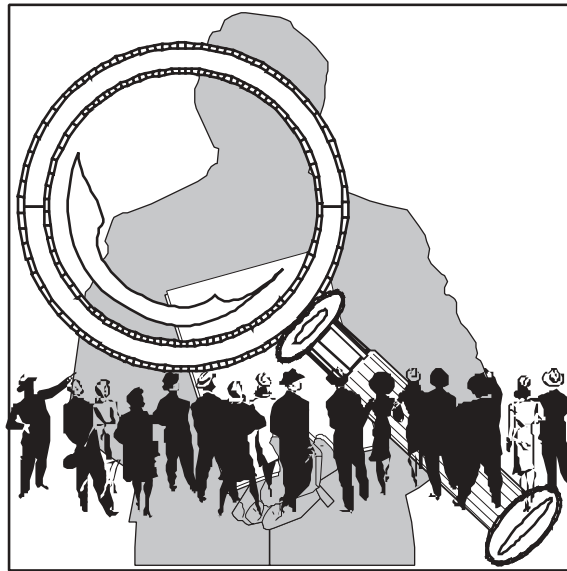


# HAS WISCONSIN LOST ITS ETHICS?

BILL LUEDERS

Shortly after former Assembly Speaker Scott Jensen was convicted on multiple felony charges for misconduct in public office, Douglas King wrote an opinion column. The offering, which both the *Milwaukee Journal Sentinel* and *The Capital Times* of Madison saw fit to print, lamented the erosion of ethics in Wisconsin government.



“Wisconsin once had a proud tradition of nonpartisan, independent, professional civil servants,” wrote King, a former 30-year state employee with agencies including the Department of Natural Resources, University of Wisconsin System, and state Department of Administration. But now, “It has become a politicized system of cabinet appointments with direct lines of political influence all the way down into the heart of agency staff. . . .”

King gave examples of behavior he purportedly witnessed that show just how far the state’s ethical standards have slipped. One was of “an agency head who chewed out staff because they could not find personal information about officials that could be used to influence their votes on legislation.” Another was having “watched administrators being directed to hire the relatives of politicians

rather than the most qualified applicants.”

Wow, those crooked government officials in Illinois have got nothing on us. But when I called King, who now runs a consulting firm, he was reluctant to name the officials who had engaged in this baldly unethical behavior, and seemed genuinely aggrieved that his essay had, on any level, cast aspersions on the integrity of

Wisconsin public servants.

“Ninety-five percent of state employees don’t behave this way,” says King, who retired in 2001 and recalls his decades on the state payroll with pride. “The overwhelming majority of people in the public service are honest, hard-working, trustworthy, ethical.” He’s dismayed by the headlines used to present his essay. *The Cap Times* called it, “Personal integrity rare amid political corruption;” the *Journal Sentinel* ran it under, “Whatever happened to clean government in Wisconsin?”

---

*Bill Lueders is News Editor of Isthmus, the weekly newspaper of Madison. His new book, Cry Rape: The True Story of One Woman’s Harrowing Quest for Justice, will be published this fall by the University of Wisconsin Press.*

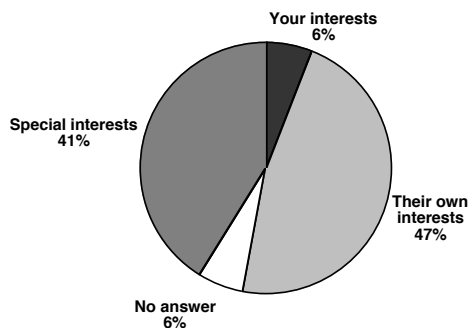
“That implies that government is not clean now,” protests King. “I never said that.” His point, rather, is that the misbehavior of a few have tainted the good deeds of the many. Indeed, King now says, “I feel more strongly about how good Wisconsin functions than I am offended about the conduct I described.”

That could cause one to question why King wrote his incendiary column in the first place, but I’m inclined to cut him a break. His view of state government is properly complex. Yes, there are bad things that happen today that may not have happened fifty or even twenty years ago. In the late 1980s, the state Capitol was rocked by revelations that a lobbyist gave legislators gifts, tickets, trips and meals. That seems pretty small potatoes compared to the conduct that’s led to the criminal convictions of five former legislative leaders, including Republican Jensen and Democrat Chuck Chvala, once Majority Leader of the state Senate.

But in assessing and decrying this change, we run the risk of overstating the case, and presenting too bleak a picture. Contrary to what some reform advocates and even some politicians would have us believe, corruption is not rampant. Most public officials work hard and play by the rules. But the public doesn’t see it that way. The public’s view of the situation is anything but complex.

A survey conducted last fall by the Wisconsin Policy Research Institute tells the

**Overall, whose interests do you feel elected officials represent the most?**



story. It found that only 6% of respondents believed elected officials primarily represent the public’s interests; eight-eight percent felt they mainly served special interests or their own. Nearly half thought the standard of ethics in Wisconsin government has declined over the last ten years, with just 9% perceiving improvement. And the percentage of those who say the state’s ethics have taken a turn for the worse was appreciatively higher than in years past (see chart).

There is no reason to doubt that this survey gives a true picture of public attitudes. Go to any bar, ballpark, or bowling alley in Wisconsin and you can find people who think politicians and other public servants are all a bunch of crooks. But are these attitudes more jaundiced than the situation merits? And, if so, whose fault is that?

**Even worse now**

Lee Sherman Dreyfus, who before his stint as Republican governor of Wisconsin from 1979 to 1983 was chancellor at UW-Stevens Point, is erudite enough to observe that scandal has always been with us.

“Even Madison as a capital is the result of one whale of an ethical lapse,” notes Dreyfus, referring to how land speculator James Doty greased the skids for this selection by dispensing buffalo robes and choice lots to territorial legislators. There was also much scandalous behavior by the railroad companies in the late 1800s, which helped trigger the righteous backlash known as the Progressive Movement, led by “Fighting Bob” La Follette. And beginning in 1910, as city attorney and later mayor, the Socialist Daniel Hoan cracked down on what Dreyfus calls the “hotbed of corruption” that was Milwaukee.

The upshot was that, for much of that last century, government in Wisconsin was pretty clean. “What was called a scandal when I was in office wouldn’t make it on the radar screen today,” says Dreyfus. “Now we have people trading votes for campaign contributions.”

Dreyfus thinks he knows where things went wrong. Once lawmakers served a term or

**OPINION ABOUT ETHICS OF POLITICIANS IN STATE, 1991-2005**

| <b>In Last Ten Years,<br/>Standards of Ethics<br/>Has. . . .</b> | <b>Jan<br/>1991</b> | <b>Sept<br/>1991</b> | <b>May<br/>1993</b> | <b>March<br/>2002</b> | <b>October<br/>2005</b> |
|--|---------------------|----------------------|---------------------|-----------------------|-------------------------|
| <b>Wisconsin State Government</b>                                |                     |                      |                     |                       |                         |
| Gotten Better  | 9%                  | 12%                  | 3%                  | 5%                    | 9%                      |
| Gotten Worse   | 31%                 | 30%                  | 29%                 | 29%                   | 46%                     |
| Stayed the Same  | 56%                 | 55%                  | 56%                 | 59%                   | 40%                     |
| <b>Members of the Wisconsin Legislature</b>                      |                     |                      |                     |                       |                         |
| Gotten Better  | 10%                 | 10%                  | 6%                  | 7%                    | 5%                      |
| Gotten Worse   | 25%                 | 23%                  | 18%                 | 18%                   | 42%                     |
| Stayed the Same  | 59%                 | 61%                  | 60%                 | 67%                   | 46%                     |
| <b>Local Government Officials</b>                                |                     |                      |                     |                       |                         |
| Gotten Better  | NA                  | NA                   | NA                  | 10%                   | 6%                      |
| Gotten Worse   | NA                  | NA                   | NA                  | 25%                   | 35%                     |
| Stayed the Same  | NA                  | NA                   | NA                  | 57%                   | 56%                     |

two and got on with their lives. Now the Legislature is dominated by career politicians for whom winning is everything. "The whole purpose is to stay in the job, stay in the Legislature, stay in power," says Dreyfus. "You need to be reelected. And when that verb becomes 'need,' then you're in the hands of the money guys." Dreyfus sees the current political milieu as "absolutely ethically troubled, all the way down the line, both parties."

He'll get no argument from Jay Heck, executive director of Common Cause in Wisconsin, who adds the words "or lack thereof" when I tell him my focus is on the state's ethics. Heck says the caucus scandal that brought down Chvala, Jensen, and other former legislative leaders eliminated the caucus system and made public officials much less likely to campaign on state time. But it did nothing about what he sees as a larger and more pervasive problem: The extent to which the state's political process is driven by campaign contributions.

"If anything, the money's worse now," he says. "It's an even bigger problem because

there's more of it." He thinks it's only a matter of time before a fresh scandal breaks, this time over ethical lapses tied to politicians' all-consuming need to raise money for their campaigns.

That said, Heck concedes the public has a harsher view of public officials than is warranted. "Not every member of the Legislature is corrupt. Not everybody is engaged in unethical activity." He blames the caucus scandal for tainting people's perceptions, especially since it involved the Legislature's top leaders. "There's no question it's easy to see Scott Jensen being charged and [former state senator and attorney general candidate] Brian Burke being charged and just write off the entire institution."

**The damage done**

Questionnaires were used to weed out some; others were grilled in court. That's how the initial pool of 131 prospective jurors for Jensen's trial got narrowed down to 15—a dozen jurors and three alternates.

The respondents were asked whether they voted and whether they or a family member had held elected office. They were asked if they belonged to groups like Common Cause, and what they thought about politicians and state government.

"There were a number of negative comments about public officials," recalls the prosecutor, Dane County District Attorney Brian Blanchard. "A number of people said, 'I don't trust any politicians, they're all in it for themselves.'"

But what "surprised all of us," says Blanchard, was the large number of prospective jurors who didn't know a thing about the case—the biggest state political scandal in decades, one that had already led to criminal convictions of four former state lawmakers. "There were a whole bunch of people who didn't read the newspapers," he relates. One woman explained that her husband would read the paper and tell her if it contained anything she needed to know. The caucus scandal, evidently, did not rise to this level of importance.

Such barely-aware citizens, I suspect, not only make perfect jurors; they also make up a sizeable share of the respondents of surveys that show overwhelming majorities think public officials are either in it for themselves or else are beholden to special interests. You don't have to know a lot about politics to have a low opinion of politicians.

But even close observers of the caucus saga might be forgiven if they rank holding public office only barely above molesting children on the respectability spectrum. Indeed, Jensen's many defenders—including former Assembly Speaker David Prosser, now a state Supreme Court justice—have been quite vocal in asserting the "everybody did it" defense, which holds that Jensen's criminal ethical lapses were commonplace.

"Why punish him and not the parade of others?" demands the blogger Jessica McBride, who refers to "literally hundreds of others who did or were involved in doing the exact same thing."

Blanchard balks at such statements. "I am not aware of anybody, except [Jensen hire and co-defendant] Sherry Schultz, spending more than three years of doing nothing but raising money for campaigns and keeping track of it." He calls the "everybody did it" claim "a convenient cop-out for people charged," but essentially false. "This was not standard practice over the years."

Sure, other public officials made some use of state resources to advance political campaigns. But, says Blanchard, "the evidence at trial is that Scott Jensen took this to a whole new level."

The way Blanchard frames the issue suggests he thinks Jensen and others made this leap because others failed to exercise due diligence: "The Legislature itself never investigated the facts here. The Ethics Board took no interest. The Elections Board took no interest." People did what they did, transgressing farther and farther, because they were pretty sure they could get away with it.

Blanchard says it's important to put the caucus scandal into perspective. What was alleged, and ultimately proven in court, was that lawmakers made illegal use of state resources for political ends. That's different, he stresses, than the criminal conduct of which former Illinois Governor George Ryan was convicted this spring: Trading favors for personal gain.

"Corruption is incremental," reflects Blanchard, "and what happened here was a decision to take advantage of public resources." It wasn't the worst conduct imaginable, but it was serious enough that "we had to charge the cases," lest continued non-enforcement lead to even greater abuse.

That's one reason Blanchard and Heck had high hopes the caucus scandal would shame lawmakers into passing SB-1, a bill that would merge and substantially strengthen the enforcement powers of the state Ethics and Elections Board. The bill passed the state Senate in the days after Chvala's criminal conviction on a 28-5 vote. But despite concerted statewide pressure from reform advocates

throughout the state, majority Republicans in the Assembly, led by Speaker John Gard and Majority Leader Mike Huebsch, managed to table the bill, saying it was not needed. (Declared Huebsch, "In Wisconsin we can be proud of our ethical traditions and ethical standards.")

Heck thinks this was part of a plan all along. "The bill passed overwhelmingly in the Senate because there were members who said, "I can vote for this safely knowing the Assembly will kill it."

### **Buckets of mud**

Of course, the Legislature's institutional failure to pass meaningful reforms regarding how campaigns are financed feeds into negative public perceptions of the institution. Heck calls the perpetually recurring pattern—finger wagging, calls for reform, legislative proposals that go n o w h e r e — t h e Legislature's "dirty little secret."

"Republicans and Democrats don't want to do much to change the status quo," he says. "They just want to talk about it, to use it to political advantage, to smear the other side."

As this comment suggests, there is another, more fundamental factor that helps explain why huge majorities of Wisconsin residents view their public officials as ethically challenged if not utterly corrupt. It's what the public officials are constantly saying about each other.

Take, for example, the current race for governor. Both the Democratic incumbent, Jim Doyle, and the Republican challenger, Mark Green, are hoping to get elected by milking accusations that the other is unethical. Indeed, the candidates and their partisans seem to relish the current scandals that have cast a pall

over the state's erstwhile reputation for clean government, not because it presents opportunities to pursue reform but because it provides them with slop buckets full of mud to hurl.

"Once again Jim Doyle was caught with tainted campaign dollars," begins a typical press release from the Republican Party of Wisconsin, responding to reports that the governor voluntarily returned \$10,000 in contributions from executives of an Illinois firm accused of corrupt business practices. The release quotes Rick Wiley, executive director of the state Republican Party, asserting, "The only reason he returned this cash is because he got caught."

In this and other respects, the governor, pegged by his critics as a pay-to-play operator, seems to be in a no-win situation. When a bill relaxing regulations on rent-to-own companies arrived on his desk, speculation was rampant that he would sign it because of industry contributions to his campaign. When it vetoed it anyway, the buzz was that he backed down to avoid embarrassment. The idea that he

may have done what he thought was right regardless of these contributions seems not to have occurred to anybody.

Republicans have also tossed around the word "corrupt" to refer to the state's electoral system, again to score points at Doyle's expense. The party faults the governor for "refusing to reform the state's corrupt election system by twice vetoing a photo ID bill, despite overwhelming bi-partisan and public support for the measure and a federal investigation that exposed hundreds of cases of voter fraud." In fact, an investigation by Republican-appointed U.S. Attorney Steven Biskupic found no evidence of widespread or systemic fraud, and the few instances in which con-

---

*Republicans and  
Democrats don't want  
to do much to change  
the status quo. . .*

---

victed felons may have voted illegally would not have been prevented by the photo ID requirement the Republicans seek.

The Democrats, of course, are playing the same game, just as dirtily. "Mark Green was at the center of the caucus scandal," declares state Democratic Party chair Joe Wineke in one release, which goes on to assert: "As former Caucus Chair of the Assembly Republicans, Green and his legislative staff were at the center of the caucus scandal, illegally campaigning on state time, according to documents and testimony in the Jensen trial."

Blanchard, a Democrat, says it ain't so: "It would not be fair or accurate to say that documents and testimony in the Jensen trial proved that Mark Green was at the center of misconduct." He says Green "was not described by anyone" at Jensen's trial in these terms.

But in the state's current political climate, the mere fact that an allegation is hyperbolic or even untrue is, to people like Joe Wineke, no reason not to make it. When I asked him about these public claims, Wineke admitted that placing Green "at the center" of the caucus scandal "might have been a touch strong," explaining that the role of political parties is "to push the edge" regarding such statements.

That said, Wineke defends his party's efforts to link Green—who was caucus chair of the Assembly Republicans, not the now-defunct Assembly Republican Caucus—to the caucus scandal. He points to various tangential links involving former and current Green staffers. And he finds Green's claim that he was unaware of any illegal activity incredible. "He was a buddy of Jensen's!" Wineke shouts. "He was in the Republican leadership! Of course he was aware of this!"

Elsewhere, the Democrats have hammered Green for his alleged close ties to convicted former lobbyist Jack Abramoff and indicted former House Majority Leader Tom Delay. In

this, state Dems appear to be following a script set by the national party. As *Newsweek* noted, the Democrats' "midterm campaign strategy is to use the Abramoff scandal to portray all Republicans as corrupt money-grubbers." Apparently, that's a lot easier than coming up with actual ideas.

### **What goes around comes around**

Dreyfus, who after his quintuple bypass surgery last year uses a respirator and is often short of breath—the worst thing that can happen to a politician, he jokes—is saddened by the state of electoral politics in Wisconsin. He says the type of campaign he ran in 1978—low cost and relatively free of mudslinging—would be undoable today.

And while Dreyfus laments the need of candidates to engage in negative campaigning, he says "they'd be crazy if they didn't." Politics, he believes, has ceased to be a contest of ideas; now it's about blowing the other guy out of the water. "We live in a totally divided society where everything is conflict."

Unfortunately, the constant bombardment of the body politic with conflict-based political sales pitches—vote for me because the other guy's a crook—is having an inevitable corrosive effect. Citizens no longer trust politicians because politicians advance their careers by painting each other as untrustworthy. Public officials ruthlessly attack one another's integrity, then bristle when their own integrity comes under attack.

The media and citizens like Douglas King are quick to join poll respondents in drawing sweeping conclusions that Wisconsin has lost its ethical bearings. They don't split hairs between who is and who isn't genuinely corrupt because public officials don't either. Politicians are now popularly regarded as they regard each other: with contempt. It's a tragic situation, right down to the fact that they have only themselves to blame.