

Denise -

I have sent the following to each member of the House Gov. Ops. Committee. Will you please enter it into the record?

Thanks.

Kate Rader, LWVVT

RE: Bill No. S.8

Dear Members of the House Government Operations Committee:

The League of Women Voters has worked for good government for 97 years. We seek transparency, accountability and responsiveness in our public officials at every level. To that end, the League supports establishing an independent Ethics Commission for Vermont.

There is now a bill (S.8) before you which would establish a commission for Vermont, but the independent factor is missing.

The commission is not empowered to write the code of ethics – that is to be done by the Agency of Human Services (which could be the subject of an ethics complaint); it has no enforcement authority; it has no staff or legal tools to do an independent investigation - even its part-time staff is on loan from another agency. Under no stretch of the imagination can this be called an independent body. The Commission is assigned education about government ethics, but again, not given the resources to do an adequate job.

Overall, this bill provides for a Commission that can act only as glorified file clerks.

The LWV of Vermont recommends that the Government Operations Committee members consider the recent events in the State of Rhode Island as a cautionary tale.

For over 20 years, the State of Rhode Island had a strong code of ethics and ethics program that included the state Legislature. In 2009, the Supreme Courtruled in *Irons v. Rhode Island Ethics*

Commission that legislators “are immune from the Code of Ethics for their ‘core legislative acts,’ which included debating and voting on legislative bills.” The Court ruled that the ‘speech in debate clause’ of the Rhode Island Constitution (Article VI, §5) trumps the more recent Ethics Amendment (Article III, §8), because the former was not amended to account for the latter.

The Court made this ruling despite the fact that the Ethics Amendment reads, ‘All elected and appointed officials and employees of state and local government, board, commissions and agencies shall be subject to the code of ethics.’¹

The League of Women Voters of Rhode Island lobbied hard for reinstatement of ethical oversight of the legislature, and vowed to continue the fight.

In 2016, the public exposure of ethical violations in the RI legislature roused citizen interest in the issue of ethics oversight of the legislature. Indeed, the House Speaker was convicted of bribery, wire fraud, and filing a false tax returns. The Chair of the powerful House Finance Committee abruptly left the State House under federal investigation; Legislative and elected officials’ incomplete financial disclosure reports began to be questioned by the public and press and the Vice-Chair of House Finance Committee, was accused of living outside of his district made front page news.

In 2016, a referendum to restore Ethic Commission jurisdiction over the members of the RI General Assembly was conducted, and passed by more than 3:1 in favor.

The Vermont League of Women Voters are very concerned that if this weak bill as drafted is passed, Legislators and the Executive Branch will say, “We now have an Ethics Commission” and that will be that.

Because of our open and intimate State House and because in our small state we know our political leaders by their first names, it is easy to believe that Vermont is somehow immune to corruption. However, recent events have shown that Vermont can be home to political and economic scandal, and a mini-epidemic of embezzlement cases on the local level shows the need for a truly independent body to oversee all our governmental bodies.

The League wants an effective Ethics Commission for Vermont, not a Commission in name only. Therefore, the League of Women Voters of Vermont cannot support S.8 as it stands.

Catherine A. Rader, LWV of Vermont

¹Rhode Island Common Cause *Voter*, April 2013, courtesy of LWVRI.