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Louisiana Gov. Jindal Shoots Ethics Reform In Own Foot

Written by: [Stephen Sabludowsky](#)



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Governor Jindal told us during his election night speech he would make mistakes. He is living up to that warning.

Unfortunately, Governor Jindal and his administration are not perfect. Some might say that yesterday, they have shot their own feet again.

Governor Bobby Jindal has vetoed ethics legislation that as its author, Representative Neil Abramson, said would apply to all elected officials including the Governor. According to a letter by Rep. Abramson after the Governor announced his veto, the "bill required the disclosure of political appointments and jobs given by elected officials after they were elected to individuals who contributed to their campaign. This way the public could see whether political jobs and appointments were political paybacks and patronage, or legitimate decisions. My bill was true transparency, real ethics reform and a good government bill."

Jindal has said that he wants Louisiana to be the "Gold Standard". In many ways, he is coming close to that goal. But, this legislature would have helped him inch even nearer to that lofty moniker. Instead, he made a big mistake and vetoed a bill that would have held everyone including him accountable.

The Governor, with the help of great financial fortunes, has set policies into place that could really make Louisiana soar. But, sometimes, things just don't add up. This Abramson legislation has long been on the Governor's immediate radar. Lights didn't suddenly turn on when the legislation hit the veto desk. Nope. The Governor worked on this bill with Rep. Abramson since January. It went through the House and Senate committees, through the full floors of those respective bodies and was voted unanimously in approval after negotiations by the Governor. If the Governor had any more objections to the legislation, he could have voiced them then, resoundingly.

This legislation was vetoed Thursday and Rep. Abramson wrote to Bayoubuzz, "The only opposition ever to this bill was from the Governor's office because the disclosure requirement applied to all elected officials, including the Governor, as well as other statewide elected officials, legislators and local officials. I worked with the Governor on the language of the this bill for five months going back to the first special session. The Governor says he vetoed the bill for some perceived technical reason which I do not believe the bill creates, nor had any representative, senator or staff member ever raised. Despite the amendments made to my bill to deal with the Governor's concerns, the final version of my bill can be read to still require the Governor, himself, to make the disclosures, and that unfortunately might be the "technical" reason. I think this veto sends the wrong message to the people of Louisiana. It tells the people that this bill is too much sunshine; that there is something to hide. This is a dark day for our efforts at true ethics reform."

In his defense, the Governor said in his veto letter "I support the bill's expansion of transparency, but have concern about a drafting error in the proposed subsection B(2), at page 2, lines 1-7, which states:

"The information required to be disclosed by this Subsection shall be filed each year as part of the elected official's annual financial disclosure statement required by this Part and shall include only those persons who contributed or made a loan to a campaign or contributed to a gubernatorial transition or inauguration and who were hired or appointed within one year of the contribution or loan. This information shall be included in the report which covers the time period in which the employment or appointment occurred." (Emphasis added by Governor Jindal)

"By all accounts, including confirmation from the author, the bill was intended to require that elected officials report information about their own contributors, not those of another elected official. Yet, this language states otherwise. It is doubtful that a court interpreting this provision would simply ignore the plain language of the statute. As stated by the Louisiana Supreme Court, "where the words of a statute are clear and free from ambiguity, they are not to be ignored under the pretext of pursuing their spirit." State v. Shaw, 2006-2467, (La. 11/27/07), 976 So.2d 1233, citing R.S. 1:4."

With due respect, I will be blunt and forward. Governor Jindal, I disagree. The veto means that this very strong Ethics legislation cannot be brought up again until two years from the past spring unless you somehow include the legislation as part of a Special Session call or unless the legislature overrides the veto.

I admit that theoretically the legislation could have been drafted tighter to remove any remote and absurd interpretations by any Administrative Law Judge or Court.

For instance, it could have said "The information required to be disclosed by this Subsection shall be

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filed each year as part of the elected official's annual financial disclosure statement required by this Part and shall include only those persons who contributed or made a loan to a campaign or contributed to a gubernatorial transition or inauguration and who were hired or appointed **by the elected official receiving the contribution** within one year of the contribution or loan. This information shall be included in the report which covers the time period in which the employment or appointment occurred."

But, in the world of basic political and legal realities, even this additional language would not have been necessary right now. It is incredibly difficult to fathom that any sane court would have interpreted the legislation to read a situation suggested by you. Your veto letter suggests this possible scenario: Mr. Jones donates to Rep. Abramson. Mr. Jones is then appointed by you or another government official--say a mayor (but not appointed by Rep. Abramson). Rep. Abramson or you or the Mayor would be required to disclose the donation linked with the government appointment on an annual form even if Rep. Abramson had nothing to do with the Government job after receiving a contribution or loan.

It would be ludicrous to think that any single elected official would feel she (it's a new day) would be forced to disclose the benefit received and the job given if the specific elected official did not receive the benefit from the contributor and give a government position to that same specific person. I cannot imagine any government official feeling they needed to fill out the disclosure form naming the contributor unless that government official both received the benefit and then appointed the contributor.

It boggles my mind that a bill that your administration negotiated for months, which went through the entire legislature floors without a nay would then be vetoed by you afterwards.

So, now, where are we?

There is the special session option for expediency.

But, here's the problem: For the past seven months, many believe your administration feel the rules apply to everyone else, but you and the administration. This bill would have applied to elected officials across the board including those who gave you money in your campaign, your transition and for your inauguration. To achieve true transparency, we should be able to see this information as soon as possible, not one year before the end of your first term.

We have a right to know if contributions or loans were made to elected officials or to your entities and if those same people contributing then directly received a government position from you or from those elected officials who received the contributions or loans. The public could then draw whatever conclusion they would want based upon all the facts.

But, now, by your veto of legislation that overwhelmingly passed the legislature, a bill that your team negotiated for months, the government has become more opaque, not more transparent.

Plus, what concerns me is, by your vetoing this legislation, many will think that you nixed the bill for personal reasons.

At least one legislator has raised the question. As Abramson said, "Despite the amendments made to my bill to deal with the Governor's concerns, the final version of my bill can be read to still require the Governor, himself, to make the disclosures, and that unfortunately might be the "technical" reason. I think this veto sends the wrong message to the people of Louisiana. It tells the people that this bill is too much sunshine; that there is something to hide. This is a dark day for our efforts at true ethics reform."

Vetoing good legislation out of the fear that some judge interprets a logical bill absurdly only causes delay. You could have allowed the legislation. If (and this is a BIG IF) on a court challenge, a Judge stayed the legislation, you could have refined the bill to your likings in a short special session. If there were no court challenges, the legislation would have stood, disclosures by you related to contributions to you and to other government officials would have been made and we would have had substantially more sunshine right away, not possibly two years from now. Out of added precaution if you really thought it were necessary, you could have always have tweaked the law even more during a regular session.

Since your administration was so involved in negotiating this bill and since the legislature unanimously approved it, now, because of an already existing perception that the same rules do not apply to your administration, your veto only at the worst punctuates that image. At best, the veto makes your administration appear incredibly incompetent.

Perhaps, it takes moments like this where veto overrides are right and necessary to put ethics and sanity back in government where it was unfortunately mistakenly removed. At least then, the Gold Standard goal would be on better footing.

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Comments from BayouBuzz readers

New Orleans (AP) - July 18, 2008..... Gamblers lost \$3.28 billion playing state-licensed casino games during Louisiana's just - completed fiscal year, a tad higher than the previous year, state police reported tuesday.....

Written by ...Ethics?..Taxes?....Contributions?... Morals?... on 7/16/2008
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The term 'Recover' implies that there was once something..... Something that can be remediated into something meaningful..... There never was anything there in the first place..... There was only self postulation, and campaigning, and some empty speeches.... Aside from that, there really wasn't anything but another persona vieing for a slot on the power train.....

Written by on 7/14/2008
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You have to look at the Jindal Administration in the context of his national political ambitions. Jindal's original plan was to be elected governor in 2003. He would use a reform agenda to change Louisiana's image as a platform to compete for a spot on the GOP ticket in 2008. Kathleen Blanco's upset victory disrupted that plan. David Vitter's election to the US Senate in 2004, while creating a potential competitor for the national spotlight, allowed the GOP to give Jindal a platform in Congress from which to challenge Blanco again. Steve Scalise was forced to put his own Congressional ambition on hold. Katrina and its aftermath gave Jindal the opening he was looking for. With the help of the White House and the GOP, Jindal was able to win the governorship in 2007. Vitter's national ambitions were eliminated by his involvement with the DC madam and the failure of his endorsed candidate, Rudy Giuliani to win the GOP nomination. Jindal, however was faced with a limited window of opportunity to position himself for the GOP vice-presidential nomination. He needed to pass his ethics reform agenda as quickly as possible to establish his image as a reform governor. Jindal called a special session to deal with ethics reform as early as possible. In order to guarantee legislative approval, Jindal agreed to a substantial legislative pay raise to compensate legislators for the perks they were giving up. With his ethics reform agenda passed, his vice-presidential bandwagon was underway. Jindal's cause was endorsed by Newt Gingrich and Rush Limbaugh among others. He was invited to appear on the Tonight Show with Jay Leno. The campaign culminated with an invitation to the McCain ranch Memorial Day weekend along with the other contenders for Vice-President. However, events began to work against Jindal. A young, inexperienced Senator

from Illinois, Barack Obama upset Hillary Clinton to capture the Democratic Presidential nomination. While John McCain could pick a young inexperienced governor from Louisiana to run against Clinton, picking Jindal would undercut his argument that Obama was too young and inexperienced to be President. The legislative pay raise that paved the way for Ethics reform was now stirring controversy back in Louisiana. Jindal and the legislature thought that ethics reform and repealing the Stelly Plan would inoculate them on the pay raise issue. It did not. The expectations of voters had been raised by Jindal's heavy emphasis on reform and open government. Jindal's own contradictions and flip flops on the issue only fueled the opposition. Faced with recall petitions and the prospect of a massive rally on the steps of the capitol, Jindal was forced to veto the pay raise. While the pay raise was not a national issue, the lack of candor and transparency that was exposed in the Jindal Administration was not consistent with the "straight talk " image of John McCain. Will Jindal be able to recover? Only time will tell.

Written by David Quidd on 7/14/2008

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Sally, I wish things were as simple as you put it. There is a lot of substance in what you said, but I disagree with one important point..... The citizens, the common folks, the back bone of the what it is, what it really is..... They do care. Trouble is, like a tired bird in flight, the aspiration to further is gone, diminished, quashed, and all that is seen is the futility of things on a lot of their parts. They work, work, work, and get farther and farther and farther behind..... Why? because the deck is stacked against them, and no realistic method to change things truly seem to be apparant. The masses are the oxen that are muzzled where they turn the wheels that grind their masters grains. It is a shame. Jindal????? I wish him luck, but if he spends all his time looking for the culprits of corruption he will find at the end of his term that nothing was accomplished, and the rats merely kept a low profile while he was at the helm. You do not fight corruption to beat it, you overwhelm it with good. Corruption depends on desparity and poorness to survive. It is like trying to fight the devil. The devil has been at it for a long time, and no man can stand up against it without some serious backup. You have to make hope and possiblity materialize in order to move a positive program forward, without that, without inspiration, there is merely the huddled and destitute masses that have to contend with the incompetences presented on their plates to eat and try to digest seemingly on their own, and from their arises the sadness of division and the lack of unity to propel us forward to an even more meaningfull existence or reason for life. Written by..... on 10/27/2007

Written by ...A look back in history..... on 7/14/2008

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Pi is as good as one can get - not that I am claiming that is anything in any way desirable. Any (read: "all") politicians will disappoint - or haven't you noticed? The "answer" we seek lies with "us all" not some "leader."

Written by kpf on 7/14/2008

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Gold Standard? Fool's Gold!

Written by Anonymous on 7/12/2008

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It's very simple really. Jindal does not want to divulge who contributed to his transition and inauguration.

Written by David Quidd on 7/12/2008

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"Jindal has said that he wants Louisiana to be the "Gold Standard". In many ways, he is coming close to that goal. " How?

Written by Dan on 7/11/2008

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The gold standard such as in the golden rule - "He who has the most money makes all the rules" / topped with a dose of "Do as I say, not as I do" I would suppose that is the true definition of a callous hypocrite..... I am sure there is some scientific explanation to substantiate his position or hypothesis though....

Written by on 7/11/2008

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Earlier in the year there was an insurance bill that was vetoed. The lege fell short of an override by 2 votes. So, if an unknown piece of legislation can come very close to an override, I think this veto could be easily overrode. Is the House and Senate courageous enough? Are they still mad enough at Bobby for a little payback? All the concerned citizens want is the right thing. Why can't they just do what needs to be done? Quit playing legal games with Louisiana's reputation and money and earn yur pay.

Written by Pete Doland on 7/11/2008

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Written by h on 7/11/2008

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Need we say anymore than what we have been saying all along - Pi the rhetorician is still and work. Pi the leader of ethics reform never did exist. Pi is the proberbial pie in the sky.

Written by Rhett'sWife on 7/11/2008

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(B)(2) is a Paragraph, not a Subsection. (B is the Subsection.) The Governor's staff has been around long enough to learn how the Revised Statutes are designated.

Written by Prof on 7/11/2008

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It appears that the governor is just like all the other politicians ~ they'll say whatever we, the voting public, want to hear, but once they've been voted in, they use their office to do whatever they please, including vetoing a bill that would have disclosed the jobs and appointments given to political campaign contributors by the politicians (including Bobby)after they were elected. Well what's wrong with letting the public see what's going on behind the heavy, closed doors of the Baton Rouge legislature? Come on, Bobby, it's time to get out of the dark ages ~ shed some light on what you're doing here.

Written by Deon on 7/11/2008

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Well, now Pi will be able to take his wife out to eat and claim business. Sounds to me as if he's taking a cue from our illustrious mayor here in New Orleans.

Written by noladude on 7/11/2008

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