

December 12, 2016

For Immediate Release

At last week's meeting of the Wisconsin Ethics Commission I announced my resignation. At the time I accepted the appointment to the Commission I was fully aware of the recent, unfortunate history of the failed attempts to enforce Wisconsin's campaign finance laws, and the abolition of the former, but non-partisan, Government Accountability Board.

I was also fully aware of the deep skepticism among many seasoned observers, media representatives, and government watchdog groups regarding the creation of the new, partisan Ethics Commission.

Nevertheless, in accepting appointment to the Commission I was among those who wished the agency would succeed, and, as a 31-year veteran of Wisconsin's non-partisan, independent judiciary, I was committed to the goal of enforcing the law regardless of political party or partisan agenda.

By law, the Commission is made up of six members, three selected by Republicans and three selected by Democrats. Any action taken by the Commission requires the vote of four members. Many had observed that this structure seemed to be a built-in prescription for intransigence

To be sure, the fledgling Commission did make several administrative and operational decisions on a bipartisan basis.

The essential work of the agency, however, relates to **enforcing** campaign finance, ethics, and lobbying laws. In these areas Wisconsin at one time, and for many years, enjoyed a stellar reputation among the states.

During the October 10, 2016 public meeting of the Commission a telling vote was taken which, in retrospect, foreshadowed what was to come. As a new agency, we were required to articulate a mission statement. The staff of the Commission hearkened back to Wisconsin's reputation when it proposed the following as our mission statement:

“The mission of the Ethics Commission is to enhance representative democracy by furthering Wisconsin's tradition of clean and open government through the administration of Wisconsin's campaign finance, lobbying, and ethics laws, and through dissemination of information to the public.”

At the October 10, 2016 public meeting of the Commission, incredibly, three members – one-half of the Commission's membership – voted to strike from the mission statement the aspirational language, “furthering Wisconsin's tradition of clean and open government.” The handwriting was on the wall.

The rules under which the Commission operates are less than helpful. They require too much secrecy and too little transparency. The public is almost completely shut out of the process.

The non-partisan staff of the Ethics Commission consists of some of the most competent and dedicated civil servants I have had the pleasure of working with. If the people of the State of Wisconsin could see these people in action they would be so proud of our State. In addition, Chairwoman Peg Lautenschlager deserves considerable credit for trying to steer the Commission in the direction of even-handed enforcement of the law. But the staff has had to deal with many obstacles – erected by Commission members. To begin with, there exists among several of the commissioners an observable lack of commitment to the underlying purposes of the agency. On top of this, staff are confronted with overbearing nit-picking at virtually every meeting. Over time (if it hasn't already happened) this disrespectful treatment will erode staff morale and we will lose these talented people. Perhaps that is the goal.

At a time when public confidence in elected officials has been deeply eroded, we should be doubling down on our efforts to enforce campaign finance, ethics, and lobbying laws. When charges of financial or ethical improprieties are leveled, or allegations of *quid pro quo* corruption are made, they must be thoroughly and timely investigated, and, if warranted, aggressively prosecuted. Sadly, it appears we have created a system which almost guarantees that this will not occur. It would be an enormous injustice to the People of Wisconsin and to the success of our government in serving them if this agency is relegated to shuffling papers.

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