

Legalize it: 7 ways a new ‘ethics’ bill would make Alabama more corrupt

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After Republican majorities took control of the Alabama Legislature in 2010, then-Gov. Bob Riley convened a special session to pass sweeping ethics reforms.

The new majority promised “toughest-in-the-nation” ethics laws to clean up corruption in Montgomery.

When state prosecutors used those new laws to convict Alabama House Speaker Mike Hubbard of ethics crimes, it seemed to be proof that the system worked.

But for some Alabama lawmakers, it worked too well.



Senate bill would **fix Alabama’s corruption problem — by making it legal**

Ethics rewrite makes lobbyist gifts to lawmakers legal again.

A bill filed in the Legislature on Wednesday by state Sen. Greg Albritton would **legalize many of the crimes Hubbard was convicted of breaking. It would open up Alabama for legal corruption**, lifting restrictions on gifts to lawmakers and lightening penalties for bribery and theft of government funds and property.

Both the Alabama Ethics Commission and the Alabama Attorney General’s office have come out in opposition to Albritton’s bill.

Albritton’s bill — which is supported and co-sponsored by Alabama State Senate **Pro Tempore Del Marsh** — would undermine or erase so many key elements of Alabama’s ethics laws that it’s best to take them one by one.

1. **Gifts to lawmakers? Legal again**

Under Alabama's **current ethics law**, public officials are forbidden from accepting things of value worth more **than \$25 from** lobbyists and principals (the people and companies that employ lobbyists).

The new bill **removes that cap**, allowing lobbyists and principals to give unlimited gifts to public officials and their families.

Under the new law, lobbyists would have to report what they spend on public officials to the Alabama Ethics Commission. Failure of a lobbyist to make these disclosures would be punishable with a fine of no more than \$5,000.

Never mind the question of how do you catch someone for failing to file a report.

Public officials would have no obligation to report gifts they receive.

2. **Bribery under \$5,000? Misdemeanor. Theft, too.**

When it comes to **outright bribery**, Albritton's bill would make anything **under \$6,000 a misdemeanor**.

Likewise, **theft of government funds or property less than \$6,000 would be a misdemeanor**, under the new bill.

Both are Class B felonies under the current law, punishable by up to 20 years in prison and fine up to \$30,000.

And here's where it really gets crazy. If this bill passes, it could create two classes of people in Alabama: Public officials and employees who could steal from the government and only suffer a misdemeanor, and members of the **public who would still be guilty of felonies if they did the same thing**.

The cynics among us may have always suspected we have a two-tiered system — the law for powerful and another for the powerless. This bill could actually codify that into law.

3. **'Things of value' narrowed**

Under the current law, "things of value" (the stuff public officials are forbidden to take from lobbyists) includes "any gift, benefit, favor, service, gratuity, tickets or passes to an entertainment, social or sporting event, unsecured loan, other than those loans and forbearances made in the ordinary course of business, reward, promise of future employment, or honoraria or other item of monetary value."

Albritton's bill would cut that to things of "monetary value."

So if a special interest promises a job to a public official after they leave office, that wouldn't be a bribe.

If a county commissioner orders a road crew clean up their property or a secretary to pick up their dry cleaning, that wouldn't be a crime.

4. **'Family' means spouse and dependents only**

Both the current law and the new law forbid public officials from doing things that benefit their family members, but Albritton's bill would drastically narrow what "family" means.

Under the old law, family includes a spouse, dependent, adult child, a child's spouse, a parent, a spouse's parents, siblings and the spouses of siblings.

Under Albritton's bill, family would mean a spouse or dependent.

Here's what that means in real life: Oliver Robinson probably broke Alabama's ethics law when he directed money from a lobbyist to his daughter, Amanda. But since Amanda Robinson was grown and no longer a "dependent" what her dad did wouldn't be illegal under the new law.

The proverbial brother-in-law deal would be legal, too.

5. 'Principals' doesn't mean anyone who could do time

Under Alabama law now, a principal is a person or company that employs a lobbyist, and they are restricted from giving things of value to public officials.

Under the new bill, companies that break the law may be held accountable, but not their agents, owners or employees — you know, real people who can go to jail.

6. 'Lobbying' means 'just in the Legislature'

The current law defines lobbying as soliciting legislative action or government action from the Legislature, governor or any state regulatory body.

Under the new definition, it would only apply to soliciting legislative action, which would mean only lawmakers could technically be lobbied.

What this means is that a paid representative of a special interest group could solicit a veto from the governor or a new regulation from the Alabama Department of Environmental Management without having to register as lobbyists.

7. Ethics Commission stripped of authority

Under Albritton's bill, the Alabama Ethics Commission would no longer have authority to field ethics complaints from citizens, investigate potential ethics crimes nor refer complaints for prosecution.

Albritton's bill shifts nearly all enforcement powers to elected district attorneys, nearly all of whom lack the resources to investigate and prosecute sophisticated corruption cases, which can take years to take to trial.

Even the Alabama Attorney General's office appears to be cut out of the loop, unless that department took control of a case already being handled by a local district attorney.

The bill also removes from the Ethics Commission staff the authority to assist district attorneys with corruption cases when they ask for help.

Powerful senior lawmakers support it

State Sen. Greg Albritton did not return a call seeking comment, nor did **State Sen. Pro Tem Del Marsh.**

Other cosponsors include state Senators Jimmy Holley, R-Enterprise; Tom Whatley, R-Auburn; Clyde Chambliss, R-Prattville; Tim Melson, R-Florence; Tom Butler, R-Huntsville; Will Barfoot, R-Pike Road; Chris Elliott, R-Fairhope; Shay Shelnett, R-Trussville; and Donnie Chesteen, R-Geneeva.

Alabama AG's office opposes the bill

A spokesman for the state's top law enforcement official, Alabama Attorney General Steve Marshall, said the bill would undermine ongoing public corruption cases and that his office opposes it, at least in its current form.

"Our Office's ability to enforce key provisions of the Ethics Act, at issue in several pending matters, would be impaired if this bill were to become law. We remain willing to work with the Legislature to better ensure that the ethics law is both strong and clear."

Ethics Commission opposes it, too

The Ethics Commission says the bill would **remove the guardrails protecting the public from their elected officials' bad behavior.**

"Allowing the free flow of money to elected officials from those who have official business before them is discouraged in states striving for strong government ethics," said Alabama Ethics Commission Director Tom Albritton (no relation to Greg Albritton, the bill's sponsor). **"This bill will encourage corruption, not discourage it.**

"The public is skeptical enough of their public officials, and this bill will likely only add to their skepticism. It is incredibly disappointing that the Legislature is considering a bill that reverses the gains we've made as a state since 2010."

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