

Neal R. Peirce

# The Corruption in the States

While national attention has riveted on Watergate and related Washington scandals of the 1970s, the biggest wave of criminal prosecutions of state and local officials in American history has been under way across the land.

In Illinois alone, several *hundreds* of public servants have been convicted in the past five years, including former Gov. Otto Kerner (D), many of Chicago Mayor Richard Daley's top lieutenants, and scores of police, election workers and suburban politicians.

---

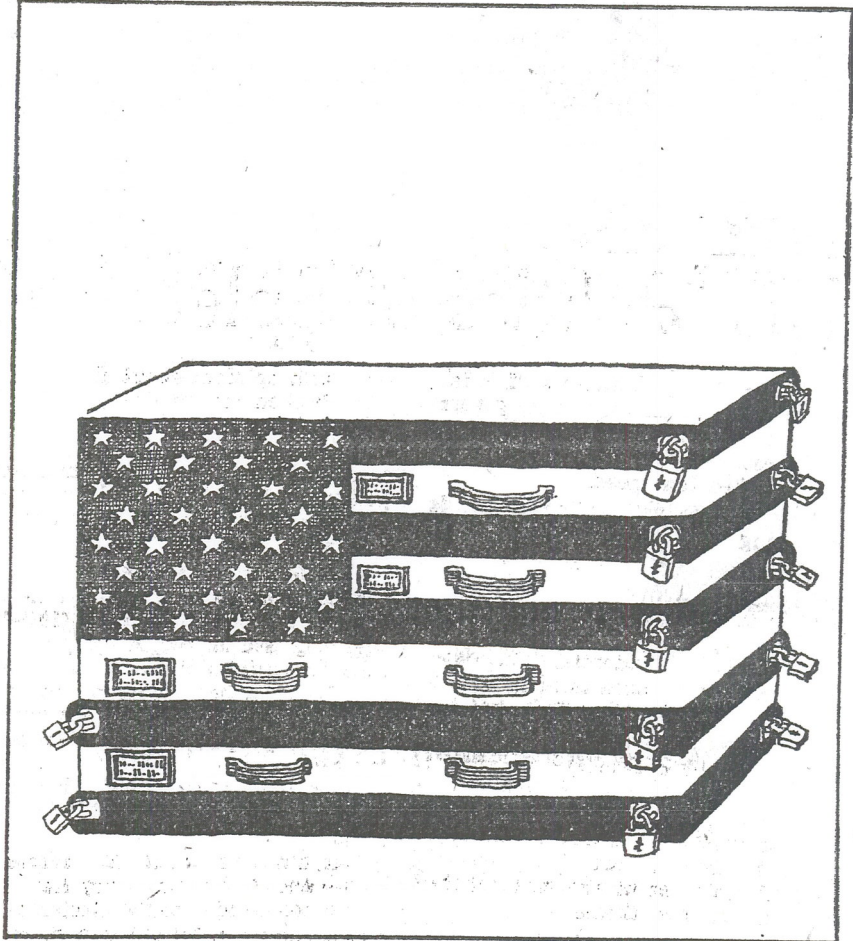
*The writer is a contributing editor of The National Journal.*

---

The New Jersey scorecard includes two secretaries of state, former mayors of Newark, Jersey City and Atlantic City, the president of the Newark City Council, the Democratic boss of long-corrupt Hudson County, and the Republican state chairman.

In Maryland, the conviction list includes the county executives of Baltimore and Anne Arundel Counties, assorted political wheeler-dealers, and of course the famous former Baltimore county executive and governor, Vice President Spiro Agnew.

In Texas, the infamous Sharpstown bank scandal resulted in the conviction of the House Speaker and two aides and the political demise of a bevy of officeholders including Gov.



By Stuart Leeds for The Washington Post



Preston Smith (D).

In New York City, a special state prosecution force has indicted 107 public officials, including 67 police and an assortment of judges, commissioners of city departments, and the Queens district attorney.

Pittsburgh's prosecution roster includes 36 local officials and police, among them two city aldermen described by U.S. Attorney Richard Thornburgh as "politico-racket types" of the old Democratic city machine.

Florida, Ohio, Louisiana, Missouri, Indiana and Alabama are among the other states where there have been significant criminal prosecutions against government officials. And former governors of West Virginia and Oklahoma have been convicted of major crimes committed while in office.

But this sorry story is not universal. It has been years since a major scandal rocked Wisconsin state government. Official corruption is virtually unknown in Vermont. Michigan, Minnesota, Virginia and South Carolina are exceedingly clean by national standards. Utah hasn't had a major corruption case since a mayor of Salt Lake City was jailed for misconduct several decades ago.

Even in California, the most heavily populated state, the amount of official corruption is amazingly small. By one count, the level of recent indictments in California is only one tenth of that in New Jersey, a fifth of that in New York and Texas, and a tiny fraction of the Illinois level.

This is not to say that more aggressive investigations might not turn up more cases of malfeasance in the ostensibly "clean" states.

But having looked into the political cultures of each of the 50 states in the past few years, this writer is convinced that certain states have a natural propensity for corruption—and others do not.

Each rule has its exceptions, but these tests usually hold: The honesty level is highest in states with a high level of personal morality—Yankee probity in Maine and Vermont, Mormon principles in Utah, the standards of the old aristocracy in Virginia and South Carolina.

An "open," progressive tone to state government reduces corruption—witness the experience of Wisconsin, Minnesota, Michigan, Oregon, and California among others. Massachusetts has

experienced a sharp drop in corruption of late; I would explain it by the Bay State's shift to liberal social policies and ways from its old political patronage system.

Vigorous two-party competition tends to foster honest government, as one party "watchdogs" the other—unless, as in Indiana, there is an expectation that the party in power has a license to tap the treasury for its own profit.

Expectation is perhaps the key word. Robert Knowles, former president of the Wisconsin Senate, said: "We just don't do things with hundred dollar bills in Wisconsin. Why? Because the people expect us not to." Knowles added: "Of course there's a very alert press. Conscience has been defined as feeling someone is watching."

But even an alert press and revelation of massive corruption is not enough if the people aren't aroused, if they just don't care. Mayor Daley's recent landslide election to a sixth term is a telling case in point.

Why have the 1970s witnessed such an unprecedented degree of prosecutions of state and local officials? The answer is simple: federal intervention.

As James R. Thompson, the U.S. Attorney in Chicago and an acknowledged master prosecutor, puts it: "The current wave of prosecution of official corruption can be traced—irony of ironies—to the Nixon (John) Mitchell Justice Department. No administration ever did more to upgrade, professionalize and staff the U.S. Attorneys offices in the field, and then leave them unfettered on their choices of prosecution."

The U.S. Attorneys have also been able to get at state-local corruption through increased staffs, subpoena powers of federal grand juries, expanded interpretation of anti-extortion law, and the witness immunity provisions of a 1970 federal crime act which—in the words of Pittsburgh's Thornburgh—"permit us to force the little fish to testify against the big ones."

The states, of course, should have been doing the job. But they generally weren't because of their outmoded criminal justice systems. In 27 states, the attorneys general don't even have full power to initiate prosecution of local government corruption.

That leaves the job to district attorneys, often overburdened with street crime cases, who usually lack the pro-

fessional staff to conduct complicated investigations. They can't pursue leads across county lines and are generally reluctant to prosecute local police and judges they have to work with regularly. Frequently the D.A. is beholden for his office to the local political machine that ought to be the target of his investigations.

Can the U.S. Attorneys be counted on to take charge of state and local corruption cases permanently, on the model of Thompson in Illinois, Herbert Stern in New Jersey, George Beall in Maryland, and the other activist U.S. Attorneys of recent years?

Thompson warns the answer is "no." Federal prosecution, he points out, is highly discretionary. "Ten years ago the U.S. Attorneys weren't into local corruption, and 10 years from now they may not be there. They may become politicized, or turn their attention to drug traffic. By then the state prosecutors better be trained to do the job—or good luck, citizen."

Thompson is right. State governments have the resources to prosecute effectively, and they ought to keep their own houses in order, and not count on Washington to do the job.

For states with histories of endemic corruption, probably nothing less would do than setting up permanent investigation and prosecution offices, well funded and staffed and divorced from partisan politics—the kind of special prosecutor's office the Senate Watergate Committee recommended on the federal level.

But so far only New York has a well-functioning special prosecutor's office, and then for New York City alone. A bill to set up a permanent prosecution office awaits the governor's signature in Maryland, a state that desperately needs it.

Short of a permanent prosecutor, states ought to give their attorneys general the funding and the statewide jurisdiction they need to curb official corruption.

The U.S. Attorneys of the '70s have performed a great public service in showing how high the levels of extortion, of bribery, of conflict of interest remain in state and local government.

Now the onus is on the states to provide the mechanisms to assure the future integrity of the governments closest to the people.