

The ethics panel Bedke might wish he had

Marty Trillhaase/Lewiston Tribune

By now, House Speaker Scott Bedke, R-Oakley, has to recognize the Legislature's need for a truly independent ethics panel.

Instead, he and his fellow legislative leaders have maintained a system of self-policing. Only lawmakers sit on ethics committees. Only lawmakers can bring complaints. And until any review finds reasonable cause to proceed, only lawmakers know about it. The public is kept in the dark.

All of which proved wholly inadequate when Rep. Heather Scott, R-Blanchard, famously waded into the waters of "conduct unbecoming" a legislator by accusing female lawmakers of trading sexual favors for advancement.

That left Bedke with a lousy hand. Ultimately, he chose to discipline Scott by temporarily yanking her committee assignments.

But the decision was plagued by a record of inconsistency.

For instance, Bedke himself used the phrase "conduct unbecoming" to describe Rep. Ron Nate's attempt to secretly tape-record his conversation with Senate President Pro Tem Brent Hill.

If Nate, R-Rexburg - and a Scott ally - paid a price for that, it's not clear. He retained his three committee assignments.

The list of lawmakers whose ethical lapses went unpunished includes former Rep. Phil Hart, R-Hayden - whose refusal to pay taxes didn't disqualify him from serving on the tax committee - and former Sen. John McGee, R-Caldwell - who suffered no loss of stature in spite of a bizarre drunken driving arrest on Father's Day 2011. Only after he was caught harassing a legislative aide was McGee compelled to quit.

Of course, neither incident occurred on Bedke's watch.

Now Scott's supporters in the alt-right movement have turned the tables on Bedke. The Redoubt News highlighted former House State Affairs Committee secretary Lissa Cochrane's allegations against the speaker. Cochrane accused Bedke of making lewd comments while he attended a 2012 committee session.

Bedke denied it.

The Idaho Statesman's Bill Dentzer described Cochrane's charges as "eccentric and salacious."

Two lawmakers who were in the committee room at the time - State Affairs Chairman Tom Loertcher, R-Iona, and former Rep. Janice McGeachin, R-Idaho Falls - verified the speaker's account.

Reporters who attended the committee session said the same things.

But again, Bedke was stuck without a good option.

He could ignore the Redoubt News story. Instead, he chose to go public and defend himself. But he has to know some taint will remain. A segment of the public buys what the alt-right is selling. Cynics won't believe what any politician or journalist has to say. And that says nothing of those who simply engage in conspiracy theories.

For the sake of argument, imagine if Idaho had something close to the ethics review system used in Washington.

Of the nine people who serve on the Evergreen State's legislative ethics board, four are legislators and five are citizens - including a retired judge.

Any person can file a complaint - and on rare occasions, the ethics board can unilaterally launch its own probe.

As is the case in Idaho, an initial investigation remains confidential. Whether it exonerates someone or finds there was reasonable cause for the complaint, the board shares its findings with the public.

Assuming the issue is valid, the ethics board can then negotiate a form of discipline with the lawmaker - or pursue punishment. If fines are levied, the lawmaker must pay from his or her personal, not campaign, accounts.

Were such a system in place today, Bedke - or anyone else who read about Cochrane's accusation - could have asked the ethics panel to intervene.

That board then would have sifted through the facts, interviewed witnesses and ultimately placed its imprimatur on the results.

In the two months Idaho's Legislature has been in session, it has been distracted by a pair of events an impartial tribunal could have resolved. The longer Bedke and legislative leadership avoid reform, the more they risk yet another distraction. - M.T.