

Wealthy, powerful profit from bribery

By GREGG ERICKSON

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Accused by federal prosecutors of taking bribes in return for official action as a legislator, Rep. Vic Kohring received a standing ovation from a portion of the audience at a Wasilla Chamber of Commerce luncheon last month, while protesters outside decried the disgrace they said the representative had brought to their community. These gestures reflect the ambiguity we feel about bribes, bribers and bribees.

Bribes have been around for a long time. Like the Ten Commandments, bribery is mentioned in the biblical book of Exodus. But it has never been as self-evidently easy to define bribery as murder (the sixth commandment), stealing (the eighth) or incest (see Leviticus). It seems the rules on bribes are shifty, depending on place, time and context. Anthropologists and historians say don't bother to look for some principle across history and cultures that distinguishes the bribe from other mutually consensual transactions. There isn't one.

Bribery is listed in the U.S. Constitution as one of the "high crimes and misdemeanors," but according to the authoritative 1984 study, "Bribes," by John Noonan, no cabinet officer or federal judge was prosecuted for bribery until the Teapot Dome scandal of the 1920s. Differences across cultures are equally large. Tipping a police officer can keep you out of jail in some countries, and land you there in others.

A bribe is a reciprocity -- do this for me, and I'll do that for you. Reciprocities are vital: without reciprocities we have no households, no economy, no culture. But what makes some reciprocities improper? Is a tip to a headwaiter for preferred placement ahead of other patrons functionally any different from a payment to a legislative committee chair to obtain an early hearing on a bill? And what is the functional difference between a Veco executive's campaign contribution to Vic Kohring and the cash the same executive is alleged to have handed to him on a Juneau street? Kohring's support for the oil and gas industry recognized few limits. I can't imagine how he would have voted differently had neither transaction occurred.

The same point was made last week by the attorney representing former state Rep. Tom Anderson in his trial on bribery charges: The attorney claimed Anderson never changed a vote or a position on an issue. Whatever money may have changed hands, he argued, no harm was done. I expect we'll hear these same arguments in subsequent trials.

Noting the relatively small size of the bribes alleged to have been paid, two Juneau movie makers, in a hilarious video posted on YouTube (watch it at www.youtube.com/watch?v=2e1DDGSD4DM), suggest that the cost of buying a supermajority of the Legislature, if spread across all Alaskans, would only be about \$15 per person.

"When you apply for your PFD this year, just check the box that says, 'I want the government to work for me' and we'll automatically deduct \$15 from your check, less than the cost of a South Franklin Street hooker. ... With this plan we can hire the legislature to work for us."

Bribery, like prostitution and selling your left kidney, is one of these consensual transactions considered morally repugnant in our time and culture. Yet conservative economists have long argued for allowing bargaining where it has traditionally been excluded. Let markets facilitate such reciprocities, and human welfare is improved all around. It is a view that has increasingly influenced policy.

Noonan noted parallels in our attitudes toward sexual morality, even in the vocabulary: One is "faithless" to a spouse or a public trust. One "betrays" a lover or an office. He saw no reason to believe attitudes toward bribery should remain more stable than our attitudes toward chastity, contraception, homosexuality or marriage.

If economists could figure out tools for the people to buy back their legislators, such bargaining might bring improvements in our government. Until then, bribery, like functionally similar inducements such as campaign contributions, are tools disproportionately available to the powerful economic interests that have long dominated this state's Legislature. In the meantime I'll save my standing ovation for the folks in the Public Integrity Section of the U.S. Department of Justice.

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