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## Comparative Political Corruption in the United States: The Florida Perspective

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Comparative Political Corruption in the United States:

The Florida Perspective

by

Andrew J. Wilson

A thesis submitted in partial fulfillment  
of the requirements for the degree of  
Master of Arts  
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## **DEDICATION**

This thesis is dedicated to my family, and particularly to my late grandfather Newton A. Wilson. Without their love, guidance, and support I would not have been able to conceive of, let alone finish an undertaking of this magnitude. I also wish to thank my wife and best friend, Marissa, for her love and support not just throughout this program, but every academic undertaking leading up to this. I also thank and dedicate this thesis to my friends, who are the family you choose.

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## **ABSTRACT**

Political corruption is a cancer – a malignant phenomenon that affects every political system and every person in the world. Corruption undermines the very fabric of society and the faith of people in their government. It makes goods more expensive, stymies development in developing nations, and it makes both the United States and the world a more dangerous place. Because of its negative effects and universality, corruption should be studied. Its study leads to greater understanding, the discovery of effective approaches to prevention, and restored faith in political systems. Its study also illuminates and breaks down barriers to effective government while empowering officials who put constituents before themselves to act. In this analysis, modern literature and analyses are examined to gain better understanding of the nature and wider study of corruption, rankings of the American states are analyzed and a meta-study completed to rank the states along broader criteria, and one particular state – Florida – is examined closely as a case study in political corruption. Why Florida? Florida is the fourth largest state in the United States, has a racially and socioeconomically diverse population, and the highest number of convictions for corruption of any other state for the last decade. The result of this study is a deeper insight into political corruption as a field of study, better understanding of defining and measuring political corruption, and potential policy remedies to reduce it. The results come with implications for a wide variety of academic fields with vested interest in the study of political corruption along with nonacademic audiences seeking to rid themselves of this cancer of government.



## **CHAPTER ONE – INTRODUCTION**

The question of political corruption and its effect on the political process is a riddle as old as the study of politics itself. Corruption as an object of academic study is viewed through the lenses of many disciplines. Just a few of these approaches view political corruption as an economic problem, as a criminal problem, or also as an ethical or moral problem. While corruption is extensively studied, there is a perplexing data problem in the comparative study of corruption in American politics. The lack of comparative academic study is particularly true when comparing the relative political corruption between the 50 states (Goel & Nelson, 2011). A lone academic study completed in 2003 (Boylan & Long) measures the perceived political corruption based upon a survey of state house journalists. Another source of comparative corruption data is the U.S. Department of Justice's Public Integrity Section, which compiles data related to federal corruption prosecutions by jurisdiction of U.S. Attorneys. The use of these two sources of data provide the framework for further study based upon data focused on state-level perceptions (in the case of Boylan & Long) and data focused on federal corruption convictions from the U.S. Department of Justice, however both approaches arrive at very different conclusions when ranking states relative to corruption. An example of this is the U.S. Department of Justice (2007) showing Florida as the most corrupt state in the United States because Florida has the highest number of corruption convictions for the ten-year period preceding the report. When taking population into account and producing a per

capita corruption conviction ranking of the states, Florida drops to tenth most corrupt state (Marsh, 2008, WK3). The situation becomes more perplexing for researchers when states are ranked based upon journalist perceptions. In this model, Florida becomes the 22<sup>nd</sup> most corrupt state (Boylan & Long, 2003). Still further complicating matters are independently produced, nonacademic state rankings such as the State Integrity Investigation (n.d.) that rank states based upon anti-corruption institutions and state laws related to transparency in government and public corruption. In a state ranking produced in 2011, Florida was the 33<sup>rd</sup> most corrupt state in the United States. This means that in a time period covering 1997-2011, Florida was simultaneously the 1<sup>st</sup>, the 10<sup>th</sup>, the 22<sup>nd</sup>, and the 33<sup>rd</sup> most corrupt state in the United States. Based upon this data discrepancy, further research is needed. The use of a meta-study approach for reconciling these divergent rankings may produce a more comprehensive ranking of the states in the United States. In addition to numerical indices, a comprehensive case study approach is useful in better understanding the anti-corruption institutions in a particular state will fill in the gaps left by the use of other ranking models. For purposes of this qualitative analysis, Florida was selected for two reasons: 1) its prominence in the rankings and 2) because Florida is representative of the United States as a whole.

### *Florida – Political Free-for-All and Microcosm of the United States*

Florida is at the same time a unique entity among the states of the United States yet also representative of the nation as a whole. Since her discovery in 1513, Florida has been an exotic land of loblolly pine trees and dense palmetto forests, modern-day

dinosaurs and space travel, and a cultural heritage rich in the spirit of adventure, the folly of fortune-seeking, and unique characters found in no other place on earth (Mormino, 2005). The same spirit of adventure and treasure hunting that was manifested in Ponce de Leon's Spanish conquistadors who became the first Europeans to lay their eyes upon the "land of flowers" endures to modern time. This sense of adventure and folly may also be seen in Florida's culture, its history, and its politics. Florida is unique for a myriad of reasons, but few so much as its distinctive brand of politics (Colburn, 2007). In fact, Florida has often been the subject of jokes about what is wrong with American politics and cynical Tocquevilleian observations about the less-than-democratic nature of the United States' democratic elections (The Economist, 2012). These jokes often involve the 2000 presidential election recount in several Florida counties, but few so noteworthy as Broward and Palm Beach Counties and the distinctive cast of characters who accompanied the scandalous recount including former Secretary of State Katherine Harris and former Governor Jeb Bush. Also noteworthy is the unnamed Broward County elections official gone cross-eyed staring at a "hanging chad" through a magnifying glass who himself became a symbol for this recount. Other, more recent supporting members of Florida's cast of political characters include Florida's former governor Charlie Crist (Smith, 2006), disgraced and impeached federal judge-turned-congressman Alcee Hastings (Marcus, 1989), and one of only two sitting members of Congress to have flown in space, Senator Bill Nelson (Nelson & Buckingham, 1988) who did so while chair of NASA's oversight subcommittee in the U.S. House of Representatives.

Florida has a political culture unlike any other place in the United States. There are many reasons for this including Florida's dramatic growth and the constant influx of new residents, single party rule for more than the last century (first Democrats and then Republicans), (Colburn, 2007)(Williamson, 1976) and the billions of dollars to be made both by selling every inch of beachfront property by snatching it from the pockets of unsuspecting tourists (Mormino, 2005), and incredible (seemingly one-sided) successful partnership between the Disney Corporation and the city of Orlando (Foglesong, 2001). The seminal expert on the politics of the Southern United States, V. O. Key, Jr. observes, "the search for coherent, organized political leadership in Florida seems futile in whatever direction one looks." (Key, 1949) Key also goes on:

The unorganized condition of Florida politics manifests itself also in the fact that candidates for the national house and Senate operate independently of each other and of candidates for the governorship and other state offices. This political individualism gives great weight to factors such as personality and skill on the stump. In the confusion of individual candidacies, consistency by the electorate is purely fortuitous. In fact, the more general consequence is that the only genuine choice is between personalities who struggle simply to make themselves known, and not disagreeably. When opportunity for meaningful choice arises its existence is often concealed. (Key, 1949)

The untamed, unsettled, 'Wild West' style of Florida politics to which Key alluded – more than 60 years ago – is as much the rule now as it was then, with few differences. Over time, Florida has changed and reformed the ways in which elections are held and implemented term limits for state officials. In many ways, Florida has been on the cutting edge of governmental and public service reform for several reasons, but

namely due to the creativity and progressive nature of Florida's corrupt public officials and special interests – rapidly finding paths around newly-implemented reforms (MacKay & Edmonds, 2010, p. 13-18).

Also necessary to understanding Florida's politics is the fact that the landmass was first ruled by indigenous peoples, then claimed by Spain, then Britain, the Spain again, the United States, the Confederate States, and then once again by the United States (Gannon, 2003). According to the State Constitutional Revisions Commission, Florida's government has also been organized under five state constitutions: adopted in 1838, 1861, 1865, 1868, and most recently in 1968 (Statutes and Constitution, 1998). This past political instability, combined with contemporary Florida's population imported from other states and countries has resulted in the phenomenon described by V. O. Key (1949), a state without political organization and little loyalty within its political system. Yet inexplicably, it may seem, Florida may be home to some of the most organized, systemic political corruption in the United States – some of which brought about by well-intentioned reforms designed to reduce political corruption (Dyckman, 2008). The notion of Florida as a land of massive profit potential with little work and a place where one need not be an insider to get ahead has produced massive booms in Florida's economy (Mormino, 2005). Florida's economic booms typically involve the intersection of tourism and real estate where vacationers are afforded the opportunity to 'buy a piece of paradise' (Mormino, 2005). Inevitably residential builders, real estate agents, and commercial developers reap the profits of these enterprises in favorable economic times. Indeed Florida's economy itself is structured for good economic times and ill prepared to fund

state, county, and municipal governments during an economic downturn. During the period of sustained growth from 1970 through 2000, Florida's population grew from approximately 6,791,000 residents to 15,982,000 residents – an increase of more than 235 percent (U.S. Census Bureau, 2013)(Dye, Jewett & MacManus, 2007). Additionally, an April 2006 report in *Florida Trend* magazine estimated that Florida's population once had a daily gain of 1,890 residents, the loss of 945 residents, and 115 births (minus deaths) for an average daily increase of 1,060 residents (Dye, et al., 2007). This stunning, sustained growth easily explains the reluctant attitudes of Florida's political leaders in working for diversification and sustainability in Florida's economy and tax structure. The rootlessness of Florida's population, the lack of organization and an every-man-for-himself attitude has opened the door to the reputation of a high level of public corruption and improper influence – as evidenced by the books of authors like Carl Hiaasen and the unflattering “Florida” category of news stories on blogs such as Fark and Gawker. Combining this perception with well-intentioned legislation related to term limits has further served to empower nonelected political actors including lobbyists, political consultants, and career legislative staff who never seem to actually leave the capital, Tallahassee (Carsey & Nelson, 2008, p. 108) (Wagner & Prier, 2008, p. 159-160). The end result of this atmosphere is a political system ripe for the picking.

While Florida's political system is very much a free-for-all influence market (Johnston, 2005), it has seen entrenched power structures come and go, typically at the hand of demographic, not democratic, change (Dye, et al., 2008). Such an example of an entrenched power structure was Florida's “Pork Chop Gang,” a group of legislators representing rural areas and counties with small populations (Colburn, 2007, p. 33).

Through the control of the legislative district apportionment process via seniority and gerrymandering, these legislators were able to devote much of Florida's budget to rural areas and advance a regressive policy opposed to civil rights, desegregation, and public service reforms throughout much of the 1950s (Colburn, 2007) (MacKay & Edmonds, 2010) (Karl, 2010). Since the time of the pork chop gang, Florida has experienced sweeping changes to the method and results of the reapportionment process, but none that has resulted in true depoliticalization of reapportionment itself (Associated Press, 2012). In today's Florida, voter demographics and party affiliation have changed in such a way as to give the Democratic Party a nearly 560,000 voter registration majority over the Republican Party (NVRA Statistics, 2013), which currently holds 76 out of 120 seats in the Florida House of Representatives (Florida House of Representatives, 2012). It is likely that Republican control of the reapportionment process has resulted in this disproportionate representation in Florida just as the efforts of the pork chop gang did in the 1950s.

Moving forward from an often-hateful history of discrimination, disenfranchisement, and prejudice (Dyckman, 2006, 2008, and 2011) (Warren, 2008), Florida has experienced massive cultural changes as the population has grown (Dye, et al., 2008). What was once the least populated state of the old Confederacy (Colburn & deHaven-Smith, 2002) now boasts the fourth largest population of any state and is soon to overtake New York to become the third most populous state in the United States (Morel, 2013). These changes have brought with them their own growing pains as Florida's resources, infrastructure, and government are stressed to the maximum to

accommodate the influx of new residents. These changes have also resulted in a lack of cultural identity for native Floridians, who make up less than 25% of the state's population (U.S. Census Bureau, 2013) (Colburn & deHaven-Smith, 2002). With nearly three-quarters of the population coming from another state or country, Floridians develop a regional identity based upon the part of the state in which they find themselves. There are few clearer indicators of identity than a recent data analysis completed by Facebook (Taylor, 2013) that breaks down fans of NFL teams by the county in which they live. Florida is a state with three professional football teams: the Jacksonville Jaguars, the Tampa Bay Buccaneers, and the Miami Dolphins. However, this Facebook analysis finds that, while there are large, healthy pockets of fans for each of these teams, there are also entire counties where the most popular NFL team is not the home team, but rather the Pittsburgh Steelers, the New York Giants, the New Orleans Saints, the Dallas Cowboys, or the New England Patriots (Taylor, 2013). Interestingly enough, this out of state team loyalty fits with the locations from which new Florida residents started out: 25% from the Northeast, 14.6% from other Southern states, and 23% from states outside the South or Northeast (such as the Midwest) (Colburn & deHaven-Smith, 2002). These places are otherwise known as Giants, Patriots, Saints, and Steelers territory. This Facebook analysis also reveals that certain football teams know no geographical limitations when it comes to their fan base: the Dallas Cowboys and the Pittsburgh Steelers. Given resident populations of Florida residents who are dedicated fans of these NFL teams, we can only presume that this is yet another indicator of Florida's place as a reflection of the United States at large.



It is also possible to view Florida as reflective of the larger nation when considering the outcome of presidential elections. Florida sided with the eventual winner of the five most recent presidential elections (2012, 2008, 2004, 2000, and 1996). Excluding 1992, this streak includes the elections in 1968, 1972, 1976, 1980, and 1988 – meaning Florida has helped to decide the eventual winner of the White House in 10 out of the last 11 presidential elections. Going back even further, one has to look at the presidential election of 1924 to find another election in which the state did not pick the winner giving Florida the distinction of making the same choice as the entire country in 20 of the last 22 elections, or 90.9% of the time (270 To Win, 2012). It has been argued that Florida is a must win state simply because of the sheer number of Electoral College votes it brings to the table – 29 after the 2010 reapportionment. However, in elections prior to the 1960s, Florida had a paltry 10 Electoral College votes (270 To Win, 2012) making the state just another Southern state.

Taking all of this into consideration, we are left to wonder what Florida's swashbuckling culture, huge population, diversity, and political culture all have to do with political corruption in the United States. All of these things combine to make Florida an almost ideal laboratory for studying political corruption in the United States. In the rankings studied as part of this analysis, we find that Florida is roughly in the middle of all of the other states when it comes to the question of corruption except for one issue: Florida has the highest number of federal convictions for political corruption of any state in the United States for the years 1998 through 2007 (U.S. Department of Justice, 2007). This window is significant because it provides a contextual window around the only

comparative academic study available (Boylan & Long, 2003). According to this measure of federal convictions, Florida is theoretically by far the most corrupt state in the country. Does this mean that convictions are emblematic of an even larger corruption problem or a sign that the problem has been solved since corrupt individuals have been brought to justice? Are Florida anti-corruption laws so hopelessly ineffective and corruption so rampant that this is just the tip of the iceberg or are Florida's institutions perfectly suited to deal with the deeply insidious problem of political corruption? Through the astounding and sometimes amusing adventure that is research in political corruption, we will discuss contemporary thought in political corruption along with comparative models with an international and human security focus into the topic. We will also complete a meta-analysis of how the states are ranked from most to least corrupt and the criteria used for such a ranking – demonstrating that purely quantitative measures of corruption (i.e. convictions) do not paint a complete picture of comparative corruption in the United States. Lastly, we will review Florida's approach to political corruption through its laws, institutions, and case studies of both legitimate political corruption and events that can be perceived as political corruption.

## **CHAPTER TWO – MODERN THOUGHT IN CORRUPTION STUDIES**

### *Political Corruption – Diversified Fields and Diversified Opinions*

If the study of politics is in fact the study of power, then certainly the corruption of legitimate political authority becomes a central theme of political inquiry. In this way, political corruption is a recurring theme in many seemingly unrelated political topics. Conversely, this study is focused on analyzing political corruption within the United States of America with a particular focus on the state of Florida. To this end, it is necessary to visit the liberal political theories that gave rise to the desire for the former American colonies to become independent and the subsequent political theories addressing the development of a new American democracy from its infancy to present day. In a story well-known and well-tested among students of American politics and history, the framers of the American constitution viewed the corruption of the ruling system of government of the United Kingdom as a catalyst for independence. The accusation of “taxation without representation” was itself a criticism of an unfair, aristocratic system of government thrust upon what had been a nation of loyal followers of the British crown. Rather than representation by elected representatives of the people themselves, governors ruled colonies with only a minor role for assemblies of elected residents. With all of the meaningful political power in a colony resting with the colonial governor, the assemblies were unable to go against the will of this executive without

resorting to a Lockean argument over the legitimacy of the governor's powers and the consent of the governed (Berkin, Miller, Cherny, & Gormly, 2006). These early rejections of imperial power set the stage for the American suspicion of those in power along with rudimentary safeguards against the perceived corruption of the colonial system. From these beginnings, the United States grew into a system of elected government at the national, state, and local levels. With democracy, however, came new problems and new corruption. However, American independence left the young nation with the same corruption that had existed before independence: bribery, legislative logrolling, foreign influence of elected officials, clandestine monitoring of political opponents' offices, and the ever-changing issues surrounding campaign finances (Johnston, 2005, p. 64).

An interesting fact about American political corruption is its regular resurgence. According to Sabato and Simpson's history on the subject (1996, p.16), there has been a major national scandal every fifty years since 1872: the Credit Mobilier scandal (1872-1873), the Teapot Dome scandal (1923-1924), and Watergate (1972-1974). Not mentioned in this book are scandals involving the alleged perjury of President Bill Clinton in 1998 (Foerstel, 2001). The pace of national scandals seems to have only accelerated with the information age and the dawn of the 24-hour news cycle. Combining this with the amateurization of political journalism – the idea that anybody with a computer and a free blog is a political journalist – has also resulted in a sea change in how Americans approach their politics (H. Thomas, 2006). Further muddying the waters is the effect of gerrymandered 'safe' Congressional districts sending ever more polarized

representatives to Washington, DC. This gives us an atmosphere where collaboration is discouraged. It gives us an atmosphere where the political process is no longer about results, but winning news cycles or defeating an idea formulated by the opposition. An atmosphere of vitriol where everybody is a journalist looking for a ‘gotcha moment’ and breaking a story about some politician or official from the other party’s misdeeds, misquotes, or unsavory distant past (E. Thomas, 2004, p. 51). The odd thing about all of this – our great modern age of bitter brinksmanship in the political arena – is that this isn’t anything new (Berkin, et al. 2006). The key differences are the speed at which information is distributed and the number of zeros behind the amounts of money spent. We also seem to have advanced well past the point of sanctioned executions and dueling politicians because of simple policy disagreements – though if only barely (Read, 2013).

Taking this altogether, we are left to wonder: what is the state of research in the subfield of political corruption? It is first important to examine why we spend so much time and effort researching and analyzing corruption. Simply put, the reason political scientists study political corruption is because it affects the lives of every person in every country in the world. Political corruption in one form or another is a universal concept that transcends language, culture, ethnicity, religion, and any number of other characteristics that differentiate person from person and country from country. Corruption also brings with it considerable cost. Transparency International (n.d.) describes the cost of corruption this way:

The cost of corruption is four-fold: political, economic, social, and environmental. On the political front, corruption constitutes a major obstacle to democracy and the rule of law. In a democratic system, offices and institutions lose their legitimacy when they are misused for private advantage. Though this is harmful in the established democracies, it is even more so in newly emerging ones. Accountable political leadership cannot develop in a corrupt climate. Economically, corruption leads to the depletion of national wealth. It is often responsible for the funneling of scarce public resources to uneconomic high-profile projects, such as dams, power plants, pipelines and refineries, at the expense of less spectacular but fundamental infrastructure projects such as schools, hospitals and roads, or the supply of power and water to rural areas. Furthermore, it hinders the development of fair market structures and distorts competition, thereby deterring investment. The effect of corruption on the social fabric of society is the most damaging of all. It undermines people's trust in the political system, in its institutions and its leadership. Frustration and general apathy among a disillusioned public result in a weak civil society. That in turn clears the way for despots as well as democratically elected yet unscrupulous leaders to turn national assets into personal wealth. Demanding and paying bribes become the norm. Those unwilling to comply often emigrate, leaving the country drained of its most able and most honest citizens. Environmental degradation is yet another consequence of corrupt systems. The lack of, or non-enforcement of, environmental regulations and legislation has historically allowed the North to export its polluting industry to the South. At the same time, careless exploitation of natural resources, from timber and minerals to elephants, by both domestic and international agents has led to ravaged natural environments. Environmentally devastating projects are given preference in funding, because they are easy targets for siphoning off public money into private pockets. (Transparency International, 2000)

While the United States experiences political corruption differently from the developing world, many of the effects remain the same (Johnson, LaFountain & Yamarik, 2011). This is particularly true in the case of the eroding trust in government and elected leadership. Studying political corruption is not easy and researchers are often challenged to define corruption, devise a plan for measuring it, and finding a research design that is both precise and can be replicated. Large nongovernmental organizations such as Transparency International and Global Integrity study corruption, but do so based upon polling and the measured perception of political corruption. Perception is often used in

lieu of event-based data because little to no data exists on corrupt activities (Global Integrity, 2011). Generally, corrupt police officers do not record, report, and tally the bribes they receive each day. This presents considerable data problems for researchers seeking to gain a better understanding of the prevalence of corruption or even to establish a baseline before testing a reform. This dichotomy between perception and action gives us a quandary as researchers. We have to ask which came first: the corruption or the perception? It's an academic version of the classic chicken or the egg dilemma. Nongovernmental organizations have answered this question in their own way. For example, Transparency International (2000) uses a perception index combined with an analysis of each country's institutions to determine which country is the most corrupt. Instead of focusing on a pure comparative study of corruption, some researchers have instead dedicated themselves to researching the causes and motivations of corrupt actors, while others seek to find new and unique ways in which corrupt political actors gain private benefit from their public service.

Perhaps the greatest advantage for this broadly defined subfield of political science lies in its relative lack of clear data points or concrete indicators of corruption. The study of corruption is hardly unique to political scientists and has yielded a variety of study in several disciplines. There have been economic studies examining the effect of corruption on anything from the utilization of World Bank funds in developing nations to the effects of corruption on the bottom lines of multinational corporations. There is a line of thought that the predictability of corrupt behaviors such as bribery bring order and are both a stabilizing force and a beneficial factor in developing countries (Huntington,

1968). There are studies in the field of journalism analyzing how news coverage of scandals has changed over time (Foerstel, 2001) and how media coverage affects public opinion and broader civic life (McCombs, Holbert, Kioussis, & Wanta, 2011). Criminology studies have also been completed looking at corruption as a white-collar crime (Brightman & Howard, 2009). Studies of corruption and corrupt actors also exist in African-American studies where institutionalized harassment of black elected officials has affected the country as a whole (Musgrove, 2012). These studies do not reflect the large number of studies that include corruption in other subfields of political science. In fact, each of the forty-three organized sections of the American Political Science Association (n.d.) could, should, and has studied corruption within their own subfield. This richly diverse field of study has truly yielded insight into just how universal the effects of corruption can be in a wide variety of academic fields.

The academic study of political corruption brings to the table a rich variety of literature from many different academic disciplines. For political scientists, the primary focus of discussion regarding political corruption boils down to three key questions: 1) how does one define corruption, 2) how does one measure corruption, and 3) is corruption in one country equivalent to corruption in another? There are relatively few topics within political science as controversial and ill defined as is political corruption. In fact, the relatively clear definitions of other topics in political science make the field especially accessible to researchers – that is in situations where criteria and measures are firmly defined. Researchers measuring electoral performance have innumerable quantitative indicators at their disposal: vote counts, voter turnout percentages,



demographics, and political ideology expressed through voter registration data. Those who analyze and research public law have case law, statutes, and legal opinions from the judges who make each decision. Those who study political economy have tremendous resources in the form of economic performance data available to study the effects of changes within a state's economy. Conversely, those who study political corruption at any level are left with few choices for establishing concrete criteria that are comparable across states, precise, and skewed one way or the other by the very corruption being measured.

Attempts at isolating and measuring actual corruption within a state can reasonably be compared to tracking and apprehending a skilled jewel thief. In fact, a review of recent literature (Johnson, LaFountain & Yamarik, 2011), (Alt & Lassen, 2007), and (Goel & Nelson, 2010) shows the most common source of measureable data for studying comparative political corruption between the 50 American states is the U.S. Department of Justice's Public Integrity Section's annual report to Congress listing the total number of convictions for federal corruption offenses by U.S. District Attorney's jurisdiction (U.S. Department of Justice, 2007). Another study (Boylan & Long, 2003) compiled a survey of journalists from each of the 50 states and ranked the states based upon this perception. Goel and Nelson (2011) go so far as to say "surveys of corruption perceptions for the United States have been nonexistent until a recent survey by Boylan and Long (2003) of state house journalists regarding their perceptions of corruption." With this lack of meaningful academic survey data, researchers are forced to rely on data covering federal convictions that do not account for the state-level crimes, local crimes, and

violations of codes of ethics – all of which could constitute acts of political corruption that would go unreported by the Department of Justice in its annual report. Such is the case; future studies of comparative corruption in the United States must look beyond federal convictions and the 2003 survey to meet the needs of rigorous studies and analyses into this topic.

### *Defining Political Corruption – Issues in Operationalization*

As a subject, political corruption is a concept that is both universally understood, yet poorly defined. One can easily conceive of political corruption as simple bribery, awarding contracts to family or friends without competition, or circumventing legal processes for personal benefit. As a subject, a layperson sees corruption as activity that is clearly ethically wrong – particularly in democratic nations (Rose-Ackerman, 1999). However, for one to fully understand the concept of corruption and to move forward with analyzing the subject, a clear definition is needed. In fact, the creation of a definition presents many challenges to both researchers and policymakers endeavoring to reduce corruption. Petter Langseth, the Programme Manager of the United Nations' Global Programme against Corruption had this to say about defining corruption during the United Nations' early steps in formulating its approach to combating corruption (2006, p. 9):

There is no single, comprehensive, universally accepted definition of corruption. Attempts to develop such a definition invariably encounter legal, criminological and, in many countries, political problems.

When the negotiations of the United Nations Convention against Corruption began in early 2002, one option under consideration was not to define corruption at all but to list specific types or acts of corruption. Moreover,

proposals to require countries to criminalise corruption mainly covered specific offences that depended on what type of conduct was involved, whether those implicated were public officials, whether cross-border conduct or foreign officials were involved and if the cases related to unlawful or improper enrichment. (Langseth, 2006, p. 9)

As one can imagine, working toward international agreement on any subject is a difficult undertaking. This is especially true of political corruption as many of the same officials improperly benefiting from their public offices may be the same officials on a UN commission defining and investigating corruption. The choice to not define corruption as a broader concept is a logical response to resistance one might encounter from corrupt officials who find themselves included in such a definition.

Laura S. Underkuffler (2009 p. 28) discusses further difficulties in defining corruption beyond the applied issues of enlisting assistance from officials who may be included in such a definition:

A uniform understanding of corruption has not emerged from these academic efforts. Although there is popular understanding of corruption that is shared by politicians, journalists, and the ‘man on the street,’ academic theorists have advanced a multiplicity of meanings, with more or less scrutiny or explicit understanding of the underlying idea. (Underkuffler, 2009, p. 28)

Underkuffler goes on to discuss several approaches to definitions of corruption along the lines of a public duty, as an economic behavior, and as a primarily illegal activity (among several other approaches). Ultimately though, none of the approaches discussed in the chapter include the morality and ethics of corrupt behavior itself. Underkuffler argues that the base of corrupt behavior is the morality of the individual undertaking corrupt

behavior and that only through a moralistic approach to the issue can full understanding, and ultimately meaningful approaches to prevention, occur. This is particularly significant as the public conceives of corruption as an immoral activity (Underkuffler, 2009, p. 37-41). In closing, Underkuffler explains:

This view [of corruption as an issue of morality] tells us that until we come to grips with the moral dimensions of this problem, our prescriptions for attacking this phenomenon will miss the essence of what popular attitudes may correctly recognize as the underlying problem, and the composition of the distinctly ‘corrupt’ core. (Underkuffler, 2009, p. 42)

Pivoting from the academic debate surrounding a definition of corruption, we come to the world of two prominent nongovernmental organizations: Global Integrity and Transparency International. While a clear definition for corruption does not appear on Global Integrity’s website (2013), the organization currently evaluates and ranks selected nation states along the lines of relative corruption using a combination institution-based approach for “quantitative” data, a “qualitative” peer-reviewed essay discussing the effects of corruption on every day life written by a reporter based within a particular country, and a chronology of nationwide corruption events prepared by the central organization (Global Integrity, 2013). From this point, the information is aggregated into a score and nations are ranked based upon this score. Global Integrity argues that because it uses an experimental model for evaluating corruption that focuses on institutions and specific corrupt actions, its evaluations are more robust and credible than findings from other organizations (Global Integrity, 2013). Conversely, Transparency International, another global nongovernmental organization that also measures and evaluates states

based upon corruption does not share Global Integrity's reluctance to provide a clear definition of corruption, listing the organization's definition at the top of its "Frequently Asked Questions" page on its website:

Generally speaking as "the abuse of entrusted power for private gain". Corruption can be classified as grand, petty and political, depending on the amounts of money lost and the sector where it occurs.

Grand corruption consists of acts committed at a high level of government that distort policies or the central functioning of the state, enabling leaders to benefit at the expense of the public good.

Petty corruption refers to everyday abuse of entrusted power by low- and mid-level public officials in their interactions with ordinary citizens, who often are trying to access basic goods or services in places like hospitals, schools, police departments and other agencies.

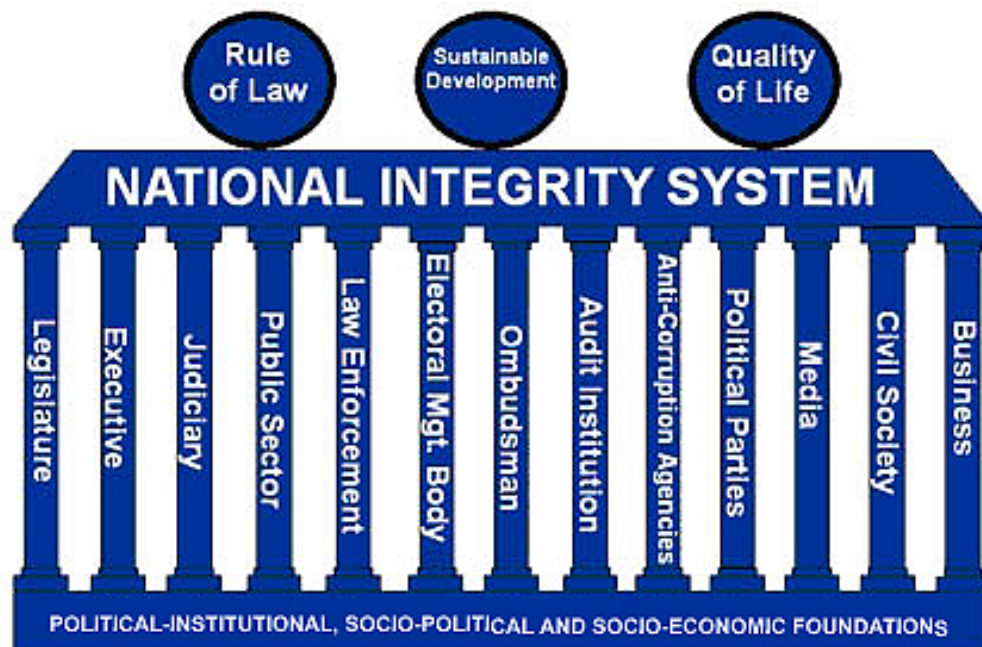
Political corruption is a manipulation of policies, institutions and rules of procedure in the allocation of resources and financing by political decision makers, who abuse their position to sustain their power, status and wealth. (Transparency International, n.d.)

Combining the role of public office, the notion of personal gain, and issues of ethics and morality, perhaps the best operational definition for corruption would be the immoral use of political power or authority for personal gain.

### *The Ideal World – International Models for Combating Corruption*

**Transparency International and the National Integrity System** - Florida's government has taken several steps to provide for an open, transparent government in light of several past political and judicial scandals (Dyckman, 2008). These reforms,

which began with the state's revised 1968 state constitutional convention (Statutes and Constitution, 1998) closely mirror those suggested in the National Integrity System developed by the nongovernmental organization Transparency International and described in its "TI Sourcebook 2000" (Transparency International, 2000) publication. The National Integrity System forms the basis for Transparency International's evaluations on the relative 'corruptness' of each national political system. The National Integrity System forms a blueprint for a national governmental system that uses accountability to reduce or eliminate political corruption within a government. Transparency International argues that each "pillar" demonstrates a "holistic approach to countering corruption" (Transparency International, 2000). As one can see from the following diagram provided on the Transparency International website, it is believed that adhering to the pillars of the NIS will result in the rule of law reigning supreme, sustainable development, and a higher quality of life.



**Figure 2.1, Pillars of the National Integrity System**  
(Transparency International, 2000)

The National Integrity System model uses a number of pillars resting upon the foundation of existing political, sociological, and economic institutions within a particular state. From this foundation, the model extends several pillars that are designed to represent political reforms that will reduce corruption or enhance governmental accountability within a state. From the 2000 TI Sourcebook, the National Integrity System pillar system is indicated as follows:

**Table 2.1, *The National Integrity System Pillars Explained***

<b>Institutional Pillar</b>	<b>Corresponding Core Rules/Practices</b>
<b>Executive</b>	Conflict of interest rules
<b>Legislative/Parliament</b>	Fair elections
<b>Public Accounts Committee (of legislature)</b>	Power to question senior officials
<b>Auditor General</b>	Public reporting
<b>Public service</b>	Public service ethics
<b>Judiciary</b>	Independence
<b>Media</b>	Access to information
<b>Civil society</b>	Freedom of speech
<b>Ombudsman</b>	Records management
<b>Anti-corruption/watchdog agencies</b>	Enforceable and enforced laws
<b>Private sector</b>	Competition policy, including public procurement rules
<b>International community</b>	Effective legal/judicial assistance

(Transparency International, 2000)

One can easily see that these common sense institutional reforms could result in a lower level of political corruption and can be applied to any state. To this end, we will apply this model to Florida's political institutions. In our examination of Florida's political system, one will see that Transparency International's National Integrity System model is lacking in several key areas. Despite having established strong institutions reflective of those in Transparency International's National Integrity System model, Florida is a state dominated by single-party rule in which instances of political corruption and influence peddling are quite frequent (Colburn, 2007) (Key, 1949) (State Integrity Investigation,

2012). In the National Integrity System model provided by Transparency International, (2000) it is quite apparent that National Integrity System both maintains a focus on developing nations and is designed to benefit every other country wishing to further strengthen its defenses against political corruption and to make corruption a “high risk, low reward” enterprise.

**The United Nations Human Security Model** - The Human Security Model is a framework for approaching and understanding the relative security and stability of a particular region or state. The United Nations Development Programme’s 1994 Human Development Report first described this model (United Nations, 1994). The Human Security Model is distinctive for several reasons. First, it represents progress in the field of human development and a new approach to the issues of stability in not just the developing world. Second, the framework can be used to evaluate the relative stability of any country in the world. Lastly, and perhaps most importantly, the model approaches issues of stability from a participant perspective rather than the institution-based perspectives of the Global Integrity, Transparency International, and State Integrity Investigation models. While this is a largely qualitative model for understanding development and stability issues, political corruption included, it does offer researchers another lens through which to view perplexing political problems. For those who have studied ethics and psychology, the various elements of the Human Security Model bear a slight resemblance to the low to medium priority level of Maslow’s Hierarchy of Needs (Maslow, 1970) in which the need for safety and security manifest once healthy physiological functioning is assured. From the original 1994 United Nations Human



Development Report, these are the elements of the Human Security Model (brief explanations from Henk, 2005):

**Table 2.2, *Elements of the Human Security Model***

<b>ELEMENT</b>	<b>EXPLANATION</b>
Economic Security	Economic security requires an assured basic income – usually from productive and remunerative work, or in the last resort from some publicly financed safety net.
Food Security	Food security means that all people at all times have both physically and economic access to basic food.
Health Security	Health security is access to protections from diseases and unhealthy lifestyles.
Environmental Security	Environmental security is protection for people from short- and long-term ravages of nature, man-made threats in nature, and deterioration of the natural environment.
Personal Security	Personal security is protection for people from physical violence, whether from the state, from external states, from violent individuals and sub-state actors, from domestic abuse, from predatory adults, or even from the individual himself (as in protection from suicide).
Community Security	Community security is protection for people from the loss of traditional relationships and values and from sectarian and ethnic violence.
Political Security	Political security is the assurance that people live in a society that honors their basic human rights.

(United Nations, 1994) and (Henk, 2005)

Even a slight grounding in the psychology of the needs of political actors is worthy of consideration in a model such as this. Interestingly enough, the issue of protection from political corruption potentially fits into every element of the Human Security Model. Political corruption in the form of corrupt governmental officials can disrupt private property rights and damage the local economy, disrupting economic security. Political corruption can endanger food security when international aid shipments are seized and resold by corrupt actors. Both health and environmental security are put at risk when health and environmental protection officials can be bribed. Personal and community security are certainly endangered in the face of police corruption. Lastly, even the

perception of political corruption is enough to disrupt political security within a developing nation. Taking all of this together, the human security model seemingly places a high priority on combating and preventing political corruption by recognizing its corrosive role within developing societies. But is an international model for measuring developing nations applicable to individual states within a country like the United States? The answer to this question is an unequivocal yes, because every nation and every subdivision thereof ought to be measured using the same rubric for the simple reason that unless we evaluate a state's institutions, we may never know what may be missing.

## CHAPTER THREE – COMPARING THE STATES

### *Get In Line: Ranking the States*

It seems that no scholarly work discussing political corruption is complete without a brief discussion of the obstacles facing those who research this subject. Completing comparative studies in political corruption across the United States presents a myriad of challenges to researchers. While the problems are many, there are two primary concerns surrounding the study of political corruption. The first, and perhaps most daunting is that political corruption is unseemly behavior that is more often than not illegal. Therefore, it comes as no great surprise that corrupt political actors are not eager to share their sketchy actions with academic researchers (Berlinski, 2009). The second, more academic concern is the method by which corruption is measured and standardized across all 50 states (Lancaster and Montinola, 2001). This topic is complicated by several overlapping legal systems that all treat corruption differently. Still further complicating matters is the dichotomy between federal, state, and local rules and regulations related to appropriations, campaign finance, and lobbying (Tavits, 2007). To illustrate: candidates for public office in Florida on the same November ballot could be subject to the rules and regulations of the Federal Elections Commission, the Florida Elections Commission, the Florida Commission on Ethics, and the elections governing body of individual counties and cities. Behaviors permissible under the jurisdiction of one set of rules may not be

legal activities under another governing body. Combining disparate laws on what constitutes corruption, a variety of regulatory bodies on campaign activity, and candidates routinely seeking different levels of political office opens the door for what may be considered a corrupt action under one system, but legal under another. An additional complication for comparative studies is an operational definition of political corruption itself. Is political corruption limited only to campaign funding and influencing voters? Is corruption a clear-cut phenomenon with identified motive, intent, and a clear quid pro quo? Perhaps corruption is more insidious: a discount for local zoning board members at a restaurant so the owner can get extra time to argue their perspective on a zoning law, free carwashes for law enforcement officers at a particular gas station with a chronic problem with loiterers, or a free oil change for city fleet managers at a car dealership with a large fleet sales presence. Would these actions in and of themselves not lay the groundwork for the perception of corruption or are they simply sound networking by involved citizens? Examples such as these further demonstrate the challenges facing corruption researchers.

For purposes of this analysis, several comparative rankings of domestic political corruption in the United States will be evaluated. The first of these, the State Integrity Investigation, is a joint project between the Center for Public Integrity, the nongovernmental organization Global Integrity, and Public Radio International. The State Integrity Investigation created a standardized formula measuring the anticorruption measures of each state in an effort to compare them. From there, the organization reviews the results with political experts and journalists in each state to produce an aggregate

score relative to the political corruption in each state. The rankings are highly publicized by the organization in an effort to lobby state legislatures and Congress to implement more stringent anticorruption laws and other measures aimed at increasing transparency in government. However, Integrity Florida has recently come under heavy criticism for the appearance of partisan activity in accepting support from a partisan organization and now serves as a sort of cautionary tale for aspiring reformers due to the ensuing scandal – namely when it comes to accepting donations from advocacy groups for sponsored research.

The next state ranking is a study published in 2003 by the journal *State Politics & Policy Quarterly* (Boylan & Long, 2003). This ranking is based upon the results of a survey of journalists asking them to rate their state based upon corruption perception and a trailblazer in domestic comparative corruption studies as surveys were “nonexistent” until this one was published (Goel & Nelson, 2011). A peer-reviewed journal, *State Politics & Policy Quarterly* is affiliated with the American Political Science Association and is the official journal of the organized section of researchers dedicated to the study of state politics and policy. Neither the journal nor the American Political Science Association advocate specific remedies or initiatives based upon the findings of any research contained within this or any other affiliated journal.

The next two state rankings are compiled based upon the same data provided annually by the U.S. Department of Justice’s Public Integrity Section. The primary data from this report provides the total number of convictions for public corruption offenses

prosecuted by United States Attorneys and is divided up by federal district. The report provides data for a ten-year window. For our purposes, we will be using the report issued to Congress in 2008, which contains data from 1997 through 2007. This will place the Boylan and Long survey data roughly in the middle of the time period analyzed by the Department of Justice. The total numbers were divided into per capita numbers by state for an article that appeared in the New York Times (Marsh, 2008, WK3). The use of a journalistic source for this study illustrates the role the media plays in advancing debate and policies related to corruption (Charron, 2009)(McCombs, et al., 2011). It also further underscores the lack of meaningful indices measuring public corruption in the United States. Generally, corruption policy is a fairly low priority that only becomes prominent after a scandal breaks. Such an example is the judiciary reform efforts in Florida following widespread issues involving the Florida Supreme Court (Dyckman, 2008). Additionally, relying on conviction criteria that does not account for accusations that were not sustained, states where certain corrupt activities are not actually illegal, and other similar standardization concerns. The article also does not clearly illustrate that the convictions were for individuals convicted of crimes related to corruption who were not necessarily public officials themselves.

In addition to the State Integrity Investigation, rankings of states based upon total convictions for corruption offenses, states ranked by per capita political corruption convictions, and the state-by-state journalist polling studies to be explored in depth, there are two internationally focused anticorruption models to be considered when approaching questions of comparative political corruption. Both international models support similar

anticorruption measures and approach the question in a qualitative fashion, but from varying perspectives. The first of these, Transparency International's National Integrity System views the issue of political corruption through an official or institution centric perspective with the hypothesis that a well regulated political system with a strong code of ethics will result in fewer instances of political corruption. The second of these, the United Nations Human Security Model relies on a population-centric model wherein improving the human security of a particular population will result in lower instances of political corruption while improving quality of life.

**Institutions First: The Findings of the State Integrity Investigation** - The State Integrity Investigation is perhaps the most prominent organization dedicated to comparing the political corruption among the 50 American states. In many ways, it mimics a few well known global nongovernmental organizations such as Transparency International, Amnesty International, and the United Nations' Human Development Programme's Human Security Unit. Each of these organizations takes certain key criteria in their model for understanding corruption, safety, and human security and assigns a score or grade based upon this information. The State Integrity Investigation does the same, evaluating each of the United States and assigning a score. See table 3-1 for State Integrity Investigation's explanation (State Integrity Investigation, n.d.) for its chosen criteria.

**Table 3.1, State Integrity Investigation - Investigation Categories**

<b><u>State Integrity Investigation Criterion</u></b>	<b><u>State Integrity Investigation's Explanation</u></b>
<b>Access to Information</b>	<i>"What information is legally accessible in each state, and how easily can citizens get it?"</i>
<b>Campaign Finance</b>	<i>"The financing of electoral campaigns at the federal, state, and local levels."</i>
<b>Executive Accountability</b>	<i>"Guidelines, laws, and procedures to ensure that governors and cabinet-level officials can be held accountable for their actions."</i>
<b>Legislative Accountability</b>	<i>"Laws, policies, and procedures to ensure that lawmakers – who often work part-time and hold outside positions – best serve their constituencies and not their own personal political interests."</i>
<b>Judicial Accountability</b>	<i>"How accountable and transparent are judicial officials and their staffs?"</i>
<b>State Budgeting</b>	<i>"Is the state budget process open to the public or conducted behind closed doors?"</i>
<b>Civil Service Management</b>	<i>"State hiring and firing regulations, nepotism, and cronyism rules, whistleblower protections, and other guidelines designed to ensure a competitive, safe, and professional work environment for its employees."</i>
<b>Procurement</b>	<i>"State laws governing the purchase of goods and services."</i>
<b>Internal Auditing</b>	<i>"State level internal auditing designed to add value and improve state government operations."</i>
<b>Lobbying Disclosure</b>	<i>"Laws and practices that define what lobbyists can do as they attempt to influence government actions."</i>
<b>Pension Fund Management</b>	<i>"Most states provide a defined pension plan that promises state workers a specific annual payment once they retire from service. Each state with a pension fund has policies governing state contributions."</i>
<b>Ethics Enforcement</b>	<i>"Forty-one states require external oversight of their procedures through an Ethics Commission. An Ethics Commission is a committee tasked with validating the ethical grounds of the state government's decisions."</i>
<b>Insurance Commissions</b>	<i>"States regulate the insurance industry to protect consumers. Regulatory structures vary – the state may appoint a commission or elect a single commissioner, for example – but the overall mandate remains the same."</i>
<b>Redistricting</b>	<i>"Following each U.S. census, states redraw the boundaries for congressional and legislative districts."</i>

(State Integrity Investigation, n.d.)

Based upon these criteria, the State Integrity Investigation issued this ranking of each state from most to least corrupt (State Integrity Investigation, 2012):



**Table 3.2, State Integrity Investigation Rankings**

<b><u>State</u></b>	<b><u>Ranking</u></b>
Georgia	1
South Dakota	2
Wyoming	3
Virginia	4
Maine	5
South Carolina	6
Michigan	7
North Dakota	8
Nevada	9
Idaho	10
Maryland	11
New Mexico	12
Oklahoma	13
New York	14
Utah	15
New Hampshire	16
Ohio	17
Colorado	18
Alaska	19
Montana	20
Arizona	21
West Virginia	22
Arkansas	23
Texas	24
Vermont	25
Minesota	26
Wisconsin	27
Indiana	28
Delaware	29
North Carolina	30
Pennsylvania	31
Kentucky	32
Florida	33
Alabama	34
Missouri	35
Louisiana	36
Oregon	37
Hawaii	38
Massachusetts	39
Illinois	40
Kansas	41
Rhode Island	42
Tennessee	43
Iowa	44
Mississippi	45
Nebraska	46
California	47
Washington	48
Connecticut	49
New Jersey	50

(State Integrity Investigation, 2012)

**Law and Order: Total and Per Capita Corruption Convictions** - The Public Integrity Section of the U.S. Department of Justice's Criminal Division compiles and maintains information related to arrests and convictions of public officials. The total number of convictions for corruption-related offenses from 1998 – 2007 was compiled in a 2007 report to Congress (U.S. Department of Justice, 2007) and an article that appeared in The New York Times (Marsh, 2008, WK3). Convictions were divided by state. The states were subsequently ranked based upon which state had the highest number of guilty officials.

**Table 3.3, *Total Number of Federal Corruption Convictions by State***

<b><u>Rank</u></b>	<b><u>State</u></b>	<b><u>Convictions 1998 – 2007</u></b>
1	Florida	824
2	New York	704
3	Texas	565
4	Pennsylvania	555
5 (Tied)	California	547
5 (Tied)	Ohio	547
7	Illinois	502
8	New Jersey	418
9	Louisiana	380
10	Virginia	332
11	Alabama	303
12	Tennessee	252
13	Kentucky	242
14	Michigan	215
15	Mississippi	212
16	Massachusetts	188
17	North Carolina	179
18	Georgia	163
19	Missouri	158
20	Maryland	148
21	Arizona	140
22	Indiana	123
23	Wisconsin	122
24	Connecticut	111
25	Oklahoma	107
26	Washington	99

**Table 3.3 (Continued)**

27	Arkansas	80
28	Colorado	77
29	West Virginia	74
30	South Carolina	73
31	Minnesota	66
32	Montana	59
33	North Dakota	53
34 (Tied)	Alaska	51
34 (Tied)	Hawaii	51
36	Nevada	46
37	Delaware	44
38	South Dakota	41
39 (Tied)	Idaho	38
39 (Tied)	Kansas	38
39 (Tied)	Utah	38
42	Oregon	36
43	Iowa	35
44	New Mexico	30
45	Rhode Island	26
46	Maine	25
47 (Tied)	New Hampshire	14
47 (Tied)	Wyoming	14
49	Vermont	13
50	Nebraska	12

(U.S. Department of Justice, 2007)

Topping the list with 824 convictions between 1998 and 2007 was Florida. Next was New York with 704 for the same time period with Texas and Pennsylvania a distant third and fourth with 565 and 555 convictions respectively. By this measure, Florida was the most politically corrupt state in the United States for this time period. Conversely, the state with the lowest number of convictions was Nebraska with 12 followed by Vermont in 49<sup>th</sup> place with 13, and Wyoming and New Hampshire tied for 47<sup>th</sup> least corrupt with 14 convictions each (U.S. Department of Justice, 2007).

These rankings aside, the nature of the crimes of which these public officials and others involved with corrupt activities were convicted requires illumination. If the Florida Citrus Commission could bravely declare that orange juice “isn’t just for breakfast, anymore” (Stoneback, 1984), a fitting slogan for political corruption would be that it’s not just bribery anymore. A common conception of political corruption is the bribe: a simple payment for a quid pro quo from an official. The fact of the matter is that political corruption, particularly in a developed nation, is a sophisticated enterprise consisting of a wide variety of crimes of which few citizens could conceive. In its 2007 report, the Public Integrity Section highlights a wide variety of offenses – including many that are simply beyond the scope and jurisdiction of Florida’s statutes. Because these convictions could include interstate and international offenses carried out by people who were convicted of crimes within a particular state, violations of federal elections laws, and issues where the U.S. Attorney is the prosecutor with primary jurisdiction, it is an imprecise measure of corruption within any particular state. For these reasons, it is even more important to consider this measure in conjunction with other state rankings for political corruption.

Returning once again to rankings based upon convictions for corruption offenses we are reminded that not all offenses are created equal nor does one conviction necessarily equal another when ranking states. In order to standardize this data, it is necessary to evaluate the total number offenses on a per capita basis. When considering offenses on a per capita basis (Marsh, 2008, WK3), the “most” and “least” corrupt states are radically different.

**Table 3.4, *Per Capita Number of Federal Corruption Convictions by State***

<b><u>Rank</u></b>	<b><u>State</u></b>	<b><u>Annual Convictions Per 1 Mil Residents</u></b>
1	North Dakota	8.3
2	Alaska	7.9
3	Louisiana	7.5
4	Mississippi	7.4
5	Montana	6.4
6	Kentucky	5.9
7	Alabama	5.6
8 (Tied)	Delaware	5.4
8 (Tied)	South Dakota	5.4
10 (Tied)	Florida	4.9
10 (Tied)	New Jersey	4.9
12	Ohio	4.8
13	Pennsylvania	4.2
14 (Tied)	Tennessee	4.2
14 (Tied)	Virginia	4.2
16 (Tied)	Hawaii	4.1
16 (Tied)	West Virginia	4.1
18	Illinois	4.0
19	New York	3.7
20	Connecticut	3.2
21	Oklahoma	3.1
22 (Tied)	Arkansas	3.0
22 (Tied)	Massachusetts	3.0
24 (Tied)	Wyoming	2.8
24 (Tied)	Idaho	2.8
24 (Tied)	Missouri	2.8
27	Maryland	2.7
28	Texas	2.6
29 (Tied)	Arizona	2.5
29 (Tied)	Rhode Island	2.5
31	Wisconsin	2.2
32 (Tied)	North Carolina	2.1
32 (Tied)	Michigan	2.1
32 (Tied)	Vermont	2.1
32 (Tied)	Nevada	2.1
36	Indiana	2.0
37 (Tied)	Maine	1.9
37 (Tied)	Georgia	1.9
39	South Carolina	1.8
40	Colorado	1.7
41 (Tied)	Washington	1.6
41 (Tied)	New Mexico	1.6
41 (Tied)	Utah	1.6
41 (Tied)	California	1.6
45	Kansas	1.4
46	Minnesota	1.3
47	Iowa	1.2
48	New Hampshire	1.1
49	Oregon	1.0
50	Nebraska	0.7

(Marsh, 2008, WJ3)

As discussed in The New York Times article covering these rankings (Marsh, 2008, WK3), the per capita approach is especially negative for North Dakota's image. North Dakota's image notwithstanding, the radically different results further underscore operationalization concerns within corruption research and shows that not all per capita conviction rates are created equal.

**It's the Perception: Results from a Survey of State Reporters** - In 2003, State Politics & Policy Quarterly published the results of a survey of state government reports conducted with the goal of gaining information about the perceived corruption in each of the 50 states (Boylan & Long, 2003). From an epistemological perspective, a survey of those who cover state politics to determine a relative perception of political corruption seems a logical approach to the issue. The results of this survey identified Rhode Island, Louisiana, and New Mexico as the top three most corrupt states and Colorado, North Dakota, and South Dakota tied for least corrupt.

**Table 3.5, *Boylan & Long (2003) Survey of Journalists***

<u>Rank</u>	<u>State</u>	<u>Reporters' Scores (Out of 7)</u>
1	Rhode Island	5.500
2	Louisiana	5.400
3	New Mexico	5.333
4	Oklahoma	5.000
4	Delaware	5.000
6	Alabama	4.909
7	Kentucky	4.857
8	Arizona	4.714
8	West Virginia	4.714
10	Illinois	4.667
10	Ohio	4.667
12	Connecticut	4.500
13	Pennsylvania	4.455
14	Utah	4.333
15	Maryland	4.052

*Table 3.5 (Continued)*

16	Hawaii	4.000
16	Indiana	4.000
16	Mississippi	4.000
16	New York	4.000
20	Missouri	3.692
21	Arkansas	3.667
22	Georgia	3.500
22	South Carolina	3.500
22	Nevada	3.500
22	Florida	3.500
26	North Carolina	3.471
27	California	3.333
28	Tennessee	3.250
29	Texas	3.000
29	Alaska	3.000
29	Wyoming	3.000
29	Washington	3.000
33	Michigan	2.958
34	Virginia	2.667
34	Nebraska	2.667
36	Wisconsin	2.600
37	Idaho	2.500
38	Kansas	2.429
39	Iowa	2.250
40	Montana	2.143
41	Minnesota	2.000
41	Vermont	2.000
41	Oregon	2.000
44	Maine	1.667
45	Colorado	1.500
45	South Dakota	1.500
45	North Dakota	1.500

(Boylan & Long, 2003)

The survey is a natural response to the concern that corruption is an untraceable (Belinsky, 2009) behavior without a solid set of criteria. There also exists the possibility, known only to local journalists, that certain anti-corruption activities are in fact politically motivated methods for eliminating political competition (Duhamel, 2004). Additionally, local journalists may be the best source of information in cities with a heavily entrenched power structure (Trounstone, 2008). However, a criticism of this approach – or the survey audience in particular, is the journalists’ close proximity to the

political actors about whom they are being surveyed. While journalists are nominally neutral in the process and expected to provide an unbiased response concerning relative corruption in their home state, they may not be as unbiased as one is led to believe (Foerstel, 2001). A notable example of a lack of journalistic neutrality was the decision of NewsMax, a publication with a Tallahassee reporter who could have been included in this corruption perception survey, to endorse and contribute \$100,000.00 to the campaign of Florida Governor Rick Scott (R-FL) (Krepel, 2011). The idea of a news publication endorsing and working to elect a partisan candidate while simultaneously providing news coverage of the campaign potentially casts a chilling shadow over the validity of surveys involving political journalists.

#### *E Pluribus Unum: Consolidating Approaches, the Meta-Study*

Each model for ranking the states based on political corruption brings certain advantages and disadvantages. The State Integrity Investigation is overly focused on institutions and maintains an overt advocacy role in states in which it has a presence, measures and rankings of states based on total and per capita corruption convictions also fail to take into account population (in the case of total convictions) and externalities such as special investigations, enhanced enforcement, or other activities that may temporarily increase the number of corruption convictions (this applies to both the total and per capita rankings), while the journalist poll is subjective and based upon the perception of the reporters who responded. Taking these issues into consideration, it is logical to consolidate these rankings into a single ranking that takes into account all four



approaches to ranking states. Each of these studies covers concurrent time periods, cover all states (except for the journalist poll, which omits Massachusetts, New Hampshire, and New Jersey), and analyze the same subject along different lines. Averaging the results of all four studies, one can derive a more accurate reflection of corruption across all 50 states. The strength of this approach is that it takes into consideration both the total and per capita conviction rates in all 50 states – effectively mitigating concerns over disproportionately high overall convictions and disproportionately low per capita rates. An averaged ranking also accounts for the anticorruption institutions analyzed by the State Integrity Investigation and the perceptions of the journalists’ poll. Based upon readily available data, an average ranking is possibly the most accurate reflection of comparative corruption among the 50 American states.

**Table 3.5, *Averaged Rankings***

State	Integrity Investigation	Per Capita Convictions	Total Convictions	Journalists	Total Average	New Ranking
Ohio	17	12	5	10	11	1
Louisiana	36	3	9	2	12.5	2
New York	14	19	2	16	12.75	3
Kentucky	32	6	13	7	14.5 (Tied)	4 (Tied)
Alabama	34	7	11	6	14.5 (Tied)	4 (Tied)
Pennsylvania	31	13	4	13	15.25	6
Virginia	4	14	10	34	15.5	7
Oklahoma	13	21	25	4	15.75	8
Florida	33	10	1	22	16.5	9
Maryland	11	27	20	15	18.25	10
West Virginia	22	16	29	8	18.75 (Tied)	11 (Tied)
Illinois	40	18	7	10	18.75 (Tied)	11 (Tied)
Delaware	29	8	37	4	19.5 (Tied)	13 (Tied)
Georgia	1	37	18	22	19.5 (Tied)	13 (Tied)
Arizona	21	29	21	8	19.75	15
Mississippi	45	4	15	16	20	16
Alaska	19	2	34	29	21 (Tied)	17 (Tied)
Texas	24	28	3	29	21 (Tied)	17 (Tied)
Michigan	7	32	14	33	21.5	19

*Table 3.5 (Continued)*

North Dakota	8	1	33	45	21.75	20
New Jersey	50	10	8	N/A	22.66666667	21
South Dakota	2	8	38	45	23.25 (Tied)	22 (Tied)
Arkansas	23	22	27	21	23.25 (Tied)	22 (Tied)
Montana	20	5	32	40	24.25 (Tied)	24 (Tied)
Tennessee	43	14	12	28	24.25 (Tied)	24 (Tied)
South Carolina	6	39	30	22	24.25 (Tied)	24 (Tied)
Missouri	35	24	19	20	24.5	27
Nevada	9	32	36	22	24.75	28
New Mexico	12	41	44	3	25	29
Indiana	28	36	22	16	25.5	30
Massachusetts	39	22	16	N/A	25.66666667	31
Wyoming	3	24	47	29	25.75	32
Hawaii	38	16	34	16	26	33
Connecticut	49	20	24	12	26.25 (Tied)	34 (Tied)
North Carolina	30	32	17	26	26.25 (Tied)	34 (Tied)
Utah	15	41	39	14	27.25	36
Idaho	10	25	39	37	27.75	37
Rhode Island	42	29	45	1	29.25 (Tied)	38 (Tied)
Wisconsin	27	31	23	36	29.25 (Tied)	38 (Tied)
California	47	41	5	27	30	40
Colorado	18	40	28	45	32.75	41
Maine	5	37	46	44	33	42
Washington	48	41	26	29	36 (Tied)	43 (Tied)
Minnesota	26	46	31	41	36 (Tied)	43 (Tied)
Vermont	25	32	49	41	36.75	45
New Hampshire	16	48	47	N/A	37	46
Kansas	41	45	39	38	40.75	47
Oregon	37	49	42	41	42.25	48
Iowa	44	47	43	39	43.25	49
Nebraska	46	50	50	34	45	50

This approach of averaging the other four ranking models allows a researcher to control for disproportionately high total convictions, for population via the per capita ranking, for strong state anti-corruption institutions evaluated by the State Integrity Investigation, and for the perception of political journalists. All states are issued a respective rank – 1 being the most corrupt, 50 being the least corrupt, and sorted based upon their average rank.

This approach identifies consistently high corruption indicators and comes with a new

“most corrupt” state, Ohio and stronger evidence of Nebraska being the perceived “least corrupt” state in the United States. But what does this mean? The approach of averaging a wide swatch of comparative corruption indicators shows not only do states need to further prioritize political corruption as a public policy issue, but also that primarily qualitative data sources concerning corruption can produce a provable, precise measure of a state’s level of corruption relative to the other states.

## **CHAPTER FOUR - CORRUPTION IN FLORIDA**

Statistical measures and surveys of perceived political corruption can only provide a limited view into a particular state. Gaining an insight into the cultural and political contexts of a particular state can enable researchers and reformers to target reforms that are not only beneficial, but also practical initiatives that stand a real chance of implementation. A rigorous, case-based analysis of a state can also reveal more information about the causes, motivations, and incentives of corrupt actors in a way unobtainable through quantitative measures and other indices (Andersson and Bergman, 2009). Still another reason for an in-depth review of Florida's experience with political corruption is the maturity of its democracy and well-established institutions. As a state in the lone remaining superpower in the world, Florida occupies a position of democracy and development to which many nations strive. Since Florida still grapples with questions of real and perceived political corruption, the exploration of successful strategies here are just as important as they might be in one of the more corrupt nations. Finally, analyzing a single subdivision of a state (i.e. Florida) allows researchers to review instances of corruption in a way not available to strict comparative researchers and work to better understand the relationship between economic growth and political corruption, particularly the question of whether corruption reduces growth or if growth reduces corruption (Brown and Shackman, 2007).

There are several internal and external approaches to implementing reform within a state, but none are possible without a deep perspective of the landscape. Among the many considerations for reformers is to what extent heretofore corrupt actors will be included in a new system, who will become part of a reform-based coalition, and what, if any, aspects of the former system should be preserved (Rose-Ackerman, 1999). To this end, we will be discussing Florida's current approach to political corruption in its laws. Then, assuming the perspective of an international nongovernmental organization, we will analyze Florida's anti-corruption institutions within Transparency International's National Integrity System (2000) model. By delving deeper into Florida's perspective on this issue, we apply the lessons of definition and operationalization of political corruption and anti-corruption approaches to existing institutions.

#### *Statutes Chapter 838 – Criminalized Corruption*

A fundamental premise of the American system of democracy is the notion that the elected official is elected from among the people and acts in their best interests as the representative of the people. The trust placed on the person elected to hold office, to vote on how tax dollars are spent, to set the priorities of the government is a burden that should be stressed and remain foremost in the minds of elected officials. However, this is often not the case and elected officials will act in their own self-interest and the interests of those family, friends, and other supporters – often to the detriment of those for whom they were elected to serve. While Florida has glaringly obvious weaknesses with regard to laws making corrupt behavior illegal, it also has strong institutions created in response

to specific scandals that serve as a strong counter to actors who may wish to pursue their own agenda. However, it is significant to note that much of the perceived corruption in the American democratic system is related to the improper influence of money in politics. Described as an “influence market,” politicians within this system accept legal campaign contributions with the contributor buying access rather than a specific vote or outcome (Johnston, 2005). Florida fits into this category, as we will see from the case of former Speaker of the Florida House of Representatives, Ray Sansom.

Concerns over the issue of political corruption in Florida come up on a regular basis and have been examined at great length by the government itself. We will discuss two such governmental studies: the 1999 report by the Public Corruption Study Commission requested by former Governor Jeb Bush and the report of the Nineteenth Statewide Grand Jury convened in 2010 at the request of then Governor Charlie Crist. The Public Corruption Study Commission was made up of fifteen elected and appointed officials along with members of concerned entities such as the Florida Commission on Ethics and other political organizations (Public Corruption Study Commission, 1999). Taken together, these two state reports clearly outline the problem of political corruption in Florida, propose solutions to this problem, and do so in a clear, concise manner.

This line of thought leads us to wonder: just what are Florida’s anti-corruption laws? Pursuant to Florida State Statutes, Title XLVI, Chapter 838 relates to criminalized political corruption. In Florida, the only criminalized political behaviors are related to bribery or improperly influencing of a public servant for personal gain (whether the

offender is a public servant receiving this benefit or the person attempting to influence said public servant). The question of just what constitutes a public servant is defined in Florida Statute 838.014(6) (2012) thusly:

- (6) “Public servant” means:
  - (a) Any officer or employee of a state, county, municipal, or special district agency or entity;
  - (b) Any legislative or judicial officer or employee;
  - (c) Any person, except a witness, who acts as a general or special magistrate, receiver, auditor, arbitrator, umpire, referee, consultant, or hearing officer while performing a governmental function; or
  - (d) A candidate for election or appointment to any of the positions listed in this subsection, or an individual who has been elected to, but has yet to officially assume the responsibilities of, public office.

The definition we find in today’s Florida Statutes is not without controversy. The 2010 Statewide Grand Jury Study on Corruption recommended that this definition be far broader, suggesting these changes:

- a. Amend F.S. 838.014(6)(a) to read: “Any officer or employee of a governmental entity.”
- b. Create F.S. 838.014(6)(e) to state:
  - “Any officer, director, partner, manager, representative, or employee of a nongovernmental entity, private corporation, quasi-public corporation, quasi-public entity or anyone covered under chapter 119 that is authorized by law or contract to perform a governmental function or provide a governmental service on behalf of the state, county, municipal, or special district agency or entity to the extent that the individual’s conduct relates to the performance of the governmental function or provision of the governmental service.”
  - “‘Governmental function’ or ‘governmental service’ for purposes of Chapter 838 means performing a function or serving a governmental purpose which could properly be performed or served by an appropriate governmental unit or which is demonstrated to perform a function or serve a purpose which would otherwise be a valid subject for the allocation of public funds.”

The explanation for these changes is that the current definition of a public servant has not kept pace with the nature of the offenses for which the statute was written. The 2010 Grand Jury Report (p. 19-22) goes so far as to provide the examples of a private company providing a government service that was contracted by a nonprofit corporation that directly receives federal, state, and local tax dollars to execute its services. In the example, officers of the private company rigged bids, accepted bribes, and engaged in nepotism. However, the offenders could not be charged under Florida's corruption statute because they were not considered public servants under the statute because the law does not apply to any person not directly employed by a governmental entity. This concern was echoed in several other examples provided by the Grand Jury's report: employees of nonprofit corporations contracted by the state falsifying community service hours for felons on probation, the ability of prisoners to bribe guards at privatized state prisons because the guards are not "technically" government employees, and bribing contracted home inspectors to find a house up to code in advance of a sale. Taken all together, there are glaringly wide-open loopholes in what constituted bribery under Florida's state laws. For this reason, redefining the definition of public servant was the "first and most critical recommendation" of the Grand Jury (Nineteenth Statewide Grand Jury Report, 2010, p. 17). The Grand Jury also recommends another simple change to Chapter 838 in which the concept of acting "with corrupt intent" is replaced with "intentionally" (p. 23). This would allow prosecutors a lower legal threshold for establishing that a public servant intentionally acted to misuse their office. The members of the Grand Jury believe that these actions would result in easier prosecution of crimes that would meet a layperson's



interpretation of political corruption – crimes that cannot currently be prosecuted under the current statute as it is written.

Insofar as the state level consequences of corrupt behaviors, all offenses in the corruption statute are considered third degree felonies, with the exception of bribery, which is a second degree felony. As such, the maximum punishment for a first time offender convicted of a single third degree felony in Florida is “a term of imprisonment not exceeding 5 years,” a fine not to exceed \$5,000.00 (Florida Statutes 775.082(d), 2012 and 775.083(1)(c), 2012). This is a seemingly harsh punishment fitting a simple crime, but one should take into consideration another of Florida’s criminal penalties, Statute 775.087 or the 10-20-Life law – the possession of a handgun during the commission of a violent felony. A fundamental premise of the 10-20-Life mandatory minimum sentences is the common notion that a penalty for a crime can be so severe that it serves as a deterrent to commit a crime. This line of reasoning can be found with the use of the death penalty as a punishment for certain sexual assaults and drug traffickers. The same justification appears in the recommendations of the 1999 Florida Public Corruption Study Commission Report and the 2010 Statewide Grand Jury Report on Corruption when both bodies urged the Governor and State Legislature to amend the corruption statute to make all offenses related to the misuse of public office a second degree felony – thus increasing the minimum length of prison sentences from five to fifteen years and doubling the maximum fine from \$5,000.00 to \$10,000.00.

To summarize the effectiveness of Florida's criminal laws against public corruption, it can be widely assumed that they are not effective for a wide swath of corruption actions. This is particularly true when there is a privatized corporation involved in the performance of a government function (such as a privatized state prison), as employees and those controlling these enterprises are not considered public servants under the law. Such is the case: they are largely exempt from the corruption statute by virtue of the statute's outdated definitions. This is not to say that a person defrauding the state government is not simply exempt from any negative consequences of their corrupt enterprises, but rather that the state cannot refer to the crimes as political corruption. A person who defrauds the state can be charged with a wide range of crimes such as theft, fraud, or racketeering – thus rendering crimes against the state and its citizens as being no different from a crime against another corporation and its stockholders. Corrupt actors are also subject to federal laws and prosecution – which cover a far wider scope of offenses than state laws. Federal prosecutors are capable of prosecuting crimes that cross state and national boundaries, exceed the scope of state laws, and involve federal officials. Federal elected officials such as members of the House of Representatives and Senators are subject to federal jurisdiction and also to Congressional Ethics Committees, which are empowered to remove them from office.

### *Florida Statutes Chapter 112, Part III – The Code of Ethics*

Florida State Statutes Chapter 112, Part III is also known as the Florida Code of Ethics for Public Officers and Employees. The Code of Ethics provides information to

Florida's public servants about their duties and obligations to disclose certain information and also what actions are prohibited once they accept a position as a public servant in the state. The enforcement body for the Code of Ethics is the Florida Commission on Ethics – an administrative enforcement body composed of nine commissioners appointed to two-year terms. The Governor appoints five commissioners with the remaining four commissioners appointed by the Senate President and the Speaker of the Florida House of Representatives. Furthermore, not more than five of the nine members of the commission can belong to the same political party. The Commission on Ethics was created in 1974 with the passage of the Florida Government in the Sunshine Amendment, which also replaced the criminal enforcement of the offenses shown in the Code of Ethics with the administrative enforcement of the Commission on Ethics. Additionally, the Commission does not have the authority to unilaterally launch an investigation of suspected political corruption, instead relying on citizen complaints before being permitted to take any action (Commission on Ethics, 2013). The Code of Ethics itself is primarily concerned with outlining prohibited solicitation of compensation from public servants, lobbying rules, and misuse of one's public position. It also includes the requirement for regular disclosure of conflicts of interest and financial disclosures – which are also maintained by the Commission on Ethics (Commission on Ethics, 2013).

### *Florida Evaluated Through the National Integrity System Lens*

Beyond state statutes, Florida has other institutions and safeguards dedicated to combating public corruption, or at least perform a mission associated with this goal.

Speaking generally, Florida's political reform efforts have been a direct response to scandals or serious threats to an existing status quo – whether judicial corruption (Dyckman, 2008), a response to racial strife (Warren, 2008), a reapportionment crisis (Karl, 2010, p. 143-146), or widespread demographic and partisan shifts (Colburn, 2007). There are many checks and balances within Florida's government that prevent or at least deter corruption. To analyze these checks and balances within Florida's institutions, we will be using Transparency International's National Integrity System to determine how Florida fares when held up to an 'ideal' institution-based state model typically used to rank nations. We will also review some updates that may be appropriate to the National Integrity System when using it, or a similar model, for analyzing political subdivisions within a country (i.e. each state in the United States).

One can easily see that these common sense institutional reforms could result in a lower level of political corruption and can be applied to any state. To this end, we have applied this model to Florida's political institutions. In our examination of Florida's political system, one will see that Transparency International's National Integrity System model may be lacking in several key areas. Despite having established strong institutions reflective of those in Transparency International's National Integrity System model, Florida is a state dominated by single-party rule in which instances of political corruption and influence peddling are quite frequent. In the National Integrity System model provided by Transparency International, it is quite apparent that the model is designed to benefit every country wishing to further strengthen its defenses against political corruption and to make corruption a "high risk, low reward" enterprise (Transparency

International, 2000). As a state within a superpower, it is logical to apply this model to Florida in order to test the hypothesis that they will be successful as a nation develops.

On its face, Florida is an excellent test subject for this model as it meets or exceeds all of the pillars established by National Integrity System, has strong institutions, and a high quality of life (as compared to many other countries). In this analysis, we will look at how each of Florida's institutions fits within the National Integrity System model beginning with the executive branch of Florida's government, the state's governor. In the TI Sourcebook 2000, the key facets of executive branch reforms include placing an emphasis on the leadership of the individual executive, a detached relationship with the state's judiciary, the need to simultaneously lead the civil service without exerting excessive political influence upon it, the personal gifts and legal privileges afforded to the executive, and the role of the executive in preparing the state's budget (Transparency International, 2000).

Keeping these factors in mind, the first pillar in the National Integrity System (the executive), the governor of Florida's office meets these requirements with few notable exceptions. Over time, the 'bully pulpit' of executive leaders within the United States has only grown and there is much emphasis placed on the opinions and statements of executive political leaders. This phenomenon is hardly new as there is an extensive record of aggressive executive leadership from Florida's governors. Examples include former Governor LeRoy Collins speaking out against desegregation and participating in the Selma, Alabama march as a representative of the federal government (Dyckman,

2006). Another example is former Governor Reubin O'D. Askew successfully leading a statewide referendum to implement a corporate income tax for Florida (Dyckman, 2011). Florida has a long history of listening when its governor endorses and campaigns for a particular initiative. Continuing on, the governor's relationship with the judiciary is limited only to the appointment of judges who have been approved by the Florida Bar Association's nonpartisan Judicial Nominating Commission that solicits potential nominees, weighs their qualifications, and presents a list of between three and six names to the governor (Statutes & Constitution, 1998). After nominations have been made, the new Supreme Court of Florida or District Court of Appeals justice is subject to a quadrennial retention vote. Insofar as the governor's relationship with the state's civil service, the state's bureaucracy is operated under a strong cabinet system (The Governor and Cabinet, 2010) composed of the Governor (who serves as chairman), the state's Attorney General, Chief Financial Officer, and the Commissioner of Agriculture and Consumer Services (The Governor and Cabinet, 2010). All of these officials are independently elected and have a vote equal to that of the governor with the exception of the governor's ability to cast a tie-breaking vote (The Governor and Cabinet, 2010). Given this arrangement, the governor of Florida has significantly less influence over the state's bureaucracy than many other similarly situated elected officials in the United States and elsewhere. Taking into consideration the governor's limited relationship with the state's judiciary including a merit-based nomination system and a power-sharing arrangement with the state's bureaucracy, one could argue that Florida exceeds the suggested institutional checks on a state's executive found in the National Integrity System.

The second pillar in the National Integrity System is the legislative branch of government. The TI Sourcebook provides a number of indicators for evaluating the effectiveness of the legislative branch as a pillar within the National integrity System with the overarching theme of the legislative branch serving as an effective check against the power of the executive, conflict of interest laws, separation of the legislative and judicial branches, concerns about the fairness of elections, and finally the legislatures role as an equal in the state's budgetary processes (Transparency International, 2000). In a general sense, the answer to whether or not Florida has strict laws against conflicts of interest and personal gain of elected officials is a resounding yes. Using one's position as an elected official for direct personal gain while in office (personal enrichment, a higher-paying job, etc) is seen as serious breach of ethics and applicable federal laws. However, there are many openings for behaviors that, while not illegal, can be perceived as conflicts of interest. For example, while in office, former Speaker of the Florida House of Representatives Ray Sansom has been indicted on charges of using his office for personal gain (Leary, 2009). This action resulted in his resignation from the top leadership position in the Florida House of Representatives under the immediate threat of removal by members of his own political party and his subsequent resignation from the Florida House prior to the beginning of his trial (Leary, 2010). Ultimately the charges were dropped with no criminal consequences for Sansom, which further underscores the need for stronger conflict of interest laws in Florida.

On the issues related to political campaigns, the Florida Legislature meets or

exceeds all of the requirements placed upon it by the National Integrity System. Florida has fair, democratic elections, the Florida Elections Commission monitors campaign and political party contributions and expenditures, and the media typically exposes those involved with improper fundraising activities. An issue on which the TI Sourcebook is silent is the matter of political gerrymandering. Florida has a long history of using the reapportionment process to preserve existing power structures (Colburn, 2007). Districts for the Florida State Senate and the Florida House of Representatives are deliberately designed to benefit the party in control of the state, in this case the Republican Party (FairDistrictsFlorida.org, n.d.) (Wagner and Prier, 2008). Through the creation of a number of “majority minority” (Dye, et al., 2008) districts that support the election of a member of an ethnic minority in the name of providing additional advantages to minorities within Florida, the Republican Party has been able to build districts so favorable to Republican incumbents as to result in their controlling greater than two-thirds of each house of the legislature. This has been done despite the opposition Democratic Party’s voter registration advantage of more than 560,000 registered voters in Florida (NVRA Monthly Report Statistics, 2013). Given the extreme nature of gerrymandering in Florida and the security of the Republican Party’s supermajority in Florida, a requirement for equitable apportionment of legislative districts should be added to the National Integrity System. In 2010, the voters of Florida amended the state constitution to include two provisions requiring that legislative and congressional districts be drawn in such a manner as to be “compact, contiguous, and support no political party over another” (FairDistrictsFlorida.org, n.d.). While the implementation of these measures affected some change in the make-up to Florida’s legislature, it did not affect



the Republican majority in the House of Representatives. After the 2012 election, it was seen as an initiative designed to benefit Democratic Party candidates rather than a candidate reflective of an individual district (Associated Press, 2012).

The third pillar in the National Integrity System is the Public Accounts Committee of the legislature. Essentially, this would function as an appropriations committee that would evaluate the budget presented by the executive. Transparency International suggests that it is a fundamental check on the power of the executive to require the legislature to review and approve the state's budget. Florida's governmental system requires this, but also provides for an executive check on the appropriations made by the legislature. Through the use of the line-item veto, the governor is able to provide oversight for items placed in the budget by the legislature as opposed to those items proposed by the governor. A line-item veto can be overridden by the legislature, but it would require a two-thirds majority vote, as would any other piece of legislation subject to a veto. This illustrates another check on legislative power that is not mentioned in the National Integrity System. Though, the model does suggest that the chair of the public accounts committee be a member of the opposition political party or be somebody who is particularly fair-minded (Transparency International, 2000). Placing a member of the opposition party as chairperson of the state's budget committees would indeed be an intriguing concept to observe and could reduce the amount of frivolous appropriations.

The fourth pillar is that of the auditor-general. This is an entity responsible for monitoring the use of public monies, that the executive follows the will of the legislature,

and that all measures are taken to ensure that government operates efficiently. The office would also be responsible for ensuring that the government uses “financial and auditing procedures designed effectively to reduce the incidence of corruption and increase the likelihood of its detection” (Transparency International, 2000). Florida’s government does not have an independent agency solely dedicated to this mission, but there are several entities that accomplish the same mission intended by the National Integrity System. While a partisan elected official, the state’s Chief Financial Officer oversees the state’s Department of Management Services, which provides purchasing and human resources support to the rest of state government and also audits other state agencies and projects. As we have seen with the recent “Taj Mahal” courthouse scandal, (Morgan, 2010) the Department of Management Services can be inappropriately influenced by other political entities, in this case judges and legislative staffers. Though the inappropriate appropriation happened in 2007, this scandal did not come to light until a media exposé was published in 2010. This illustrates an area in which the political system in Florida is lacking potential oversight.

The fifth pillar of the National Integrity System is the public service. Transparency International (2000) states that civil service should recognize “the accountability of civil servants to the Minister; the duty of all public officers to discharge public functions reasonably and according to the law; the duty to comply with the law, including international law and treaty obligations, and to uphold the administration of justice, and ethical standards governing particular professions.” Florida’s state employees are rarely shown to have been corrupt or to have participated in corrupt behavior. The fact that all of Florida’s public employees are required to disclose all work products and all

documents under the state's aggressive "Sunshine Law" has served as a very effective deterrent to public corruption among civil servants – it may be a very different situation among elected officials and their immediate staffs. This is particularly true when a member of the general public or media can request access to every e-mail or phone record for a public employee (My Florida Sunshine, n.d.). Florida's expansive Sunshine Law is another example of the National Integrity System coming up short. Another pillar dictates that investigative journalism needs to be an essential aspect of a free media, but only makes passing mention that the government should be required to make available all possible information to aid in these efforts. In instances of classified or military documents, the National Integrity System could also suggest a streamlined declassification process based upon the length of time since the document was first prepared or classified. While Florida's government does not have an extensive amount of top-secret information, it is still important to note that the model should include awareness of the usefulness of classified documents in providing governmental oversight. This is especially true in instances of a government participating in or leading clandestine military or paramilitary operations.

The sixth pillar is perhaps one of the most important and often-discussed aspects of combating political corruption: the judiciary (Transparency International, 2000). While there is an abundant discussion about the judiciary in the National Integrity System, this boils down to only a few key points. The judiciary must effectively serve as a check against the power of the executive and legislative branches without fear of repercussions,

it must function as an efficient institution capable of providing fair legal services to the population in a timely fashion, and citizens must be able to address judicial misconduct through an institution other than the formal court system. On these issues, Florida's court system adequately meets the National Integrity System standard, but it goes well and above it in ensuring that judicial nominations at the Supreme Court and District Courts of Appeal levels are based entirely upon the merit of the nominee through the Judicial Nominating Commission process and also that potential nominees meet a set of basic requirements. These policies arose from a long line of judicial scandals in Florida including a justice who ruled in favor of his former law firm (Dyckman, 2008), a judge resigning abruptly after being filmed on a high-dollar junket to Las Vegas, and a judge flushing legal documents down his office toilet. Judges in Florida used to also be elected on a popular partisan basis and this opened the door for judges to behave inappropriately to reward campaign contributors (Dyckman, 2008). A caution against popular elections for judicial figures is also an item that fails to appear in the TI Sourcebook. Another item that is of importance in the TI Sourcebook is the accountability of prosecutors and their responses to political influence. Transparency International suggests that prosecutors be subject to a standardized set of published guidelines and also make a determination on whether or not they should investigate without regard for political influence or connections on the part of the accused. While Transparency International does make mention of the need for fair prosecutors, it fails to account for the need for skilled, capable public defenders. The right of an accused person to be represented at no or low cost by a qualified attorney is a fundamental right for the citizen of any free and transparent society and one which Florida provides to its citizens. This underscores yet

another point in which the National Integrity System is inadequate to its goal of reducing or eliminating corruption in more developed nations. It would also be worthwhile to specify that the judiciary have the power of judicial review over the laws and executive orders of the executive authority within a state.

The seventh pillar of the National Integrity System to be applied to Florida's government is a free and independent media. Transparency International (2000) devotes considerable time to arguing that the media should not be government-owned nor should it be government-controlled. They also argue that corporate ownership for the media is a positive attribute of free societies as long as there is competition between corporate-owned media outlets. The National Integrity System actually only places priority on the ability of the media to function without government interference, for competition to exist between privately-owned media interests, and for a society to support a living wage for journalists and a means through which journalists can be educated in their craft. Trends in corporate ownership seem to have damaged transparency and oversight in government substantially more than they have helped. Some of the most in-depth reporting in Florida is the result of research conducted by non-profit media entities such as public television and reports from National Public Radio. In fact, the State Integrity Investigation is a nonprofit entity supported by groups like Public Radio International (State Integrity Investigation, n.d.). Entities such as these represent a far more independent media presence than either state-owned or corporate-owned media outlets. One of the best-known papers in Florida, the former St. Petersburg Times (now the Tampa Bay Times), is actually owned by a nonprofit organization, the St. Petersburg Times Fund, Inc. (Tampa

Bay Times, n.d.). Because non-profit organizations can devote more time and energy to ensuring a high level of ethics within their ranks without concern for profit-making enterprises and because they regularly provide a far higher quality news product, Transparency International should include the need for an independent, non-profit media estate in its National Integrity Plan. At the very least, it could follow the Florida model and have a hybrid between corporate-owned and non-profit media organizations reporting on the state's government or the British model of government-supported media and privately owned media coexisting.

The eighth pillar in this system is related to civil society. Transparency International (2000) defines civil society as all actors within a political system that are not governmental in nature nor are they business interests. Examples discussed include chambers of commerce, nongovernmental organizations, sports clubs, and other informal groups of citizens. It does not include the actor on an individual level. What this pillar comes down to is the need for members of society to be able to organize without excessive governmental interference. Also discussed is the need for a standardized procedure for the licensure of professionals such as accountants, attorneys, and medical professionals. In Florida, citizens have the right to peaceably assemble and to incorporate a more formal organization should they wish. Florida also has an extensive licensure program for nearly all trades and professions. In areas that do not have a state-level licensing process, Florida defaults to the national organization that provides credentials (for example, project management professionals, logistics, and aircraft pilots). Perhaps more importantly, Florida also has the ability to suspend or terminate a professional

license should the practitioner abuse their position or be found guilty of malpractice (for medical professionals). It should be noted, however, that while the state has the ability to forbid a professional from practicing their trade, this is done under the auspices of a nongovernmental body such as the Florida Medical Association or the Florida Bar Association. Under circumstances that would ordinarily result in the termination of a professional license, the state will only act officially if there was a violation of a law not administered by such a body. For example, a doctor who intentionally kills a patient would be subject to both termination of their medical license and a criminal inquiry. Transparency International would be well advised to include within this section a provision to ensure that professionals are also subject to appropriate sanctions by a licensing body should the situation so dictate.

The ninth pillar of the National Integrity System is the position of a governmental ombudsman (Transparency International, 2000). The Transparency International definition of an ombudsman is an entity outside of the regular governmental power structure capable of receiving, investigating, and acting upon complaints made by members of the public concerning an official function. Florida has several institutions with a similar role, except they are created on an almost ad hoc basis and have a wide range of names such as Inspector General, the Florida Ethics Commission, hospital Patient Advocates, etc. Nearly all elected officials function as ombudsmen for the government as well since constituent services is one of the key responsibilities of an elected official. In fact, every state legislator has an assistant with the title of Legislative Assistant whose job description includes a narrative about the need to receive and

respond to constituent concerns (Legislative Assistant, n.d.). Perhaps this differs from nation to nation, but one frequently sees the action of a person functioning in the role of an ombudsman on behalf of citizens. Media outlets will investigate complaints from citizens and consumers, elected officials will also do so, and appointed state employees will also perform this function. While these individuals and institutions lack the ability to levy sanctions upon those who have failed to provide a service or maliciously performed a service, they can remedy the situation nonetheless. Perhaps a better description of this section would be the idea that every person in government should function as an ombudsman. The need for a separate agency is debatable. This is especially true in a developing nation. In the case of Florida, there is an aggressive emphasis in redressing the actual and perceived shortcomings of the state government. It should also be noted that nearly all government entities are subject to investigations from a Fraud, Waste, and Abuse hotline through which citizens can report misappropriation of government funds and equipment along with the ability to report government abuse.

The tenth pillar is the anti-corruption or watchdog agency (Transparency International, 2000). This pillar is quite simple to define and explain. In order to reduce the political corruption of a given state, it is essential to have a formal apparatus in place to combat such corruption. Transparency International suggests that this be accomplished through the use of a centralized governmental institution. In the case of Florida, it should be noted that the state is structured in such a manner as to have overlapping layers of both law enforcement and judicial authority in place to investigate and combat political corruption. Generally the state's Florida Department of Law Enforcement handles



investigations related to corruption, a statewide law enforcement entity established to provide broad investigatory services to agencies providing law enforcement services to Florida's political subdivisions along with roles related to statewide law enforcement issues. Obviously this approach would not work within a governmental system where the only source of law enforcement service is a single, national police force, but the separation of agencies to the most local level proves to be a beneficial scheme in combating corruption. It should be noted that law enforcement agencies, like anti-corruption agencies, are themselves corruptible. To this end, the Florida Department of Law Enforcement can be investigated by a number of external entities such as a grand jury or a special prosecutor appointed by the Florida legislature. In the event of a clear-cut case of political corruption in which additional investigation is not needed, the governor has the power to unilaterally remove elected officials from office and appoint a replacement for the remainder of a term of office or to call a special election. In the event of political or police corruption within a local government, a city would be investigated by a county sheriff's office or by the appropriate State Attorney's Office and in the event of corruption at the level of a State Attorney or County Sheriff, the official would be investigated by the Florida Department of Law Enforcement. Essentially, there are overlapping lines of anti-corruption enforcement through out all levels of Florida government including the internal investigatory body of the legislature itself, the Ethics Committee (Florida House of Representatives, n.d.). Should there be a concern of political corruption at the level of the state cabinet or the governor's office, an investigation could be launched by the legislature, which also has the ability to remove a sitting governor from office through an impeachment proceeding. Transparency

International (2000) specifically asks whether the governor or state executive is within the jurisdiction of the anti-corruption agency, a scheme that presents challenges. One would think that an ideal arrangement would be for another branch of government to have jurisdiction over concerns of political corruption from the very top of the executive branch. Keeping this in mind, it would be appropriate for the National Integrity System to be updated to include the suggestion that a legislative branch ought to have the power to investigate and act upon corruption from the executive branch should it so deem appropriate. Another issue that should be included in the National Integrity System is a suggestion against a centralized police force or, at the very least, a police force controlled by the central government. The unity of all law enforcement activities within a state could also produce the unintended consequence of the unity of all law enforcement corruption.

The eleventh and second-to-last pillar in the National Integrity System concerns the private sector within a particular state (Transparency International, 2000). The essential message in this pillar from Transparency International is that a country's private sector should not be involved in nor should it facilitate political corruption. They are also especially concerned with the relative amount of competition within a country's economy. This fits with the essential idea that capitalist economies produce the least amount of political corruption. In Florida's case, there are sectors of the private economy in which cartels exist, sectors in which political corruption occurs through the use of legal political activity in favor of those who support a company or sector's economic goals, and there are sectors in which this behavior does not occur. One drawback of Florida's

laws on political activity is that a particular policy or law can be bought through fully legal methods. For example, if an entire town's economy is dominated by one corporation who employs all of its citizens, the elected bodies will do far more to accommodate the interests of this company over those of citizens or competing interests. In Florida, such companies include the U.S. Sugar Corporation, the St. Joe Paper Company, and the Disney Corporation. In a bit of Devil's advocate, what happens if one of these companies decides that it wants to ignore the laws of a government, but does so by having the law changed? While it may be legal, is it corrupt? For the sake of the National Integrity System, it would probably be best limited to the scope of governmental institutions. Alternatively, the principles of a modified National Integrity System can be modified and applied to private corporations in the form of contracts and other binding corporate codes of conduct. However, this is beyond the scope of this discussion.

The twelfth and final pillar of the National Integrity System concerns corruption on the part of international actors (Transparency International, 2000). There are two primary concerns set forward by Transparency International in this pillar. The first is whether an international body is using its influence or funds to expand or further facilitate corruption. The second is whether the international community that will then interact with the state in a non-corrupt manner is recognizing a legitimate government. Because Florida's dealings with the international community are limited based upon its nature as a political subdivision of the United States, discussion on this point cannot be fully accomplished.

## *Case Studies of Political Corruption in Florida*

While it may be disconcerting for a voter to find that their representatives systemically skew their districts to present an electoral advantage (Fair Districts, n.d.), doing so is not against the law in Florida. This situation underscores a critical issue in Florida's political system, the need for clear definition of and test for determining if certain actions constitute corruption – ala “if it looks like a duck, swims like a duck, and quacks like a duck, then it probably is a duck.” As a matter of public policy, Florida has a very strong code of ethics for public officials and a Commission on Ethics with the power to investigate and fine elected officials for breaches of the Code of Ethics, as long as it receives a citizen complaint. (Commission on Ethics, 2010) Once this has happened, it also uses a bully pulpit to bring attention to cases in which an allegation of corruption is supported. Florida's definition aside, the nongovernmental organization Transparency International (n.d.) defines “corruption” thusly:

Corruption is operationally defined as the abuse of entrusted power for private gain. TI further differentiates between "according to rule" corruption and "against the rule" corruption. Facilitation payments, where a bribe is paid to receive preferential treatment for something that the bribe receiver is required to do by law, constitute the former. The latter, on the other hand, is a bribe paid to obtain services the bribe receiver is prohibited from providing.

The key element of this definition is the notion of personal gain. To this end, we will be examining several examples of sustained charges of corruption and cases in which the appearance – or perception – of personal gain exists without official action or investigation into charges. Cases have been selected from the last 30 years from within

Florida politics and cover elected and appointed officials at the federal and state levels. These cases will be used in conjunction with Transparency International's National Integrity System to evaluate corruption in Florida's political system and to make public policy observations and recommendations. These cases also serve as excellent examples as to the need for a comprehensive evaluation of political corruption in Florida and the United States based upon a rigorous, fixed model.

As reported by the Tampa Bay Times in 2009 (Leary, 2009), the first case examines sustained political corruption in the Florida legislature's budget process and an improper relationship between former speaker of the Florida House of Representatives Ray Sansom (R-Deerfield Beach, Fla.), a wealthy campaign contributor, Jay Odom, and the President of Northwest Florida State College, Bob Richburg. The three defendants were indicted on charges of official misconduct related to the construction of a hangar at the Destin Airport in Sansom's legislative district. The grand jury report shows that after repeated attempts to obtain state funding for a new hangar at this airport, Sansom appropriated funds to the Northwest Florida State College for the purposes of an "Emergency Operations Center" at the same airport. Willie Meggs, the Leon County State Attorney prosecuting this case argues that because Odom, who contributed heavily to Sansom's political campaigns, could not get this hangar built; he sought to obtain funds through a different channel. Sansom, who had been hired (without competition) as Vice President for Development at Northwest Florida State College, consulted with Richburg and determined that the best avenue for building the hangar was through an appropriation to the college. All actors in this stood to gain if it were to be successfully

completed. Odom would gain a hangar, Sansom would gain additional campaign contributions and a well-paid job at a college, and Richburg would gain Sansom's budgetary experience and, perhaps most importantly, his political contacts. This is quite clearly an abuse of an official position on the part of Sansom and Richburg and a bribe from Odom. While Odom, Richburg, and Sansom have been indicted twice by grand juries (once for official misconduct and once for grand theft and larceny), the charges were stalled in light of appeals from the defendants and charges of prosecutorial misconduct levied against Jeggs. Ultimately all charges related to this scandal against Odom and Sansom were dropped. The only consequences of Sansom's clear misconduct was his resignation from the Speakership of the Florida House of Representatives and the loss of his job with Northwest Florida State College. Odom was eventually found guilty of a crime when he was found to have reimbursed campaign contributors of former Arkansas Governor Mike Huckabee's presidential campaign – circumventing federal campaign contribution limits (Morgan, 2013).

Another case of corruption in Florida involves the former federal trial judge (and current Congressman) Alcee Hastings. As a federal judge, Hastings presided over a case involving Frank and Thomas Romano, brothers charged and convicted with racketeering. During the course of the trial, Hastings and a conspirator were alleged to have accepted a \$150,000.00 bribe from representatives of the defendants in exchange for leniency in sentencing and the return of a number of seized properties of the two men. The criminal proceedings against Hastings resulted in an acquittal after Hastings' coconspirator, William Borders, refused to testify – resulting in a contempt charge and jail time.

Borders' unwillingness to testify became an issue when Congress took up Hastings' impeachment and voted 413-3 in favor of impeaching the judge. The Senate then took up the case and found Hastings guilty of conspiracy and removed him from office on October 20, 1989 with a vote of 69-26 (Marcus, 1989). The Senate had the option to forever ban Hastings from ever seeking federal office, but declined to do so at the time of his conviction. Hastings later filed litigation challenging his impeachment and arguing that because he had been found innocent in a criminal court and because he was tried in front of the Senate Judiciary Committee and not the full U.S. Senate, Congress' votes and impeachment were invalid. This issue was later resolved by the U.S. Supreme Court in Nixon v. United States, 506 US 224 (1993) when it ruled that federal courts have no jurisdiction over issues of impeachment because the issue is "solely" delegated to the legislative branch, which makes a binding, final decision (Nixon v. United States Opinion, 1993). Such is the case, Hastings' impeachment was upheld and in 1992, he instead ran for Congress in Florida's newly created 23<sup>rd</sup> District. After winning this election, was sworn into Congress on January 3, 1993 where he serves to present day (Congressman Hastings Website, n.d.). William Borders, the person convicted of paying a bribe to (then) Judge Hastings, was given a complete pardon by President Bill Clinton during his final weeks in office (U.S. Department of Justice, 2001). While Florida's government is not in a position to exert rules upon federal officials, the case of Alcee Hastings is significant for its demonstrative value. The notion that a person can be impeached from a position of public trust because of accepting a bribe and later again run for and be elected to public office illustrates the very real need for reform within the

system and certainly presents a case of perceived corruption for citizens aware of this case.

The Latin term *quid pro quo* makes frequent appearances in political science literature and is considered an essential element of government by consensus. It translates to “something for something” and is meant to convey the process of logrolling and compromise in deliberative bodies. For example, a representative from a rural area would vote in favor of legislation related to urban renewal in exchange for a vote on rural subsidies from a representative serving an urban area. This behavior allows representative bodies to carry out much of their business, however similar behavior between political interests can also lead to the appearance of corruption. Such an appearance of a seemingly corrupt act presented itself during the 2000 Presidential Election in Florida. The first of these, involving former Secretary of State Katherine Harris, concerns the propriety of an elected official responsible for elections actively campaigning for a candidate subject to their office’s jurisdiction. During the lead-up to the 2000 election, Harris served as a co-chair for (then) Governor George W. Bush’s presidential campaign (CNN, 2005) while, at the same time serving as Florida’s top elections official. Florida has since reduced the size of its elected cabinet and made the Florida Secretary of State an appointed position (Florida Governor and Cabinet, n.d.). This was not the case in 2000 and there were no prohibitions against Harris actively working in favor of one candidate when she was responsible for certifying the election. Additionally, once it became apparent that a manual recount of ballots in 4 counties that lean in favor of Democrats might result in a Democratic victory, she ordered manual recounts to stop. This was a



decision overturned by the Florida Supreme Court and later upheld by the U.S. Supreme Court in *Bush v. Gore* 538 U.S. 98 (2000). After the 2000 election, Harris completed a single term as Secretary of State and went on to run for and be elected to represent Florida's 24<sup>th</sup> Congressional District. Harris' case illustrates the appearance of a conflict of interest between the partisan political role of an elected official and the official duties of the same person. Duty and politics are often inextricably linked, but it is necessary to define and separate them under circumstances such as these. While there is little evidence of a link between Harris' performance in the 2000 election and her subsequent election to Congress, particularly given the lack of any meaningful institutional Republican support for Harris' 2006 U.S. Senate campaign (Kaczor, 2006), it presents the appearance that she was in effect promoted for her decision to stop manual recounts and thus being seen as ensuring a victory for George W. Bush's presidential campaign. After her defeat in the 2006 U.S. Senate election, Harris later went on to begin construction of a multimillion-dollar estate in Longboat Key, Fla. and to participate in charity work (Heil, 2012).

The issue of the appearance of corruption or potential improper dealings is a key threat to public perceptions of Florida's political system. Some such cases can be minor in nature and not result in any official action while others are examples of actual corruption or improper behavior. The cases outlined in this section have not resulted in any official action to date nor is there any indication that they have resulted in an official complaint or investigation by either the Florida Commission on Ethics or any enforcement agency related to the subject, the relationship, or the action. However, this being said cases such as the following serve as evidence and justification of the need for a

more thorough understanding of corruption in Florida and further guidance and legislation related to the issue.

A case that presents a questionable appearance concerns Florida's current U.S. Senator, Bill Nelson. An experienced elected official, Senator Nelson began his career with three terms in the Florida House of Representatives, six terms representing Florida in Congress, and Florida Treasurer (a position since modified and renamed Chief Financial Officer) (Florida Department of Financial Services Organization, n.d.). During his time in Congress, Senator Nelson served as the chair of the Space Subcommittee of the Science, Space and Technology Committee, which describes its role thusly:

“The Subcommittee on Space and Aeronautics has legislative jurisdiction and general oversight and investigative authority on all matters relating to astronautical and aeronautical research and development including: national space policy, including access to space; sub-orbital access and applications; National Aeronautics and Space Administration and its contractor and government-operated labs; space commercialization, including the commercial space activities relating to the Department of Transportation and the Department of Commerce; exploration and use of outer space; international space cooperation; the National Space Council; space applications, space communications and related matters; earth remote sensing policy; civil aviation research, development, and demonstration; research, development, and demonstration programs of the Federal Aviation Administration; and space law.” (Subcommittee on Space, n.d.)

While serving as chair of this subcommittee, Nelson had the occasion to fly to space aboard the Space Shuttle Columbia as part of NASA's STS-61-C mission. Nelson completed extensive NASA training at government expense prior to his flight and was an active crewmember as payload specialist (Nelson & Buckingham, 1988). The opportunity

to fly in space would certainly be an exciting adventure and something very few people would turn down. From a political perspective, however, it presents a troubling appearance and too close a relationship between the chair of an oversight committee and the federal agency he is responsible for overseeing. While it is quite common for elected officials to ride aboard military aircraft while in a similar capacity over the Department of Defense or patronize a national park while overseeing the Department of the Interior, spaceflight adds a dimension to this dilemma and raises concerns over the separation between the executive and legislative branches of government along with what may very well be the most expensive Congressional junket of all time. While NASA would have sent the space shuttle into orbit with or without Nelson aboard, one must question whether a congressman took a seat that would have otherwise been filled with a trained scientist. It should be noted that special interests will attempt to influence the political process through illicit campaign contributions, honoraria, and paid vacations, federal agencies are capable of the same actions with the same objectives. Perhaps not in the United States – and certainly not shown in this case, but in other nations it is feasible for a bureaucratic agency to bribe an elected official to make an inquiry disappear or to preserve a higher level of funding. Spaceflight hardly constitutes a bribe, but one can easily imagine a substantial amount of good will from an oversight committee chairman after such an adventure at taxpayer expense.

To conclude, we have reviewed four very different examples of what some could consider politically questionable behavior with very different outcomes. In the case of Ray Sansom, a political career was destroyed and criminal charges were filed while Alcee Hastings, who clearly acted improperly and was removed from office by the U.S.

Senate managed to complete a remarkable political comeback (Biography: United States Representative Alcee L. Hastings, n.d.), becoming more powerful and prominent than he had been as a federal judge. From his unlikely stint as a NASA payload specialist, Senator Bill Nelson has been twice reelected to the U.S. Senate and features his spaceflight in his political biography as an example of hands-on involvement with his responsibilities as a senator. Jeb Bush was reelected governor of Florida in 2002 and served until he was term limited in January 2007, Katherine Harris was elected to the U.S. House of Representatives from Sarasota and Longboat Key in 2002 and served until she mounted a campaign for U.S. Senate in 2006, losing to Senator Bill Nelson in the general election. These cases provide examples of cases that could be perceived as political corruption and cases that were legitimate, illegal corrupt political actions. This brings us to a key question: how effective are Florida's anti-corruption laws and institutions? In the cases of Ray Samson and Alcee Hastings, the appropriate governmental body was eventually involved and took action to both put an end to the corrupt behavior and to eliminate any potential benefit to those involved with the corrupt action. Albeit the Hastings affair involved federal authorities, but it remains as an example for our purposes because corrupt schemes may not be limited solely to local, municipal, county, or state actors. The interesting note about all four of these cases is that, even in cases where criminal charges were originally brought, they were ultimately dismissed or did not result in serious consequences to the public officials involved in the scandals. Cases such as these serve as good examples of situations that could result in an increased perception of political corruption among the residents of Florida.

## **CHAPTER FIVE - CONCLUSIONS**

The adventure that is Florida's relationship with political corruption is truly as long and winding as the state's 8,436 miles of coastline (NOAA, 2012) and viewed from as many perspectives as the 19,317,568 people who call Florida home (U.S. Census Bureau, 2013). Such is the case; it is impossible to discuss even a tiny percentage of the instances of real and perceived political corruption that occur within its borders. We have learned that political corruption is a timeless aspect of government – as much a question of the law and specific actions of individuals as it is a question of morality and ethics. We have also seen the immense challenges posed to researchers as they seek to define, identify, and analyze this perennial issue in political science. It seems that the relatively simple question of what constitutes corrupt action on its face is in fact a dense question riddled with nuance and mystery.

If Florida's experience with combating political corruption is any indication of the perplexing nature of this issue, consider two major changes made to Florida's constitution in response to alleged or perceived corruption: the 1992 amendment implementing term limits on elective office and the 2010 amendments implementing "fair districts" in Florida's congressional and legislative redistricting process. Both of these amendments passed by comfortable margins (term limits with 76.77% of the vote and fair districts with 62.59% and 62.91% of the vote for each of the amendments) and address

specific governmental concerns. (Florida Division of Elections, n.d.) From the text of the term limits amendment itself, one can see that it endeavored to keep elected officials from being more concerned with reelection than they were their constituents. (Florida Division of Elections, n.d.) Looking back at the implementation of this amendment, we have seen dramatically increased influence of lobbyists, legislative staffs, and political action committees – the actors whose influence the amendment was designed to reduce (Carsey and Nelson, 2008, p. 108) (Wagner and Prier, 2008, p. 159-160). In the case of the “Fair Districts” amendments, it is obvious that the concern of gerrymandering safe districts for representatives who are not representative of their districts was a key element to its success. Conversely, the “Fair Districts” campaign was designed as a response to the creation of political districts favoring one political party over another or one ethnicity over another (majority-minority districts). (Wagner and Prier, 2008) However noble this initiative may have been, it came with electoral consequences – namely giving additional advantage to the minority party in the redistricting process. Immediately following the 2012 general election, one of the first questions posed in the media was how much the Fair Districts amendments had benefitted the Democratic Party and its candidates (Associated Press, 2012). The lesson here is that one must always consider the wider effects of reforms in the name of anti-corruption or government reform. When it comes to the question of corruption, it is not unprecedented for governments to use anti-corruption rhetoric as an avenue to discredit or eliminate their opposition (Duhamel, 2004). Such is the case, would-be reformers and anti-corruption crusaders must be mindful of the motivations of prominent supporters as well as the broader political context in a state before working aggressively for policy changes.

Based upon the results of the term limits and redistricting amendments, it is reasonable to extrapolate that Florida's voters have both a deep and long-lasting interest in governmental reform. This has given rise to organizations (and a cautionary tale) such as Integrity Florida, which markets itself as "a nonpartisan, nonprofit research institute and government watchdog whose mission is to promote integrity in government and expose public corruption" (Integrity Florida, n.d.). Integrity Florida combines research into public corruption and institutions in Florida with an advocacy role in which those reading their reports are able to quickly contact elected officials to urge specific reforms. The combination of pseudo-think tank and advocacy group presents a credibility problem for this group with a mission of tackling corruption in a nonpartisan fashion. This is particularly true when Integrity Florida seeks sponsorship from other organizations to support its research mission. One recent example was the decision to accept funds from a group called Americans for Prosperity; an organization closely tied to conservative political causes, to prepare a research report on Enterprise Florida, the state's public-private business development corporation. A possible perception of this action is that Integrity Florida accepted payment to produce a report supportive of the research sponsor's conservative political agenda. Doing so would allow Americans for Prosperity to adopt a nonpartisan mantle while advancing an argument against government business incentives (Bousquet, 2013). Even the perception of such an arrangement serves to delegitimize Integrity Florida as a nonpartisan organization and resulted in dueling resignations from the Integrity Florida Board of Directors and the Board of Directors of the First Amendment Foundation (Bousquet, 2013). While one must concede that sponsorship is needed for extensive research projects, it is necessary to ensure that

sponsors of research have no financial, political, or rhetorical interest in the outcome of the research that they are supporting.

Beyond the significant issues in standardizing data and ranking the states themselves that were discussed earlier lies still another difficulty in preparing research in political corruption: the constantly changing landscape of the issue. There is always an exciting scandal just breaking, there are always new laws, and there are always new and innovative corrupt actions. Given the shifting topography of this field, it comes at no great surprise that there are also new ideas and initiatives for resolving corruption or improving transparency or some other well-meaning government reform. The interesting caveat to all of this is that the answers to the perplexing questions of combating and preventing political corruption aren't great mysteries in need of an Indiana Jones-esque crusader to unearth them from an ancient cave in Florida's aquifer – policy remedies have been prepared based upon exhaustive, state-sponsored studies twice in the last thirteen years. In 1999, the state created the Public Corruption Study Commission at the request of then-Governor Jeb Bush. This commission returned a report with thorough information on the nature of political corruption in Florida and several remedies ready for adoption by the legislature. As if this were not enough, the Nineteenth Statewide Grand Jury was convened in 2010 at the request of then-Governor Charlie Crist to update the previous study and to provide new policy remedies for addressing and preventing corrupt political activity in Florida.



Taken together, the key recommendations from both the 1999 Public Corruption Study Commission Report and the 2010 Nineteenth Statewide Grand Jury are the same: criminalize public corruption violations of the Florida Code of Ethics, ensure clearer tracking of corruption offenses, and update the law to ensure stiffer penalties for public servants who abuse their positions of trust. Additionally, the single largest failure of Florida's anti-corruption strategy is the perplexing inability of the Florida Commission on Ethics to launch its own investigations and to impose severe civil penalties on those who violate the Code of Ethics. These relatively small changes to Florida Statutes would allow State Attorneys, criminal enforcement agencies, and the Commission on Ethics to be far more aggressive in addressing, preventing, and reducing political corruption. As we have seen with the tremendous success of ballot initiatives designed to reform government and reduce corruption, Florida's voters support strong anti-corruption laws and aggressive enforcement.

In sum, political corruption is the unending problem that faces governments and peoples the world over. Corruption perpetuates poverty, it sows seeds of distrust in democratic government, and it stands in the way of development not just in the developing world, but also in places like the United States. In Florida, voters have demonstrated a sincere desire to reduce perceived corruption in Florida's government, but those in power refuse to seriously consider the most pressing suggestions of either the Public Corruption Study Commission or the Nineteenth Statewide Grand Jury. Since 1999, we have yet to see strengthened criminal statutes and a Commission on Ethics allowed to act as a true anti-corruption agency. Until these changes are fully

implemented, one can only expect Florida's political elite to scratch their heads and wonder why Florida has once again topped the list of states with the most federal corruption convictions – a questionable statistic in and of itself that has resulted in Florida's inaccurate distinction of being the most corrupt state in the United States.

The key findings of this analysis have been illuminating not just into Florida's perspective on political corruption, but on the academic work researching comparative corruption in the United States. We have learned that a remarkable number of studies cite the same data either from the U.S. Department of Justice or from Boylan & Long's 2003 journalist survey. We have seen that a combined approach considering data from academic, governmental, journalistic, and nongovernmental sources focused on both state and federal convictions, institutions, and perceptions add accuracy to state-by-state rankings of corruption. This success aside, the single largest lesson of this analysis has been that there is a need for further research into comparative political corruption in the United States – particularly in devising new indices and sources of data. We have also seen that the definition of corruption is of equal importance to the data used for its analysis.

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