

Julie Porter Written Testimony
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My name is Julie Porter. I am an attorney at Salvatore Prescott Porter & Porter. From November 2017 through February 28, 2019, I served as the Acting Legislative Inspector General for Illinois. I entered the office with optimism, intending to serve the public by conducting independent, thorough investigations into alleged wrongdoing by state legislators, and—should I conclude that wrongdoing occurred—by reporting my findings to the public. That is not what happened, though. Although I completed dozens of investigations without incident, in some significant matters, when I *did* find wrongdoing and sought to publish it, state legislators charged with serving on the Legislative Ethics Commission blocked me.

Specifically, the Legislative Ethics Commission refused to publish one of my founded summary reports. There was also a second founded summary report that I requested to be published before my term ended. My successor chose not to press publication with the Legislative Ethics Commission; it was obvious, I suspect, that the Legislative Ethics Commission would bury it, just like it buried my other report on a similar topic. I wrote about these events in an Op-Ed that was published in the *Chicago Tribune* in April 2019, after leaving my role as Acting Legislative Inspector General.

Since then, there has been an additional shocking development. Both the Legislative Inspector General and the Legislative Ethics Commission are required to publish quarterly reports, identifying certain statistics regarding new and pending matters. The reports are mostly just numbers, but a careful observer will note that my final report to the Illinois General Assembly, dated February 28, 2019, disclosed that since the date of my previous report, one action had been filed with the Legislative Ethics Commission and was pending before the Legislative Ethics Commission. That was unusual. It was the first time in my tenure that I had requested, pursuant to the Illinois State Officials and Employees Ethics Act, 5 ILCS 430/25-50, that the Attorney General file a formal complaint before the Legislative Ethics Commission (the only type of matter that could be “pending” before the Legislative Ethics Commission).

What happened to that matter? I cannot tell you, both because I left office while it was still pending, and because of my confidentiality obligations under 5 ILCS 430/25-90. What I *can* point out to you, though, based on public reports, is that although that matter remained pending throughout the second and third quarters of 2019, the Legislative Inspector General’s third quarter 2019 report, dated October 15, 2019, indicated that the matter was no longer pending before the Legislative Ethics Commission. The Legislative Ethics Commission’s report for the same period, also dated October 15, 2019, states that the Commission “did not agree to publish” another founded summary report, which I can only conclude—based on

this public information—was the formal complaint that I had caused the Attorney General to bring before the Commission.

Because I am bound to confidentiality, I cannot share with you what this investigation was or detail for you the many hours spent to get to the bottom of what I concluded was serious wrongdoing, warranting a founded summary report and even a formal complaint brought by the Attorney General. But my report and the Attorney General’s complaint should not be secret. They remain so only because the Legislative Ethics Commission squashed them so that the public could not see what the supposedly independent Inspector General determined to be wrongdoing by a sitting legislator.

The Illinois State Officials and Employees Ethics Act, 5 ILCS 430/1, is the statute that governs both the Legislative Inspector General and the Legislative Ethics Commission. The statute has fundamental flaws that undermine any true effort to have an independent watchdog with real authority to investigate and expose misconduct.

Although there are many places that the State Officials and Employees Ethics Act could and should be tweaked, I wish to highlight one key deficiency: the Legislative Inspector General cannot be independent, and having a Legislative Inspector General is a waste of resources, if a Legislative Ethics Commission staffed by legislators—all appointed by the House and Senate leaders—presides over her investigations and has the power to kill them. That is precisely the system we have now in Illinois: the fox is guarding the henhouse. And the problems are not just hypothetical; over the past year, the Legislative Ethics Commission has used its authority under this statute to undermine the Legislative Inspector General’s work in critical ways.

To address this core defect, I recommend at least the following changes to the State Officials and Employees Ethics Act:

(1) If there is going to be a Legislative Ethics Commission, it should not be staffed by legislators appointed by the House and Senate leaders. 5 ILCS 430/25-5 should be amended to require a more diverse body, including or exclusively non-legislators, that is not beholden to legislative leadership.

(2) Section 5 ILCS 430/25-50(f) should be deleted. The Legislative Ethics Commission should not have the power unilaterally to rule on the “sufficiency” of a complaint advanced by the Legislative Inspector General, reviewed by the Attorney General, and filed by the Attorney General. The term “sufficiency” is not defined, and the statute identifies no factors relevant to judging sufficiency. As written, the Legislative Ethics Commission could find a complaint insufficient simply because they regard it as politically embarrassing. There is also no process for the Attorney

General or the Legislative Inspector General to appeal an arbitrary or unsound judgment by the Legislative Ethics Commission, making this provision all the more problematic.

(3) Section 5 ILCS 430/25-52 should be amended so that the power to publish a founded summary report lies solely with the Legislative Inspector General—not with the Legislative Ethics Commission. The Legislative Ethics Commission has shown that it cannot be trusted to publish founded summary reports. Because the Commission’s deliberations are confidential, and I am bound by that confidentiality, I cannot reveal the reasons for my deep concerns about the way the Commission is wielding this power. All I can say is that allowing the Commission the power to hide a Legislative Inspector General’s findings of misconduct from public view, when the Legislative Inspector General is urging that such findings be public, renders the Legislative Inspector General position almost entirely pointless.

I am not aware of any other Inspector General in Illinois who is required to jump through the hoops and be subject to the control that Illinois legislators have bestowed upon the Legislative Ethics Commission. All one needs to do is pick up a newspaper to see how important it is to have a truly independent and empowered Legislative Inspector General in Illinois. I call upon this Joint Commission to take this issue seriously and begin the process of bringing true independence to the LIG role.

Thank you for considering my perspective on this matter.