The 99 Percent Rule
February 18, 2010

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Call it the 99 percent rule. Ninety-nine percent of criminal trials only matter to a small cadre of participants. Defendants, victims, judges, defense lawyers, and prosecutors all play their respective roles. And, of course, society has an abstract stake in it all. But win, lose or draw it is this finite group for whom the personal stakes are the highest and the outcome truly matters.

But not this trial.
The well-publicized Veon case—in which former state representative Mike Veon, along with three co-defendants, is charged with Bonusgate corruption offenses—is different. It is different because its outcome—win, lose or draw—is likely to affect state government and politics for generations to come.

Not that this case doesn't matter to the defendants. Each of them is on trial for their liberty and reputations. And each has the right of every defendant to the presumption of innocence as the trial plays out. Only zealots will prejudge their guilt. Only the reckless will forecast the verdict.

Nevertheless, the outcome is going to matter to more than just the defendants, their lawyers, and the prosecutors.

It will matter because the trial itself marks a sharp turn in the trail for Pennsylvania: go one way and the state travels down a new, largely unknown path; go the other and the path looms more familiar, perhaps too familiar.

A brief history lesson must intrude here. Pennsylvania is no stranger to corrupt politics. Since the late 1970s the executive branch has been free of major corruption. But historically, the state has suffered from regular and recurrent bouts of corrupt political behavior. Some of this corruption led to prosecutions that uncovered a breathtaking scope of official wrongdoing. Notable among these were the prosecutions of the mid and late 1970s that resulted in more than 200 indictments, convictions, or resignations of public officials.

So, the presence of pervasive official corruption is neither new nor unexpected in the Keystone State. In that sense, the Bonusgate prosecutions are business as usual in a state that has seen more than its share of corruption.

But what isn't business as usual is how these alleged offenses are being prosecuted. Traditionally, corruption prosecutions in the state have been undertaken by the U.S. Department of Justice. It was, for example, the feds who ran the prosecutions during the Shapp administration in the 1970s—and who labeled Pennsylvania one of the most corrupt states in the nation. More recently, it was the feds who prosecuted state senator Vincent Fumo, several people in and around the administration of Philadelphia mayor John Street, and court officials in Luzerne County.

Until recently, state officials have not aggressively pursued public corruption. To be fair, they have been active in pursuing a variety of other criminal and civil wrongdoings. But they have not systematically attempted to
root out public corruption on a large scale. When that happened-if it happened-it was the federal government that did it.

Until now!

During the last three years, state prosecutors have taken the lead in bringing corruption charges against state officials—25 alone in the Bonusgate scandal—reversing the historic role played in the past by the feds. For the first time in modern state history, the state itself is aiming its big guns at public corruption.

Consequently, the Veon trial—whether it results in a conviction, an acquittal, or even a hung jury—is a pivotal moment in political time. The stakes, already enormous, have only been raised by the recent acquittal of former state representative Sean Ramaley in the first Bonusgate trial.

And what are those stakes?

In the short term, a guilty verdict is likely to mean more trials and more convictions. Inevitably, it will paint an even larger bull’s eye on the backs of would-be corrupt officials. In the long term, a conviction is likely to spur future state attorneys general to launch even more corruption investigations and prosecutions. Almost certainly it would cement the state's corruption-busting role, assuring that it will never again abandon the field to federal prosecutors.

An acquittal or hung jury, on the other hand, unleashes a sharply contrasting set of consequences. On the heels of the Ramaley acquittal, the appetite for future trials and future investigations will abate sharply. It's likely to mean a quick end to further probes. And it will also be a major set back for Tom Corbett and his gubernatorial campaign. Perhaps more ominously, it may stymie ongoing reform efforts and do little to dissipate the state's embedded tolerance for corruption. And undoubtedly it will mean future attorneys general will approach corruption investigations warily.

Many will differ about which of these scenarios is preferable because each ultimately may lead to a very different type of state politics—indeed, to a very different state. While few Pennsylvanians will have any influence on what happens, most will be affected by it for a very long time.

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