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OUR OPINION: Lawsuit lurks in background of House race

The lawsuit against the two GOP candidates for House is sure to be a campaign issue; and given the circumstances, Democratic House candidate Pam Guleson probably will try to make the most of it.

By: **Tom Dennis**, Grand Forks Herald

They're both North Dakota public service commissioners. They're both running to be the Republican candidate in the race for the U.S. House.

But Kevin Cramer and Brian Kalk also have something else in common:

They're both likely to be sued for allegedly violating federal conflict-of-interest law.

The commissioners ought to take the lawsuit seriously. Because regardless of what happens in court, the suit is sure to be a campaign issue; and given the circumstances, Democratic House candidate Pam Guleson probably will try to make the most of it.

The circumstances are these:

In their earlier races for public service commissioner, both Cramer and Kalk accepted campaign contributions from "parties with direct financial interests in the development of the South Heart mine," according to Sierra Club and Dakota Resource Council documents. (The environmental groups are the ones who've announced plans to file the lawsuit.)

Those "parties with direct financial interests" include, for example, the managing partner of Great Northern Power Development.

And the potential for conflict arises because "on Oct. 15, 2008, Great Northern Power Development filed an application for a mining permit for the South Heart site with the North Dakota Public Service Commission," the documents note.

In politics, of course, campaign contributions lead to all kinds of conflict claims, most of which the public ignores. It's common knowledge that banking interests might contribute to a senator who sits on the Senate Banking Committee, for example.

But absent a video catching the senator saying, "I'll vote yes if you donate \$10,000," what's anyone going to do?

After all, campaigns need donations, and most donations are perfectly legal. So, various interests make donations, and politicians from county commissioners to the president deny being influenced by those donations. And the election cycles roll on.

Except ...

Except that in some cases, a stricter set of rules apply.

The federal Surface Mining Control and Reclamation Act is one, the Sierra Club and Dakota Resource Council claim.

The act has a long list of conflict rules. One of them says state regulators “shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or any other thing of monetary value” from a coal company that they’re regulating.

So, does that rule and others apply in this case? Do campaign contributions count as a “gift, gratuity, favor” and so on, or are they something different? Does the fact that the donations went to the campaigns as opposed to the candidates count?

We’re about to find out.

Through it all, remember that North Dakota recently got an “F” for its campaign finance laws and other indicators of clean and open government.

Expect Democratic candidate Gulleon to make an issue of all this. And unless Cramer and Kalk stop dismissing and start fully answering and addressing the conflict-of-interest claims, expect at least some of her arguments to stick.

— **Tom Dennis for the Herald**