

SUGGESTED READING/RESOURCES

► Print Resources

The Power of Ethical Management, 139 pages
Kenneth Blanchard and Norman Vincent Peale
ISBN: 0688070620

The Top Ten Mistakes Leaders Make, 195 pages
Hans Finzel
ISBN: 0781433657

Character and Cops: Ethics in Policing, 400 pages
Edwin J. DeLattre
ISBN: 0844741531

Encouraging the Heart, 175 pages
James M. Kouzes and Barry Z. Posner
ISBN: 0787941840

First, Break All the Rules, 267 pages
Marcus Buckingham and Curt Coffman
ISBN: 0684852861

Winners Never Cheat – Even in Difficult Times, 206 pages
ISBN: 0137009038

► Internet Resources

Ethics Today
www.ethics.org

Institute for Law Enforcement Administration Ethics Center
<http://www.cailaw.org/ilea/ethics.html>

Josephson Institute for Ethics
www.josephsoninstitute.org

Institute for Criminal Justice Ethics
www.lib.jjay.cuny.edu/cje/html/policeethics.html

National Institute of Ethics
www.ethicsinstitute.com

The Way to Unethical Behavior is Paved With Rationalizations

In making tough decisions, don't be distracted by rationalizations. Here are some of the most common.

If It's Necessary It's Ethical

This rationalization is based on the false assumption that necessity breeds propriety. This type of reasoning often leads to ends-justify-the-means reasoning and treating tasks or goals as moral imperatives.

The False Necessity Trap

As Nietzsche put it, "necessity is an interpretation, not a fact." We tend to fall into the "false necessity trap" because we overestimate the cost of doing the right thing and underestimate the cost of failing to do so.

If It's Legal and Permissible, It's Proper

This substitutes legal requirements (which establish minimal standards of behavior) for personal moral judgment. This alternative does not embrace the full range of ethical obligations, especially for those involved in upholding the public trust. Ethical people often choose to do less than what is maximally allowable and more than what is minimally acceptable.

I Was Just Doing It for You

This is the primary justification for committing "little white lies" or withholding important information in personal or professional relationships, such as performance reviews. This rationalization pits the values of honesty and respect against the value of caring. An individual deserves the truth because he has a moral right to make decisions about his or her own life based on accurate information. This rationalization overestimates other people's desire to be "protected" from the truth, when in fact most people would rather have unpleasant information than be deluded into believing falsehoods. Consider the perspective of people lied to: if they discovered the lie, would they thank you for being considerate or feel betrayed, patronized, or manipulated?

I'm Just Fighting Fire With Fire

This is based on the false assumption that deceit, lying, promise-breaking, etc. are justified if they are the same sort of behavior engaged in by those with whom you are dealing.

It Doesn't Hurt Anyone

Used to excuse misconduct, this rationalization is based on the false assumption that one can violate ethical principles so long as there is no clear and immediate harm to others. It treats ethical obligations simply as factors to be considered in decision making rather than as ground rules. Problem areas: Asking for or giving special favors to family, friends, or public officials, disclosing non-public information to benefit others, using one's position for personal advantages.

Everyone's Doing It

This is a false, "safety in numbers" rationale fed by the tendency to uncritically adopt cultural, organizational, or occupational behavior systems as if they were *ethical* norms just because they are norms.

It's Okay If I Don't Gain Personally

This justifies improper conduct done for others or for institutional purposes on the false assumption that personal gain is the only test of impropriety. A related, but more narrow excuse, is that only behavior resulting in improper financial gain warrants ethical criticism.

I've Got It Coming

People who feel they are overworked or underpaid rationalize that minor "perks" or acceptance of favors, discounts, or gratuities are nothing more than fair compensation for services rendered. This is also used to excuse abuse of sick time, insurance claims, overtime, personal phone calls, photocopying, etc.

I Can Still Be Objective

This is a particularly dangerous rationalization, for if one truly loses objectivity, one has also lost the ability to *perceive* this handicap. It is fairly easy to underestimate the subtle ways in which gratitude, friendship, anticipation of future favors and the like affect judgment. Ask yourself. Does the person providing you with the benefit believe that it will in no way affect your judgment? Would the benefit still be provided if you were in no position to help the provider in any way?

From: *Making Ethical Decisions*, 1995 Ed.

CODE OF ETHICS

ARTICLE 1 - LAW ENFORCEMENT CODE OF ETHICS

The Police Officer Code of Ethics of the International Association of Chiefs of Police was adopted by the Minnesota Chiefs of Police Association members June 18, 1959. All members of the Association are expected to strive to follow this code.

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against violence or disorder; and to respect the Constitutional rights of all people to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger; scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others.

Honest in thought and deed in both my personal and official life. I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession -- Law Enforcement.

Posted on Wed, Jul. 03, 2002

Putting the best interests of the community ahead of our own

David S. Broder / Syndicated Columnist

Last spring, when Brian O'Connell, a professor at Tufts University, sent me the program of the memorial service held in March for the late John Gardner — the scholar, author, Cabinet member and founder of Common Cause — I carefully set it aside, knowing it would provide the theme for my Independence Day column.

In the eulogy he delivered at the Stanford University Memorial Church, O'Connell frequently quoted the words Gardner himself had used to express his philosophy and inspire the many efforts he led.

Gardner's was an extraordinary career. A psychologist by training, a teacher by profession, he also had a remarkable ability to recognize challenges and organize responses to them.

As secretary of health, education and welfare in the Johnson administration, he set up the programs for both Medicare and the first large-scale federal aid to education. Almost as a sideline, he sponsored the creation of the public television network and the White House Fellows program. His Common Cause proved to be the most enduring and effective lobby for government ethics and campaign finance reform.

One passage in particular that O'Connell quoted struck me as being important in this season, when we celebrate the birth of our country and the courage of the Founders. It was one of many reminders Gardner issued over the course of his long life that the gift of freedom we received from them comes with a price.

"I keep running into highly capable potential leaders all over this country who literally never give a thought to the well being of their community," he said. "And I keep wondering who gave them permission to stand aside! I'm asking you \ to those people — a bugle call right in their ear. And I want you to tell them that this nation could die of comfortable indifference to the problems that only citizens can solve. Tell them that."

Gardner wrote those words long before the cooking-the-books spectacle of highly paid corporate officers and their supposedly independent auditors shook public confidence in our economic system.

Their failings are echoed by the politicians who buy popularity with tax cuts and special-interest subsidies, while postponing action on important public needs. And they are reflected in journalism by people who put profits and ratings above their obligation to provide substantive information and analysis of public issues.

As far back as 1961, when he was president of the Carnegie Corporation, Gardner diagnosed the challenge to our leadership. In a book titled "Excellence," he argued that the great advantage this country gains from its widely dispersed leadership circles, with entrance based largely on talent, merit and effort, has an offsetting cost.

Often, he said, those who exercise power in this pluralistic society "lack a sense of their role as leaders, a sense of the obligations which they have incurred as a result of the eminence they have achieved...or they may well recognize their own leadership role

with respect to their own special segment of the community but be unaware of their responsibility to the larger community."

"That isn't good enough," Gardner wrote. "The influential citizen — whether he is a farmer or banker or labor leader or professor or lawyer — cannot evade his responsibility to the larger community."

And then these words, which ought to be framed on the wall of every person who has power or influence: "Leaders, even in a democracy, must lead. If our citizens are to recapture the sense of mission which survival demands, then our leaders at every level must have the capacity and vision to call it out. It is hard to expect an upsurge of devotion to the common good in response to leaders who lack the moral depth to expect or understand such devotion, or the courage to evoke it, or the stature to merit the response, which follows.

"In short, the varied leadership of our society must come to recognize that one of the great functions of leaders is to help a society to achieve the best that is in it."

As Gardner wrote, in another passage quoted by O'Connell: "Most Americans welcome the voice that lifts them out of themselves. They want to be better people. They want to help make this a better country. When the American spirit awakens, it transforms worlds. But it does not awaken without a challenge."

That is a message worth pondering on this Independence Day.

Broder is a columnist and chief political correspondent for the Washington Post. Distributed by the Washington Post Writers Group.

Justice and Leadership

“Never look for justice in this world, but never cease to give it.”

- Oswald Chambers

Justice at times can seem like a paradox, especially from a leader's perspective. The more a leader cares and takes risks to improve his or her organization and employees, the more vulnerable they become. Risk breeds vulnerability. A key principle to leadership is to understand that as a leader, we may find ourselves in positions that may not serve ourselves justly, but duty requires us to continue acting justly, even if it seems senseless.

As you lead, keep these paradoxical commandments of leadership in mind:

If you do good, people will accuse you of ulterior motives.
Do good anyway.

If you are successful, you win false friends and true enemies.
Succeed anyway.

Honesty will make you vulnerable.
Be honest anyway.

The biggest men with the biggest ideas can be shot down by the smallest men with the smallest minds.
Think big anyway.

What you spend years building may be destroyed overnight.
Build anyway.

People really need help, but may attack you if you help them.
Help anyway.

Give the world the best you've got,
Knowing you may get kicked in the teeth.
Give the world the best you have anyway.

- Anonymous Author

Stumbling Blocks on the Path of Righteousness

By [BENEDICT CAREY](#)

Published: May 4, 2009

Most people are adamant: They would never do it. Ever. Never deliberately inflict pain on another person, just to obtain information. Ever artificially inflate the value of some financial product, just to take advantage of others' ignorance. Certainly never, ever become a deadbeat and accept a government bailout.



They speak only for themselves, of course. As for others, well, turn on the news: shady bankers, savage interrogators and deadbeats are everywhere.

“I remember thinking that I was just better than other people, that I would never compromise my principles,” said Jordan LaBouff, 25, a graduate student in Texas, recalling a public standoff that he and other students had with university administrators several years ago.

“Well, they gave me this award — the administration did — and I’d sworn I would never take anything from them. But of course there I was, up on stage accepting it.”

In recent years, social psychologists have begun to study what they call the holier-than-thou effect. They have long known that people tend to be overly optimistic about their own abilities and fortunes — to overestimate their standing in class, their discipline, their sincerity.

But this self-inflating bias may be even stronger when it comes to moral judgment, and it can greatly influence how people judge others' actions, and ultimately their own. Culture, religious belief and experience all help shape a person's sense of moral standing in relation to others, psychologists say, and new research is helping to clarify when such feelings of superiority are helpful and when they are self-defeating.

“The message in this work is not that you should rid yourself of moral indignation; sometimes that's appropriate,” said David Dunning, a social psychologist at Cornell University in Ithaca, N.Y. “But the point is that many types of behavior are driven far more by the situation than by the force of personality. What someone else did in that situation is a very strong warning about what you yourself would do.”

One way to test whether people live up to their virtuous self-image is to set them up. In one study, for example, 251 Cornell students predicted how likely they would be to buy a daffodil at Daffodil Days, a four-day campus event to benefit the American Cancer Society. Sure enough, 83 percent predicted that they would buy at least one flower but that just 56 percent of their peers would.

Five weeks later, during the event, the researchers found that only 43 percent of the same students actually bought a daffodil. In other experiments, researchers have found that people similarly overestimate their willingness to do what's morally right, whether to give to charity, vote or cooperate with a stranger. In the end, their less generous predictions about peers' behavior tend to be dead-on accurate — for themselves as well as others in the study.

“The gap between how I think I'll behave and how I actually behave is a function of how well I simulate the situation, and our simulations are guided by our intentions,” said Nicholas Epley, a psychologist at the University of Chicago and a co-author, with Dr. Dunning, in many of these experiments.

“The problem with these holier-than-thou assessments is not only that we overestimate how we would have behaved,” Dr. Epley said. “It's also that we blame every crisis or scandal on failure of character — you know, if we just fire all the immoral Wall Street bankers and replace them with moral ones, we'll solve the problem.”

In experiments as in life, the holier-than-thou effect diminishes quickly when people have actually had the experience they are judging: dubious accounting practices will appear less shady to the person who has had to put a good face on a failing company. And the effect is apparently less pronounced in cultures that emphasize interdependence over individual achievement, like China and Spain.

One practice that can potentially temper feelings of moral superiority is religion. All major faiths emphasize the value of being humble and the perils of hubris. “In humility count others as better than yourself,” St. Paul advises in his letter to the Philippians.

Yet for some people, religion appears to amplify the instinct to feel like a moral beacon. In a 2002 study, researchers at Baylor University in Texas and Simpson University in California evaluated the religious commitment of 249 students, 80 percent of whom were members of a church.

The researchers, led by Wade C. Rowatt of Baylor, found that the students in this highly religious group considered themselves, on average, almost twice as likely as their peers to adhere to such biblical commandments as “Love your neighbor as yourself.”

The study also found that the most strictly fundamentalist of the students were at the highest end of the scale.

“It reminds me of one of my favorite bumper stickers,” said Dr. Epley, of Chicago. “ ‘Jesus loves you, but I’m his favorite.’ ”

For all that, an abiding feeling of moral superiority is intrinsic to what some psychologists call self-enhancement. So-called self-enhancers think that they’re blessed, that they’re highly appreciated by others and that they’ll come out on top. And sometimes they do, studies suggest — especially in life-or-death crises like 9/11 and the Bosnian war.

“Self-enhancers do very well, across the board, on measures of mental health in these situations,” said George Bonanno, a psychologist at Columbia.

But in the mundane ebb and flow of life, an inflated sense of personal virtue can also be a minefield. “Overconfident stock traders tend to do worse; people buy too many gym memberships,” said Dr. Dunning, of Cornell. “In the economic realm, the outcomes are not so good.”

Not to mention that walking around in a pair of moral platform shoes does make it harder to get up when you fall.

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COMMENTARY

Ethics in Public Service: Higher Standards and Double Standards

EDWIN J. DELATTRE

Some time ago, a colleague who is a chief of police telephoned me during the twenty-first hour of a hostage negotiation. The day before, a former student from a nearby university who had inflicted brain damage on himself by using illegal narcotics had, unfortunately, been released from a psychiatric hospital. He had borrowed or stolen a car and, he told police, had gone in search of "the perfect beauty parlor." He meant a beauty parlor that would be difficult for police to storm, and he found it - in an old bank building. There, at gunpoint, he took hostage seven women and a child.

Police negotiators and command and patrol personnel, including snipers, were brought to the scene. Once communication was established, the difficulty of satisfying the hostage-taker became clear: he demanded the materials to build a time machine.

The police met his specific demands for tools and materials. By the twenty-first hour, they had negotiated the child and six women to freedom, out of harm's way. On several occasions, snipers could have shot the perpetrator of the crime, but the chief refused to authorize that action because he and his top advisors

believed that the hostages were not in immediate, life-threatening peril and they held out to save *all* the lives.

But by the time the chief called, negotiations were stalled, the hostage-taker was growing weary and therefore impatient, and the immediate danger to the remaining hostage was rising. Less than three hours later, the gunman announced that he had a bomb in a suitcase and intended to kill the hostage and himself. His threat had to be taken at face value. The chief authorized the snipers, the young man was shot to death, and the last hostage was returned to safety.

Some people will wonder whether the suitcase actually contained a bomb, but when the chief and I spoke again after the crisis, we did not discuss that. The gun itself was real enough. Some may argue that the chief should not have waited so long, others that he should have waited longer. But he is a man of experience and seasoned judgment, and I am glad that such a person had the authority and responsibility to decide.

My central point is that he *did* decide: with regard for high ideals, including respect for all the lives involved, and for hard realities, including the fact that he might need deadly force to save the last hostage. The chief did not shirk the ordeal of judgment that accompanies his office. He did not behave with a cynical disregard for the life of the perpetrator or a naive expectation that every human conflict can be resolved peacefully. He

was and is a realistic idealist who takes the conduct of life seriously - the kind of person who is fit to bear the trust of others in public and private.

In September 1796, in his Farewell Address to the People of the United States, George Washington said, "The period for a new election of a citizen to administer the executive government being not far distant...your thoughts must be employed in designating the person who is to be clothed with that important trust."

Washington's idea of public office as a public trust was not new, of course. The idea had been treated explicitly and in depth fifty years earlier by the Scottish philosopher Francis Hutcheson, who wrote, "Our children are dear to us, so are our wives, our kinsmen, our friends and acquaintance(s). But our country contains within it all these objects of endearment, and preserves them to US."²

Hutcheson believed that constituted governments could treat our loved ones more securely, justly, and humanely than others. They could close *both* of the doors to the temple of tyranny - totalitarian government *and* government so weak and ineffectual that it cannot prevent citizens from preying on each other. Hutcheson therefore argued that "the constituting of civil power is the most important transaction in human affairs."³

For this reason, we have a right to insist that the *obligations* of public servants are "very high and sacred."^{continued on page 79} Indeed, the

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Commentary continued
from page 2

"obligation on rulers to a faithful administration" is a higher duty than "that on the subjects to obedience." The rights of rulers are "less divine than those of the people" because the former are designed "for the preservation of the latter." Hutcheson took the sacredness of the duties of public service to imply that "for crimes against the public rights of a people, or the gross abuses of power, or attempts against the plan of polity to increase their own power or influence there should be no impunity."⁵ Though Hutcheson described precisely the form

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that modern undercover sting operations would take and even recommended immunity and other deals to "turn" informants in investigations of *private* crimes, he held that violations of the public trust are unpardonable.

Despite this history - which has its antecedents in antiquity - Walter Lippmann could still write in 1930:

The American ideal of government as a public trust to be carried on by disinterested men represents not the actuality but a long step ahead in the evolution of man..... It is a very difficult ideal to attain, and I know of no man in America even in our time who has felt able to be completely loyal to it...The campaign...on behalf of the idea of trust is no mere repairing of something perfect that has broken down, but the implanting of a new habit of acting in the ancient consciousness of man.'

Some of the public servants I work with in the three branches of government do not understand the idea of public trust; some understand but are unmoved by it. Often, they do not see that worthiness to bear the public trust is a matter of per

sonal character, as James Madison wrote when his brother decided to run for county office: 'If he wishes to establish himself in the good will of the County, the only durable as well as honorable plan will be to establish a character that merits it.'"In this, Madison echoed Socrates, Xenophon, and Cicero, among others.

Some public servants, unlike the chief I described earlier, claim in private that there is no difference between a higher standard for public servants than for the general citizenry and a double standard within government that is by definition unfair. They do not appreciate that a higher standard is not a double standard. It is instead a reflection of the fact that when a person voluntarily accepts a position of public trust, he takes on new obligations. If he does not want to live up to them, he is free to decline the job. Not only is this a fair demand; granting authority without expecting public servants to live up to it would be unfair to everyone they are expected to serve.

Some law enforcement personnel, for example, object that the standards they are expected to meet in their use of authority and discretion seem unfair. A few have complained to me that although others are innocent until proven guilty, police seem to be presumed guilty by the citizens and the media whenever accused.

Though prejudice and presumption of guilt are unfair, there is nothing unfair in presumption of limits and an expectation that the burden of proof will be met by all public officials who have authority and use it. This presumption amounts to insistence that might does not make right, that officials will bear the public trust faithfully, and that they will accept the onus of showing that they are doing so. Accordingly, I tell public servants in my classes that if they have no stomach for such ordeals, they should choose another line of work.

Still, the problem of the double standard - the ability of agencies or individuals in government to treat themselves with favoritism and special privilege as compared to other branches of government (and often the public as well) - has been recognized for a long time, and it is perhaps as pressing now as ever before.

Madison was sufficiently concerned that he devoted *Federalist #57* to arguments that apply to the problem. He asked there how republican government is to protect itself against a legislature that "favors the elevation of a few on the ruins of the many." His question had been initially raised by opponents to ratification of the Constitution who argued that the House of Representatives would consist of men who, because of their class, would have little sympathy with the general public and would aim at "an ambitious sacrifice of the many to the aggrandizement of the few."

Madison's answer was that "the aim of every political constitution is, or ought to be, first to obtain for rulers men who possess most wisdom to discern, and most virtue to pursue, the common good of the society; and in the next place, to take the most effectual precautions for keeping them virtuous while they continue to hold their public trust."¹⁰ The instruments to this achievement he believed to be frequent elections, based on the principle that the legislature "can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of society."ⁿ That principle, he wrote, "creates bonds between [the rulers and the people], that communion of interests and sympathy of sentiments...without which every government degenerates into tyranny."¹² How is the principle kept vital? By the

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is not a double
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"vigilant and manly spirit which actuates the people of America - a spirit which nourishes freedom, and in return is nourished by it," declared Madison. He added, 'If this spirit ever be so far debased as to tolerate a law not obligatory on the legislature, as well as on the people, the people will be prepared to tolerate anything but liberty.'¹³

In our times, the principle has been

repeatedly violated, and in the past year, it has become commonplace for public servants and aspirants to office in Washington to vaunt ethical as well as legal double standards inside government that contradict the spirit Madison so cherished and trusted.

In practice, the situation that most imperils the public good is the one in which a public official can betray the public without fear of adverse consequences. Police and corrupt judges and defense attorneys sometimes achieve this by secrecy and conspiracies of silence. Legislators have, by the stroke of a pen, legalized their own untrammelled pursuit

of self-interest at the public expense an even better shield than conspiracy. In such cases, above all, weak and bad character in individuals leads to unrestrained behavior.

Specifically, in early 1987, the Congress and staff aides shared a 3 percent salary increase, but a much larger increase was proposed for members of Congress. In March 1987, Congress could have limited these large increases; instead, it "strategically 'missed' the deadline for voting to reject."¹⁴ Since a vote was required to reject the large raises but not to receive them, members of Congress were able to profit by deliberate inaction. At a time of concern for government deficits, "missing" the deadline was a convenient way of being able to say, "I never voted for the raise."

But the resultant salary raises left a new gap between the salaries of Congressmen and the salaries of key aides. To fill the gap, just before Christmas 1987 in a "catchall continuing resolution...to fund operations of agencies whose budgets hadn't been approved by Congress at recess time," the Congress inserted four paragraphs "written in congressional legalese, a useful language when one wants to get a job done without anybody knowing what's being done"¹⁵ that enabled some aides to receive raises of up to 510,000 in 1988. Other government employees do not benefit from this standard of compensation; in 1988, their increases were two percent.

I will not rehearse Congress's attempt to repeat these actions in 1988-89, or all

the problems of Political Action Committees, or the difficulty of getting a hearing on the Hill without making financial contributions, but to those problems should be added the common practice among interest groups of paying speech honoraria in order to get a hearing. Perhaps such practices explain why so many people in Washington claim that lobbying is "an industry that loves working in the shadows."¹⁶

In 1961, "there were 365 registered lobbyists in Washington; by 1987, that number had risen to 23,011."¹⁷ It is in this context that on March 8, 1988, William F. Weld, then head of the Justice Department's Criminal Division, said at the National Press Club that Congress enjoys the benefits of a double standard. He explained that members of the executive branch are prohibited from "handling matters in which they have a financial

The problem of the double standard is perhaps as pressing now as ever before.

interest, from accepting money in addition to their government salaries for their duties, or from lobbying their former agencies on certain issues."¹⁸ But such actions are "perfectly all right if committed by a member of Congress." Weld referred to legal payments of 52,000 by a coal company to each member of a congressional committee on mining legislation simply for touring its facilities.¹⁹ And, in July 1988, *Newsweek*, in an ironic tone, reported other payments of the same kind:

The most breathtaking of Congress's pioneering ethical practices, though, remains the non-speech honorarium. Last year, seven members of the House Armed Services Committee were paid \$2,000 each by the Oshkosh Truck Corporation simply to attend a breakfast meeting. Later that very day, the committee ordered the Army to buy five hundred more 10-ton Oshkosh trucks than the Army wanted.¹⁰

Congress has awarded itself many other special privileges, establishing double standards in its own favor, that amount to legalized public corruption. As sociologist Amitai Etzioni observes, for example, members of Congress "vote on the allocation" of "counterpart funds," enabling themselves to "buy thousands of dollars worth of trinkets" at no expense to themselves on junkets to underdeveloped countries. "These funds are generated when the U.S. Government sells underdeveloped countries some of its products" and accepts in payment "funds in the local currency, with the understanding that they must be spent in the particular country."²²

When political campaign contributions are made, "the only step that is prohibited, and which hardly ever needs to be negotiated, even when the lobbyist and the member of Congress meet alone behind closed doors, is explicitly, openly and directly tying a contribution to a specific vote."²³ If only the letter of this law enjoys respect, then payoffs are entirely possible, even likely; all that is necessary is a little subtlety and common sense. Members of Congress themselves have acknowledged this: Representative Mike Synar of Oklahoma has testified in Congress that "it would be naive in the extreme to ignore the 'quid pro quo' implicit in PAC contributions. The money is given to influence the legislative process." Former Representative Bob Eckhardt of Texas has testified that "the process has all of the advantages of bribery and none of its risks."²⁴

Legalized corruption and double standards are a problem in some states, as well as in the federal government. California, where no legislator has been found guilty of an ethics violation since the ethics committee was established over sixteen years ago, stands out. In Maryland~ efforts of 1988 to reform campaign laws were abandoned, as they have been in years past, despite common knowledge of a history of political scandal and corruption. Committee Chairman Anne Perkins of Baltimore told *The Washington Post* that "General Assembly leaders and others were afraid of [legislators] appearing in

the paper as some sleazeballs' if campaign practices were debated on the House floor."2S Perhaps these government officials have not learned that sometimes when people appear to be sleazeballs, it is because they are sleazeballs. Appearance and reality are not always different.

What is palpably worse than any of these specific actions is the debasement of the spirit of uniform standards of wisdom and virtue in government itself. In the past year, it has become fashionable

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in Washington to insist that *there should be* a double standard within government that calls for greater probity, self-control, and good judgment from some public servants than from others. The advocacy of a double standard is entirely different from the advocacy of a higher standard for all public servants, and I do not know of a time when the double standard has been so baldly and thoughtlessly endorsed by government officials.

For example, on March 31, 1988, Senator Patrick Leahy of Vermont, in an interview on the MacNeil/Lehrer News Hour, insisted that the attorney general, then under investigation, had a duty to step aside. I agreed with this position because I knew from my work that the Justice Department was in fact without an agenda and that the attorney general was so preoccupied with self-defense that the Department threatened to be indefinitely adrift. But Leahy argued that it would be all right for a cabinet officer at HUD or Labor to continue in office under the circumstances - yet not all right for the attorney general. The attorney general had to live by a higher standard, he declared. When asked whether *he* would step aside if accused of similar offenses of which he believed himself innocent, Leahy replied, 'If I were attorney gen

eral of course I would have to step aside." Clearly, he meant that *as a senator*, he would not need to do so.

Later I called the senator's press secretary to offer the senator a chance to take a more defensible position before I included a description of the interview in my forthcoming book on ethics in policing. We spoke several times, and finally the press secretary said in a voice of complaint, "Well, Ed, you have to remember that the senator is not *accustomed* to being listened to this closely."

The same advocacy of a double standard arose in the confirmation hearings for John Tower as the nominee for Secretary of Defense. Many senators and even Tower himself held that the Secretary of Defense must be more temperate and trustworthy than other public servants because he is in the nuclear chain of command.

Now, I insist that the standards of temperance and trustworthiness for a secretary of defense must be very high. And I offer no comment here whatsoever about whether Tower should have been nominated or confirmed. My point is that the duties of a secretary of defense to the public and the public interest are no greater than those of congressmen and judges who enact laws and decide cases that profoundly affect for better or worse the lives of citizens every day. A congressman whose intemperance with alcohol diverts him from careful study of questions of enforceability of laws or from comprehensive planning of legislative programs regarding, say, narcotics is as great a threat to the public weal, to the safety of police, school teachers, and the general public, and to the prudent investment of personnel and money, as any other public servant could be. To do his job responsibly, he must be diligent and alert to every element of the supply and demand sides, including source control, interdiction, enforcement, education, prevention, treatment, the addiction of newborn children, the explosion of AIDS among intravenous users, the availability of prison space, and the proliferation of sophisticated firearms. A judge who drinks too much and listens to cases less attentively because he is hung over is a

disgrace to the rights of due process every American is entitled to enjoy; he affects lives as immediately and dramatically as any secretary of defense has ever affected them. A cop who intemperately spends himself into debt is as vulnerable to corruption as an intelligence analyst or legislative staff member, and all three may be too distracted by worry to face crises with full attention. And if a *prospective* government official in the executive branch seems to be compromised by consulting contracts with industrial corporations *when he is not in office*, surely it is true that a congressman is at least as tainted by honoraria accepted from private interests when he is in office.

It is not difficult to extend the examples. Last year, nearly thirty building inspectors in New York were indicted for extortion. Did they need less excellence of character than a cabinet officer? In practice, a building inspector on the streets affects individual lives fully as much as a secretary of defense - and the misbehavior of a building inspector does not become tolerable simply because he cannot push a nuclear button. In fact, in the routine affairs of daily life, a building inspector who can be blackmailed over a drug habit or philandering is potentially more dangerous because he can act with greater independence than anyone in the nuclear chain of command can - and he is much less visible.

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I infer that justice - and the facts of life in public service - imply that double standards are both wrong and foolish. But it should be clear that my opposition to double standards within government does not answer the question of how high uniform standards should be or how in different institutions they should be sustained. After all, falsifying a police re

port must be disciplined in different ways from manipulating data to the point of lying in congressional floor debate. The former depends on responsible command, the latter on conscientious rebuttal and exposure—even though neither method is all that reliable.

Furthermore, my position does not answer the question of how much of a person's private life is the public's business. And it does not address problems of changing standards over time.

Neither will much of the current talk about ethics in government. The sour, holier-than-thou moralizing and finger-pointing, the self-flagellation of the media, the preoccupation with supposed dilemmas that are not really dilemmas at all, the idea that individual wisdom and character can be replaced by ethics committees and legislation, are scarcely to be celebrated. In the end, they are as likely to give ethics a bad name as to accomplish anything better.

Part of what is needed is a public sense of what Madison meant by wisdom and good character: balanced perception and integrity. Integrity means wholeness in public and private life consisting of habits of justice, temperance, courage, compassion, honesty, fortitude, and disdain for self-pity.

One element of wisdom is a willingness to work hard enough to answer ethical questions responsibly. There can be no quick fixes. If we want to know, say, whether Gary Hart's sex life is public business, our questions cannot focus simply on sex. Rather, we need to ask whether it is relevant to a person's worthiness for office that he willfully abandons the expectations of his campaign volunteers and financial contributors to his transitory desires. Of his wisdom, we may ask whether a person who would both aspire to public office *and* place his public credibility in the hands of a private citizen who can by a single word destroy it – or blackmail him after he assumes office – is wise enough to serve us. Exactly the same question about

wisdom or prudence can be asked about Ollie North, who, whether alone or in complicity, placed the credibility of the country in the hands of Iranians as surely as Gary Hart placed his own in the hands of Donna Rice. Of Jim Wright, we can ask whether a man who would stake a great deal on a distinction without a difference in fact, such as honoraria and, nominally, "royalties," or who would compound the problem by receiving royalties for two thousand more copies of his book than were ever printed,²⁶ has character enough to deserve the public trust

Not all such matters can be governed by law and regulation. But where existing regulations are ignored or skirted with impunity, that vice will always forestall

Raise the salaries if the jobs merit higher pay but not in expectation of buying integrity.

later enforcement of them. The whine, "Why now, why me?" gains power when standards have received only lip service before. It always ignores the plain truth that no one of decent character ever treats the nonenforcement of regulations against questionable behavior as an excuse to act questionably. No one of any moral substance takes refuge in the excuse that "others do it," any more than any thoughtful parent is swayed by a child's insistence that "the other kids' parents let them do it." And anyone of the slightest moral sensibility knows that preferring things we consider doing not be known by family, colleagues, constituents, or the press gives us a reason to suspect that such actions are shameful.

Wisdom and character in public servants, disdain for favoritism in one's own case, simple courage in ethics committees,

informed voter participation, conscientious floor debate that reveals incompetence and manipulation of the truth, appointment of executive branch officials, including police and judges, on criteria of merit as established by careful background investigations, and so on, are needed. Much of this the Founders already knew. Personal respect for the spirit of law and regulation – itself an achievement of character – is irreplaceable.

But beware, we are told, of making the standards *too* high, or no one will participate in government. Really? No one? No one who is qualified? Where is the evidence that we would suffer a shortage of aspirants? And where is the evidence that if many who now hold or seek public office no longer did, we would be worse off? Surely, knowing and acting – better than Jim Wright has does not take extraordinary personal standards. A person does not have to be all that decent to refuse to attack the careers and reputations of bank regulators in order to salvage S and L owners who raise funds for his own political party – as Wright did without remorse.²⁷

Raise the salaries, we are encouraged, and then you can expect better. I doubt it. If the salaries are unbearably low, why do incumbents run over and again? Surely, not just to get the honoraria. Raise the salaries if the jobs merit higher pay but not in expectation of buying integrity. Nobody sells that. People who have it give it for free.

Realistic expectations based on due regard for the facts of human nature are surely imperative. But only because we must know ourselves to govern ourselves. Certainly not because we are so cynical as to believe that no one can both live up to such expectations *and* be interested in public life, and certainly not because we are afraid that if we seek wisdom and virtue in public servants, we will come up empty. Too many decent people in government and in the private sector belie by their lives such cynicism and such fear.