



THE PROBLEMS OF ETHICS IN GOVERNMENT
(TRANSCRIPT)

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Mr. David Yepsen: I'm hawking a book. It's not my book. Dr. John Jackson from the Institute has put together what we call "The Essential Paul Simon," a compilation of some of Paul's timeless writings from his many years as a journalist and as a political leader. And we think it's an interesting summary of some of his best work, much of which is very timely today. So if, on your way out, you'd care to pick up a copy, those will be available.

I want to get right to our program. We've got a busy, full day, and I know it's a Friday, so I want to make sure we don't waste any time at all. Our keynote speaker this morning is one of the nation's leading ethicists. Michael Josephson is head of the Josephson Institute of Ethics, an organization he founded.

He is a former lawyer, law professor, and one of the nation's most respected experts in the field of ethics and character. Among his many contributions have been creation of the very popular Character Counts program in many of our nation's schools. We're so honored that Michael has made the trip here to be with us today. Michael? [*Applause.*]

Mr. Michael Josephson: Thank you very much. I'm really thrilled to be here. By the way, when you heard I was a lawyer and a former law professor, did that increase your confidence in me? Speaking about the issue of character and ethics. I'm sort of used to the line what's black and brown and looks good on a lawyer? A Doberman Pinscher.

Or the different between a shame and a tragedy. It's a shame if a busload of lawyers goes off a cliff, but it's a tragedy if two seats were empty. I'll just share with you one more of these self-deprecating jokes. Why is a lawyer like a sperm? Because only one in a hundred million does anything productive. [*Laughter.*]

Now, the interesting thing is which of those jokes wouldn't be, and probably aren't, told about people in politics? But for that matter, how about people in journalism? For that matter, how about people in business? What field has been untouched by the notion of ethical scandal, of the judgment of sometimes very highly placed people, where, how many times will you pick up the paper or listen to the news or watch it on TV and say, what were they thinking? I mean, some of the things are so egregious, so outrageous, not subtle, that you say, what were they thinking?

And that's kind of the atmosphere and the tone that a lot of things in this nation have taken, and it's generated a lot of cynicism. One of my favorite philosophers, Lily Tomlin, said, "No matter how cynical I get, I just can't keep up." [*Laughter.*] And you sort of have that situation of just how do you keep up?

Now, this is an unusually informed group of people. As I went around and introduced to some of you, I know some of you are academics interested in it, some of you are very much involved in it, either representing associations or lobbying. And some of you haven't been directly in politics. And I guess you have a close view. I don't live in Illinois and I guess you might imagine the reputation of Illinois, you know, in terms of politics and political corruption, is extraordinary. And I don't know how true it is or not.

In fact, just to get a sense of this, how many of you think things are better in Springfield—let's just stay with Springfield for a moment—better than they were five years ago? How many think things are getting better? Okay, a few. How many think things are getting worse? Okay. That looks like more. And then I assume the rest of you either don't think or you think it's about the same. And so the question is, is it good enough? What is it? What is it in the title is like what is it in the water that might be contributing to at least the parts of the politics that we're not very happy with?

Now, of course people have been complaining about politics forever, so it is possible that it's just simply one of those endemic things, that people just complain because that's the nature of things, and things go along, and things are really okay. Or it's possible that there's some genuine erosion of the infrastructure, I mean, the political infrastructure. It's possible that our ability to solve our problems and to deal with things that are really important and pressing is not high or even good enough.

And that's part of the challenge because if, in fact, there are problems of ethics in government, that problem is going to reflect itself in what government does or doesn't do, how it does it, and how it accomplishes its goals. And we always know that a large piece of this is perception, what do people think about it. We will talk about it in my talk, and I'm sure you've talked before, and will continue, about the concept of public trust, and the kind of idea that, well, we really can't function without public trust.

Well, I wonder if that's really true. I mean, the public hasn't trusted politics for an awfully long time, and we seem to survive, so maybe it's a myth that we need public trust. But it's possible that we may not need it, but still we suffer from not having it, that the fact of the matter is that we're better with it than without it.

You know, I think of this story about this fellow who goes to his place of work with a lunch bag, and he opens up his lunch bag in front of his friend and he says, "Oh my god, I can't believe this, a bologna sandwich again. This is the fourth day in a row I have bologna. I hate bologna." And he takes the sandwich and he throws it on the ground and steps on it.

His friend says, "Calm down. If you hate bologna so much, why don't you tell your wife to make you something else?" He says, "My wife didn't make the sandwich, I did." And I wonder to what extent we've been making our own bologna sandwiches over and over and over again, and then we complain about the bologna sandwiches.

Are we getting just what we deserve? Are we getting just what we want? Is politics beyond the average citizen and the average good citizen? Or is there a possibility that the problem isn't just rooted in whether or not the people who are engaged in government directly, the politicians and the bureaucrats who may not be acting as we hope they will, what if the problem is the citizens?

What if the problem is that we don't have a citizenry that's prepared for real open politics, and as a result, we do get what we pay for? So I at least want to have some of those considerations. We all heard the statement over and over again that insanity is defined as doing the same thing over again and expecting a different result.

So I guess the challenge is if we really want a different result, if you really, really say I've finally had enough, like the alcoholic who hits bottom and says, no, it's really time to do something, then we have to say what could you do, what needs to be done, and can it be done? Can it change? Can cultures change?

From my background dealing with—started out as a lawyer and a law professor, but as I moved into the Ethics Institute, and a large part, as was mentioned by David, is concerned with character development with young people, because that is the next generation, and we have to start with that, is a strong and solid belief, yeah, we can change cultures, we can change values, we can change beliefs, but we have to be consistent with it, we have to be serious about it. In the same way you could change your lifestyle, you could change your eating habits, you could change the way you live if you decide to change the way you live. But you can't change today and not tomorrow and not make some kind of permanent change.

So I want to talk a little bit about what that might mean, and try to give some context and framework to what we really even mean by government ethics when we refer to it as that. I'll just share one other story, because it relates to ultimately the motivation to make a difference. And it's the story of this man who wakes up in the middle of the night, and he's pacing back and forth, and his wife says, "What's the matter?" He says, "You know, we owe Charlie \$5,000. Supposed to pay him the first thing this morning, and we just don't have the money. I don't know what to do."

And he goes back to pacing. The wife watches him for a moment or two and then she just picks up the phone and she dials, and it's 3:00 in the morning. And she says, "Hello, Charlie? I'm sorry to wake you up, but you know that money we owe you? We don't have it. Good night." And she hangs up. The husband says, "What did you do that for?" She says, "Look, now it's his problem. Come to bed."

And of course among the characteristics that we seem to have as a society, and one that is either mirrored, or maybe the society is reflecting it in politics, is this willingness and desire to make it someone else's problem, to be able to look at this and say, "Now it's his problem," as if you've solved the problem. So we see the phrase now is "kicking the can down the road." That's the popular phrase. But it's constantly avoiding the hard choices, the hard choices that have to be made or things get worse and harder as one goes.

I think in order to make this happen I'm going to have to be closer to this. Let me just put this on for a minute. I think that's what I was supposed to do anyway. Oh, we want both? Okay. Sorry for the delay here. All right.

When I say the word politician, what are the words that just come to you? What characteristics do you associate when you hear that word politician? Anybody want to share? What's one of the words that come to mind? Public office holder, okay, good. How about you? Friend of mine, okay. They're all your friends. Good. How about you? Not too favorably. Not exactly a characteristic, but whatever it is, it's not a good one.

Crooked, all right. That's one thing that might come to somebody's mind. What else? Just sing some out. What are the phrases that come to mind when somebody says politician and you have sort of a visceral or spontaneous reaction? What are the words that come to mind? Slimy, somebody said. What were some of the others? Slick. Dissembler. Money, okay. Any others? Not truthful, self-serving. Any others? Servant, okay. Good. That's a positive one. Neighbor, power.

Now, you're a group of professionals, or semi-professionals. Do you think, if I were talking just to a PTA audience or a group of regular citizens without any particular connection with politics, do you think it would be about the same as we had here, or worse, or better? What do you think? Very similar. Anybody else have any view on that?

Male: Worse. Much worse.

Mr. Josephson: Yeah, I would...at least I would speculate much worse. Many of you, because you have some close relationships, realize that this is a mixed bag, that there are some really very good people, they're really hard-working people, they're people that are really dedicated, and you see that, and so you're not as likely to characterize it in terms of just this instantaneous thing.

I made the lawyer jokes, for example, at the beginning, but if you're a lawyer, you don't really think like that, because you know a lot of really honorable lawyers, you know a lot of good lawyers. And you understand the stereotype and you understand why people like stereotypes and they use stereotypes. But it's more complicated for you when you know and when you see the process and some things that other people might see that they object to, and you say, wait a minute, it's not that bad or it's really necessary in some way.

But the public view is not as nuanced. Most of the public do not have any kind of really meaningful relationships with people in politics, or somebody that they would call a politician. And I would say, and the polls show, that the attitudes are pretty universally negative. But then again, they've been negative for a very long time.

Is there any difference? Is there any difference, and should we worry about it, or is this kind of like the criticism of kids today? You remember "Bye-Bye Birdie" back in the '60s, and the song, "Kids today, why can't they be more like us?" And each

generation is talking about the kids today. Is it the same thing, and it's just one generation knocking the politicians because it's stylish, or is there a real problem? Anybody have an opinion on that?

Male: We have a real problem.

Mr. Josephson: What's the nature of the problem?

Male: Increasing cynicism leads to disengagement, leads to facile approaches or demagoguery, so we're heading to the [*inaudible*].

Mr. Josephson: Okay, so one thing would be is if the cynicism results in disengagement, then certain things happen. For instance, if a lot of people are disengaged, two things happen. Either they vote only their narrow self-interest, and it may be a single issue vote.

That's the one issue that they love, and that's the thing, and they don't care about anything else, or they don't participate at all. And if they don't participate at all, then those who are participating, who may be participating for cynical reasons, have increasingly greater power, because the fact of the matter is you've diluted the pool, and that could have an effect on that.

And who is going to be going into politics? If the reputation of a politician or what I would have termed a public servant, a phrase that isn't as popular anymore, but is very fundamental to the whole notion of what this ought to be as a profession, if it is characterized purely in the negative terms, would you expect to get our best and brightest? Would you expect people who really do honor their integrity to want to risk the damage that they think might be done if they are going to try to be in that?

And there's two sides to it. One is the externally imposed damage that happens when you get attacked by your opponent or by the press, or all of a sudden becoming a target, because politicians are targets, aren't they? They're always a target of somebody, because somebody else wants the job that they have. Some of them are on their own side, some are on the other side.

But in addition, it's these challenges every day to the person's own integrity. How much do I have to do to get done what I want to do? Do I really trade my vote in this for that because it really is meaningful for me to get what I want? What is right and what is wrong?

And so we start with the complexity of that, I think, and understanding the complexity, here's some of the things that, when we've done this before, one of the things that always comes up is some form of dishonesty. We heard the words slick or untruthful or deceptive. But certainly very high on the list of the instantaneous reactions that people have to the word politician in some way involves the idea that they're not honest.

Abraham Lincoln once made a statement about lawyers, but that could also be made about politicians. He came upon a gravestone and it said, "Here lies a lawyer and an honest man." He said, "I didn't know things were so bad that they were burying two to a grave." [*Laughter.*] The challenge is can you be both a lawyer and an honest man? Can you be a politician and an honest person?

Corrupt. Now, that's the extreme side. And I'm going to talk about the difference between different kinds of ethical violations. But one kind is absolute criminal corruption. That's the idea of people who extort or steal or accept bribes.

Dishonorable. They engage in nasty, negative, unfair tactics. They're just not honorable in the way that they proceed. Selfish or self-serving is probably even a better term than I heard here. It's everything about their own interests rather than the public interests. Abuse of power in one way or another, misuse of government property or power for self or for friends. Irresponsible, cowardly, or uninformed or unaccountable. A lot of people believe that the politicians are one or the other of these kinds of things.

And partisan. Everything is looked at in terms of politician advantage. And if that's the case, what suffers is compromise, what suffers is objectivity, what suffers is the sort of fair-minded willingness to see the other person's perspective and recognize that they may be right in this case or simply that it's better to have a solution that everybody can live with than have a "my way or the highway" kind of solution, which I think is, from my perspective, since we do a lot of teaching of kids and develop character, one of the issues we're concerned with is civility.

And civility, of course, has different meanings in the context of different professions, but it has the same essential meaning, it just has different applications. But it's about being respectful, about being courteous, about being able to disagree with someone without assuming that they're either stupid or a villain. And it is really possible today?

And this is where I suggest that—and I don't know whether the people are a function of the politicians or the politicians of the people, or how that interacts, but I think it is truly the case that more and more people have chosen their side and they truly look at the other side as either being stupid or evil. And that, of course, makes it impossible to genuinely compromise. You don't want to compromise with somebody who's evil, and you don't want to compromise with somebody whose position is stupid.

And when we look at the old days, where George McGovern and at Barry Goldwater, who couldn't be further away from each other in terms of politics on the scale, were always civil, in fact, very friendly to each other, because they respected each other. But they truly disagreed on these issues. But that disagreement didn't go to the level of the assumption that you're stupid or you're bad.

Now if, in fact, this level of partisanship, whether it be the product of a more partisan electorate or whether we are creating that, the politicians are demagoguing in a way that creates that, I think most of us would say this isn't a good thing. It's precluding solutions to serious problems where you know there's going to be disagreement. And even if you have a solution, it's often a temporary solution, because if the vote changes, then throw out the old, bring back the new, and there's never any kind of real consistency.

So if these are the characteristics that people are associating with politicians, and if, as a result of associating them with these characteristics, it does a number of things. It reduces trust, it reduces the willingness to be engaged in politics yourself, it reduces any kind of confidence that people will solve problems, so they deal with it in other kinds of ways, and look out for No. 1 becomes more legitimized, because after all, that's what everybody does.

One of my favorite stories is about two young men on a camping trip. And they see a bear, and the bear's coming toward them. And one of them starts to take off his backpack, and the other says, "What are you gonna do?" He says, "I'm gonna run for it." And the other kid says, "You can't outrun a bear." He says, "I don't have to outrun the bear. I just have to outrun you."

And when you think of a kind of political process that is so comfortable with the idea of just, well, sorry, it's dog eat dog, it's you or me, it's the last man standing. You look at some of our reality shows, starting with "Survivor," which, remember, that was one of the very early reality shows where what was the real essence of the strategy? To form alliances and then betray them.

The alliances were always for temporary purposes, and you knew the other person would betray, but each one's trying to figure out when will and who's going to betray first. But betrayal was absolutely essential to the rules of the game in effect. And millions and millions of people watch that, and millions of people say, well, that may be as they think society is. Not just politics, but maybe business, maybe any other kind of field.

So if we want to make this better, we have to address these various characteristics. We have to say, well, in some way, how do we make both the reality and the perception of the politician such that they are perceived to be honest and have integrity? How would we change both the reality and the perception of corruption by saying no, nobody can be corrupt, because they can't get away with it here.

One of the reasons corruption flourishes and one of the reasons it flourishes in some places more than others is because it's allowed. It's a very simple thing. Whatever you allow, you encourage. And there are behavior patterns that are allowed here in Illinois that other states might say, are you serious? And by allowed, I don't mean only legally. I do mean legally as well. Whether it's really enforced and taken seriously, like misusing campaign funds. That could be an out and out fraud. That could be a felony.

If you look at that, and especially the way it's misused as you pay your own family, for example, or you have a phantom employee, or you're in some way doing something, that's embezzlement under the normal phrase of what that is. But does anybody get excited about that here in Illinois? If you find out that somebody is doing that, maybe they slap their hand and say, "Oh, you went a little too far." Well, what we allow, we encourage.

And so the issue is going to be, on each of these things, to say what should our standards be? And how do we start teaching our children that, and how do we start ourselves beginning to demand that? Because there's a huge challenge, and this is a very difficult ethical problem between voting for somebody you think is fundamentally corrupt and unprincipled but agrees with you on the important issues and voting with somebody who you think is really principled and honest, but doesn't agree with you on important issues. I mean, that is a tough ethical issue. Why do you want somebody who doesn't agree with you on the issues?

And so most people, it's like you have a surgeon and you know he's a scumbag, but he's a really good surgeon, you're going to probably hire him anyway, because you just want a good surgeon. So is it such that we can complain about it, but saying even if we choose between an honest and a dishonest person, that what's important in politics, and it should be, is their positions, their policies. That's not irrelevant. So as a result, it's a freebie. It's a free crime zone. Whether or not somebody is honorable or not isn't really particularly important, as long as they support one or more of your positions.

And as for individual lobbyists and your role in that, you're being paid only for that job, that bill, that particular thing. Inherently there's nothing wrong with that, except if the consequence is that then the politician just chooses these positions just to get enough people and enough money to win, and we have an entire body which is peopled by an awful lot of people without principle. And so the challenge is then I better find somebody who agrees with me who's honest, because if I can't find somebody who agrees with me that's honest, I'm in a terrible Sophie's Choice kind of dilemma.

But are we also codependents of the corruption, because the fact of the matter is he's my politician, and therefore I've got to keep him? We have many instances, starting with Adam Clayton Powell, who committed felonies and ran for office, but was constantly reelected, Mayor Barry in Washington, D.C. and others. And I'm sure you have more than your share of names that you could give here in Illinois.

Everybody knows they're a crook. But he's our crook. He's my side. He's either red or blue, and I'm either red or blue, and so therefore I have to take it, because his own corruption may have prevented anybody from challenging within his own party, right? That's one of the reasons you don't really have a choice, necessarily, in your party, because that's the power.

That's a huge ethical challenge. So it really matters how important is change to you. Is it just something that it's nice, it would be nice? Wouldn't it be nice if we had more honest politicians? Or is it essential? And if it's essential, you have to be able to start making the other kinds of choices, to say we need people of principle, and under no circumstances will I support a person without principle. That might mean you lose on some issues that are important to you. But then the question is, what could you do to be getting more people to agree with you who are willing to have the principles you want?

When I say the word bureaucrat, what are some of the characteristics that come to your mind? Inefficient, mindless, dogmatic, red type—red tape, yeah, okay, good. So bureaucrat, like politician, has become a very negative term, right? So what's the positive term for a government worker? I'm now not talking about politicians, because we're talking about ethics in government, and government involves the ethics of politicians, but it also involves the ethics of everybody else, right?

So is there a better term? Do we even have a good term for it? Civil servant, public servant? Maybe we need to start using that language more. Maybe we have to start trying to make that a reality. Not everybody who has that job is comfortable with the word servant. They don't even like it. There's connotations to being somebody's servant that for some people they already object to. But if we don't have any positive phrases, and if the primary descriptions have already been polluted, the bureaucrat being what the government worker is, it's, you know, "good enough for government work." You know that phrase.

Now in fact, if all of these things are at least largely fair or true—and that doesn't mean they're true to everybody, by any sense—but say, you know, overall, there is these characteristics, then how is that possible? Who's responsible? Then we have to go back to our politicians. You have to go back to the leaders who created the laws that either keep them in there or have created...or that's who they hire or keep, and don't hold people accountable and the like.

But again, when you talk to people in general about this—I want to skip over this for a minute—the public perspective is corrupt, again. Steal, extort, accept bribes. Depends on the field, but there are a number of agencies where people expect, in the housing area and the construction industry, in the areas wherever there's inspections to be had, these are areas that are very vulnerable to the individual kind of bribe, and people expect it in some places, including possibly more in Illinois than elsewhere. Lazy, incompetent, arrogant, wasteful, misuse of government property or power for self or friends, irresponsible, cowardly or uninformed, similar.

So again we have to look and say either this is a really unfair characterization, in which case we have to do a much better public relations job, you know, they need their story told much more effectively, especially by those of you who know, or it's true enough that it needs some reform. And this is even a tougher problem for some, especially with civil service, and unions, and all kinds of other things that may

make it harder to deal with individual employees who might have these characteristics. But again the challenge becomes whether you're willing to.

I just love to use this as an example. It's getting old now. But the FEMA thing. You remember after Katrina and all of the money. They were spending \$250,000 a month to store 10,000 empty mobile homes at an airfield in Hope, Arkansas, and they did this for almost two years.

The total estimate of wasted money in Katrina was between one and two billion dollars. And this is a clear example of wasted money. They bought the trailers, they owned the trailers, they were meant for people who were homeless. They somehow either bought too many, which is not the evidence, they just couldn't get it to people. They didn't get it to people. So they paid to store it.

Now, somebody made a heck of a lot of money in this, right? The people who sold the trailers made a whole lot of money and the people who rented that for \$250,000 a month to land that they didn't have much other use for, that was a pretty darn good deal. And you say, but that's really a waste. It's a waste. Nobody got help from that except a very few people. And so when we worry about that kind of corruption, that's part of it.

I want to show you two versions of a way to look at some of this ethics, and I want to play this excerpt first. I hope it's loud enough. I'll start it again. He's saying I want you to take back the—

Video: ...the lie. It's hard to explain, but...

Mr. Josephson: Well, it isn't going to work, so I'm going to tell you. Some of you may remember the movie. This is a case, and you can visually see it while I tell you about it. Here's a guy who's a lawyer. Jim Carrey is playing the role of a lawyer, and he's an absolute, inveterate liar. Lies about everything. And his son is very upset about that.

And so his son had an opportunity, on his birthday, to make a wish, and his wish was, I wish my dad could never lie again. And as a result the dad, by magic—that only happens in movies—the magic was he really couldn't lie again, and this guy couldn't succeed, because he didn't know how to cope with being a person, let alone a lawyer, without lying. And so he's wishing that his son would reverse the wish. But what ends up happening is he sort of forces his son to now reverse the wish, and the son blows out the candle and reverses the wish, and so he's thrilled. "Thank you. Now I can go and lie," and he's going to try it out.

So he's going to go and walk over to this attractive lady, and if he cannot tell a lie again, he's probably going to be in trouble, but if he can lie, he won't be. And I guess it didn't work. So he's going to come back, and he talks to his son, and basically says, "Wait a minute. What happened? Didn't you wish it away?" He says, "Yeah, but this time I didn't mean it." [*Laughter.*] "Because it hurts me when you lie."

Some of you may remember the Bagger Vance thing, and again, I'll walk you through it. "The Legend of Bagger Vance" about a golfer. And this situation is set up—and you can look at the visual while I describe it—did you see he just pulled that thing away and the ball moved? And in golf, that means it's a stroke. Now, as things go, I think that's a very stupid rule. I don't play golf, but it feels to me like a really stupid rule. And when you think that something is a stupid rule, it's kind of easy. But people who play golf and really buy into golf, that's part of the honor.

So he just says I've got to call a stroke on myself. Now, they're way off in the woods. Nobody saw it. This is a really important game. So the young kid is saying, "No, no! Nobody saw it. Nobody saw it. I won't tell. He won't tell. Please don't do this!" And he says no one will know. And he says, "I will. I will know and so will you." And so it's a statement of integrity. And so then the boy goes over to the caddy, Bagger Vance, and he says, "It's such a stupid rule. Tell him not to do this and call the stroke on himself. We can lose." And he says, "Well, that's a choice for him to make." That's a choice.

And that's a choice that everybody faces, whether it's in politics or in business or in any field, where maybe you can get away with it. And that's what makes it such a harder choice. It's not a hard choice if you know you'll get caught. It's not even that hard a choice if you think it's very likely that you'll get caught. But when you think you can get away with it, that's the test of integrity. It's doing the right thing when nobody's looking, right? It's doing the right thing even when it may cost more than you want to pay. And those are the integrity functions that we're looking for to try to say what we want.

Well, first of all, I think it's useful to understand the nuance and sophistication of the problem in government. I call it shades of unethical conduct. I'll start with what I call black, criminal corruption. It's criminal corruption, gets you locked up. It's a felony, so you're dealing with bribery, extortion, theft. In a world that says there's no black and whites, yeah, there is, and that is black. Those things are clearly bad. These people are criminals.

Many people go into politics hoping for those opportunities. Some just find themselves drawn to it, or tempted by it, and find themselves being pulled along with it, just sort of like the young person who goes out not intending to drink, because he's very young, but the peers are doing it, and all of a sudden you're doing it. And then they go and they decide to drive a car drunk. I wouldn't normally do that, but I guess I get in the car. And then they decide to shoplift. And I don't do that, but now I'm doing it.

Well, there's a whole lot of peer group pressure in politics, isn't there? And I don't mean just politics. I also mean even in a government place. If you're really diligent and you want to come on time and work hard and finish a project, but everybody around you is saying, wait, you're making us look bad, there's often a lot of social pressure. So we need people of extraordinary integrity to be able to work in an atmosphere where you're going to be subjected to these kinds of pressures.

And I think we need to do a better job of preparing people for that. Not just talking idealistically about isn't it nice, yeah, you've got to be the honest one, but to prepare them. In the same way, if somebody's going to run a marathon, you say I'm going to prepare you for your guts pouring out, and you're going to get tired, and until you train, this is really, really, really going to be hard. We don't necessarily teach people. And those of you who are in academia, to say what portion, when you're dealing with politics, do you talk about the realistic challenges, and maybe try to give them tools and examples and illustrations.

The interesting thing is Paul Simon clearly has the reputation of having survived all that. Was he lucky enough to be only serving when everything was good in Illinois? In other words, if you looked around him, would you say, well, he didn't have any temptations, because nobody was corrupt then? It's not what I understand. What I understand is it was probably worse, or certainly as bad. And yet how did he do it? Maybe we need to tell that story. How did he do it? How do we help more people understand how they do it? How do we get people, at the beginning of their political careers, to orient them?

And I think, again, the universities ought to be, in my opinion, much more active. Not just teaching them the open meetings laws and the transparency rules, all of which they need to learn. I mean, that's sort of learning the rules of your game. But saying let me prepare you for what's going to happen, let me tell you the kind of temptations it's going to be, and here's some strategies that you can use to overcome that. In the same way that won't you want to tell your teenager, when you go to a party, you're going to be subjected to these kinds of temptations. So first of all, we hope that they don't go black to literally do these terrible illegal things.

But then there's what I call really dark gray, meaning it's not really that subtle, that it's wrong, but it's not criminal. And if it's not criminal, somehow people view it as like a traffic violation. And if it's like a traffic violation, very few people feel morally damaged by having committed a traffic violation.

Well, is a conflict of interest a traffic violation, really? Is it really? Or is a situation where you are misusing campaign funds for the phantom employee or hire your spouse and pay them more than you would pay anybody else, or misuse the funds? Or you conduct your campaigns on government property, which is illegal, or you use the government car for personal purposes, which is illegal.

The point is that unenforced laws today are often viewed as not laws at all, but suggestions. And that's one of the places where momentum works, right? Where, if enough people are doing it, like young people learned, as soon as the Internet came out, how to steal. Remember Napster? There wasn't any question that Napster was violating the copyrights of all of these musical things, but there wasn't a single qualm about that.

There's no qualm in this generation, or for that matter, probably many of their parents, in copying software or taking discounts you're not really entitled to, but if

they give them to you, an employee discount that's really only for your son or daughter, and say buy me this and buy me that, and you look at all the different ways that we're doing these work arounds.

We say, ah, it's a gray area. It's not a gray area to an honorable person. It's a gray area if you're saying, well, how serious does my society view it? How much shame will I be if I am discovered? And besides, I want it. But I really want it. I want the copy of that song, I want to win the election.

And when you want something, for some people, that is a moral justification. I call it the false necessity trap. Nietzsche once said, "Necessity is not a fact, it's an interpretation." And so when somebody says, "This is necessary. I have to have this job, I have to do this." So what do you really mean? You die? Because necessity would be something really dire and certain to occur.

That's almost never the case. You don't get this job, you'll find another one in 99 times out of 100, maybe better, maybe worse. But if we convince ourselves it's necessary, a lot of people think there's a moral loophole. And once we start confusing what's even marginally necessary with just something that's desirable, it's what I want, then somebody's wants get treated as necessities, and then there's the moral justification to lie.

And so we have a culture that has begun to accept various ways in which people lie. I lie every single time I buy software and I say I agree and I've read what they said about it. [*Laughter.*] I admit it. I lie. I don't know any other way. And I am totally compromising on what I'm telling you.

But you know what? I am not going to read that contract because it doesn't matter. There's nothing I can say. I'm not going to negotiate with Microsoft and say, "I really don't like this provision. Would you change this provision?" And so the reality is I sign it, and I pretend I read it, because what the hell am I going to read it for? It doesn't matter. If they do something unfair, I hope someone will sue them, or civil disobedience will occur. But isn't that the reality of it?

And so we have built into the process where we lie. But is that a harmless lie? Well, it's there for legal reasons. It isn't harmless because now they can hold you to that lie. And that's the whole purpose of writing it.

So then we have what I call the lighter shades of gray, where really, if one looks at this from a political perspective in terms of integrity of the system or whether it works or not, you have to say this is not good for society. But on the other hand, it's so common it's just the way it's played. Like if you look at sports, there's some times in hockey, in water polo, for god's sake, you know, watch what happens under the water in water polo. And people are taught to foul under the water where the refs can't see. And that becomes part of the game, right? And when something's defined as part of the game, it loses its moral significance because there isn't anybody saying that's not really right.

For instance, horse trading. You say, well, why is that wrong? Because you're not really voting independently on each thing if I give you my vote for anything. Certainly if I give you my vote for money, you would know that that's a bad thing. That's bribery. So if I give you my vote for your vote, I'm still giving away a vote.

Now, the answer is I'm giving away a vote in something I don't care about, and that's why it works so well. You see, on any particular issue there's a narrow constituency that really, really cares where that road is. Most of the other people don't give a damn where that road is. So I'll trade that vote because I don't care. Did you want to say something? Yeah.

Male: [*Inaudible.*]

Mr. Josephson: And I knew I'd have Darth Vader here in the group. [*Laughter.*] And I can see that. But if you disagree with the idea that coercion, you disagree with the idea that if somebody coerces you to vote for something in saying I will take away your committee, I will not allow you to do this unless you vote my way, does that mean that the politician is then voting for his constituency interests and the best interests of even all of it, or is he voting in order—

Male: [*Inaudible.*]

Mr. Josephson: No, it's exactly the issue. Because what did you give up? When you decided to make that trade because you were coerced politically or because you horse traded, what did you give up? You gave up your solemn responsibility to make an independent judgment on the merits. Because under your system, it gives power to people with power.

So as a result, do you think there's any ethical issue when a chairman of a committee acts as a sphincter muscle that controls everything that goes through? So that chairman—it's not the democratic system anymore. It doesn't even go to a vote, because that chairman is so powerful that it doesn't go. Now, looking at it from the system point of view, is that a good thing for the system?

Male: [*Inaudible.*]

Mr. Josephson: Oh, so—and that's the justification? It's the system. Let us understand one important thing about ethics. Ethics is not about what is, it's about what ought to be. Ethics is about the ought, not the is. And therefore, you can justify anything by saying this is the way it's done. At some point there was slavery, there were all kinds of discrimination. There are hundreds and hundreds of examples of horrible things that were tolerated by society for a length of time. Ethics never asks what's happening. Ethics only asks what should it be like.

And so there's no doubt there are people who are going to defend every one of these things, because that's how you've made your living, and that's what you do. And I'm not faulting it. I don't think you're evil for believing that. I just think you're really wrong. [*Laughter.*] And that's where we should be able to discuss it.

And if the majority of people agree with you, it's a democracy, and say no, I think I'm sending you to Congress to horse trade. I'm sending you to Congress to worry about your own political career. I'm sending you to Congress to make decisions that advance your interests. You were standing because I'm out of time? Just take a few more minutes, if I can, and try to catch up.

So very quickly, I at least want to leave you with a definition of ethics that might be a good structure. One of the things I've given you is a piece of paper where you can put your email and I'll send you the overheads, because I have about 60 and I've been through ten. This might not be ethical. Is that a problem for anybody? Is that the shades of gray that we're talking about? Or how about this one? Miss Johnson will now pass out the moral blinders. *[Laughter.]* Saying, you know, look, we've got to get this done. That's the way we do it. We've got to close by such... Let's pretend.

Or the things where we have people change the clock, you know, the clever thing about you have to have it done by 12:00, but that's okay, the Speaker of the House stops the clock. Now, that sounds clever, and it's cute and it's fun, and it makes for a great anecdote and a story, but it's a lie, it's a corruption, it's a deception, it's a fraud. And one person asserts the power to do that, to negate whatever the policy was that said it has to be done by this.

Ethics is moral principles of duty and prescribe how a person should behave. Ethics is not about the way things are, as I said, it's about the way they ought to be. Ethics is not about rhetoric. It's not what we say or what we intend. It's not a written code or a framed credo. It's about what we do. Ethics is about actions. Ethics requires us to give up the idea that an act is proper simply because it's permissible, or that an act is ethical simply because it's legal. Ethics asks a different question than whether you can. It asks whether you should.

And ethical person often chooses to do more than the law requires and less than the law allows. That's part of what it is to be ethical. There is a big difference between what you have a right to do and what is right to do. Ethics is bigger than compliance. Compliance is about doing what you're required to do by laws or rules. Ethics is about doing what you should do because it's right.

Now, how do we derive ethics? It's a simple way. If you could interview the people who date or marry your children or your grandchildren, and you could say "I want these characteristics" for someone who's going to be the father or mother of my grandchildren, what would you ask for?

Well, to make this real, I'm going to give you—this is a picture of my kids. I have five kids. Four girls that are still all teenagers. One's in college now at 19. And my son, he's 35. And it means a lot to me to think who are they going to be with. And I will tell you what—I've done this thousands of times—that comes up.

Trustworthiness, right? You want someone who's trustworthy. You don't want your kid being tied to somebody who they cannot trust. That means they keep their promises. It means they're honest, it means they're faithful. It means all the things that are embodied in the concept of what it is to trust somebody. What is more toxic than distrust to a personal relationship?

Secondly, you want somebody who's going to treat your son or daughter or grandson or daughter with respect. You want to know that they treat them properly. Not like "I Love Lucy," where they may love each other, but the husband spansks the wife if she doesn't behave well, but with genuine respect.

I think you want someone who's responsible. You don't want somebody who says, "Well, I can't find a job." "Well, did you look?" "No, I didn't actually look, but I can't find a job." You see, irresponsible people are more fun. They don't have to go to work tomorrow. But irresponsible people make great dates and lousy mates. And they also make lousy employees, lousy sons- and daughters-in-law, and lousy politicians.

I want someone who's fair. I want somebody who has a sense of fairness. They don't always go to his movies or her movies. They don't always do what she wants. They share. We don't go to your side of the family on every holiday. We have to divide it in some way. Fairness is essential, is it not, to a major relationship?

You want someone who's caring, who loves and is going to care about your child. And this one is not as obvious, but I call it a good citizen, and that means who just does what they're supposed to do. They pay the rent on time, they go to Grandma's house on their 50th anniversary, whatever it is. They're citizens, right?

Now, these six things we call the six pillars of character. This is what Character Counts is built on, our character program. It's called TRRFCC, Trustworthiness, Respect, Responsibility, Fairness, Caring, and Citizenship.

Do we want these things from our politicians? Now, if we look at that, we have to trust them. We want them to treat us with respect and we want them to be respect worthy. We want to know they're responsible, they're doing what they're supposed to do, not for self-interest. We want to know that they're fair, even when it's not in their interests, sometimes, to be fair. We want to know that they're caring about me as a citizen, and we want them to play by the rules. Play by the rules, not by the informal rules.

Now, there are two kinds of ethics, big E Ethics and little e ethics. We talk too much in these kinds of seminars about little e ethics. Little e ethics is conflict of interest, it's moonlighting, it's gifts and gratuities, it's a number of things that are important, because they are prophylactic measures to prevent certain kinds of corruption, and I'm in favor of those laws. But they're rules that are just saying don't get in this kind of trouble.

Big E Ethics is about core things about right and wrong. It's about being trustworthy, it's about being respectful. And if we just use the big E Ethics as the matrix, all the little e ethics problems would go away, because people would be trustworthy and responsible. I'm going to skip over what is character for a moment because I just want to get to the last part of what I call the principles of public service ethics, and then I will leave you.

So in addition to those six pillars of character, is there anything specific that is imposed upon someone in government? Are there any additional ethical requirements? For instance, a priest has additional ethical requirements to keep things confidential, a lawyer does, a psychotherapist. There is a professional role that increases. It never decreases. There's no profession that reduces or lowers the bar in terms of what's expected of you ethically, but some have higher expectations.

Are there any that we associate with government service? And I think the answer is yes, that in addition to the six pillars of character, public employees have special obligations. And all of these obligations are about the most fundamental principle, which is to maintain trust, to maintain public trust.

And there's two ways in which this word trust is used. One is entrustment, like if you are a fiduciary. If you are the trustee of my money, you have to use it only for my benefit. It's embezzlement if you do not. So you are the trustee of my money. And when I have a democracy, you are the trustee of the power that you have to exercise that power for mine and my colleagues' good.

And the other use of trust is the more traditional one, is do I trust you? Do I believe in you? Do I believe you'll do what you say and you say what you'll do, etc.? And so the duty to preserve trust is at the root. Trust is only a state of mind. In cynical times, it's difficult to create and easy to destroy. I'm going to skip that because I want to give you the...

These five principles of public service ethics. About 15 years ago we had a major committee that met for a full year to try to derive what we thought, just as we derived principles for kids, what are the principles that ought to apply to public service ethics. Now, they all apply within the six pillars, because we call them the six and the five, but they're more specific.

The first one is "Public office is a trust to be used only to advance public interest, not personal gain." If you just knew that principle, 80% of all the gifts and 80% of all the things and the trips and stuff, I can't do that. I'm not here to use it for personal gain. I'm not going to show my badge so I can get special treatment. Only use public office for public purposes, never for personal gain, principle No. 1.

Principle No. 2, "Make decisions on the merits, using only proper criteria, without partiality or prejudice, and unimpeded by conflicts of interest," including the coercion that you want your bill through, or you want to be on this committee or something

else. You have to make the decision on the merits, as if you were a purchasing agent and you were trying to decide what computer system.

Third, accountability. "Conduct of the government openly, efficiently, equitably, honorably so people can make informed judgments." This is more often now called transparency, but the notion is the same, that that is a fundamental ethical principle, that you don't have back room deals, secret things, no deal that you couldn't make public.

Fourth—this is one you will have great trouble with—it's the principle of democracy. "Honor and respect democratic principles and observe the letter and spirit of the law in good faith." There is no way, when we created the committee system, anyone expected to be giving unusual power to the one person who is the head of the committee.

Remember when Byrd was in charge of, I guess, the Appropriations Committee for years and years and years, and as a result, how many things are built in West Virginia? West Virginia has more post offices and more federal buildings, more everything because...who thought that was a good idea? Who said that's what a chairman should have the power to do because it advances democracy?

And finally, respectability. "Safeguard public confidence in the integrity of government by avoiding the appearance of impropriety and conduct unbecoming a public official."

So what I've tried to do is the beginning of a map or a matrix of what it is that we want in our politicians. But therefore, it's what we want in our citizens and it's what we want in our children. It's what you want in your students, those of you involved in the university. It's what you want in your employees. And therefore, you have to model it.

The way in which we teach how to teach values is a simple acronym we call TEAM, Teach, Enforce, Advocate and Model. I believe we can make a difference. I believe we can have a change. Many states are right now better than Illinois. They weren't always. Some could get worse. You could get better. I hope you do.

In the back of this thing I have a poem called "What Will Matter" that some of you might find interesting and enjoyable, and we have our websites. And I just thank you for the opportunity to speak with you. Thank you very much. [*Applause.*]

Mr. Yepsen: Thank you, Michael. Appreciate you being here and taking the trouble to come all the way here from California. We appreciate that. We're going to take a short break. We have to set up for the panel. So can we have the members of the second panel start making their way to the podium?

[*End of recording.*]