

REQUEST FOR APPROVAL TO USE W-DESIGNATION

LSC # 170
Action approved
11-2-95

COVER SHEET: Request for Approval to Use W-Designation

TYPE I. PROFESSOR COMMITMENT

- (X) Professor Dr. Mary Jane Kuffner Hirt Phone 782-3373
(X) Writing Workshop? (If not at IUP, where? when?) IUP May 1995
(X) Proposal for one W-course (see instructions below)
(X) Agree to forward syllabi for subsequently offered W-courses?

TYPE II. DEPARTMENT COURSE

- () Department Contact Person Phone
() Course Number/Title
() Statement concerning departmental responsibility
() Proposal for this W-course (see instructions below)

TYPE III. SPECIFIC COURSE AND SPECIFIC PROFESSOR(S)

- () Professor(s) Phone
() Course Number/Title
() Proposal for this W-course (see instructions below)

SIGNATURES:

Professor(s) [Signature]
Department Chairperson [Signature]
College Dean [Signature] 10/25/95
Director of Liberal Studies [Signature] 11-2-95

COMPONENTS OF A PROPOSAL FOR A WRITING-INTENSIVE COURSE:

- I. "Writing Summary"--one or two pages explaining how writing is used in the course. First, explain any distinctive characteristics of the content or students which would help the Liberal Studies Committee understand your summary. Second, list and explain the types of writing activities; be especially careful to explain (1) what each writing activity is intended to accomplish as well as the (2) amount of writing, (3) frequency and number of assignments, and (4) whether there are opportunities for revision. If the activity is to be graded, indicate (5) evaluation standards and (6) percentage contribution to the student's final grade.
II. Copy of the course syllabus.
III. Two or three samples of assignment sheets, instructions, or criteria concerning writing that are given to students. Limit: 4 pages. (Single copies of longer items, if essential to the proposal, may be submitted to be passed among LSC members and returned to you.)

Please number all pages. Provide one copy to Liberal Studies Committee.

Before you submit: Have you double-checked your proposal against "The Liberal Studies Committee's Most Frequently Asked Questions"?

WRITING SUMMARY - PS481/581 Special Topics Leadership and Accountability in the Public Sector

PS481/581-Special Topics - Leadership and Accountability in the Public Sector is a dual level course. Students will be upper level Political Science majors and graduate students in the Master of Arts in Public Affairs program. My past experience indicates that students attain a greater understanding of the relationships between leadership, ethics and decision making through practice. Consequently, they will read, discuss and work through examples of situations to learn about those linkages.

Types of Writing:

1. Journal-Writing to review and reflect on foundations of leadership, ethical behavior and public sector decision making All students will keep a journal as part of his/her preparation for class. It will be reviewed by the instructor three times during the semester. Entries will be made after the student completes each reading assignment to briefly summarize the essence of the assigned reading(s), note his/her reactions to the material, and indicate questions, comments or the need for clarification by the instructor. This should help students prepare for active involvement in class discussions. (26 entries, 13-15 handwritten pages, 15% of grade)
2. Essay Exams-Writing for evaluation. A mid-term and final exam will be given. Questions will require either (1) a short paragraph to explain, describe, or compare concept(s) or process(es), (2) two or three paragraphs to integrate and evaluate perspectives or develop a strategy based on a series of resources, or (3) a longer essay to discuss a current public policy issue with respect to leadership, ethical and/or decision making principles and practices. The exams will be take home and must be returned within one week. Answers must be typed or word processed with reasonable attention to grammar, spelling and punctuation. (2 exams, 10 typed/word-processed pages, 50% of grade)
3. Film Analysis-Writing to explore and consider responsible decision making within complex circumstances. Students will view the film, "Crimson Tide," and write an assessment of how interpersonal conflict, time constraints, and poor judgment may affect decisions with broad-based impact. (1 essay, 2-3 typed/word-processed pages, 10% of grade)
4. Pre-discussion In-class Writing-Writing to assess one's understanding of the concepts and processes associated with leadership, ethics and decision making. Three times during the semester, students will be asked to draft his/her answer to a discussion question. Students then will form groups of two or three to first discuss the answer(s) to the question and then review each other's written answers to decide

how effectively the written statements reflect the response each student wished to convey.
(3 in-class assignments, 2 hand-written pages, bonus points toward final grade for participation)

5. Case Study-Writing for research purposes. The case study will be the student's opportunity to research, analyze and write about an actual situation involving a public official or public organization process. Cases will be evaluated in terms of the completeness of the research to gather factual information, the analysis of the situation in terms of applicable leadership, ethical and decision considerations, and the relevance and potential effectiveness of remedies proposed to avoid or deter future occurrences. Students will also present the cases to the class.

(draft and revision, 10-12 typed/word-processed pages, 25% of grade)

Summary of Writing Assignments for _____

Assignment	# of Assignments	Total # of Pages	Graded (yes/no)	Revisions (yes/no)	% of Final Grade
Journal	26 entries 3 submissions	13-15	YES	NO	15%
Case Study	Draft Revision	10-12	YES	YES	25%
Essay Exams	Mid-term Final	5-10	YES	NO	50%
Film Analysis Essay	1	2-3	YES	NO	10%
In-Class Writing	3	2	NO	NO	BONUS POINTS

SESSIONS 23 through 28
APRIL 11 - 30, 1996
DISCUSSION: STUDENT CASE STUDIES

ASSIGNMENT:

The last segment of the class schedule will be devoted to a series of student case studies involving leadership, decision making and accountability issues. The cases will be presented formally as a 10-12 page paper and informally as a 20-30 minute report and discussion to the class. Each student will be responsible for: selecting a case study topic, researching the facts and circumstances of the case, analyzing the situation to identify ethical problems/dilemmas, and indicating measures (legal or otherwise) to address the situation.

Topics will be real, recent in occurrence and deal with a public policy and/or management issue. Potential topics include: federal level of government --- the balanced budget amendment and welfare reform; state level of government --- the impeachment of PA Supreme Court Justice Rolf Larson, the constitutionality of Texas and Cali-fornia state laws to limit educational, social welfare and health care benefits to illegal immigrants, local level of government --- favoritism/nepotism in hiring practices, land acquisition and development transactions which involve public officials; case fixing in the county court system, the limitation of political involvement by public employees, and general applicability --- drug testing of public employees, and ethical issues associated with downsizing and privatizing public services.

Criteria for case evaluation will include:

- comprehensive chronology of facts and circumstances
- accurate assessment of ethical dilemma(s)/problem(s)
- identification of appropriate remedies and enforcement measures
- paper written in three distinct segments
 - facts/circumstances
 - ethical analysis
 - identification of remedies
- inclusion of bibliography of sources cited
- appropriate use of footnotes or endnotes
- sentence structure, grammar, spelling, punctuation

DUE DATES:

A draft of your case study will be due on **April 11, 1996**.
(I will return it with suggestions/comments for revisions.)

The revised papers will be due on the last day of class,
April 30, 1996.

PS 481/581 - Special Topics: Leadership and Accountability
in the Public Sector

MID-TERM EXAM

DUE: Tuesday, February 28

Answer the following questions as indicated. Use your Source Reader, class discussion, videos and your thoughts to develop your answers. (In some cases, you will probably spend more time thinking about the answers than writing.)

Part I - Provide brief answers to all of the following questions. Fifty (50) points/10 per question

1. How would Kant, Bentham and Mill view the provision of "informed consent" for participants in a medical experiment?
2. How do the following detract from the concept of representative government?
 - members of an elected official's staff who are working to pursue his/her self-interest in the political realm
 - media consultant's recommendations to enhance a candidate's elect-ability by altering his/her image
 - legislator's acceptance of campaign contributions from PACS (political action committees)
 - legislators trading votes on legislation
3. How is truth compromised by the American system of justice? Under what circumstances would you advocate that the 'common good' rather than justice prevail as the outcome in judicial proceedings? Illustrate your answer.
4. The First Amendment freedom of the press and Ninth Amendment right to privacy were debated in the last video viewed by the class. The press tends to believe that it is okay to publish anything relevant. In 1992, the press revealed that one of the Democratic presidential contenders had previously been treated for cancer. Was this an appropriate action by the press? Under what circumstances would you advocate the right to privacy in this matter?
5. Compare and contrast the deontological and utilitarian forms of moral reasoning. Illustrate your answer.

Part II - Answer two (2) of the following questions.
Thirty (30) points/fifteen (15) per question

1. Public officials have been admonished to avoid conflicts of interest as well as the appearance of conflicts of

interest. Discuss what each of the responsibilities entails? How do these practices ensure that public officials are accountable and protect the public trust?

2. Why may something which is legally or constitutionally right be morally wrong? How do considerations for human welfare, justice/fairness and respect for people affect your answer? How do Plato's thoughts regarding the human capacity to worry about being ethical and Aristotle's belief that ethical behavior must be learned by doing relate to this question?
3. Fifty years ago, the city of Dresden was bombed by Allies' forces. The city was believed to be a principal producer of military munitions. Over 30,000 civilians were killed and the city was virtually destroyed. If you were a commanding officer, how would you explain this mission to the pilots and crews of the bombers? What virtues would form the basis of your discussion? Why?

**Part III - Answer the following question.
Twenty (20) points**

1. Read the attached articles from the February 13, 1995 edition of Newsweek. If the national government alters its position on Affirmative Action, should it from a moral or ethical perspective undertake an alternative course(s) of action to preserve the principles of "do good; or at least do no harm," "justice/fairness" and "human dignity?"

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PS 481/581
Special Topics: LEADERSHIP AND
ACCOUNTABILITY IN THE PUBLIC SECTOR - W

SPRING 1996

Dr. Mary Jane Kuffner Hirt
103W Keith Hall Annex

357-2290

**PS481/581: SPECIAL TOPICS
LEADERSHIP AND ACCOUNTABILITY IN THE PUBLIC SECTOR - W
Spring 1996**

SCHEDULE OF ACTIVITIES

<u>SESSION</u>	<u>DATE</u>	<u>TOPIC</u>
1	Jan. 16	Leadership and Public Accountability: An Overview
2	Jan. 18	Accountability: Public Trust, Private Interests
3	Jan. 23	Loyalty: Under Orders, Under Fire (Part 1)
4	Jan. 25	Confidentiality: Under Orders, Under Fire (Part 2)
5	Jan. 30	Truth-telling: Truth on Trial
6	Feb. 1	Help and Harm: The Human Experiment
7	Feb. 6	Privacy: Politics, Privacy, and the Press
8	Feb. 8	In Search of Leadership
9	Feb. 13	In Search of Leadership Cont. Due Date: JOURNAL
10	Feb. 15	In Search of Leadership Cont.
11	Feb. 20	EXAM
12	Feb. 22	In Search of Leadership Cont.
13	Feb. 27	In Search of Leadership Cont. VIDEO: CRIMSON TIDE
14	Feb. 29	NO CLASS Due Date: Film Analysis
	March 5-7	SPRING BREAK
15	March 12	Decision making
16	March 14	Decision making
17	March 19	Decision making
18	March 21	Decision making

19	March 26	Decision making Due Date: JOURNAL
20	March 28	Leadership, Accountability, and Decision making: Putting them together
21	April 2	Leadership, Accountability, and Decision making: Putting them together
22	April 4	Leadership, Accountability, and Decision making: Putting them together
23	April 11	Special Projects Due Date: Draft of Case Study
24	April 16	Special Projects
25	April 18	Special Projects
26	April 23	Special Projects
27	April 25	Special Projects Due Date: JOURNAL
28	April 30	Special Projects Due Date: Case Study
	May ____	FINAL EXAM

Course Description:

For the twenty years since Watergate, government decision processes and operations in the United States at all levels have been hampered by the lack of effective leadership as well as an absence of high ethical standards. This course will (1) examine the practices and barriers that have contributed to the current crisis in leadership and have enabled less than acceptable ethics to prevail and (2) explore the characteristics and principles that foster the presence of responsible leadership and support the "higher" standards to which public officials have traditionally been held.

Materials for the course will be drawn from a variety of classical and current sources to (1) establish the foundations for and resiliency of utilitarianism and the theories of justice and rights as decision models, (2) provide a perspective of leadership that seeks community benefit and the common good and (3) detail the nature of current leadership and ethical issues.

The class will meet as a seminar, with students as active participants. Discussion will be facilitated by readings, cases, ethical "dilemmas" or questions, and video excerpts from the television series "Ethics in America."

Activities for this dual level, writing intensive course have been structured to strengthen the student's written and verbal skills. The student through class discussions and a series of writing assignments will explore, test and demonstrate his/her understanding of the linkages among effective leadership characteristics, ethical principles and decision making processes through their application to practical circumstances.

Required Readings:

Bennis, Warren. Why Leaders Can't Lead. San Francisco: Jossey-Bass Publishers, 1990.

Bryson, John M. and Barbara C. Crosby. Leadership for the Common Good. San Francisco: Jossey-Bass Publishers, 1992.

Newton, Lisa H. Ethics in America, Source Reader. Englewood Cliffs, N.J.: Prentice-Hall, 1989.

Course Requirements

The final grade for the semester will be comprised of the following:

Journal

15%

Film Analysis	10%
Mid-term exam	25%
Final exam	25%
<u>Case Study</u>	<u>25%</u>

TOTAL: 100%

1. Journal-All students will keep a journal as part of his/her preparation for class. It will be reviewed by the instructor three times during the semester. Entries will be made after the student completes each reading assignment to briefly summarize the essence of the assigned reading(s), note his/her reactions to the material, and indicate questions, comments or the need for clarification by the instructor. This should help students prepare for active involvement in class discussions. (26 entries, 13-15 handwritten pages, 15% of grade)
2. Essay Exams-A mid-term and final exam will be given. Questions will require either (1) a short paragraph to explain, describe, or compare concept(s) or process(es), (2) two or three paragraphs to integrate and evaluate perspectives or develop a strategy based on a series of resources, or (3) a longer essay to discuss a current public policy issue with respect to leadership, ethical and/or decision making principles and practices. The exams will be taken home and must be returned within one week. Answers must be typed or word processed with reasonable attention to grammar, spelling and punctuation. (2 exams, 10 typed/word-processed pages, 50% of grade)
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effectiveness of remedies proposed to avoid or deter future occurrences. Students will also present the cases to the class. (draft and revision, 10-12 typed/word-processed pages, 25% of grade)

Grades will be based on the following scale:

A	93-100%
B	83-92%
C	73-82%
D	63-72%
F	less than 62%

UNDERGRADUATE ATTENDANCE POLICY

The IUP Council of Trustees approved an Undergraduate Course Attendance Policy on May 13, 1994. Essentially, the university expects all students to attend class on a regular basis.

As a faculty member, I am expected to address the class attendance issue with students who register for my undergraduate classes.

While the university has developed guidelines within which I may identify class attendance standards, I have chosen to maintain my past philosophy about class attendance. I have always believed that the student should attend class in order to learn. The course has been designed with your current and future benefit in mind. There will be much emphasis in class on discussions and the sharing of your thoughts, perceptions and attitudes with your fellow students. Hopefully, this class will help you more fully understand the dimensions of public sector leadership, ethics and decision processes and contribute to your knowledge of the American political system.

Since this is an upper level course and given the structure of the class, part of your final grade will be based on class participation. Consistent attendance and participation are likely to affect your grade for class participation.

If you have questions, please contact me.

SESSION 1 - JANUARY 16, 1996
LEADERSHIP AND PUBLIC ACCOUNTABILITY

1. Course Overview: ethics, leadership and decisionmaking
2. Distribution of syllabus/review of course requirements
3. Video preview: "COMMUNITY: Do Unto Others"

QUESTIONS TO KEEP IN MIND

1. When you go in search of Community, or of a Community-- a place where you can live with neighbors and there will be time to help each other and enjoy each other-- what are you really looking for? Is your ideal of community based on selfish goals, or a longing to be in a situation where you can help others?
2. Can you think of a time when you should have intervened in other people's lives to help them--against their will? Can you think of a time when you would now?

AS YOU VIEW THE DISCUSSION

1. Would you want to inform on someone to break up a scheme of cheating or fixing grades? What is a friend were involved?
2. As member's of society, are we responsible for being our brother's keeper? Who is our brother?

QUESTIONS FOR YOUR REFLECTION

1. Is there a contradiction between the demand that children be honest and moral persons, and the demand they be successful?
2. In which circumstances would you intervene?
 - A noisy quarrel next door?
 - A brawl on the street? (Philadelphia)
 - A parent dragging a howling child?
 - A ragged man with vacant eyes wandering in traffic?
 - A woman lying face down in a doorway?
 - A child torturing a kitten?
 - A woman kicking a dog?

Readings: Newton

(For all readings assigned from Newton's Ethics in America Source Reader, the page number indicated it the first page of the selected reading.)

Plato, Crito, page 14 and page 11
Aristotle, Nicomachean Ethics, Book II, page 47
and page 61
The Bible, Deuteronomy, page 75
The Bible, Luke, page 86

SESSION 2 - JANUARY 18, 1996
ACCOUNTABILITY: Public Trust, Private Interests

1. VIDEO: "Public Trust, Private Interests"
Panelists debate the responsibility of a public official to superiors and constituents, the misuse of power for personal gain, the dynamics of political lobbying, the tactics used to win elections, and vote trading in Congress.

QUESTIONS:

1. What is it to be accountable, or answerable, to someone else--say, your boss at work? So you sometimes worry what the boss would say is he/she knew what you were doing? Do you think about what the boss would want before you act?
2. What do you expect of your public servants, the people who govern you? Do you envy or admire their power? Do you think of them as "persons in authority?" Would you like to run for office, or serve on an executive branch or Congressional staff? Why or why not?
3. According to our form of government, government officials are our servants, accountable to us. How do we hold them accountable? How do we make sure they do what we want them to do?

AS YOU REVIEW THE TAPE, ASK YOURSELF:

1. Who is the real employer of Abel and Upstart? How does public accountability affect them?
2. What is the role of image and image-making in political campaigns? To whom is the political image-maker responsible?

Readings: Newton

- John Locke, Treatise of Government, II, page 110 and page 119
- Aristotle, Politics Book 1: Chapters 1 and 2, page 61
- Rawls, page 149
- Kant, page 137
- Royce, page 139
- Greenfield, "The Cynicism Complaint," Newsweek, 9/12/94. (Attached)

QUESTIONS FOR YOUR REFLECTION

1. As we learned in Civics class, the President is elected by the people primarily to execute the laws of the land. As we know further, the President is expected to embody the people's ideals, protect the national interest, and establish whatever agencies are necessary to implement the complex agenda of the office. For these purposes, the President hires a staff of qualified people. Suppose you are a staff member, hired to keep the President posted on all matters concerning the natural environment.

To whom or to what are you accountable:

- The person of the President (your friend);
- The interests of the White House and its staff;
- The elected representatives of the people;
- The people;
- The natural environment?

2. Are there better ways of handling the complexities of government than by appointing these proliferating staffs? Invent one, and defend it on the following grounds (any and all that apply):

- Effectiveness (ability to get the job done);
- Efficiency (economical use of resources for a given result);
- Happiness of the people involved;
- Service to the republic as a whole;
- Conformity to moral principle, especially those principles that apply particularly to government service.

3. The imperative of accountability—that the representative of the people must serve, and appear to serve, only his constituents—has some odd moral consequences. These include, as Rep. Barney Frank mentioned in the television presentation, the demand that the representative cultivate the vice of ingratitude, so that he can accept large sums of money and forget where it came from. What other odd moral behavior seems to follow from the imperative of accountability?

Can you think of other professions where the duties incumbent upon the professional demand conduct that would violate ordinary moral principles in nonprofessional situations?

4. Do we demand higher moral standards of public servants than of other citizens? Why? Because they are public servants, and the public deserves the best? Or just because they are in the public eye and misbehavior is harder to conceal?

5. Can you show how Jefferson's theory of revolution (found in shortest form in the Declaration of Independence) follows from John Locke's theory of government? Could it follow from Hobbes' theory of government? Under what circumstances?

6. What does it mean for a representative to "vote her conscience"? On democratic theory as we have presented it, is it permissible to "vote your conscience" as a representative? Show how.

7. Would public financing of elections ease the moral dilemmas of the elected representative? How? Or Why not?

First page of news articles.

A Civil Rights Tug of War

Justice: Taking sides over how to enforce the law

TO THE CLINTON WHITE House, affirmative action is political poison. Blacks would never forgive the president for weakening the Democrats' traditional commitment to civil rights. At the same time, Clinton worries about alienating the "angry white male" vote essential to his re-election in 1996. The battle lines are already forming in California, where voters may put an initiative on the 1996 ballot to abolish minority and gender preferences (following story).

No wonder the president has said very little about affirmative action. The Justice Department, however, doesn't have that luxury. It enforces the law of the land, which clearly permits—and in some cases requires—minorities to be given preference over whites to redress past discrimination. Just how aggressively the federal government should enforce the law has been the subject of a simmering debate among Justice officials in recent months. The discussion, which pits moralists against political pragmatists, illustrates how difficult it is to find middle ground.

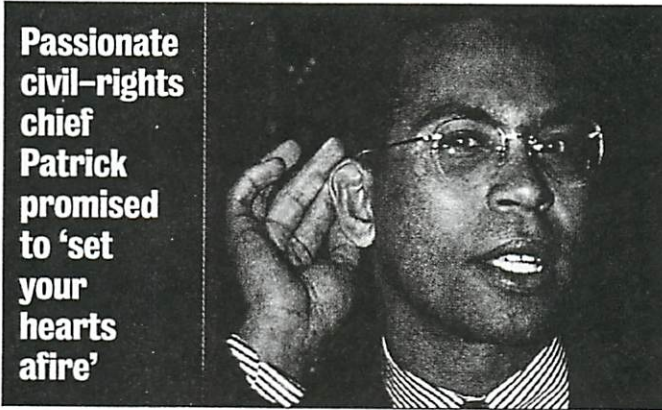
Deval Patrick, chief of Justice's civil-rights division, is an unapologetic defender of affirmative action. An African-American who grew up in the Chicago projects, he won scholarships to prep school, Harvard and Harvard Law. Patrick's swearing-in speech at Justice ("Give us your commitment to equality . . . and we will set your hearts afire") was so moving that some listeners wept. When Patrick learned that Clinton planned to speak at Martin Luther King Jr.'s birthplace in Atlanta last month without mentioning civil rights, he quietly refused to appear with the president.

Patrick's sense of principle collided with political reality last year when he took on a reverse-discrimination case in Piscataway, N.J. Faced with declining enrollments, the school board had to decide whether to lay off a white teacher or an equally senior and qualified black teacher. The board chose to keep the black teacher to promote racial diversity in a school with few minority faculty members. The Bush Justice De-



'I don't like numbers games,' says pragmatic Deputy Attorney General Gorelick

STEPHEN JAFFE—JB PICTURES



Passionate civil-rights chief Patrick promised to 'set your hearts afire'

JAMES COLBURN—PHOTOREPORTERS

partment had gone to court in 1992 to oppose that decision, but Patrick reversed course and committed Clinton's Justice Department to defending it. To Patrick, the school board's affirmative action was benign: it did not involve quotas, which he says he "scorns."

Conservatives, however, reacted furiously. Patrick was pegged as a "quota lover," and nastier critics began mispronouncing his first name (De-val) as "Devil." In public, both Clinton and Attorney General Janet Reno tepidly endorsed Patrick's posi-

tion on the Piscataway case, but Reno in particular privately worried about his choice of cases for taking a stand on this issue. Reno is wary of hiring by the numbers. Briefed on the department's support for an affirmative-action plan in Alabama that used numerical goals and timetables,

Reno interjected, "I thought we didn't do that." At Justice, the joke is that the administration is eager to have civil-rights laws aggressively enforced—as long as no one knows about it.

It has fallen to Reno's number two, Jamie Gorelick, to lead the search for a compromise standard. A no-nonsense manager, Gorelick is credited with bringing order and purpose to a chaotic department. Her personal goal is a "race-neutral society. I don't like numbers games," she told NEWSWEEK. Though she is a Democrat and friendly with liberals like Patrick, her own views on affirmative action are moderate to conservative.

Tangled history: Sick with the flu over Christmas, Gorelick read up on the tangled history of affirmative action. The decisions of the U.S. Supreme Court were not much help. Though the justices have clearly sanctioned the use of racial preference, they have been confusingly divided over the precise rules.

Gorelick wants an approach that is narrow and carefully calibrated. She would back affirmative action to remedy a clearly demonstrated wrong, like a history of past discrimination against minorities by a state agency. Or she would back it to meet a particular and obvious need, like integrating a white police force in a mostly black city. But she is skeptical about using it for general goals like making society more diverse or to overcome the long-term effects of slavery. Gorelick was away last summer when Justice took on the Piscataway case. Though she publicly supports Patrick's stand, other Justice officials say that she would not have chosen to intervene to defend the layoff of the white teacher.

Because of her caution, Gorelick has been accused by some civil-rights lawyers of selling out. Meanwhile, other Justice officials—and some White House aides—would like to cut back severely on affirmative action. Officially, the Justice Department has reached no overall position. And until the political crosscurrents subside, the Clinton administration will be taking affirmative action one delicate case at a time.

LINCOLN CAPLAN

NEWSWEEK POLL

Have we gone too far in pushing equal rights in this country?

	BLACKS CURRENT	WHITES CURRENT	TOTAL CURRENT/1995*
Agree	31%	54%	51%/42%
Disagree	64%	43%	46%/53%

*TIMES MIRROR.
FOR THIS NEWSWEEK POLL, PRINCETON SURVEY RESEARCH ASSOCIATES TELEPHONED 758 ADULTS, INCLUDING 252 AFRICAN-AMERICANS, FEB. 1-3. THE MARGIN OF ERROR IS +/- 4 PERCENTAGE POINTS FOR THE TOTAL, 5 FOR WHITES AND 8 FOR AFRICAN-AMERICANS. THE NEWSWEEK POLL © 1995 BY NEWSWEEK, INC.

8

The Cynicism Complaint

The gut question is how people got so disillusioned in the first place

BY MEG GREENFIELD

I WOULD LIKE TO SAY A FEW WORDS IN BEHALF OF CYNICISM. It is taking an awful drubbing these days. The president himself has complained bitterly that cynicism has so saturated the public mind that you can hardly get anyone to believe anymore in either the honesty of what politicians say or the worth of what government does. Is all this true? I think so. But it doesn't go to the question of where all the cynicism came from or whether it might be justified.

To some extent, of course, such cynicism comes from our intellectual tradition and is in our very political bloodstream. Is anyone more cynical about public life in 1994 than Mark Twain was in his time, or Will Rogers in his? They were but two among the countless other writers, wise guys, pamphleteers and sourpusses whose irreverence, vituperation and unappeasable suspicion have been a saving glory of the republic since its founding. One of the most frequently quoted (and variously attributed) bits of folk wisdom we have along these lines is that of the legendary old countrywoman who was supposed to have said, whenever election time came around, "I never vote. It only encourages them."

I will acknowledge that there is much truth in current assertions that we in the press, in our own relentlessly cynical depictions of what goes on in public life, have probably made people even more distrustful of government and politics than they need to be or would have been without our excesses. And it is no doubt also true that in doing so we have managed to generate plenty of richly deserved cynicism about ourselves, not just our subjects. But, still, none of this seems to me to go to the gut issue of whether people might not be even more cynical than usual these days because it seems to them to be the only sane and prudent response to the world around them.

By "cynic," "cynical" and "cynicism," I am assuming that neither Clinton nor the others engaged in discussion means to refer to the specific terms of the ancient Athenian philosophy from which the contemporary phenomenon gets its name. To us the idea of being cynical merely means, roughly, some combination of disillusionment, disbelief, skepticism and inclination not to take things at face value. There is a kind of emperor's-new-clothes quality to some of the bafflement being expressed that the American people should have acquired such an outlook and such a propensity, when faced with any new person or promise, to initially suspect the worst. But how could they not by now? I can't imagine that anyone who has been awake for the better part of the last two decades, upon reading that people had become greatly less willing to believe in appearances, would say to himself, "Gosh, I wonder why that should be?"

But in case there is such a person, let's take just a tiny trip down memory lane. It has become a kind of mind-stopping cliché by now to cite Vietnam and Watergate—they are spoken as almost one word—as sources of public disenchantment and, yes, cynicism. So we won't even pause there, despite their rich trove of false statements, incarcerated officials and the rest. And we won't rehash the all-too-well-known current but

unsettled Whitewater stuff. Let's see, then, what would be left? Well, one whole realm is that of public crime-fighting, moralizing posturers who ended up, à la Vice President Agnew, in deep legal trouble for being on the take. We have the ones they nabbed in Congress and the ones they nabbed in various administrations. We have the HUD scandals and the convictions that followed. There are the S&Ls and their public custodians in both parties. Though he has yet to defend himself in court, the Democratic chairman of the House Ways and Means Committee has recently been indicted. Other members of Congress and their patronage employees have also been tarnished by scandal and punished by law. Oh, yes, I almost forgot all the saintly churchmen who turned out to be a little more fleshly and/or monetarily greedy than churchly and got into big trouble, including into the clink. There are the great political pledges: Read my lips, universal coverage or veto, which come out of a tradition going back before the no-bargaining-for-hostages pledge to (at least) FDR and JFK and LBJ and Nixon et al., well before the past couple of decades through which we are having our stroll.

Shall we go a little further? There were all those cases of big companies' persisting in the promotion of products their management knew perfectly well to be dangerous or absolutely unable to fulfill their advertising claims. There were the unions that became private preserves for their officials and a chosen few. There were those criminal rip-offs of poverty programs by people who had professed themselves great advocates of the poor. There were those programs that rose up and devoured the Treasury and created as many problems as they solved. There were those truly humiliating episodes in which the press, big time, got it wrong. And, if anyone among the public cares to look briefly into the mirror, there is the self-evident

but generally suppressed hypocrisy of droves of citizens who demand at the same time that government up their benefits and lower their taxes and just stop spending so darn much money and balance the budget—and who, on the basis of this essentially mindless, phony and self-serving argument, gather together to throw decent public servants out of office all the time.

Yes, there are decent public servants, vast numbers of them . . . and vast numbers of decent just about everything else that I have mentioned above which comes in indecent or fraudulent form as well. My point is not woe-is-us, or even that all we see about us is suspect and tainted. I just think that it is pointless and distracting for people in public office to bewail the cynicism of the populace as a whole, as if this were a wholly inexplicable attitude and one of which those who held it ought to be ashamed. No one can be chastised out of this kind of cynicism anyway, although people can be led by particular conduct to another point of view. For such cynicism—never mind how much we in the press may stir it up and make it worse—is essentially a function of cumulative experience. So is trust.



*Might all the
wariness
about
public
life be
justified?*

SESSION 3 - JANUARY 23, 1996
LOYALTY: Under Orders, Under Fire
(Part 1)

1. VIDEO: "Under Orders, Under Fire" - Part 1
How do we wage war when the enemy dresses as civilians and children throw bombs? Generals and journalists work through the ethics of giving and obeying orders, loyalty, and duty.

QUESTIONS

1. What does loyalty mean to you? What has it meant to the leading philosophers of the Western tradition? Is loyalty always exclusive--separating those loyal to one cause from those loyal to another?
2. What commitments are demanded of the soldier, simply because he is a soldier? What conflicts does loyalty raise in military life?
3. Can we understand more of what loyalty, and duty, and discipline, demand of us everyday peacetime life by looking at the dilemmas peculiar to the military in wartime?

AS YOU REVIEW THE TAPE, ASK YOURSELF:

1. What is being asked of the soldier? Do we have a right to ask it? Why?
2. What is the soldier's "duty?" Does the prohibition against obeying illegal orders limit that duty?
3. Is the Platonic and Stoic ideal of freedom from all passions appropriate to military life in combat? Why?
4. Is "loyalty" specifically appealed to in the life of the soldier? If not, how is it manifested in military life?

Readings:

Newton

The Bible, the story of the Covenant, page 69
Plato, The Republic, page 32
Epictetus, The Moral Discourses of Epictetus,
page 93
Josiah Royce, Philosophy of Loyalty, page 138
J.S. Mill, page 166
Immanuel Kant, page 137

QUESTIONS FOR YOUR REFLECTION

1. The Greek poet Homer (c. 800 B.C.) once claimed that "War is the business of men"; much of the rest of our inherited culture contains an undercurrent of admiration for military action and adventure. You have seen some of the best members of the armed services describing and discussing the kind of situation that men under fire will encounter. What is your reaction?

- To work for peace at all costs?
- To agree with Homer and the others that this enterprise brings out the best in men, and should be encouraged as part of every young man's life?
- Somewhere in between? Where?

2. What do you think of the participants in the discussion (especially Frederick Downs, who agreed to defend the most controversial positions)? Are they monsters? Heroes? Decent people in extraordinary situations?

3. What does loyalty mean in your life? To what extent does it encompass every virtue? To what extent is it narrower, because, like the military officers you have seen on the program, you have accepted some of the objects of loyalty as "given?" At some point in your life, should you re-examine these original commitments?

Which ones take priority? Can you list your loyalties in order of priority? In what order would you put, for instance, the items on the following list:

- Family
- Friends (social group)
- Colleagues (the people you work with)
- Calling (your life's work)
- Employer
- Town or region
- Country
- Church or religious group

Which of these loyalties limit others? Which of them reinforce others? Say how, in both cases.

4. What is your evaluation of the Platonic/Stoic ideal of life—living without passions, or at least with passions sufficiently under control that you can act without letting them rule you? Is it possible? Is it desirable?

5. How does Royce's notion of loyalty complement Plato and Epicurus in describing an ideal for military life?

SESSION 4 - JANUARY 25, 1996
CONFIDENTIALITY: Under Orders, Under Fire
(Part 2)

1. VIDEO: "Under Orders, Under Fire" - Part 2
The carnage of My Lai raises the issue of confidentiality between the soldier, his religious confessor, and military justice. Generals debate the clash between military tribunals the right of confidentiality members of the clergy and others.

QUESTIONS

1. How important is it to keep a secret--especially if it is wrongdoing that is being concealed? Why does someone place you under an obligation by merely telling you that something is "confidential"?
2. We are studying military life--one of the most mercilessly open lives there could be. HOW does "confidentiality" play a role in the soldier's life?
3. Should national policy be made on these matters? Should military chaplains be forbidden to keep the soldier's secrets if they are of importance to the military? Is secrecy or openness the best policy for the development of military policy (for instance, on nuclear weapons)?

AS YOU REVIEW THE TAPE, ASK YOURSELF:

1. How can a soldier be expected to "keep secret" about his military experience? Why?
2. Are all these officers, including the chaplains, acting appropriately? How would you defend their actions to one of your teachers? Or to a pacifist?

Readings:

Newton

Epictetus, The Moral Discourses of Epictetus,
page 93

Immanuel Kant, Foundations of the Metaphysics
of Morals, page 136

The Bible, pages 66, 68, 69

Hobbes, pages 105, 106

Locke, page 119

QUESTIONS FOR YOUR REFLECTION

1. Epictetus asserts (Epictetus, Source Reader p. 93) that the keeping of a secret is the most obvious exercise of free choice, since the choice of whether or not to reveal it is clearly within your power. They can chain your leg, of course, if you will not tell, and even cut off your head; but they cannot make you reveal the secret. What do you think are the limits of human freedom? What would make it *impossible* for a person to keep a secret? (You may consider historical examples in your answer to this question.)

2. Sometimes, as the generals made clear, secrets ought not to be kept, because some higher principle makes the act so seriously immoral that confidentiality becomes nothing but accessory to crime. Review the moral principles in Chapter 1, and ask yourself in which of the following cases confidentiality should prevail, and in which it should be overridden. When it should be overridden, be prepared to say *why*, and who should be told. Assume that all the following are told to you in confidence:

- A 14-year-old friend tells you that he's been sniffing cocaine for a year.
- The building contractor working on the house next door tells you on his lunch break that he can't stand having blacks (not his word) working for him; as a matter of fact he has managed to get three of them fired from a federal project he's contractor for.
- Drunk one night at a block party, a neighbor tells you that he's cheating on his wife.
- Another neighbor's wife tells you that her husband sometimes beats the children very badly, and sometimes terrorizes her.
- A friend in his early sixties confides that he's found a sure way to use his computer to siphon off small amounts of his employer's money into his own bank account, and plans to use the transferred money to bolster his upcoming retirement.
- A building contractor (maybe the one above) tells you that federal specifications are unrealistically high for multistory buildings, and that it is common practice to save money on building projects by using a much lower grade of concrete for the floors than is specified; in fact, he tells you that in one of his buildings, he's doing just that.

SESSION 5 - JANUARY 30, 1996
TRUTHTELLING: Truth on Trial

1. VIDEO: "Truth on Trial"
Ethics in the courtroom: Is an attorney's first obligation to the court, the client, the public?

QUESTIONS

1. Why does our society teach the value of telling the truth? Can you imagine what life would be like if people in general told lies in all their dealings? (Try.) What does telling a lie do for you? What does being lied to do to you?
2. What is the function of the civil law in the nation, and of the lawyer in that system? Why do we do things this way? Other nations don't, at least not all of them. What values do we protect by doing things this way?
3. Is it all right to conceal the truth when you are protecting someone you have promised to protect? What is required of the lawyer in a civil case in weighing truth, justice, and the public good against the duty of zeal on behalf of the client? If you had to make new policy in this field, how would you make it?

AS YOU REVIEW THE TAPE, ASK YOURSELF:

1. Where are the lawyers' interests in each stage of the case?
2. Where are the clients' interests? So they always coincide with the lawyers' interests?
3. In whose interest is it for the truth to be revealed (if anyone's)? Are the restrictions on lying that we just talked about being taken very lightly here?
4. Do you approve of this competitive situation, this adversary system, that systematically obscures the truth?

Readings:

Newton

Immanuel Kant, Foundations of the Metaphysics of Morals, page 127

The Bible, Sermon on the Mount, page 81

Hobbes, page 107

Exodus, page 73

Greenfield, "Politics' Sacred Lie," Newsweek, 11/7/94

QUESTIONS FOR YOUR REFLECTION

1. Can the lawyer's role in society be portrayed as an ethical role, based solely on the materials presented in this chapter? (Do not take into account the role of the criminal lawyer.) How? Pick one of the lawyers' presentations and evaluate it. Is that lawyer's approach likely to advance justice?

2. Whom does the corporate lawyer represent? He is supposed to be loyal to "the corporation." In the case presented, the lawyer immediately decided that the CEO was too dangerous to keep around, and went to the Board of Directors and revealed what had been told him in confidence. Is this right? Who could trust the company lawyer, then?

3. Can you draft a rule that would preserve the lawyer's ability to cast doubt on doubtful testimony in cross-examination, but would prevent the kind of defamation of character recommended by Neal for Tess Trueheart?

4. Stephen Gillers points out a few times that we could change the system tomorrow. The others agree, but are dubious about the alternatives available. What are the alternatives? See what you can find out about the judicial inquisitorial method and other types of court systems in other countries. Do they provide genuinely different ways of doing things? What are their disadvantages?

5. The Biblical injunction against lawsuit follows from a recognition that involvement in suit is normally distracting, hostile, and dangerous. Is it possible to have a court system that embodies the law of love? How?

6. Find out what you can about Alternative Dispute Resolution in your area. It wasn't mentioned in the program, but it shows promise for settling some large civil suits under some conditions. What are its advantages and disadvantages?

Politics' Sacred Lie

There's a lot of talk about 'liars' but not about the big untruth

BY MEG GREENFIELD

ALL YOU HEAR IN THIS ACCURSED CAMPAIGN ARE charges of lying, followed by indignant denials, followed by more charges . . . and on into the night. Everyone seems to be running against a liar, but nobody seems to be one. Odd—I mean, the math doesn't work out. One candidate last week swore that he had never in his life, not even once, told a lie. I read about this in the paper no more than 10 minutes after I had been asked by a hotel newsstand operator from whom I was buying the paper whether I didn't have the right change instead of a twenty, to which I had knowingly and falsely replied no. I wanted something smaller since I was about to take a cab ride and hoped to avoid a shoot-out with the driver when we reached our destination. So much, I suppose, for my chances of ever holding elective office.

Look: there are lies and there are lies and everybody knows this, and even knows how to tell what the differences are in degree of moral gravity; but almost no one owns up to this truth out loud (another lie)—at least not for the record, and certainly not while in public life or in the process of trying to get there. I understand that and also that some of the allegations of lying in campaigns this year do concern large and consequential and disqualifying lies that should bar a person from holding office. What gets me is that in this seasonal din of charges, in which just about everyone has accused everyone else of telling some lie, the giant, controlling lie that is at the heart of most of their arguments, whether Democrat or Republican, incumbent or challenger, goes unremarked and unpunished. That is because they're all in it together—and have been for decades. Yes, each party has its own particular version of the lie and derides the other's as baloney. But the lie is the same. It is that the American people can have something—no, not just something, pretty much everything—at no additional cost, possibly even at a saving, maybe *without even paying at all!* Just elect us, they say, and you'll see.

And so, of course, we have elected them, and we have seen.

Sometimes the public as a whole is denounced as being responsible for the mendacity of the candidates on this score. The public demands that this fairy tale be true, the argument goes, and thus creates a pressure to go along that the poor politicians can't be expected to resist or even to argue with a little. But I don't think that begins to excuse the generations of politicians who have taken this most natural wish to have it all for free as a marching order, and have invoked it as an excuse for (1) lying about their capacity to fulfill an impossible demand, (2) encouraging people, by their lie, to believe that it can be achieved and (3) subsequently committing and expending public funds as if they themselves had begun to believe the agreeable fiction.

Interestingly, although they do have terrible battles across party lines over whose version of this fraud is the "right" one, there tends to be a kind of bipartisan rallying to reprimand

anyone who has the temerity to speak the truth publicly about the numbers. Never mind which party is in office and which is out when it happens: the opposition will invariably whoop that the person who dared to commit the forbidden act of simple arithmetic in public is a shameless taxer and would-be wrecker of every social-insurance benefit the nation holds dear. The denounced one's own party will grumble about how politically reckless it was, how dumb and so forth. The most recent object of this kind of dual assault is OMB director Alice Rivlin, whose crime was laying out the available budget choices honestly for the president who will have to make them.

In the minds of many, perhaps even most in the political/governmental complex, you aren't supposed to do that—and when you do and, worse, when your analysis is leaked to the press, woe is you. You have undermined the most sacred falsehood of politics, the one that all must venerate. There is a long and depressing history here. One of Lyndon Johnson's major mistakes was refusing to own up to the financial costs of the war in Vietnam; he didn't want his new Great Society programs to be denied funds and thought he could somehow mask the rising price tag of the combat—a long stride into the deception that helped to undo him. The Reagan government insisted the country could have tax cuts and vastly increasing defense expenditures, and somehow not incur the monstrous budget deficits it did, with the ensuing ill effects on the economy. The original Clinton health plan was presented to us as one that would increase by tens of millions the number of people covered without either increasing costs or diminishing in any way the medical services currently available to those who are covered. Reportedly, those who argued for acknowledging the costs in all these ventures and either trimming back the enterprise or cutting other big-ticket programs or raising taxes to meet them were reproached and, in some instances, cut "out of the loop," roughly the equivalent of life without parole in Washington.

For those who still refuse to see the light, Walter Mondale's dismal defeat after he publicly announced he would raise taxes if elected is the cautionary tale, for although no one thinks he would have beat Reagan if he hadn't said it, no one thinks it exactly helped him either. I'll buy that, but I won't buy the implication that lying about the numbers is good politics or survival strategy. Either the public doesn't believe the yarn or, worse, it does and the politician can't deliver on his impossible promise ("read my lips"), at least not without fudging the figures or inflicting pain somewhere he said he wouldn't. Then comes the revenge. Look around you at the wreckage-strewn political landscape. Was it created by smart politics? I have a revolutionary idea. Since the electorate appears not only to punish those who tell the truth about these things, but also, in eventual outraged disappointment, to punish those who don't, why not tell the truth? Politicians, think about it. They're going to get you anyway, and this way you might even get into heaven, or at least get your self-respect back here on earth.



Each party has its own version: that we can have it all, without paying

SESSION 6 - FEBRUARY 1, 1996
HELP AND HARM: The Human Experiment

1. VIDEO: "The Human Experiment"
Does finding a cure for a major illness justify putting test subjects at risk? Medical experts debate the timely subject of medical research.

QUESTIONS

1. Utilitarianism tells us to "maximize human welfare," or to produce as much happiness as possible for as many people as possible, minimizing pain for everyone. Do you sometimes have to cause pain, or harm, in order to do good? (Think of examples.) Do you think it is right to adopt policies which are clearly beneficent (that is, they produce good on balance), but involve harming a few people along the way.
2. I've been told that many medical advances simply would not be possible without the opportunity to test drugs and procedures on human subjects. Do you think the fact that future generations will benefit justifies using human beings as guinea pigs--or laboratory mice?
3. Research with human subjects is an area of moral dilemmas where, in response to a particular popular outcry, Congress established a commission specifically to investigate the ethical problems of the practice. Do you think this approach would work in other settings for other problems?
4. Do the financial pressures in testing new drugs make all such testing suspect? Is there inevitable distortion of results and choices?

AS YOU REVIEW THE TAPE, ASK YOURSELF:

1. Can a person, who is very sick, probably dying, make objective decisions about his own case?
2. Should a doctor be allowed to double as an investigator on a protocol for experimental drugs?
3. Does the profit motive distort the process of developing drugs and treatment?
4. Is Bill Parker's anxiety reasonable? Do you think that you, in his position, would be calmer and more accepting of your situation?
5. Would you spend all your money to prolong your life for a little while? (Have you ever thought about this before?)

Readings:

Newton

Jeremy Bentham, Principles of Morals and
Legislation, page 158

John Stuart Mill, Utilitarianism, page 166

Plato, page 19

QUESTIONS FOR YOUR REFLECTION

1. As the television presentation made clear, the research subject may be at risk of harm, if the drug or treatment being tested turns out to have nasty side effects. How should the subject weigh that harm against possible benefit? How should we, as makers of policy?

2. The physician's obligation is to care for the patient. That is a fiduciary obligation, like the professional obligation that a lawyer has to the client. Is that compatible with a role as investigator for an experimental drug? Can the same person wear both hats? Would you trust a physician who you knew was doing research on you? Would your tendency to trust that physician change if you knew he stood to make a terrific profit on his stock in the company that produced the experimental drug, if the experiments seemed to be successful?

3. Utilitarianism requires that we count every person as one and no person as more than one. How do we count children? Shall each of them be accorded one count? What about unborn children? still in the womb? not yet conceived? when do we stop counting? How do we weigh the indefinite interests of unborn generations against the very clear interests of the people here and now? Try your hand at that one.

4. Can Jeremy Bentham's Felicific Calculus actually be used to decide real cases? See if you can demonstrate that it can, by using it to choose between two common options (do the housework or do volunteer work at the hospital, for instance; write part of a term paper or go cheer for the basketball team). If it doesn't work, why doesn't it work?

5. Do some kinds of felt happiness or felt unhappiness count for more than other kinds? How would you weigh the following kinds of felt pain:

- The pain of a sprained ankle
- The pain of the death of a friend
- The pain of living near a smelly dump
- The pain of losing quite a bit of money on a stock transfer
- The pain of knowing that undesirable "minorities" are moving into the neighborhood
- The pain of childbirth
- The pain of losing the game
- The pain of having to write a paper on ethics

What criteria control the weights you put on these pains?

SESSION 7 - FEBRUARY 6, 1996
PRIVACY: Politics, Privacy, and the Press

1. VIDEO: "Politics, Privacy, and the Press"
What conduct on the part of a public official is relevant to "the public's right to know?" Where do we draw the line in disclosures about the private lives of politicians? Does spying on individuals and paying money to interview subjects fall within "the public's right to know?"

QUESTIONS

1. How valuable is your privacy to you? Do you become angry when you think people have been watching you, or trying to find out about you---not from malice, but just from curiosity? How easily do you share information about yourself?
2. How do you react to media exposure of the private lives of public figures--movie stars, politicians, and the like? Do you enjoy it? Do you think they deserve it? Do you think they feel embarrassed and resent it? Why?
3. How would you reconcile the fundamental American freedoms: the freedom to be left alone to live your own life as you see fit, and the freedom of the press fearlessly to report all the facts that come to its notice? Which of those freedoms is more important in a democracy? Or is that the wrong way to put the choice?

AS YOU REVIEW THE TAPE, ASK YOURSELF:

1. Why do journalists try so hard to get these stories? Try sorting out their motives: money? fame? some primitive sense of triumph in uncovering what another wanted kept secret? duty to the public?
2. Were you Senator Valentine, would you be resentful, angry, at the media attention? Would you feel yourself unjustly treated? Would you have been more careful?

Readings:

Newton

John Locke, Treatise of Government, II, page 114
Immanuel Kant, Foundations of the Metaphysics of
Morals, page 136
Jeremy Bentham, page 165 (Felicific Calculus)

QUESTIONS FOR YOUR REFLECTION

1. Privacy is one of those moral principles that has different values to different people (unlike, say, honesty, which is vitally important to everyone). How would you rank privacy among your own values: very important, moderately important, not very important at all? Can you say why?

2. What is the value of the free press? Can you imagine living in a country with no newspapers, radio, TV, or newsmagazines? Or a country where the press was firmly controlled by the government? Suppose you had to defend our protection of the freedom of the press to someone from that country. How would you go about doing it?

3. What did you think of the participants in the discussion (especially Lyle Denniston, who took all the hard positions)? With whom did you find yourself in sympathy? Denniston? Ferraro? Simpson? Why?

4. What, if anything, defines the appropriate barrier of "the private" in the life of even a public figure? How shall we determine when that barrier is breached? Who (what body or person or procedure) should make that determination?

5. What legal invasions of privacy would you be willing to justify in the name of public policy? Would you be able to defend regular surveillance for the purposes of:

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- Making sure that people stay within the law;
 - Making sure that people are behaving themselves morally;
 - Making sure that people are healthy;
 - Making sure that people are happy.

Try. Some defenses are easier than others.

6. Given Hobbes' notion of the "natural rights" of human beings, would invasion of privacy be a violation of those rights? What about on Locke's notion of rights, or Jefferson's? Cite evidence from your Source Reader.

SESSIONS 8, 9, AND 10 - FEBRUARY 8, 13, 15, 1996
IN SEARCH OF LEADERSHIP

Why Leaders Can't Lead by Warren Bennis will be the principal resource for our study of leadership. Bennis' book looks at difficulties which detract from the effectiveness of leaders. He also discusses what characteristics and behaviors would enhance leadership effectiveness. The first three segments of his book will be reviewed before the mid-term exam.

1. Is leadership different than management?
2. Reasons why leaders can't lead. . .
3. Components of the problem
4. Parts of the solution: refocusing on leadership and exercising leadership characteristics

Due Date: JOURNAL - February 13, 1996

Readings:

February 8, 1996	--Bennis, pages 1-30
	--Greenfield, "The 'Just Folks' Pantomime," <u>Newsweek</u> , 10/10/94. (Attached)
February 13, 1996	--Bennis, pages 33-66
February 15, 1996	--Bennis, pages 69-102

The 'Just Folks' Pantomime

The sweater hasn't been invented that can inspire voters' confidence

BY MEG GREENFIELD

IN A TELEVISED DEBATE WITH HIS DEMOCRATIC OPPONENT the other night, Washington state's Republican senator, Slade Gorton, wore a sweater instead of a jacket. The other fellow, Ron Sims, was more dressed up. Gorton, who, whatever else may be said of him, in fact comes as close as anyone possibly could to embodying what people mean when they characterize someone as a "suit," was clearly making a statement. It was: "Hey, where did you get the idea that I'm a suit? I'm real people, just like you." Jimmy Carter, Dan Rather, Jim Leach, even (though I concede they do not fit in with the group) Lyle and Erik Menendez—what is it with sweaters, anyway? Why are they thought to be image softeners and trust generators? Beats me. But in the 1994 election context the sweater-wearing intention is plain. It is to put some distance between those politicians who wear them and the presumably despised establishment/incumbent/insider/formal-wear crowd. In his own variation on the practice, Oliver North recently debated three conventionally attired male opponents for the Senate in Virginia, coatless, in shirt sleeves. He was the tribune of all guys who would rather not wear coats—Shirtsleeve Man. One of You.

These sartorial surprises, ever more in evidence this year, are of course part of a larger repertoire of just-folks pantomime that has been around for at least a couple of decades now. President Ford had his picture taken *fixing his own English muffins*, to which the response was clearly meant to be, "Wow! Is that a man of the people or what?" Jimmy Carter not only made a point of carrying his own luggage, but also from time to time stopped overnight with what would be billed as an actually normal family. Invariably it would then be reported that in the morning he had dutifully and neatly *made his own bed*—although I could never understand why this particular act was supposed to make him seem like other men, at least any I have ever known. But never mind: the point is that the trend to this kind of gimmickry is intensifying with the apparently exponential growth of voter disgust with government and its ways. So you will be seeing much more of it, more of the costume as statement, more of the confirmed insider as down-home lout, etc. The rather poignant question, when you think of how much planning goes into the presentation, is this: does it work?

The answer, I think, is: no. I can't prove it, but I would bet that the politicians who pull these kinds of stunts and succeed in getting elected, succeed for some other reason. In the first place, there will be an awkwardness, an artificiality, a note of falsity absolutely impossible to hide when public people try to ingratiate themselves by means of such maneuvers. Often as not the gimmick doesn't convey what it is supposed to, anyway, the cardigan sweater perhaps turning out to be less suggestive of an informal, plain-spoken, working stiff than of, say, grandpa—newly retired, home for lunch and building a little boat to put in a bottle. And, in any case, your basically traditional, suit-and-tie-wearing politician who is at pains to "get with it," almost

invariably conveys profound uncertainty as to what the "it" is that he is trying to get with. Such figures always remind me of a hapless dormitory housemother of my acquaintance years ago, who made a perfect fool of herself affecting to be "one of the girls." She also squandered her authority and the respect of her charges in doing so.

That last is the key point and goes to the fundamental ambivalence of voters—of all of us—concerning the way we want our elected officials to be. Carter was a political victim of this ambivalence. Especially at a time when people were hearing about the extravagances of the "imperial presidency" and complaining about the high living of their leaders, the luggage toting and other gestures of apparent self-denial and humility seemed both fitting and smart. But there remained—and always does—a counter impulse: people wanted from him at the same time, as they do from all presidents, some emanation of power and authority,

even some aura (though the word may give them hives) of the *majesty* of the office he held. It is a horrendously difficult mandate this—to remain in the people's eyes (1) a down-to-earth representative who understands them because he is one of them and (2) a leader to whom they can look up because he is somehow well above the rest of the pack in knowledge, mysteriously endowed with superior strengths and talents, a person who can be trusted to guard, to decide, to lead . . . in short, I suppose, a parent. In my view one of the reasons Clinton has foundered in acquiring a presidential touch is that he has come on too much as the national son and too little and too unconvincingly as the national dad. Junior versus the old man, regular guy versus slightly remote, authority-bearing guy: we all may pretend that these categories are irrelevant to the conduct of high office, but I believe in some guise or other they are always at play in the public's decisions.

In their utterly different ways, Dwight Eisenhower and Ronald Reagan managed to crack this political case, both being quite comfortable with the perquisites and authority symbols of office and yet both also conveying some kind of common-touch empathy with people and ability to articulate their sentiments. This is not a retroactive endorsement of their administrations or their views, only a comment on their particular capacity to deal with the double, not to say contradictory, demands the public always puts on officials in this connection—especially presidents. I couldn't give word one of advice or write even the outline of a handbook on how a political person should go about achieving this capacity. I think it comes with the intuitive part of political skill. Of two things only am I certain. One is that effective public officials must convey assurance that they are still in touch and at one with the workaday life shared by the people, and, at the same time, possessed of some special powers that merit special treatment and that justify their having a license to act and speak in the public's behalf. The other is that the sweater has not yet been invented—not by Armani, not by Eddie Bauer, not by Ralph Lauren and not by Sears—that can do any of this for them.



*Americans
want a
common
touch, but
also an ease
with authority*

SESSION 11 - FEBRUARY 20, 1996

EXAM

SESSION 12 and 13 - FEBRUARY 22 and FEBRUARY 27, 1996
IN SEARCH OF LEADERSHIP Continued.

Why Leaders Can't Lead by Warren Bennis will be the principal resource for our study of leadership. Bennis' book looks at difficulties which detract from the effectiveness of leaders. He also discusses what characteristics and behaviors would enhance leadership effectiveness.

1. Is leadership different than management?
2. Reasons why leaders can't lead. . .
3. Components of the problem
4. Parts of the solution: refocusing on leadership and exercising leadership characteristics

February 27, 1996

Video: "Crimson Tide"

Writing Assignment: Film Analysis

Readings:

February 22, 1996
and
February 27, 1996

- Bennis, pages 107-160
- Power, "Everyone is Your Neighbor," Pittsburgh Post Gazette, 1/1/95.
(Attached)
- Fineman, "Virtuecrats," Newsweek, 6/13/94, 31-36.
(Attached)
- Woodward, "What is Virtue?," Newsweek, 6/13/94, 38-39.
- "Frank Gregorsky, a former Gingrich aide, plumbs the annals of psychoanalysis to find out what makes Newt tick," Pittsburgh Post Gazette, 1/1/95.

JONATHAN POWER

Everyone is your neighbor ^{POST GAZETTE} 11/195

WE live in the most extraordinary times, an age of enormous potential, yet with the capacity to self-destruct still intact. In that, we are no different from our forefathers. Yet what is different, as we approach the end of the 20th century, is that never before has there lived a generation that shares so many common aspirations and accepts that humanity is bonded together in a way that their parents and grandparents, even with the best imagination, could only have dimly perceived. We are now one and all of us members of a single neighborhood and need to learn how to practice a form of governance that will deal effectively with our interconnecting and interlocking societies.

When problems erupt they become everyone's problem. Wherever we are, we know about Bosnia or Rwanda. We are neighbors, but are we good neighbors? Can we help? How can we help? How can we help better than last time?

If we give in this way we also receive. A world where the raw edges of political and social disputes are softened, even in far-away places, is a better place for us. Disruption and mayhem in an age of such fast telecommunications, the airplane and the intercontinental missile have the ability, if not contained, to transport themselves to our own backyard. The hijacking of an Air France plane in Algiers, with the terrorist plan to explode it over Paris, is but the latest reminder of this. It is the same with our environment. As Barbara Ward said 20 years ago, "we only have one Earth" and there's little or nothing that modern society does in one part of the world with its productive energies that does not affect another. The world we inhabit now is too small for that to be avoided.

Blueprints are important. We cannot build anew without careful forethought. But

nothing will work out well in practice, even with the best design, unless a quality of leadership is tapped that can give tangible and perceptive direction to the many strands of change now in process.

We need a leadership that knows how to transcend mankind's divisions, to diminish our most primitive instincts and to enhance our nobler ones. It must have the power of personality that inspires the best of us and takes us onward and beyond what we do now so often unsatisfactorily and insufficiently to what we could do if human energies were liberated from the confines of too simple and too narrow a perspective. We need to move past country, race, religion, culture, language and lifestyle to being part of what Martin Luther King Jr. called the beloved community. "We seek only," he said, "to make possible a world where men can live as brothers."

Leadership, we know, is an intangible quality that can be best described as it is observed. But we can list some of the ingredients it must have if it is to have any chance of working in today's world. It must understand the need to preempt crises as well as have the ability to persist with their resolution, once they occur. It must believe that the application of force is the signature of defeat and that true peace comes from careful compromise where no one is asked to abase themselves before their opponent. It must be inspirational and take us into the reaches of our best performance, even enabling us to move far beyond what we have ever achieved before. It must be practical and down-to-earth, sifting the essentials and concentrating on what really are the priorities of neighborhood living. It must be moral, selfless and yet convinced of its own audacity.

In the end it will be immensely courageous, for the problems it faces can appear at times quite daunting and near to

overwhelming.

We need this kind of leadership at the world level, at the United Nations. We need it in our countries and in our towns and villages. We need it in our voluntary organizations. Only when it sprouts in many places will we find the solidarity and purposefulness we need to conquer the long list of problems that beset us.

We inhabit a precious but vulnerable planet. We can make the best of it or the worst. We can live by law, respect and a sense of community or we can pull apart from both each other and the habitat of which we partake and live in division and disunity, all the time diminishing the quality and expectation of daily life.

We are neighbors to a degree no other generation on earth has been. It's our choice whether we live as good or bad neighbors. On that decision rests the survival of all that is best in human creation. We have to care both for one another and for the planet on which we live.

Vaclav Havel, once a playwright and now a president — of the Czech Republic — has argued that "without a global revolution in the sphere of human consciousness, nothing will chance for the better in our being as humans, and the catastrophe toward which our world is headed will be unavoidable. We are still incapable of understanding that the only genuine backbone of all our actions if they are to be moral is responsibility: responsibility to something higher than my family, my country, my firm, my success, responsibility to the order of being where all our actions are indelibly recorded and where, and only where, they will be properly judged." Exactly. It is up to each and everyone of us.

Jonathan Power is a syndicated foreign-affairs columnist. The authors of the TRB from Washington column are on vacation.

Wirtuec



WILLIAM J. BENNETT
Editor, 'The Book of Virtues'

His faith in 'hard virtue' comes from training in a Jesuit high school he calls a 'Catholic Sparta.' 'Virtues' helped make him a millionaire. In his next book, he promises, he'll make 'a special effort to find stuff from other cultures.'

BILL AND HILLARY CLINTON
President and First Lady

Their 'personal responsibility' campaign theme helped define them as New Democrats. But financial and personal troubles have hurt their credibility as merchants of virtue.



rats

With the fraying of America's moral fabric now a national obsession, the craving for 'virtue' is creating a new kind of politics and a new class of leaders. Who's pitching it—and can anyone put us back on track?

BY HOWARD FINEMAN



BILL BENNETT HAS TO GO, HAS TO FINISH THIS interview in his office near the White House, has to catch a plane. Another week, another round of speeches, some big-buck and corporate, some public and political. Everyone wants a piece of him, and he's glad to oblige. His "Book of Virtues" remains hot beyond expectation: about a million hardcover copies in print. He's now a cottage industry of character education—a multimedia McGuffey. First, there is to be a sequel. "Maybe I'll call it 'Son of the Book of Virtues,'" he jokes. Then, a series of virtue-teaching textbooks (elementary, junior high, senior high). Finally, inevitably, a deal in Hollywood, that precinct of sin that suddenly sees a market in virtue. Bennett will produce stories for film and television. "Some dramatizations, some animation," he says. The studio execs wanted to buy the rights to "Virtue." He refused. He wants to write, maybe host: the Alistair Cooke of character ed. "I've got to maintain quality control," Bennett explains. "You can't crap this stuff up."

Certainly not: you must do right by virtue. After years of drilling dry holes, the former Reagan-era everything (chief of the humanities endowment, drug czar, secretary of education) has hit a gusher. The fraying of America's social fabric—once considered the crotchety preoccupation of the cultural right—has become a national (even liberal) obsession. From the East Side of Manhattan to West L.A., Americans are agreeing that there are universally accepted principles of good character—"virtues" in Bennett's parlance—and that society is failing to teach them anymore.

Chaos, or the fear of it, has made Americans nostalgic for a more orderly age. The economy's perking along nicely, the world is more or less at peace, yet, in a new NEWSWEEK Poll, 76 percent of adults agree that "the United States is in moral and spiritual decline," and crime and drug abuse rank far ahead of jobs and health care as national concerns. The yearning for civility surfaces at town meetings. Democratic Rep. Ben Cardin of Maryland convened one near Baltimore recently. He had wanted to talk about the crime bill and health-care legislation. But voters in the high-school "multimedia center" (they don't call them libraries anymore) wanted to discuss something else. "No one today lives by the rules we were raised on," said one suburban mother in a sweat suit. "What happened to decency and respect?"

The craving for virtue goes beyond the debate over whose values

NEWSWEEK POLL

Do you think the United States is in a moral and spiritual decline?
76% Yes
20% No

Do questions about Bill Clinton's character hurt his ability to be an effective moral leader?
29% Seriously
43% Somewhat
25% Not at all

THE NEWSWEEK POLL
JUNE 2-3, 1994

PEGGY NOONAN
Former GOP
speechwriter

After writing books on politics and baby-boomer angst, she's working on a documentary 'about values and the American character' with the founder of the Children's Television Workshop



NATIONAL AFFAIRS

are best—traditional families or single parents, gays or straights, Jews or Christians, black or white. It now seems painfully clear to most Americans that none of the traditional institutions is doing the job. Parents are absent or busy. "Neighbor" has been lost in the 'hood. "I Remember Mama" is long gone, replaced by Madonna music videos. Even religious institutions often seem more concerned with group grievances than individual behavior. Baby boomers, facing mortality and the even more frightening prospect of teenage kids, are finding that there is at least one absolute after all: good character.

THE VIRTUE CRUSADE IS CREATING a new kind of politics that could dominate the decade if economic or foreign crises don't intervene. It's already produced a new class of leaders from across the political spectrum—call them Virtuecrats—who view the formation of good character as an urgent aim of government. They are pushing politics away from world affairs and economics into something more personal, trying to win votes by vowing to erase a new kind of deficit. "The New Frontier of the '90s is an inner one," declares former Republican speechwriter and author Peggy Noonan. It doesn't seem to bother Virtuecrats that Americans decry the ethics lapses of the same government they are calling on to inculcate virtue. "It's just another example of the central paradox of our time," says White House aide William Galston, who wrote a prescient book called "Liberal Purposes" in 1991. "People hate the government, but they keep asking it to do things."

And of course when politicians see a chance to play savior, they're happy to respond. The character crusade recently reached Congress—just ahead of last week's 17-count felony indictment against Rep. Dan Rostenkowski. Led by Pete Domenici and Sam Nunn, the Senate created a Character Counts Caucus, which has introduced a resolution to declare a National Character Counts Week this fall. The Clintons saw this trend early on and campaigned, in part, on a theme of personal responsibility. The president, in a carefully crafted set of addresses, spent last month's commencement season reminding graduates of the need for virtuous conduct. His wife, Hilla-



NEWSWEEK POLLS

From what you know about their character, how would you rate the following as role models for young people today? (Percent saying good to excellent role model)

- 64% Billy Graham
- 60% Colin Powell
- 54% Michael Jordan
- 48% Hillary Clinton
- 44% Bob Dole
- 44% Dan Quayle
- 40% Bill Clinton
- 38% Ross Perot
- 25% William Bennett

THE NEWSWEEK POLL
JUNE 2-3, 1994

ry Rodham Clinton, hasn't given up her search for a "politics of meaning" that she grounds in commitment to public service. Bennett is on to something," says Clinton political adviser Paul Begala. "He's on to this notion that there are principles of behavior that Americans can agree on, follow and pass on." Next month the president will preside at a "character conference," and the White House will seek legislation requiring "character education" courses as part of a new elementary- and secondary-education bill.

Both parties are racing to occupy this ground. Republicans see a chance to secure the Bible belt, to highlight Clinton's personal troubles without mentioning them in so many words and to put pressure on an important Democratic constitu-

ency and source of funds: Hollywood. Democrats see a chance to go beyond interest-group politics and speak in spiritual tones. But there are risks for both parties, too. For Republicans, a secular crusade for "virtue" could clear the path for a takeover by the religious right, which insists that virtue is found only in orthodoxy. For Democrats, the risk is all too obvious: Clinton is not necessarily the best national leader to speak on this topic. In the NEWSWEEK Poll, 72 percent of Americans say that questions about his own character rob him of legitimacy on the issue.

But Virtuecrats are nothing if not brave: they are inviting more scrutiny of their own character. Some are even advertising their personal virtue—apparently on the theory that it's so rare in public life they may as well brag about it. In Florida, Republican gubernatorial contender Jeb Bush (second son of the former president) distributes campaign brochures that note he's been "happily married" for 20 years. In Massa-

COLIN POWELL
Former chairman
of the Joint Chiefs

He's quietly working on a memoir. But he's on every political radar screen: the GOP assumes he's one of them, but Clinton and he are friendly.

STEPHEN CARTER
Author of 'The
Culture of Disbelief'

He champions spirituality's political value from his post at Yale law. His planned book series on 'character' will begin with 'Integrity,' 'Fidelity' and 'Decency.'

OLIVER NORTH
GOP Senate
nominee from Virginia

Running against corruption in Washington, he admits none of his own for Iran—contra. Lying to Congress, he claims, was 'virtuous' because he was following orders.



achusetts, GOP Senate candidate Mitt Romney carts his telegenic family along on campaign stops, pursuing a not-so-subtle character attack on Ted Kennedy.

Nationally, Virtuecrats may be setting the stage for a Role Model candidacy that would seem to rule out the usual suspects in politics. For many Virtuecrats, the man of the moment is the presumptively virtuous Colin Powell. In the NEWSWEEK Poll, the retired general ranks just below Billy Graham as a role model: 60 percent regard Powell as "excellent or good" in that regard, compared with 40 percent who see Clinton that way. And Powell is writing a memoir, due out next summer, which will be loaded with the character-building lessons of his up-from-the-ghetto life. "There's a huge amount of interest in Powell," says GOP strategist William Kristol, who was chief of staff to a founding Virtuecrat, former vice president Dan Quayle. "Colin Powell is a man of character, a straight arrow. And his military

background gives him a claim to speak with authority."

Luckily for the Clintons, Bennett—and probably Powell—you don't have to score a perfect 10 in virtue to join in the crusade. Actually, a lack of shame could be an advantage. For Hillary, a "meaningful" life apparently includes reaping huge profits on the futures market with the help of friends. Ollie North won the GOP nomination for the Senate in Virginia last week by talking about family and character. At least to Republican conventioners, it didn't seem to matter that he's an admitted liar and that a jury had found him guilty of shredding documents and illegally accepting a security system for his house. "It's not the politician's own character that gets him credit," says Mike Murphy, North's media adviser. "It's whether he's willing to stand up and say there is a moral crisis—in illegitimacy, crime, education."

Bennett cheerfully acknowledges his struggle to honor one of the virtues he pre-

scribes, self-discipline. "You know I have the cigarette fight, the eating fight, the temper," he says. In California, GOP Senate candidate Michael Huffington touts "The Book of Virtues" in an ad and preaches selfless volunteerism. A multimillionaire, he's also fending off charges from his political opponent that he avoided paying California's hefty income taxes for three years by keeping his legal residence in Texas long after moving his family to a sprawling home near Santa Barbara. As for Clinton, Bennett admires his chutzpah, though it's not one of the virtues in his book. "When he says 'Sex is not a sport, I'm for family values, for character'—this is courageous," says Bennett.

CHARACTER CRUSADES have occurred before in American politics. The public-school movement of the 1830s was launched in the name of civic virtue. Land-grant colleges were funded in the name not just of science but of "moral education," Bennett and Galston say. The most famous—and disastrous—effort to use government to make people virtuous was, of course, the temperance movement. It was launched at a time of social upheaval after the Revolution. The culmination was Prohibition, which lasted from 1919 to 1933, when the New Deal made filling jobs the paramount task of government.

Sobriety is easier to measure than good character. And specifying universal, incontestable standards of "virtue" isn't as simple as it seems from a glance at the Boy Scout manual (page 38). "Everybody's going to endorse these notions but defining them will create huge battles," predicts Yale law professor Stephen Carter. Virtuecrats are trying. In 1992, a group of educators and philosophers met in the mountains of Colorado and produced something they called the Aspen Declaration. It listed "Six Core Elements of Character" that should be inculcated by all "youth-influencing institutions": trustworthiness (including honesty and loyalty), respect, responsibility (including self-discipline and hard work), fairness, caring (compassion) and citizenship (including "obeying laws, staying informed and voting"). Bennett's list is similar, but with important additions: courage and faith; the latter, he says diplomatically, can be neutrally described as "reverence." "You can be a virtuous person without faith in God,"



THE HUFFINGTONS

Candidate for U.S. Senate and author

Michael is a wealthy Texan who moved to California and won a House seat. His wife, Arianna, supplies his rationale: souls and society can be saved by volunteerism.

LUCKY JO REGAN—SABA

he says. "I think. I mean I know some people. That's the best test."

Virtuecrats agree on at least one program to implement character education: punishment in all its forms (from jail time to denying government benefits). The virtue-teaching role of punishment has become a handy theme for both parties. Republicans can lift their old rhetoric to a higher plane. They can shelve the old, divisive "law and order" yawp that dates back to Richard Nixon's 1968 campaign, and can express a loftier motivation than saving taxpayer money. "Punishment can do a lot for criminals, and send a message to the rest of society," says Bennett. Democrats can demonstrate their belief in "tough love," says White House aide Galston—and answer the "soft on crime" accusation that has cost them votes for 25 years. Heavy spending on new prisons, "three strikes and you're out" sentencing laws, "deadbeat dad" statutes, "boot camps" for youthful offenders, "two years and you're out" welfare reform, denying welfare benefits to unwed mothers, police sweeps through housing projects, even local curfew and curfew ordinances—all are ideas being supported by... Democrats.

Beyond the uses of punishment and preachment. Virtuecrats disagree over what else government can do, and over the place of religion. In fact, there are three emerging strains of Virtuecrats: the Scouts, the McGuffeys and the Preachers.

The Scouts put their faith in

volunteerism—and in religious beliefs that encourage it. Huffington is a leading member of this school. He and his wife, author Arianna Huffington, want to put some heft into a theory weakly sold as "a thousand points of light" in the Bush administration. Huffington wants to change the tax laws to allow deductions for time spent doing volunteer work. "The hope lies in the withering away of the state," he says, "so that other institutions can do their work." In a new 30-minute infomercial his campaign is preparing, Huffington will spotlight successful volunteer programs he sees as an alternative to government. Noonan is in the Scout school, too. "Character building is mostly a matter of private quests and private struggles," she says, reflecting the theme of her new book, "Life, Liberty and the Pursuit of Happiness." "You can't pass a government program to make decent human beings. We have to help each other out of this hole. This is a country full of prayer groups—and that's what they are for."

The McGuffeys take their name and their philosophy from the author of the famous textbooks so widely used by public schools in the 19th century. William McGuffey, like other civic crusaders of his era, believed that government had to be affirmatively involved in teaching goodness. Bennett and the Clintons are in this group. They are all for "character education" in public schools—a trend already exploding across the coun-

try. But there's much more. Though the president sold his "national service" program as a new piece of pork—low-interest college loans for all—he also meant national service to have a character-building function. Americans would be better citizens if they chose service—the rationale for the Peace Corps that Clinton heard as a boy. Fighting for health care is Hillary's service, her personal "politics of meaning." As for Bennett, he

envision a system of government-supported orphanages for the underclass: not the Nanny State but the Boys' Town State. In some cases, he says, the government has to be the "parent of last resort. This is a character-reclamation project," he says, "and you're going to have to do it in a fairly intense way."

THE PREACHERS INSIST THAT character education without the worship of God is worthless. Tuition vouchers and prayer in schools are their main goals. On prayer, there are champions in unexpected places. Yale professor Carter, author of "The Culture of Disbelief," notes that preachers in inner-city black churches are now at the forefront of the prayer-in-schools campaign. All three candidates for mayor of Washington—yes, even the ex-convict, Marion Barry—support it. "A society that ignores the moral side of life is going down the tubes," Carter declares. The political flash point is that many of the Preachers—from Pat Robertson to Pat Buchanan—want to teach Christian morality as well; in which they include opposition to abortion and homosexual rights. "They're going to try to tell me how my children should pray," says Clinton adviser Begala, "and that's where they are going to cause deep trouble in the country."

The real risk is that the Virtue movement will become just another example of what has become a leading American character trait: talking a good game. "There's no doubt that the pendulum is swinging back from self-expression to self-discipline," says Michael Horowitz of the Manhattan Institute, a conservative think tank in Washington. "But if we are serious about this, it means we will have to sacrifice some measure of the freedom we now have to do anything we want if it feels good." The true test of our character, in other words, will require more than applauding politicians and passing resolutions. In the end, it's not the laws we pass but the lives we lead. ■

NEWSWEEK POLL

Who is to blame for the problem of low morals and personal character in this country? (Percent saying blame a lot)

- 77% Breakdown of the family
- 76% Individuals themselves
- 67% Television and other popular entertainment
- 55% Government and political leaders
- 50% Economic conditions
- 44% The schools
- 26% Religious institutions

FOR THIS NEWSWEEK POLL, PRINCETON SURVEY RESEARCH ASSOCIATES INTERVIEWED 748 ADULTS BY TELEPHONE JUNE 2-3, 1994. THE MARGIN OF ERROR IS +/- 4 PERCENTAGE POINTS. SOME RESPONSES NOT SHOWN. THE NEWSWEEK POLL © 1994 BY NEWSWEEK, INC.

What Is Virtue?

You can't lose it, like virginity, and don't confuse it with 'values,' which vary. Throughout a long, rich history, it's meant doing the right thing.

BY KENNETH L. WOODWARD

VIRTUE: FOR TOO MANY AMERICANS, the word suggests only a bygone bluenose era, prim lectures on sexual purity—at best, something you “lose” when you finally

give in or give up. But for the ancient Greeks, the great medieval theologians and a growing number of contemporary philosophers as well, virtue has little to do with sexuality. For these thinkers, the cultivation of virtue makes individuals happy, wise, courageous, competent. The result is a good person, a responsible citizen and parent, a trusted leader, possibly even a saint. Without a virtuous people, according to this tradition, society cannot function well. And without a virtuous society, individuals cannot realize either their own or the common good. That, in theory, is what the “politics of virtue” is all about.

But before politicians embrace virtue as their latest election-year slogan, they would do well to tune in to contemporary philosophy. Despite the call for virtue, we live in an age of moral relativism. According to the dominant school of moral philosophy, the skepticism engendered by the Enlightenment has reduced all ideas of right and wrong to matters of personal taste, emotional preference or cultural choice. Since the truth cannot be known, neither can the good. In this view, the most any government can do is carve out rules that—like a traffic cop—ensure that a rough justice prevails among its citizens. Within agreed-upon social limits, therefore, people are free to make what they will of their private lives. In the United States, this outlook has

produced a strong emphasis on rights over responsibilities, and it influences much of contemporary political theory.

Against this moral relativism, advocates of the “ethics of virtue” argue that some personal choices are morally superior to others. The issue, as they see it, is not the right to choose but the right way to make

For the ordinary citizen, virtue is easily confused with “values.” Since personal values differ, Americans argue over whose values ought to be taught. But “values” is a morally neutral term that merely indicates preference and can be quite banal. To choose vanilla over chocolate is not the same as deciding how to raise children.



FORTITUDE
The strength of mind and courage to persevere in the face of adversity



TEMPERANCE
Self-discipline, the control of all unruly human passions and appetites

choices. The disorder of contemporary American society, they insist, is proof that the “Enlightenment Project,” as philosopher Alasdair MacIntyre of the University of Notre Dame puts it, has failed. What he and a variety of other influential thinkers like James Q. Wilson of UCLA, Martha Nussbaum of Brown University, Charles Taylor of McGill University in Canada and Bernard Williams of Oxford in England propose is the renewal of the idea of virtue—or character—as the basis for both personal and social ethics.

though both express values. A virtue, by contrast, is a quality of character by which individuals habitually recognize and *do* the right thing. “Instead of talking about ‘family values,’” says Wilson, “everybody would be better off talking about the virtues that a decent family tries to inculcate.” To Wilson and thinkers like him, these are the four classical virtues, old as Aristotle and just as compelling today: prudence, justice, fortitude and temperance.

But they do need modern translation. Prudence, for example, is not cautious cal-

ulation but practical wisdom — recognizing and making the right choice in specific situations. It is the master virtue that makes all others possible. Justice, as the Greeks thought of it, includes fairness, honesty and keeping promises. Fortitude is courage — guts — not only in combat but, as Lincoln exemplified during the Civil War, in pursuit of the right path despite great risks. And temperance involves much more than moderation in drink. It is self-discipline, the control of all the human passions and sensual pleasures — anger and frustration as well as food, drink and sex. A person of good character, then, is someone who through repeated good acts achieves an appropriate balance of these virtues in his life. Like a successful tennis professional, the virtuous person plays a consistently good game.

ty — to Aristotle's four. To this day, Catholic candidates for sainthood are judged by those seven virtues — plus one that the Greeks never admired: humility. And in his own influential book, "The Moral Sense," Wilson adds compassion as the virtue by which we habitually extend to strangers that concern we readily show for family and friends.

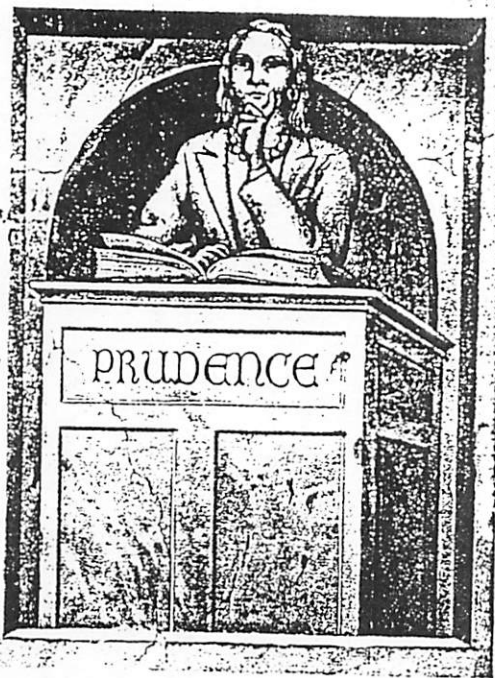
Can virtue be taught like academic subjects? This is what a number of public-school districts are asking themselves in response to parental demands that the classroom foster the formation of good character — as it did in the 19th century. Plato, whose philosophy focused on ideas, was inclined to think it could. But Aristotle was the wiser man. Unlike science and other intellectual pursuits, he reasoned, moral virtue is acquired only through prac-

textbooks. Good character comes from living in communities — family, neighborhood, religious and civic institutions — where virtue is encouraged and rewarded. For much of American history, that responsibility fell disproportionately on women: in the home, of course, but also in Sunday schools and one-room schoolhouses. But contemporary America is as far from its small-town past as ancient Athens is from midtown Manhattan. Sociologically, all of the core institutions that once transmitted moral education are in disrepair. The family has fractured; neighborhoods have disappeared or turned surly; many schools can barely educate, and even many churches wonder what to teach. "You can't have strong virtues without strong institutions," says Jean Bethke Elshtain, professor of political science at Vanderbilt University. "And you can't have strong institutions without moral authority."

But many Americans are unprepared to recognize any moral authority outside themselves. Even so, they are not without their value systems. Believers have their God, movement feminists their liberation, intellectuals their ideas, professionals their careers. In ethics, says MacIntyre, what we have are merely shards of competing moral traditions, none of them coherent. Among them the most prevalent is "the ethics of authenticity," a phrase that Canadian philosopher Charles Taylor uses to describe those whose controlling moral purpose is personal self-fulfillment. But even this narcissistic goal, popular since the '60s, cannot do without the virtues it refuses to recognize. As Wilson puts it, "Self-fulfillment presupposes that you have a self worth fulfilling."

The ethics of virtue has its problems too. Sometimes virtues clash, as justice and compassion often do. Choices must be made, one good placed above another. Judgments must be made, too, on the behavior of others in society, even if it rubs the tarnish off their self-esteem. No ethical system is perfect, which is why religion persists, with its ethic of forgiveness. But the rising national debate over character may bring at least this much: a public rethinking of the kind of people we really want to be.

With SUSAN MILLER in New York



PRUDENCE

Practical wisdom and the ability to make the right choice in specific situations



JUSTICE

Fairness, honesty, lawfulness and the ability to keep one's promises

Traditional though they may be, the four virtues are not written on stone tablets. In "After Virtue," the most widely read American book on moral philosophy of the previous decade, MacIntyre points out that different societies emphasize different virtues — and often add new ones. Loyalty, for example, was a highly desired virtue in the clannish world of Homeric Greece as well as feudal Europe. Obedience to God's commands was central to ancient Israel. Christianity added three theological virtues — faith, hope and chari-

tice. "We become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts," he wrote. Children, Aristotle observed, learn virtue by following rules of good behavior, hearing stories of virtuous people — like those in Bill Bennett's book — and imitating virtuous models: parents, friends and worthy public figures. A child born to bad parents or a citizen of a corrupt society, he concluded, had little chance of becoming a virtuous adult.

In short, an ethics of virtue cannot be learned alone. Nor can it be taught from

Frank Gregorsky, a former Gingrich aide, plumbs the annals of psychoanalysis to find what makes Newt tick

POST GAZETTE 11/1/85

No one who has ever worked with Rep. Newt Gingrich has a complete picture of him.

Back in April 1983, Newt told his D.C. staff: "There are consistencies of pattern but not consistencies of process. You can't predict from day to day what I'll do, but you can predict from day to day what, in a general way, I'll be doing."

In those days, he struggled to be heard and heeded. He assumed his staff could maximize his reach, if only they understood his method. He thought his GOP colleagues could seize the House, if only they would implement his latest 25 projects.

So Newt explained himself blue, while they — most staff, many allies — ran themselves ragged. Eventually, many of us just ran. Even when we could finally "do what he wanted," he suddenly no longer wanted it.

Becoming GOP Whip finally put some order into Newt's daily operations, and the speakership may complete the process. Yet my guess is that his hypercreative entrepreneurial nature will regularly override the new post's structure and scheduling.

If so, Newt's associates still require a yardstick, a divining rod, to truly "understand" him.

I have it:

Pages 222-25 of "The Portable Jung," a collection of writings by the pioneering Swiss psychoanalyst Carl Jung (edited by Joseph Campbell and published by Viking in

Consider these passages, taken from the section "The Extraverted Intuitive Type."

• (His) morality is governed neither by thinking nor by feeling; he has his own characteristic morality, which consists in a loyalty to his vision and voluntary submission to its authority.

Much like Bill Gates creating Microsoft or Andy Grove guiding Intel, Newt Gingrich obeys his vision. Unlike them, he is used to flying solo. As he told a senior staff group in September 1982: "I only have coherently explainable positions when I'm forced to stop and develop them." Otherwise he keeps piling intuition atop intuition.

• The stronger his intuition, the more his ego becomes fused with all the possibilities he envisions. He brings his vision to life, he presents it convincingly and with dramatic fire — he embodies it, so to speak. But this is not playacting, it is a kind of fate.

Yes, Newt has "known" since teendom how he was fated to shape and lead a transformed Republican party. Ego may help power such a person's overarching goal, but it is never the determining motivation.

• He seizes on new subjects with great intensity, sometimes with extraordinary enthusiasm, only to abandon them cold-bloodedly, without any compunction and apparently without remembering them, as soon as their range is known and no further developments can be divined.

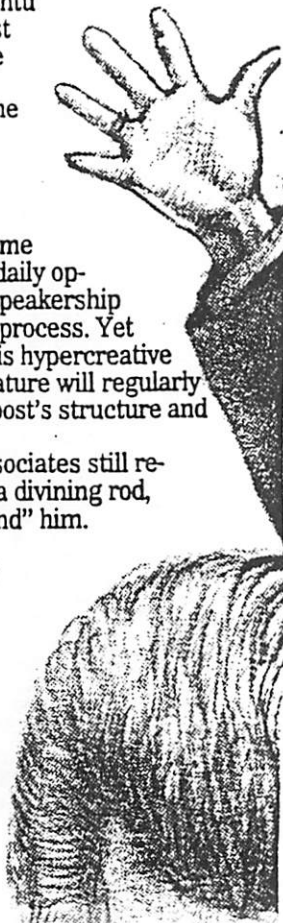
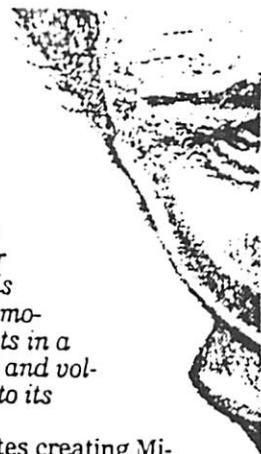
Anyone in Washington ever put in charge of a "Newt project" will nod at this passage's correctness. As Newt said in 1983: "I don't do by planning; I plan by doing." It's a workable formula for a creative individual surrounded by acolytes, but tends to cause chaos in a growing structure run by colleagues who need to trust the central figure.

• One gets the impression, which he himself shares, that he has always just reached a final turning point, and that from now on he can think and feel nothing else.

Anyone who has just heard the latest of several Gingrich presentations will concur. Newt acts and talks as if it's a total departure, when usually it's a 5 to 10 percent modification.

SEE GINGRICH, PAGE E-4

Frank Gregorsky was Rep. Newt Gingrich's administrative assistant from 1981 to 1983 and a staff member for the House Republican Study, Research, and Policy Committees. He wrote this for Roll Call, the Washington, D.C., newspaper covering Congress.



GINGRICH FROM PAGE E-1

Though amusing to insiders, this relentless enthusiasm keeps his talks immune to the cynicism lurking in every Washington job. More importantly, it facilitates national recruiting. (Cynics sometimes get to wage war, but only charisma can raise an army.)

• *The intuitive is never to be found in the world of accepted reality values, but he has a keen nose for anything new and in the making. Because he is always seeking out new possibilities, stable conditions suffocate him.*

And this is why Gingrich, even as Speaker, will be a revolutionary. He could not manage the status quo, making deals for the sake of omity, even if he wanted to.

This forecast has little to do with conservative ideology and everything to do with the type of leader and movement-personal-

ity he is fated to be.

Of course, the visionary psychologist Carl Jung never met the brilliant partisan Newt Gingrich. Yet every single line in the pages I cite appears to apply. (They come from the much longer 1928 paper, "Personality Types," which 15 years later was used to design the first of the Myers-Brigg evaluations.)

With such a tool, why rely on insider gossip and ideological tracts? Carl Jung long ago wrote Newt's basic script. Here's another example:

Since his intuition is concerned with externals and with ferreting out their possibilities, he readily turns to professions in which he can exploit these capacities to the full. Many business tycoons, entrepreneurs, speculators, stockbrokers, politicians, etc., belong to this type.

For a striking case study, explained by a guru Gingrich also likes, consult Peter

Drucker's 1983 essay on Thomas Watson Sr., whose vision drove IBM beyond time clocks and keypunch machines: "Watson saw and understood the computer 15 years before the term was even coined. He knew right away that it had to be radically different from a high-speed calculator. And he did not rest until his engineers had built the SSEC in 1947, which was the first machine "to combine electronic computation with stored programs, with its own computer language, and with the capacity to handle its instructions as data." (See chapter 33 in "The Frontiers of Management.")

Technologies then came in response to Watson's leaps of information-age insight. Similarly, the Republican-run House now taking shape will fill in gaps envisioned by Gingrich's intuitions of 20 years ago. Politics needs its entrepreneurs, too.

A final Jung sample:

Such a type is uncommonly important.

both economically and culturally. If his intentions are good, i.e., if his attitude is not too egocentric, he can render exceptional service as the initiator or promoter of new enterprises. He is the natural champion of all minorities with a future.

Doesn't that final line clinch my case? House Republicans finally have a future, Newt's intentions are good, and he has enough independently elected peers to head off dangerous lurches — all of which makes the prognosis excellent: American governance is embarking upon a five- or 10-year stretch that, at least on domestic reform, will make former President Reagan's best years seem like a sloppy rehearsal.

Shortly before I left his payroll, Newt advised the staff to read up on Winston Churchill. In one of the Manchester books, I found this description of him at age 41: "He is a wonderful creature, with a curious dash of schoolboy simplicity and what

someone said of genius — 'a zigzag streak of lightning in the brain.'"

So said British Prime Minister Herbert Asquith, sounding like Minority Leader Bob Michel appraising his own successor.

In Washington, reading Churchill is more common than studying Jung texts. But, if you seek to confirm the new Speaker's "consistencies of pattern if not of process," Jung's piece, written 15 years before Newt was born, offers the only direct path. It will help us "predict from day to day what, in a general way, (he'll) be doing."

I needed Dr. Jung's description a dozen years ago but didn't know where to look. Now, you do.

After you read it, you might say a prayer for the current generation of Gingrich aides. Why? It goes back to the point Drucker made about Watson: "Because visionaries cannot explain to the rest of us what they see, they have to depend on command."

SESSION 13 - FEBRUARY 29, 1996

NO CLASS

MARCH 5 - 7, 1996

SPRING BREAK

SESSION 13 - FEBRUARY 29, 1996

NO CLASS

**Due Date: Film Analysis Paper
(Submit paper to me by 4:30 PM)**

MARCH 5 - 7, 1996

SPRING BREAK

SESSIONS 15 through 19
MARCH 12 - 26, 1996
DECISION MAKING

Bryson and Crosby in Leadership for the Common Good provide a discussion of a public policy process based on a perspective that effective decisions are based on collective actions and successful leaders solve problems by being able to operate beyond their individual organizations. This strategy is pre-sented in comparison to the traditional policy process and illustrated through the use of two case examples; one on regional governance in the Metro Toronto area and the other on the remaking of U.S. abortion policy.

The book will be reviewed in sessions 15 - 19 in accordance with the following schedule.

Due Date: JOURNAL - MARCH 26, 1996

Readings:

March 12	Bryson and Crosby, Chapters 1, 2 and 3
March 14	Bryson and Crosby, Chapters 4, 5
March 19	Bryson and Crosby, Chapters 6 and 7
March 21	Bryson and Crosby, Chapters 8 and 9
March 26	Bryson and Crosby, Chapters 10, 11 and Conclusion

SESSIONS 20, 21 and 22 - MARCH 28, April 2 and April 4, 1996
LEADERSHIP, ACCOUNTABILITY AND DECISION MAKING:
Putting them together. . . .

Sessions 20, 21 and 22 will allow the student to apply what he/she has learned about leadership, accountability/ethics and decision making to situations involving public sector elected and appointed officials over the last year. To facilitate the discussion, we will use an ethics resource guide especially developed for public officials. In addition, a decision model and an illustration of its use are provided to reinforce the materials contained in the resource guide.

Readings:

"Decision-making," from An Ethics Resource Manual, A Self-Study, Self-Assessment Guide, "Thinking About Ethics," Southwestern Pennsylvania Regional Planning Commission, February 1994.

A series of articles from the Pittsburgh Post Gazette:

- Ronald Brownstein, "A Roster of Rostys?," 6/5/94
- Peter Yost, "Former Congressman Hubbard sentenced to prison," 11/10/94
- Harry Stoffer, "Kolter indicted in House Post Office probe," 11/94
- William Safire, "A salary cap for political celebs," 1/3/95
- Richard Cohen, "Travels with Espy," 10/94
- Stewart M. Powell and Holly Yeager, "Espy resigns over gifts," 10/4/94
- Matthew P. Smith and Roger Stuart, "Clear air, public says," 10/13/94
- Matthew P. Smith, "Board member will quit only if school chief does," 10/13/94
- Annette Sanchez, "U.S. to investigate Keystone Oaks on records privacy," 10/19/94
- _____, "Off camera," 9/17/94
- _____, "Foerster says he acted as a 'concerned parent,'" 9/18/94
- David Templeton, "Ethics probe shifts to sheriff," 10/12/94
- Pat Wilson, "Report on glass plant dealings takes aim at Jeannette officials," 10/14/94
- _____, "Citizens urge Jeannette mayor, solicitor to quit," 10/13/94
- Pat Wilson, "Jeanette solicitor is fired by council," 12/22/94
- Deborah Galle, "Developer questions fairness after denial"
- Eleanor Chute, "Officials cautious about zoning votes," 8/24/94
- Tim Reeves, "Official ordered to return payments," 10/8/94

- Tim Reeves, "Public schools retiree must pay,"
10/8/94
- Len Barcousky, "Ex-Butler treasurer guilty of theft,"
12/8/94
- Eleanor Chute, "Penn Hills admits sludge dumping,"
7/9/94
- Michael A. Fletcher, "Rehabilitated Barry to rebuild D.C.,
1/3/95
- Mike Bucsko, "Ex-school employee sentenced for assault,"
6/24/94
- Frank Reeves, "Ethics panel wants money repaid," 12/29/93

SECTION IV
DECISION-MAKING

PURPOSE

Decision-making in the public sector often entails ethical dilemmas. Before rendering a decision, a public official must wrestle with many influencing factors, which can test his/her own ethical beliefs.

Section II of this manual provides an individual a basic understanding of ethical philosophy. As a result, public officials can be better prepared to analyze their own decision-making, in accordance with public service ethics.

In order to assist public officials on decisions pertaining to public policy, a decision-making model is provided. The model utilizes a case example and a hypothetical decision regarding the case. The model is broken down into individual components in order to analyze the decision.

This systematic approach evaluates a decision in terms of three ethical criteria: utilitarianism, theory of rights, and theory of justice. The application of the three theories can provide a foundation for determining whether or not a decision is an ethical one.

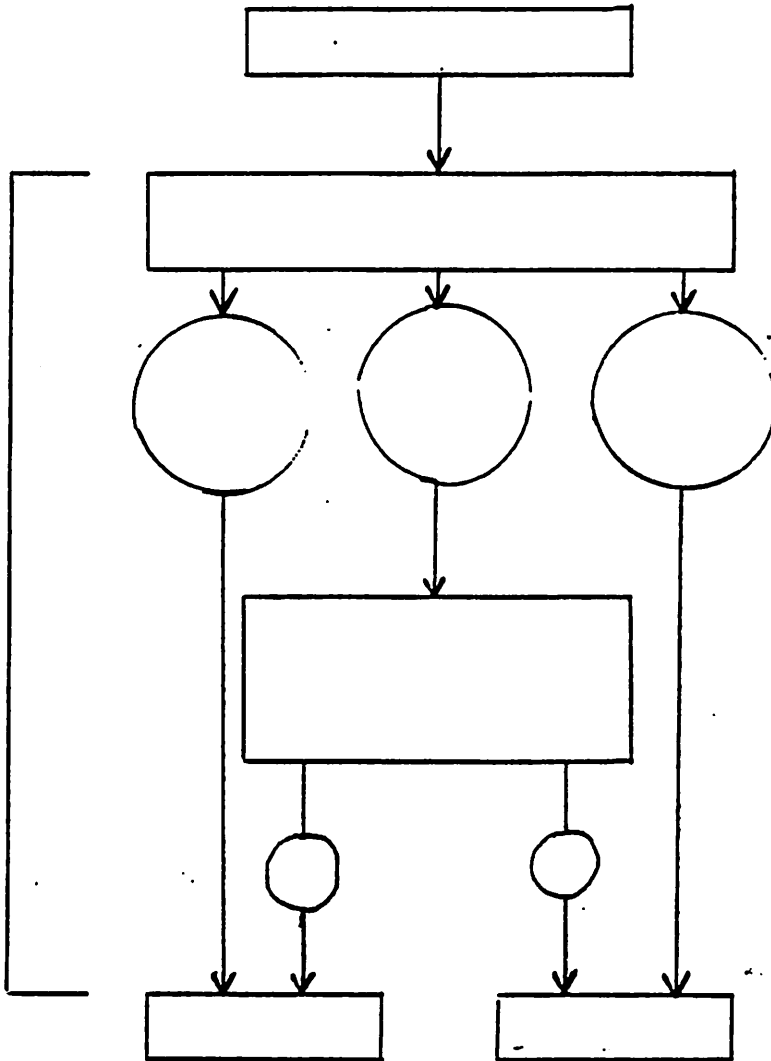
This model does not profess to offer a formula to give a definitive yes or no to a specific dilemma, but rather permits a public official to weigh the influencing factors surrounding an ethical decision.

DECISION-MAKING MODEL

DATA
GATHERING

ANALYSIS

JUDGMENT



The above diagram is a depiction of the model that will be used for decision-making. The following pages, through the use of the case example and the hypothetical decision, will lead the decision-maker through a step-by-step analysis of the decision. Each step of the model will be explained, as the analysis of the decision progresses to determine an ethical or non-ethical judgment.

CASE EXAMPLE

Officials in the Municipality of Hillcrest have been called upon to consider a petition granting a zoning variance to Joyful Homes. The petition asks permission for Joyful Homes to operate a group home for mentally and physically handicapped persons within the municipality. The municipality currently has no such facility of its kind operating within its boundaries.

Officials have received public testimony and a recommendation for approval from both the Planning Development Commission and the Department of Planning. Joyful Homes intends to provide a small community residence for five mentally retarded young adults between the ages of 16 and 18. These people have graduated to a program such as this which will provide a family oriented life style to further their development as young adults. A staff of five persons will supervise the program. |

The Planning Department recommends approval of this zoning petition for the following reasons:

1. The proposed use would not alter or detract from the character of the neighborhood.
2. The proposed use would be beneficial to the community as a whole by providing a needed public service.
3. It is important to promote the development of all types of housing within the Municipality and to uphold the Municipality's fair housing policy.

Although some citizens have responded favorably to the proposal, opposition far outweighs support. Petitions from a substantial part of the community against the proposal have been

presented. The majority of citizens are clearly opposed to Joyful Homes being located in Hillcrest.

HOW DO YOU, as a public official, resolve the ethical dilemma concerning the wishes of the people at Hillcrest and the individual rights of handicapped persons?

HOW DO YOU justify your decision based on ethical reasoning?

gather the facts
surrounding
the act or policy



The following facts have been extracted from the case example for use in the analysis section of the decision-making model:

- Joyful Homes, Inc., an organization that provides for the caring and well-being of mentally and physically handicapped persons, has petitioned the municipality for a zoning variance to operate a group home.
- No similar organization exists within the municipality.
- The Joyful Homes variance has been recommended for approval by both the Planning Advisory Council and the Department of Planning and Economic Development.
- The Joyful Homes operation would provide residence to three mentally handicapped young adults, under the supervision of four certified counselors.
- A substantial amount of petitions have been presented to municipal officials from residents in opposition to the Joyful Homes application.

Since the decision-making model evaluates a decision, the Joyful Homes application has been approved. The model will demonstrate whether or not this arbitrary decision is ethical.

HYPOTHETICAL DECISION: Joyful Homes application approved.

gather the facts
surrounding
the act or policy

Is the act or policy acceptable according to
the three ethical criteria:

- Utility - greatest good for the greatest number
- Rights - respectful of individuals rights
- Justice - compliance with the canons of justice

UTILITY

Question: Does the decision provide for the greatest good for the greatest number?

A decision based on Utility (Utilitarianism) affords the greatest number of people the best possible consequences.

Facts from the case example reveal that only three members of the community will benefit directly from this decision. Hence, according to Utilitarianism, the greatest number are not served, and therefore the decision to allow Joyful Homes to operate within the Municipality, does not satisfy the Utility Ethical Criterion. However, the Planning Department recommendations included the fact that Joyful Homes would provide a needed public service to the community as a whole. Although a public service is provided, the decision cannot be argued from a Utility standpoint because it clearly does not serve the greatest number of people. In addition, a majority of citizens have submitted

petitions in opposition to Joyful Homes. This substantiates the observation that the greatest good for the greatest number of people cannot be satisfied by allowing Joyful Homes to operate, in accordance with the Ethical Principle of Utility.

Answer: NO

RIGHTS

Question: Does the decision to approve Joyful Homes application respect the rights of the individuals involved?

In accordance with the Rights Criteria, any decision that violates an individual's right shall be considered unethical. These rights are those that guarantee an individual's most fundamental personal rights, such as Life, Freedom, Health, Privacy and Property.

A fundamental right that every individual possesses is the right to choose where he/she desires to live. To deny the Joyful Homes application to operate within the community, infringes upon the rights of the persons in the program to live where they so choose. Although, the individuals involved were not part of the decision to locate Joyful Homes, it is apparent that it satisfies their individual rights to live a normal life.

Conversely, does the decision violate the individual rights of the citizens opposed to Joyful Homes? No, a fundamental right does include the ability to exclude one from residing where they choose. Further, this practice, if permitted, would be discriminatory in nature, if the decision to exclude is based upon the violation of the rights of the disadvantaged persons..

Answer: YES

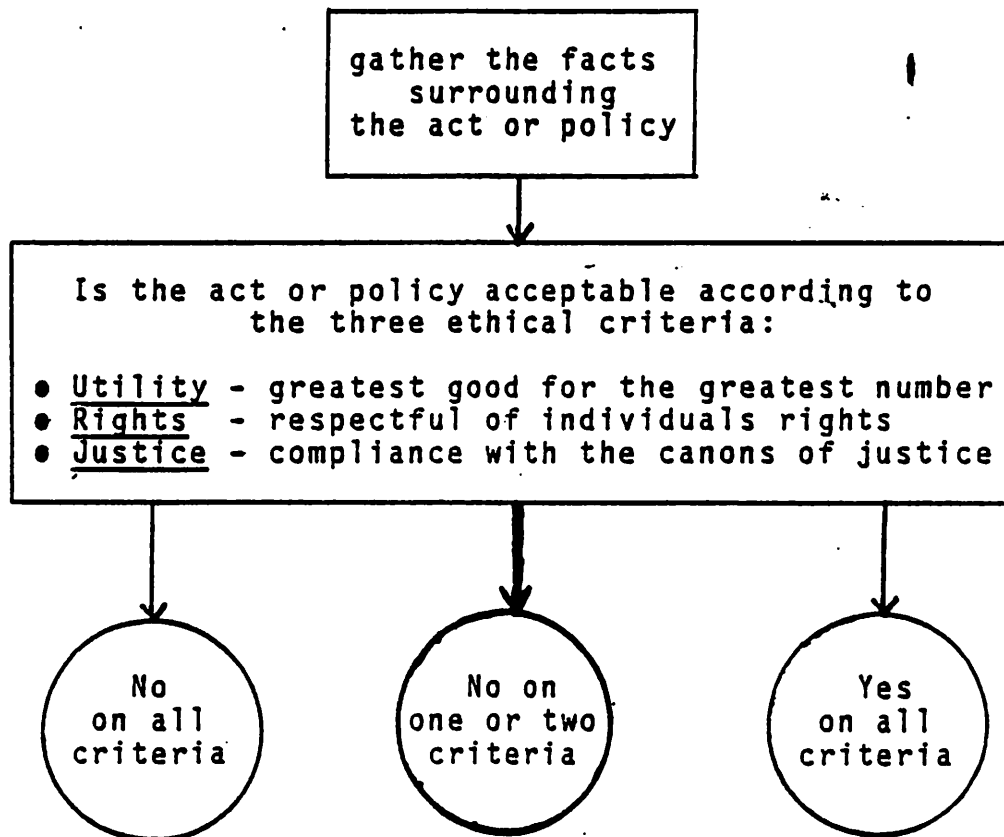
JUSTICE

Question: Does the decision comply with the Canons of Justice; Fairness, Equity, and Impartiality?

The Ethical Criteria of Justice include the equitable distribution of society's benefits and burdens.

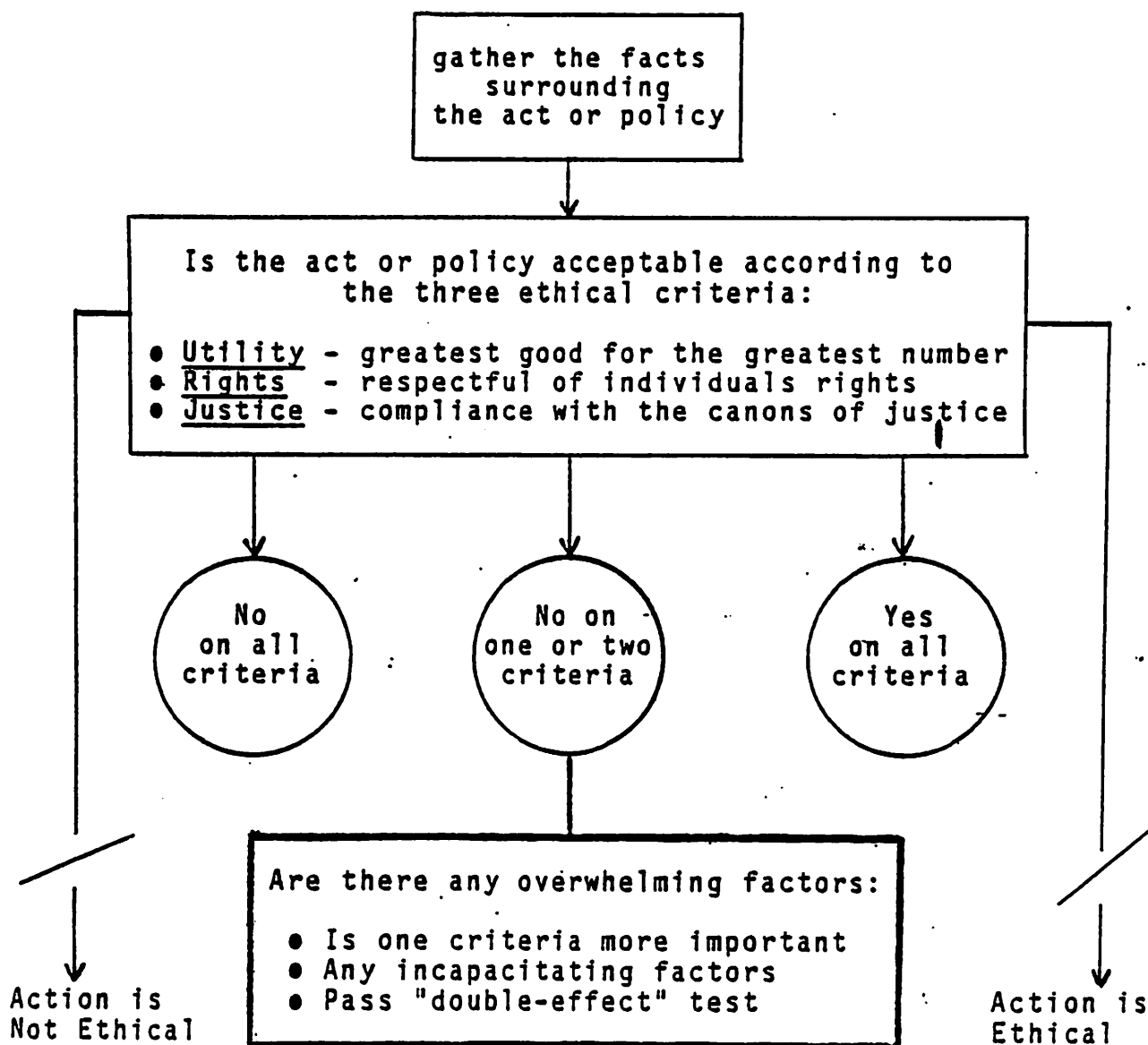
According to the Theory of Justice, the decision to accept Joyful Homes' application is proper. Justice ensures that minorities, the poor and the handicapped receive equal opportunities. In this case, the approval of the application provides for the protection of equal treatment and underrepresentation in society of handicapped individuals. Also, Justice dictates that society assumes the responsibility of welfare for less fortunate people.

Answer: YES



Evaluation of the decision to approve the application of Joyful Homes in relation to the three ethical criteria, reveals that the decision was ethical based on two theories (Rights and Justice), and unethical on the third (Utility).

Based on this analysis, the next step on the decision model is to follow the appropriate direction, which in this case is the middle path.



OVERWHELMING FACTORS - Defined

An overwhelming factor is anything that, in a given case, may justify setting aside one or all of the three Ethical Criteria.

Question: Is one criteria far more important?

In answering this question, it must be understood that one's own public service ethics will dictate the weight and priority afforded each criteria. In this example, the overriding criterion is based upon the Theory of Rights in respect to the handicapped individuals.

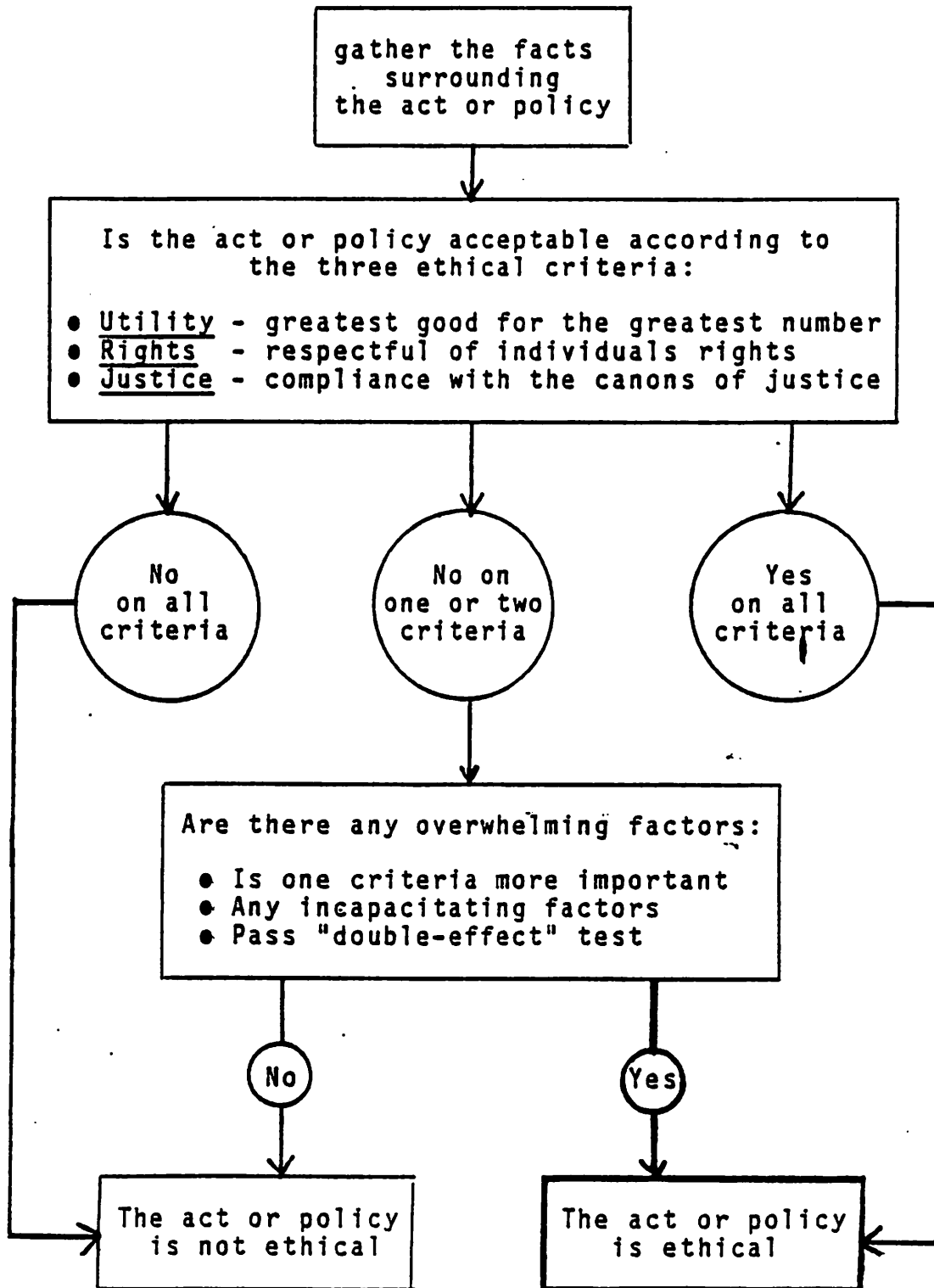
Question: Are there any incapacitating factors?

This refers to the decision-makers' rejection of adherence to relevant Ethical Criteria, due to such factors as inadequate information or well-reasoned doubt. There are no such considerations evident in this example.

Question: Does the decision pass the "double effect" test?

"This principle states that it is acceptable to make a decision that has two effects, one good and one bad, provided the decision-makers' dominant purpose is to achieve the good effect, and provided the good effect is important enough to permit the bad effect." The decision to approve Joyful Homes' application satisfies the "double effect" test. The good effect of preserving the rights of the handicapped individuals according to the Rights Theory, outweighs the bad effect of not satisfying the

Theory of Utility, in accomplishing the greatest good for the greatest number of people.



DECISION JUSTIFICATION

In summation, the overwhelming factor of Rights dominated the ethical decision-making process diagrammed in this model. The "yes" response, in answering the "overwhelming factor" question, confirms that the decision to approve the Joyful Homes application, is an ethical one.

As a corollary, had the initial decision been to reject the Joyful Homes application, this action could still have been ethically grounded in one of the three theories. For example, had an overwhelming majority of citizens objected to Joyful Homes, officials might have been compelled to follow the theory of Utility. The reasoning behind this choice can be justified by the fact that the officials are public servants and subsequently should respect the concerns of the people.

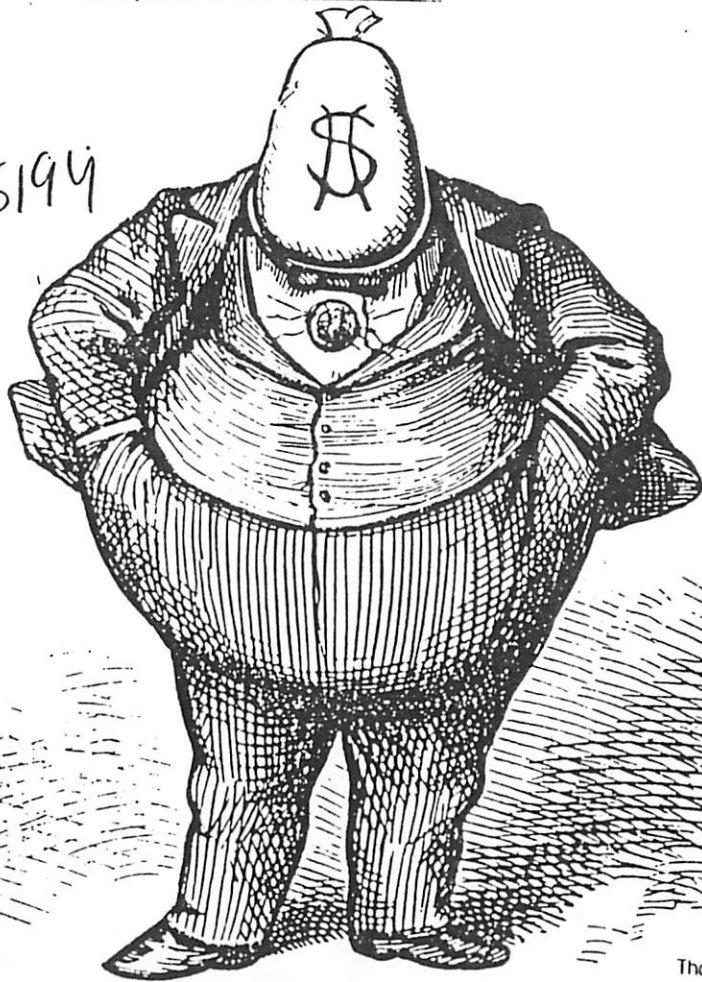
The ethical decision-making diagram used in this Section is taken from Gerald F. Cavanagh, S.J., American Business Values, (Prentice Hall, 1984), Chapter 5.

SUPPLEMENTAL CHECKLIST FOR DECISION ANALYSIS

These ten questions are provided as an aid to officials, especially in the analysis section of the decision-making model.

	YES	NO
— Have you evaluated the situation completely and accurately with all necessary information in order to make a clear decision?	—	—
— Have you evaluated the problem from all affected parties' perspectives?	—	—
— What is the basis for the current situation (why did it come to your attention in the first place)?	—	—
— Do you have strong feelings for one side or another based on something other than the facts, and are these feelings well grounded?	—	—
— How will you approach solving this situation (what line of reasoning will you take)?	—	—
— How will this approach be perceived by the affected parties, and what will be the likely result?	—	—
— Will your decision damage or injure something or someone, and to what degree compared to alternative solutions?	—	—
— Will your decision be as prudent over a long period of time provided the facts remain the same?	—	—
— Can you discuss your decision with confidence among those who request an explanation?	—	—
— In the same situation, are there any conditions which would change your decision?	—	—

PG
6/5/94



Thomas Nast

A roster of Rostys? .

Ronald Brownstein writes that congressional brushes with the law, while on the increase, are hardly commonplace

WASHINGTON

For years, the neighborhood surrounding Capitol Hill has been a high-crime area. Now the crime wave looks to be moving under the Capitol dome itself.

With the indictment last week of Rep. Dan Rostenkowski, the powerful Illinois Democrat who chairs the House Ways and Means Committee, criminal proceedings involving members of Congress are growing in number.

Two other former lawmakers are currently in federal prison for financial misdeeds, another is free pending appeal of a bribery conviction last fall, and still another is awaiting sentencing on charges of misusing public funds. Three other former legislators recently served time for bribery and related offenses.

In addition to Rostenkowski, two other senior legislators also are under indictment

Ronald Brownstein covers politics for the Los Angeles Times.

and at least two more appear to be the targets of FBI investigations.

In this century, only in the late 1970s — when Congress was rocked by the so-called Koreagate and ABSCAM bribery scandals — have so many members been in prison, just out of prison or facing the prospect of prison as now.

Even that accounting does not include the ethical lapses that did not lead to criminal prosecutions: the House Post Office and banking scandals, which implicated dozens of members, the sexual misconduct allegations against Sen. Bob Packwood of Oregon, the exertions to protect savings-and-loan owner Charles W. Keating Jr. by five senators, or the questionable financial transactions that forced the resignations of Democratic leaders Jim Wright and Tony Coelho in 1989.

Some attribute this confluence of scandal not to declining ethics but to intensifying scrutiny from the news media, public

SEE **ETHICS**, PAGE F-4

ETHICS FROM PAGE F-1

and prosecutors that has made behavior criminal that once was tolerated, if not endorsed. But others insist that the climate on Capitol Hill is encouraging legislators to confuse incumbency with immunity and power with license.

"There is a clear environment up there that the rules aren't to be enforced," says Fred Wertheimer, president of Common Cause, a group that monitors government ethics. "It does enormous damage to the institution because it allows lowest-common-denominator ethics to set the public standard for the institution."

Over the years, congressional scandals have covered the gamut of human misbehavior. Legislators have fallen into the bottle or the arms of prostitutes. Almost all the prosecutions of sitting legislators in recent years, however, have involved bribery, tax evasion or misuse of public funds. The list includes:

- New York Democratic Rep. Mario Biaggi, who served 26 months in a medium-security federal prison for an extortion conviction in a case involving Wedtech Corp., a South Bronx company that spent lavishly in its search of defense contracts. Fellow New York Democratic Rep. Robert Garcia also was convicted twice of extor-

tion in the case and at one point served three months in prison, but each conviction was later overturned by a federal appeals court.

- Former Rep. Lawrence J. Smith, a Florida Democrat who served three months last year for tax evasion and lying to the Federal Election Commission about using campaign funds to pay off a gambling debt.

- Pat Swindall, a former Republican representative from Georgia, is scheduled to remain until February 1995 in the minimum-security U.S. penitentiary camp in Atlanta after a perjury conviction in a case involving a personal loan. Undercover agents told him that the loan involved the proceeds of laundered drug money. Swindall has filed a brief with the 11th U.S. Circuit Court of Appeals, claiming new evidence and seeking to reopen his case.

- Former Democratic Rep. Nicholas Mavroules of Massachusetts is to be confined until September at a medium-security federal institution in McKean, Pa., after pleading guilty last year to an array of bribery and tax-evasion charges.

- Albert Bustamante, a former Democratic representative from Texas, was sentenced last fall to 42 months in prison for accepting a bribe but is free on bond while appealing his conviction to the Fifth Circuit

Court of Appeals.

- Carroll Hubbard Jr., a former Kentucky Democratic congressman, pleaded guilty in April to falsifying campaign reports, using public employees to work on his wife's campaign for Congress and obstructing justice. While awaiting sentence on June 30, Hubbard has solicited his former colleagues to send letters to the judge urging leniency.

- In addition to Rostenkowski, two other legislators are currently under indictment. Sen. David Durenberger, a Minnesota Republican, has been charged with fraudulently billing the Senate for use of a condominium he secretly owned. And R. Joseph M. McDade of Pennsylvania was indicted in May 1992, on charges of accepting bribes and illegal gratuities from defense lobbyists.

Published reports also have indicated that the FBI is investigating at least two other legislators: California Republican Rep. Jay Kim, on charges of illegally funneling money into his 1992 campaign from a business he owned, and California Democrat Walter R. Tucker, as part of an investigation of corruption in Compton, Calif., where Tucker formerly served as mayor.

Does this constitute a congressional crime wave? Compared to other profes-

sions, the frequency of ethical transgression in the contemporary Congress appears relatively high but not entirely out of line.

Over the last 20 years, about three dozen members of Congress either have been convicted of criminal offenses or censured by the House and Senate. That averages out to about 3.5 legislators in any two-year congressional session — or put another way, about one serious ethical sanction per 150 sitting legislators at any given time.

Compare that to lawyers. In the period from 1989-1990, the latest for which complete figures are available, about 4,500 practicing lawyers were publicly sanctioned by the American Bar Association. That averages out to roughly one serious ethical problem per 190 accredited lawyers over the two-year period.

But compared to historical standards, today's Congress might not look so bad. Throughout the 19th century, and even well into this century, Rostenkowski might have had considerable company in the activities for which he was indicted — allegedly padding his payroll and diverting official accounts to his personal use.

It is against the backdrop of such history — and the 20th-century equivalents involving the now-defunct urban political machines — that prominent Washington

defense lawyer Stan Brand labels the current surge of congressional prosecutions "part of the overcriminalization of life in America."

Brand attributes the rising number of cases not to deteriorating ethical standards but "higher level of scrutiny, more rules, less tolerance for old ways — not illegal ways but mores — and more aggressive prosecutorial theory, taking peccadilloes and violations of House rules or Senate rules and making them into criminal cases."

Prosecutors are devoting more energy than ever before to rooting out public misconduct. Since 1976, the Justice Department has operated a public integrity section that investigates Congress and other public officials: with 26 attorneys, it has 18 cases under active litigation and another 172 under investigation.

To most reformers, the real measure of Congress' ethical problems are found not in such egregious examples of misconduct, but in the corrosive workaday trading of money and favors permitted under current campaign finance and gift laws. For these critics, the workings of Congress testify to journalist Michael Kinsley's maxim: In Washington, the real scandal isn't what's illegal, it's what's legal.

NATIONAL

Former Congressman Hubbard sentenced to prison

By Pete Yost
The Associated Press

WASHINGTON — Former Rep. Carroll Hubbard was sentenced to three years in prison yesterday by a

judge who said the ex-congressman's crimes — including using congressional staffers for campaign chores — “seriously jeopardized” the public's confidence in government.

Seven months after pleading guilty to three felonies, Hubbard, D-Ky., declared himself “contrite, broken, remorseful” and hard-pressed to pay the \$153,000 in restitution ordered by U.S. District Judge Louis Oberdorfer.

Urging that Hubbard be given a stiffer sentence, Assistant U.S. Attorney Thomas Eicher said, “We have received . . . information” that Hubbard “had not acted in good faith” with prosecutors during a period in which he was cooperating with authorities. The information that Hubbard provided prosecutors, Eicher said, was “in some cases not accurate.” Eicher did not elaborate.

Hubbard agreed to work undercover for the FBI for six months last year in an effort to stave off prosecution.

He said he stopped cooperating with the government because he believed the FBI wanted him to be the bait in a sting operation against current members of Congress, his former colleagues.

Hubbard pleaded guilty in April to conspiracy to defraud the U.S. government by lying to the Federal Election Commission, theft and conversion of government property, and obstruction of justice.

Eicher said Hubbard had used his political contributions on “hairdressers, cable TV” and his wife's 1992 congressional campaign — and had then told a staffer to destroy the records of the crimes. Hubbard also asked his congressional staff to perform campaign duties during

work hours.

“The success of our system depends on public confidence in public officials,” the judge told Hubbard. “You have obviously and seriously jeopardized that confidence.”

His voice choking with emotion, Hubbard said he was sorry he had let down his family and his late father, who was a Baptist minister in Kentucky when his son was first elected to Congress.

“I accept full responsibility for my actions” and “I ask for leniency,” Hubbard said.

Defense attorney John Bray said that while in Congress, Hubbard was buried under tuition expenses for his daughters' college education and the cost of paying for residences in Kentucky and Washington.

“He was trying to make ends meet in a terribly expensive world,” Bray said. “The strain was great.”

Kolter indicted in House Post Office probe

By Harry Stoffer
Post-Gazette Staff Writer

WASHINGTON — Former U.S. Rep. Joe Kolter, a fixture in Western Pennsylvania politics for 25 years, was indicted yesterday on charges of stealing more than \$40,000 from taxpayers.

A federal grand jury charged Kolter, 68, a Democrat from Daugherty, with illegally getting cash from the House Post Office; using his congressional expense account to buy glassware, watches, jewelry, luggage and other items for private use; and concealing information from authorities.

A spokesman for U.S. Attorney Eric Holder said Kolter, if found guilty on all five counts, could be sentenced to as much as 35 years in prison and fined.

The charges stem from the same probe that led to the 17-count indictment in May of former House Ways and Means Chairman Dan Rostenkowski, D-Ill. He has not yet been tried.

Eight people have been convicted on charges stemming from the probe of the post office. They include former Kolter aide Gerald Weaver and former House Postmaster Robert Rota of Clarksville, Greene County.

Kolter attorney Alan Baron said late yesterday that his client would plead not guilty to the charges when he is arraigned.

Although Baron acknowledged that House records show Kolter used his expense account to make the purchases cited in the grand jury indictments, he said, "We have maintained that Joe Kolter did not commit any wrongdoing, and we continue to maintain that."

The arraignment, to be scheduled by U.S. District Court Judge Norma Holloway Johnson, is likely to be delayed because Kolter is recovering from knee replacement surgery on both legs, Baron said.

Attempts to reach Kolter were not successful. Rep. Ron Klink, D-Jeannette, who defeated Kolter in the Democratic primary in 1992, said the indictment was "a tragedy not only for the

person involved but for all public officials."

Klink said lawmakers had taken steps to tighten procedures in the House Post Office, but that more remained to be done.

The indictment charges that Kolter, with Rota's help, got at least \$11,000 in cash from the post office by making large stamp purchases and then getting refunds or having post office employees give him cash instead of stamps in exchange for stamp vouchers.

It also charges that Kolter used his office expense allowance to get merchandise worth more than \$33,000 from the House office supply store, none of it for public purposes.

It does not explain what happened to the goods other than to say "Kolter intended to and did keep them for his personal use or gave them as gifts to personal friends and associates."

According to Holder's office, the items bought included:

SEE KOLTER, PAGE A-5

- 650 pieces of china and glassware worth more than \$21,000.
- 40 watches and clocks worth more than \$4,300.
- 30 Mont Blanc pens worth more than \$3,300.
- 30 pieces of luggage worth more than \$2,000.
- Two gold necklaces worth \$220 each.
- 40 wooden card boxes with a scene of the U.S. Capitol on top, each worth \$28.

Although the House Post Office had been under investigation for some time, the probe caught the nation's attention when federal prosecutors in 1992 subpoenaed the expense records of Rostenkowski, Kolter and Rep. Austin Murphy, D-Charleroi.

Murphy, who is retiring from office this year, has not been implicated since then.

Kolter was an accountant, teacher and New Brighton council member before winning election to the state House of Representatives in 1968.

He ultimately rose to the chairmanship of the House Transportation Committee and then beat U.S. Rep. Gene Atkinson for a seat in Congress in 1982 after Atkinson switched from the Democratic Party to the GOP.

Kolter served five terms before

losing to Klink. His last salary as a member of Congress was \$129,500. He also receives a Pennsylvania state pension for his years in the Legislature.

Post-Gazette
NOV 94

A salary cap for political celebs

WASHINGTON
As a Nixon speechwriter a generation ago, I was delighted to get a check for \$150 from The New York Times for a piece about language. I told the White House counsel I would keep it because the article had nothing to do with my official duties and was written on my own time.

Counsel said to send the check back. Why? Because I was working full time for the U.S. government and it would be unethical to earn money on the side.

I grumped about returning the payment, but was gratified we had someone keeping the White House on the strait and narrow. (The counsel was John Dean, who later served time and gained bankable fame as architect of the Watergate cover-up; the only ethics he worried about were mine.)

This episode of denial of outside income was brought to mind by the

case of speaker-to-be Newt Gingrich's \$4.5 million book deal.

When first revealed, his contract to receive an advance of royalties expected from two books caused a furor. Newt at first dismissed the reaction as "book envy," a play on "penis envy," pointing to piddling advances paid to liberals in the past.

Newt had no sense of how unseemly his bonanza was — making it appear that the Republican scourge of society's freeloaders was promptly cashing in on his new position.

Two critics saved his neck. Democratic whip David Bonior, always against free trade, went overboard in professing to see a remote conflict of interest in the deal in the control of the publisher by Rupert Murdoch, whose interests may be affected by legislation. Bonior's excessive, partisan blast made Newt look put-upon.

The speaker was assisted further by an editorial in The New York Times, which suggested an apparently ethical way out: "He can forgo an advance and simply wait for the royalties to come in once the books are actually on sale."

Newt seized that opening and ran to daylight. As Bob Dole needed him and talk show hosts hollered "sellout," author Gingrich circulated a letter to his House colleagues announcing he would "forgo four and a half million dollars," awaiting the royalties after the books were sold.

Editorialists hailed his self-denial. Republicans in Congress heaved a sigh of relief, as if he had dealt forthrightly with impropriety.

But his quick fix misses the point. The ethical issue is not whether he gets paid in advance. The issue is how much, if any, outside income a

public official should be permitted to earn while on the public payroll.

Is it right for an elected official, drawing a salary from the public for his full-time talents, to capitalize on the celebrity and controversy gained through his office by writing books — or for that matter, by giving speeches, endorsing products or earning outside income in any way?

It's not against the law. Nor is it unprecedented: Gingrich showed us a list of books by legislators, including Vice President Al Gore's ill-selling screed on the environment, written more as a springboard for publicity than for profit. If Al can earn thousands, why not Newt

I have nothing against anybody making big money. Bleeding hearts should note that half of Newt's earned millions will go to govern-

ment in taxes. And the public interest is served when a sitting lawmaker invests extra personal effort in writing and articulating political ideas.

But —

Outside earning, drawn from memoirs of public service, or made possible by the celebrity gained by a time in office, should await the end of that service. That's what presidents have always done; that's what Gen. Colin Powell properly did in his \$6 million deal. To make serious money, first get out of government.

While in office, when books, CD-ROMs or profit-making on-line ser-

vices are undertaken, earnings should be capped; one-third of the official's salary is reasonable. Income in excess of the cap should go to the government, not to some preferred orphanage, because notoriety derived from government power gives value to the official's editorial output.

Public officials should not compete with private citizens as providers of media content. Officeholders should not line their pockets with the latest form of "honest graft."

William Safire is a syndicated columnist for The New York Times.

Post Gazette
January 3, 1995

Travels with Espy

So these are the new ethics — accepting luxury travel from a firm you regulate?

WASHINGTON

Either Mike Espy's a fool or he thinks we are. The former is not likely, the latter just plain insulting — but nothing else accounts for the agriculture secretary's insistence that he did nothing wrong in accepting favors from a humongous chicken producer with business before Espy's very own department. At the very least, he ought to say he's sorry but maybe, like some in Washington, he has too much in common with the industry he supposedly regulates: He's chicken.

In Espy's case, some facts are already pretty clear. The FBI says he accepted two trips from Tyson Foods, Inc., the ubiquitous Arkansas firm whose general counsel, Jim Blair, once helped Hillary Rodham Clinton make about \$100,000 in the commodities market. The first trip was from Arkansas to Washington and the second to Dallas where Espy attended the New York Giants-Dallas Cowboys championship game and sat in the Tyson skybox. Espy says he reimbursed Tyson for his transportation and lodging but that, my dear sir, is not the point. The point is that he shouldn't have gone in the first place.

Why? Because Tyson Foods is the country's largest poultry producer with a gaggle of interests before the federal government, the Ag Dept in particular. Espy was invited to the game, seated in the skybox and allowed use of the corporate airplane because he is the secretary of agriculture — not because he is a nice guy and a swell citizen. It was his government position, in fact, that probably (this is just the sheerest guess) persuaded Quaker Oats to give Espy one of its seats at a Chicago Bulls playoff game. Espy asked for the ticket and Quaker's CEO, William D. Smithburg, gave him one of his own — presumably the sort of thing he does for anyone who calls.

How Espy could defend such behavior is beyond me — and we



Mike Espy
Loves to fly and it shows

have not yet gotten to the matter of Espy's "companion." This is a word I hate since it is both an obfuscation and a perversion of the relationship between the Lone Ranger and, as they used to say on the old radio show, his "faithful companion, Tonto." In Espy's case, his Tonto is a certain Patricia Dempsey who also got to go to the Dallas game, stay at the Tyson Management Center in Arkansas and ride on the company airplane. Espy didn't reimburse Tyson for her, maintaining he didn't have to because she is not a government official. Well, no — but Tyson would not have put her up were it not for her relationship with Espy.

All of this is now being turned over to an independent counsel. Attorney General Janet Reno has asked that one be appointed and the appeals court is likely to oblige. Thus, we will once again have a million dollar investigation of a nickel-and-dime transaction, raising even more questions about the Agriculture Department's cozy relationship with the agriculture industry. The minimum Espy could do is own up to poor judgment and say he's sorry.

But he has not — and that is at least as troubling as any possible technical violation of federal law. When Bill Clinton campaigned for president, he vowed to change Washington's culture. But here is Espy not even conceding that he abused his office and, a bit later, Clinton himself saying he had the usual full confidence in his appointee. What he should have said is what Espy himself did not: That what happened shouldn't have happened — not in his administration, anyway.

But the same day Reno asked for a special prosecutor, the Clinton administration engineered the appointment of Tony Coelho, a former California congressman, as a so-called "senior adviser" to the Democratic National Committee. Coelho, who had resigned from Congress rather than face an ethics inquiry, has never been convicted of doing anything wrong, it's true, but it's also true that while in Congress he had failed to report a \$100,000 junk bond deal. He is now a senior vice president of a New York investment bank, Wertheim Schroder & Co., and will retain that position while on temporary duty with the DNC.

Coelho's appointment raises a puff of ethical dust. Not so Espy's actions. His transgressions are blatant. He not only accepted some favors from firms his department regulates, but he refuses to acknowledge that he did something wrong. If he could imagine himself as a consumer advocate, one of those who believe the chicken industry needs more regulation, seeing the secretary of agriculture in the Tyson skybox, he would have no trouble understanding where he went wrong. If he can't even appreciate that, then he is in the wrong job. Someone, probably Bill Clinton, ought to tell him.

Richard Cohen is a columnist for The Washington Post. Mary McGrory is on vacation.

Post-Corvette

Espy resigns over gifts

Tyson gave girlfriend scholarship besides travel, other favors

By Stewart M. Powell
and Holly Yeager
Hearst News Service

WASHINGTON — Agriculture Secretary Mike Espy resigned yesterday amid the disclosure that his girlfriend accepted a scholarship from a foundation affiliated with Tyson Foods Inc., the Arkansas-based firm with close ties to President and Mrs. Clinton.

White House officials said yesterday they found out last week that Espy's girlfriend, Patricia Dempsey, had accepted a \$1,200 scholarship from the foundation in order to continue her studies at the University of Maryland.

Espy, a former congressman from Mississippi, said his resignation is effective Dec. 31.

His announcement came as the White House counsel's office, the Office of Government Ethics and an independent counsel were looking into whether Espy broke federal law by accepting gifts, lodging and travel from Tyson Foods, a large food processor regulated by the Agriculture Department.

Espy has denied any wrongdoing but has repaid more than \$7,600 for personal expenses. He said he was stepping down to "overcome the challenge to my good name that

Espy quits over gifts from Tyson

ESPY FROM PAGE A-1

continues to distract me from my work."

He said he would now turn his "full attention" to his defense, adding: "I look forward to dedicating myself to vigorously answering all of the charges that are untrue and unfounded that have been made against me."

Clinton, in a statement released at the White House, said Espy's decision "will permit me to name a successor efficiently" and will "facilitate the work of the department."

Clinton said while Espy has insisted "he has done nothing wrong, I am troubled by the appearance of some of these incidents and believe his decision to leave is appropriate."

Espy conceded he was "indeed careless in managing some of the details of some of my personal activities," saying he had "failed myself."

Espy added: "For that I apologize to the president."

Espy, one of four blacks named to the Clinton Cabinet, helped Clinton fulfill his pledge to make his team "look like America." However, Larry J. Sabato, professor of government at the University of Virginia, speculated that Clinton won't necessarily replace Espy with a



Associated Press

Agriculture Secretary Mike Espy
During a GATT meeting yesterday

minority-group member.

"I think he's appointed so many African Americans and women that he's probably under less pressure than many elected officials to demonstrate diversity," Sabato said.

Possible successors to Espy, whose post shapes U.S. policies affecting the multibillion-dollar agriculture industry, include Rep. Mike Synar, D-Okla., who was upset in a primary last week; Ruth Harkin, head of the Overseas Private Investment Council, the wife of Sen. Tom Harkin, D-Iowa, and an earlier candidate for the post; Rep. Jill Long, D-Ind.; and Rep. Dan Glickman, D-Kan.

Espy is the second departure from the Clinton Cabinet. Defense Secretary Les Aspin stepped down last year.

Clear air, public says

PK 10/13/94
By Matthew P. Smith
and Roger Stuart
Post-Gazette Staff Writers

The scandal gripping the Keystone Oaks school district is interfering with the educational process, is dividing neighbors, and is an embarrassment to the district and the three boroughs it comprises.

That was the consensus of

residents who commented at a fiery school board meeting last night, where administrators and the board, both individually and collectively, were blamed for losing sight of their main purpose: educating children.

They claimed the district had been too caught up in the controversy that centers on an affair between school board member Deborah Werbel and suspended

administrator Thomas Foster, and the district's superintendent, Chester Kent.

For about 90 minutes, residents came to a microphone to talk about the scandal, but regardless of their views, almost all implored the board to clear the air and get back to education.

SEE SCANDAL, PAGE A-16

School district scandal creates uproar

SCANDAL FROM PAGE A-1

"Selected school board members have provided an atmosphere of mistrust, questioning and undermining of the authority and responsibilities which are reserved for the school administration. Let's put the individual agendas aside and for once, think and do the planning necessary to educate students," said David Rauth, a resident of Castle Shannon.

Some residents said they believed Werbel should resign and that Foster should be fired. Sara Hauck, a Dormont resident, presented a petition that she said carried 279 signatures demanding Werbel's immediate resignation.

But the majority of the roughly 60 people in attendance clearly sided with Werbel, who stayed mostly silent throughout the meeting.

"If you people think that removing Deborah Werbel is something that's going to solve the district's problems, you have another think coming," said Diane Veri of Dormont. "It's a much bigger problem than people think."

She and others said Kent was the one who should resign, contending that he had been dishonest in his dealings with parents.

Kent was not at the meeting. A public hearing scheduled for today on charges that could lead to Foster's dismissal was postponed indefinitely yesterday.

Peter Rubash, a lawyer with the

firm that serves as the district's solicitor, said the move was made to give Foster and his attorney time to consider a settlement proposed by the district and to give the district time to answer questions Foster had raised about his requests for documents and to subpoena witnesses.

While Foster said he received one settlement offer from the board Tuesday and immediately rejected it, Rubash said, "As far as I know, it was still on the table."

He would not elaborate on the details of the offer, but Foster did, drawing a surprised reaction from Rubash.

"We hoped this [would] be confidential and that it would lead to some sort of mutually agreeable resolution," he said.

Under the proposal, Foster said, he would have been kept on the district's books — unpaid — for four years in order to reach 30 years of service toward retirement. He said he would have received a paycheck, with retirement benefits and taxes deducted, but would have been required to give his pay back to the district. The arrangement was designed to improve his state retirement pay.

"Why they thought I'd consider something like this is beyond me. The bottom line is, it just smacks of being illegal. I'm not about to get involved in that," Foster said.

Rubash said the postponement of the hearing was a good-faith effort

to resolve the situation.

"We simply want to avoid the circus atmosphere," he said. "We want to be as fair as we possibly can."

Foster, former director of data processing and facilities, was first suspended and then told he would be fired after the school board was told of a videotape showing a tryst between him and Werbel in a van parked at the Galleria parking garage in Mt. Lebanon. Both are married.

A private investigator hired by Kent's attorney videotaped the tryst. At the time, Foster had been pressing the board to investigate what he says was the improper use of district time and personnel by Kent. He also charged that Kent had improperly spread rumors about him, Werbel and others.

Foster said he welcomed postponement of the hearing. On Aug. 31, the board directed his removal from his job and was to hold the hearing before voting on his firing.

"The bottom line is, the board has realized they've violated my civil rights. I think they were thinking all along that I was going to buckle. They've been wanting me to walk away."

Foster said the board didn't want information he had gathered or Kent's outside work as a legal expert to be made public. He said Kent had improperly used district time and personnel for the work.

Kent has denied any wrongdoing.

Board member will quit only if schools chief does

By Matthew P. Smith
Post-Gazette Staff Writer

Embattled Keystone Oaks school board member Deborah Werbel says she will quit only if Superintendent Chester Kent does, too.

Werbel has remained mostly silent since an affair between her and district official Thomas Foster was publicized. But after a business meeting of the board last night, Werbel said she had some things she wanted to say.

"I'm not making excuses for my behavior and I'm not asking for anyone's acceptance," Werbel said. "I just don't understand why they have used a Scud missile to go after a mosquito."

The affair came to light after the board learned from Kent's attorney that a private investigator he had hired videotaped a tryst between Foster and Werbel in a van at the parking garage of the Galleria in Mt. Lebanon.

On Aug. 31, the board directed that Foster be removed from his job. His hearing before the board,

which had been scheduled for today, has been postponed indefinitely.

During an agenda-setting meeting last night, board members were urged by residents not to show the videotape at a meeting, a possibility raised Tuesday by board Solicitor Peter Rubash.

Board member Ann Martin made a motion to prevent the tape from being aired publicly, but the motion was tabled by a vote of 5-3, with Martin, Werbel and board member Judith Campbell voting against tabling the motion.

"I have previously said I will stipulate to that tape, but for some reason, it's still being held over my head," Werbel said.

Werbel has said previously she has no intention of resigning her seat on the board, despite some calls from residents that she quit. But she held out the possibility that she might quit if Kent, who also is in disfavor with some residents, agrees to resign.

"If Dr. Kent resigns, if [board solicitor] Charles Steele resigns, then I would. I don't want this school district to suffer," she said.

Werbel said she could not elaborate on her reasons why Kent should resign.

"I have to be very, very careful about what I say," she said.

Werbel said she was pleased with the support she had received since her affair was publicized, but that her children, age 13 and 10, received some harassing telephone calls at home yesterday.

"I am livid about that," she said.

POST GAZETTE 10/13/94

U.S. to investigate Keystone Oaks on records privacy

By Annette Bassett Sanchez

Keystone Oaks School Board member Ann Martin said she was pleased that the U.S. Education Department will investigate the school district based on her claim that Superintendent Chester Kent disclosed information about her high school record without her permission.

Martin received a letter dated Oct. 5 from the department's Family Policy Compliance Office, acknowledging receipt of her complaint, which accuses Kent of violating her rights under the Family Educational Rights and Privacy Act.

The law, passed in 1974, sets strict guidelines for the release of information contained on education records.

LeRoy S. Rooker, director of the compliance office, wrote Martin that his office had asked Kent to respond to her charges.

In a separate letter to Kent, Rooker enumerated Martin's charges and asked Kent to send a response within four weeks of receiving the letter.

"I am pleased that someone is taking the problem seriously enough," Martin said. "For nine months I have been trying to get the board to look into this."

Martin said she learned that Kent had examined her school records when she read a Jan. 10 memorandum to the board from administrator Thomas Foster, who made numerous accusations of improprieties by Kent.

Foster, the district's director of data processing and facilities, was suspended without pay Aug. 30 after admitting to having an affair with school board member Deborah Werbel. The board has directed that Foster be fired.

Kent contends he looked into Martin's school record to try to learn what kind of board member she would be.

Foster told the board that Kent read portions of Martin's record to several district employees and told other district administrators about Martin's academic shortcomings in high school.

Martin said she filed a formal complaint against Kent with the board June 10.

The district's solicitors, Steele & Hoffman, looked into Martin's allegation and advised the board in May that Kent had violated state or federal laws by examining Martin's records.

In a written opinion directed to the board, the solicitors said the board could discipline Kent for his actions but advised members



Chester Kent

that his action of "inappropriate access of student records on one occasion" probably was not sufficient cause for firing.

Minutes of board meetings and executive sessions in May and June indicate that the board discussed Martin's complaint on several occasions.

On June 22, for instance, director John Montgomery made a motion to reprimand Kent for his actions and Jackson seconded the motion.

When it came to a vote, however, both directors voted against the motion and it failed 5-3, with Werbel, Martin, and Judith Campbell voting in favor of a reprimand.

Kent's attorney, Jerry McDevitt, said Kent had received the letter and was working on a reply, which he would not discuss.

"We will have our response to [Martin's] silliness when we get it done," McDevitt said.

Peter Rubash, an associate of Steele's, said the board and its solicitors would cooperate fully in the investigation.

Annette Bassett Sanchez is a Mt. Lebanon free-lance writer. Staff writer Roger Stuart contributed to this report.

Post Gazette. 10/19/94

Off camera 9/17/94

Foerster needs to explain whether he intervened

It's one thing for a public official to get special government treatment for a relative. It's something else to interfere with a criminal investigation.

Allegheny County Commissioner Tom Foerster apparently went to unusual lengths in June 1993 to identify and have removed a surveillance camera overlooking his stepson's residence. In the end, someone — we don't know who — cut the power cord to the device.

Whoever put the camera out of commission evidently was not motivated by some Orwellian fear of Big Brother. The device was mounted on a utility pole near the South Park home of Edward Gregory Zupancic, the commissioner's stepson. Mr. Zupancic was charged in 1991 on conspiracy charges to sell cocaine; the charges were dropped a day later. Last week Mr. Zupancic was indicted by a grand jury and charged with possession and distribution of 11 pounds of cocaine.

For whom was the person who interfered with the surveillance of Mr. Foerster's stepson acting? And what role, if any, did Mr. Foerster's intervention have in encouraging someone to act? The commissioner's silence encourages speculation of all sorts,

an entirely unsatisfactory result because in all likelihood he is going to ask for the public's trust again in 1995, an election year.

That trust may have been breached by the news that Mr. Foerster took a personal interest in the surveillance device near his stepson's home:

- Mr. Foerster brought out the county police superintendent to determine what kind of device it was:

- He called the state attorney general to see if the state was investigating his stepson.

- He contacted the office of the U.S. attorney in Pittsburgh, according to law enforcement officials.

- He called West Penn Power Co. to see if electricity to the device could be cut, according to law enforcement officials.

- He told his stepson in a phone conversation monitored by federal agents: "I called [the state attorney general] and the U.S. attorney and that spy camera is coming down."

A few days later, the camera was inoperative. We'd like to hear Mr. Foerster's side of the story. We think the hard-working people who enforce state and federal drug laws would, too.

9/18/94 Foerster says he acted as 'concerned parent'

Saying he was "acting as a concerned parent," Allegheny County Commissioner Tom Foerster has acknowledged that he "made a few phone calls" to law enforcement officials to find out whether his stepson was being investigated.

Foerster's stepson, Edward Gregory Zupancic, 30, of South Park, was indicted by a federal grand jury two weeks ago and charged with possession and distribution of more than 11 pounds of cocaine.

Reports then surfaced that Foerster had made calls before the arrest to try to discover who had placed a television camera on a utility pole near Zupancic's home.

"Initially, I was skeptical when Edward told me that he believed there was a surveillance camera outside his garage, until I saw it with my own eyes and received confirmation from [county police] Superintendent Robert Kroner that it was, in fact, a surveillance camera," Foerster said in a prepared statement.

Foerster married Zupancic's mother, Georgeanne Zupancic, in November 1990.

"I did what any concerned parent would do. I made a few phone calls to see how much trouble Edward was really in," Foerster said. "I did

not intend to impact or interfere with the investigation in any way."

But others associated with the Zupancic investigation said that Foerster sought to intervene with law enforcement officials.

Officials said investigators had evidence that Foerster called West Penn Power Co. to see if power to the device could be cut off.

Foerster acknowledged that he called West Penn Power and later state Attorney General Ernie Preate Jr. "to find out if Edward Zupancic was under investigation."

Foerster said Preate "could not confirm the existence of an investigation."

According to a conversation reportedly recorded by Drug Enforcement Administration agents monitoring Zupancic's cordless phone, Foerster told Zupancic that he had succeeded in having the camera removed.

A few days after Foerster's phone call, the South Hills Narcotics Task Force discovered someone had cut the power cord to the surveillance camera, making it inoperative.

Officials have not determined who cut the cord.

Foerster said he had not been questioned by law enforcement officials but he would be willing to talk with them.

Ethics probe shifts to sheriff

Washington County DA
not permitted access
to U.S. files on Fazzoni

By David Templeton
Post-Gazette Staff Writer

Denied access to files of the federal investigation of the late Washington County sheriff, James "Fuzzy" Fazzoni, District Attorney John Pettit is shifting his attention.

He plans to ask the State Ethics Commission to determine whether current Sheriff Samuel Secreet and two other men committed ethical or criminal violations by buying their deputy jobs from Fazzoni in 1991.

"Unfortunately, we were unable to obtain any information from the U.S. attorney's office," Pettit said during a news conference yesterday. "U.S. Attorney Frederick Thieman informed me that his file is closed and he said that anyone who was guilty had already been charged."

Thieman's office had accused Fazzoni of soliciting \$5,000 from Secreet and \$1,000 each from then-Deputy Timothy Nease and Deputy Carl Pitzarella. All three cooperated with Thieman's office during the subsequent investigation of Fazzoni.

Fazzoni committed suicide Feb. 28 — the day he was scheduled to plead guilty to a federal felony count of selling jobs while sheriff.

After Fazzoni's death, Pettit, still unconvinced that others should not be charged in the case, began investigating whether the three committed ethical or criminal violations. But Pettit's investigation hit a roadblock when Thieman refused to open investigative files.

"We did not stop him from going on with the investigation, but there are certain rules and regulations and constraints regarding grand jury materials," First Assistant U.S. Attorney Linda Kelly said yesterday. "What's relevant, too, is that our case is closed and we are of the decision that anyone involved in that situation has already been charged."

But Pettit said his letter to the ethics commission will include his opinion that Secreet and Nease "committed ethics violations" with potential for criminal violations as well.

Secreet, who defeated Fazzoni for sheriff in November, said the case had been "through the federal system and through the county system" without anyone finding evidence of wrongdoing on his part.

"That's because there is none" he said. "Now it's with the state. I welcome an ethics commission investigation and will cooperate, but I wish they would get over with this because it's putting a lot of strain on my family and myself. I've been cleared by the FBI and the U.S. attorney and it's still being pursued."

SEE PROBE, PAGE 8-6

Nease, who, according to Pettit, is employed as a police officer in the Fort Cherry School District, could not be reached for comment.

Pettit said he did not believe Pitzarella committed any ethical or criminal violations because he contacted law enforcement officials as soon as he was solicited for money, then helped with the investigation.

"He's correct," Pitzarella said of Pettit's assessment. "I was innocent before, and I am innocent now. I knew from the beginning that he had no charges against me. Anyone who cooperated with the investigation should have been commended for what they did."

Even if there was evidence of violations, Pettit said, he would have had to refer it to the state attorney general's office for prosecution because of the working association between his office and the sheriff's office.

Admitting that the case is an unusual one for his office, Pettit said politics had no bearing on his decision to investigate. He said Secreet and Fazzoni both opposed his election in years past.

"I tried to do everything as fair and impartially as I could with respect to the Fazzoni family and the people under investigation," he said.

Fazzoni's son, Jim, who attended the news conference, said he and his mother, Dorothy, were "very pleased with the job Mr. Pettit has done" in attempting to investigate the matter.

"It's always been our opinion that the U.S. attorney's office did not conduct its investigation to our satisfaction and never felt that what existed in the sheriff's office was a one-man show," Fazzoni said. "The fact that the U.S. attorney didn't release anything shows he's hiding something."

Report on glass plant dealings takes aim at Jeannette officials

By Pat Wilson *PC* 10/14/94

An attorney hired to examine the relationships between Jeannette officials and a New York businessman who sought to restart an idled glass plant has sharply criticized their dealings as secretive, self-serving and contrary to the best interests of the city.

In a written report, attorney Robert E. Durrant said his investigation showed that the city "was shockingly poorly served" by council members, Mayor Glenn Hoak and Solicitor Peter Troglio in their dealings with Abraham Zion, the New York investment banker who unsuccessfully tried to reopen the former Jeannette Glass Corp.

Hoak and Troglio, while involved in private financial dealings with Zion, enabled Zion to receive exceptionally favorable terms in loan agreements with the city, Durrant's report states.

The mayor and solicitor also conducted business concerning Zion in private, showing "an astonishing disregard for the proper conservation and use of public funds," the report states.

The Pittsburgh Post-Gazette has

obtained a copy of the report, which Durrant turned over to Hoak, Troglio, Jeannette council members and other city officials late last month. Despite repeated demands from residents to make it public, Hoak has insisted that the report be withheld from the public, saying he was acting on Troglio's advice.

The report and investigation concern the city's relationships with Zion, the beneficiary of a \$600,000 loan from state grant money that Jeannette received in 1987 to help redevelop the glass plant.

But after learning a year ago that the city improperly turned the money over to Zion with the provision that he did not have to pay it back, state officials demanded that Jeannette return the money. Zion gave the money back to Jeannette, which then turned back \$400,000 to the state.

Zion's relationships with the city have prompted criticism from members of a citizens' group, which has charged that city officials made deals in illegal private meetings that could leave Jeannette liable for unpaid state loans.

Jeannette Council hired Durrant

last October, for a \$7,000 fee, to investigate relationships between city officials and Zion. But council later told him to discontinue the investigation.

Durrant cautioned yesterday that his investigation was incomplete and that neither Hoak nor Troglio would allow him to interview them. He drafted the report after council, responding to citizens' questions about the results of an investigation paid for with tax dollars, asked him Sept. 14 to summarize his findings up to the point where his services were terminated.

Durrant's report makes no recommendations or calls for further action by outside agencies. But he said yesterday that "a reasonable person with some understanding of the law would conclude that some action is called for."

"The original scope of my charter [from council] indicated that, if I found anything that in my view ought to be turned over to responsible enforcement agencies, that we were obligated to do that," he said.

"It should be obvious from the report that I would have done more than send it [to city officials]" if council members had not ordered him to break off the investigation.

Hoak, Troglio and Zion could not be reached for comment. Durrant declined to comment on what, if any, agencies he believes should investigate further.

His report states that Hoak and Troglio drafted loan agreements with Zion in exchange for only a "vague promise" that Zion's company, Zion Bullitt Limited Partnership, would "continue its efforts" to restart the glass plant.

Hoak and Troglio secretly signed a release waiving the city's right to collect the borrowed money from Zion — a release that was not signed by council members until 17 months later, at a closed "emergency" meeting Nov. 17.

The city's interests were not adequately represented in those deals, Durrant states, calling the agreements "one-sided . . . unconscionable and amateurish to the point where [they] were unenforceable."

"These actions by the mayor and solicitor cannot be justified. Public business cannot be conducted in this manner. The lack of 'sunshine' on this transaction shocks the conscience," the report states.

Hoak "demonstrated a nearly complete disregard for his obligations as an elected official" because he also had accepted a private loan from Zion, Durrant said in the report. That compromised his ability to properly represent the city's interests in negotiations with Zion, the report states.

The report also said Troglio performed private legal work for Zion while working for the city and allowed city officials to conduct business concerning Zion in private.

"This raises deeply troubling issues," Durrant said in the report,

noting that under state law, Troglio should have obtained a waiver from the city before agreeing to represent Zion and should not have overseen the drafting of financial agreements that were favorable to Zion

Citizens urge Jeannette mayor, solicitor to quit

pg 1813141
Jeannette residents called for the resignation of the mayor and solicitor during a council meeting last night.

The citizens' anger was the result of a report to the city that alleges conflict of interest on the part of several high-ranking members of city government. The report, provided by Pittsburgh lawyer Robert Durant at the request of Jeannette residents, followed an independent investigation of Mayor Glen Hoak, Solicitor Peter Troglia and council members regarding business dealing with New York entrepreneur Abraham Zion.

The controversy centers on Zion's plan to reopen the former Jeannette Glass Corp. But Zion abandoned the plan because of what he called bureaucratic meddling and interference from politicians.

Jeannette has been trying to recover \$600,000 from Zion since state officials last year demanded repayment of \$1.1 million in state loans.

Although Durant's report has not been made public, the citizens urged council to vote to oust Hoak on the basis of its findings.

"You, council, must take this man's job away from him," said resident Debbie

Evangelist.

A former councilman, Jim Brooks, said, "You people need to consider resigning and let the city move forward."

"Don't hold your breath, Mr. Brooks," Hoak replied.

After Brooks refused to relinquish the floor, Hoak ordered police Chief Carl Mat: to eject him.

Councilman James Solomon later moved to release the report to the public, but the motion failed.

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12/22/94

THE REC

Jeannette solicitor is fired by council

By Pat Wilson

Jeannette council fired Solicitor Peter F. Troglia last night, responding to a state investigative report that strongly criticized his dealings with a developer who unsuccessfully sought to reopen the Jeannette Glass Corp. plant.

Council's vote followed the release last Thursday of a report by state Inspector General William Chadwick. The report stated that Troglia, Mayor Glenn Hoak and former Jeannette Director of Community Development Paul Zollinger had violated state ethics laws in their handling of a \$600,000 state loan to New York businessman

Abraham Zion.

Chadwick, who reviewed a series of loans and grants to Zion, referred his findings to the State Ethics Commission, which is investigating the city's dealings with Zion.

In his report, Chadwick said Troglia, Hoak and Zollinger failed to satisfy their responsibilities to the city by loaning Zion \$600,000 in state funds and later agreeing to forgive repayment of the loan. Zion has since repaid the loan and the report concludes that the state did not lose any money.

The move to fire Troglia was led by councilmen Edmund Holmes and James Solomon, who had made a motion last month to terminate his services. A vote on that motion was tabled because Troglia was not present.

Troglia again was absent last night, but council voted +1 to fire him. Hoak cast the lone dissenting vote.

Troglia's firing drew applause from about 75 people who formed a standing-room-only audience. Troglia could not be reached for comment.

Former councilman Jim Brooks called for Hoak to explain his back-dating Zion's loan agreements, signing secret documents, releasing Zion from repaying the loans, and other actions cited in the inspector general's report.

Hoak said his attorney, whom he would not identify, had advised him not to comment.

After the meeting, however, he said, "I will ride this out until the end."

Council also voted to release to the public a highly critical report compiled by Pittsburgh lawyer Robert Durrant, who had been hired by council to investigate the city's involvement with Zion.

Durrant's report said Hoak and Troglia had "shockingly, poorly served the city" while dealing with Zion by secretly signing documents that released Zion from repaying the loan. Troglia also abused his relationship with the city by performing legal work for Zion at the same time, Durrant said.

Pat Wilson is a free-lance writ from Jeannette.

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MARSHALL

Developer questions fairness after denial

By Deborah Galle

A developer says he was "not given a fair shake" by Marshall supervisors last week when they turned down his Alsdale Manor condominium plan.

The decision came last Wednesday after board members listened to three hours of testimony during a site-plan hearing. That followed a six-hour conditional-use hearing the week before.

"There's a group of obstructionists sitting up on that board," said developer Al Baumgartner of Bridgeville after a 4-0 vote to deny approval of his requests for a conditional-use designation and a site plan.

Board members and many neighbors said the proposal failed to comply with township codes.

Baumgartner had wanted to build 20 condominium units in four townhouses on 2.25 acres adjacent to Route 910 and the Highpoint housing plan. The units would have sold for about \$130,000 each.

The township's planning commission approved the plan in May, in spite of the protests of more than 15 Highpoint residents who cited concerns about how the plan would affect traffic safety and their property values.

Conditional-use and site-plan hearings before the supervisors were required to determine if the plan complied with township codes. Among the requirements was that the plan would not detract from the existing community.

During the proceedings last week, Vice Chairman Mark Friese listened and commented by phone from eastern Pennsylvania, but did not vote.

The developer's attorney and architect debated with neighbors and

"There's a group of obstructionists sitting up on that board."

— Developer Al Baumgartner

board members over the question of compliance. Residents said it fell short on several counts. They said the plan would increase the already high accident rate along the steep and curved stretch of Route 910, and that it offered an unsafe location for a proposed bus stop. And since downhill left turns into the driveway would be prohibited, they worried that condo owners, returning from work via Interstate 79, would cut through their neighborhood instead.

Edward Gamble, attorney for the developer, argued that traffic would increase by less than 1 percent because of the project and that planned road improvements could make left turns safe in the future.

Board Chairman Marshal Auron was unconvinced.

Gamble said Auron and the residents' statements were conjecture, and that they had no credible evidence to support their arguments. He said two traffic studies showed that the plan would be safe, though one called for the left-turn restriction.

Timothy Wetzel and other Highpoint residents stressed that they would have endorsed plans for a controlled number of upscale, owner-operated condominiums on the

site. But Baumgartner's plan was too dense and intrusive, and at \$130,000 per unit, would undermine the value of their \$200,000 homes. Fifteen residents attended the meeting.

"He's only trying to appease the board so he can pack as many units in as he can," said Rick Steigerwald. Steigerwald said he objected to the unobstructed view of the buildings only yards from his property line and to the noise that 20 air conditioners and 40 cars would generate.

Resident Debbie Zapanovich said she would have a constant view of and smell from the condo Dumpster, proposed just below her property line. Garbage would be picked up once a week.

Supervisor Richard Scavo made the motion to deny approval. Auron backed up the residents' complaints, saying drainage and parking-lot landscaping were inadequate, the driveway was poorly placed and the proposed white-vinyl siding too reflective. He also said the township code required the lot to have only one "principal" building.

Gamble said the items cited were subject to interpretation or could be corrected, and that where ambiguities exist, the law requires a ruling that favors the landowner.

But Auron countered with a paraphrase from the Hippocratic oath taken by doctors, and said the board was committed to "doing no harm to the community."

Although Baumgartner had a right to use his land as he saw fit, the board had a right to enforce zoning requirements, and the plan was found to be deficient, Auron said.

After the hearing, Baumgartner

attorney about his options.

Free-lance writer Deborah Galle covers Marshall and Quaker Valley School District.

Officials cautious about zoning votes

Court invalidated vote of Monroeville councilman on shopping-center plan due to prejudice

By Eleanor Chule
Post-Gazette Staff Writer

They're your council members, but think of them as a judge and jury when it comes to zoning matters. They can give plenty of opinions on curfews and parks. But courts are telling them to keep their opinions to themselves until the facts are in when it comes to zoning matters.

The latest municipality to get hit with such a ruling is Monroeville, where Commonwealth Court in July ordered it to vote again on a proposed shopping center known as 4004.

But this time, council must vote without Councilman Richard Lopiccolo, who had lobbied against the proposal.

In 1990, council defeated the shopping center proposed for Monroeville Boulevard at Stroschein Road on a 4-3 vote, including a negative vote by Lopiccolo. Council may vote on the matter in October.

This most recent reminder of the courtlike duties required by some council actions has drawn attention in other municipalities.

When Wilksburg council in July was reviewing the Envirotec proposal for an emissions-testing station, borough solicitor W. Timothy Barry cited the Monroeville case and urged member John Day, who represents the 1st Ward where the site is located, not to vote because he had testified against it at a planning commission meeting. Day abstained.

Municipal solicitors give a wide range of opinions on the impact of the Monroeville case, but at minimum it is drawing fresh attention to the special role of council members in zoning cases.

"[Biased action by council members] occurs now and then. But the court was quite clear this time that this kind of activity should occur no longer."

— Victor Delle Donne, land-use lawyer

Monroeville solicitor Jack Cambest has been getting lots of calls from other solicitors asking about the implications of this case.

Cambest thinks the theory behind the judges' ruling has long been in effect, adding, "I think the judge looked at this case in a very fact-specific manner and said, 'Mr. Lopiccolo, you've overstepped your bounds as a public official in this case.'"

Victor Delle Donne, a local land-use lawyer, said he thought that the combination of facts and the decision provide "clear direction" from the court for municipalities.

"[Biased action by council members] occurs now and then. But the court was quite clear this time that this kind of activity should occur no longer."

Barry said it long has been established that council members can't vote on a case when they have a personal interest in it. But he said this case looks at how far a council member can go in representing his constituents in a public issue without losing his right to vote on it.

In the Monroeville case, Lopiccolo — who represents the residents in the district in which the proposed center is located — spoke in opposition to the shopping center at a planning commission meeting

and wrote letters of opposition to his constituents on council stationery.

One letter urged residents to hammer "the next nail in the coffin of this ill-conceived project" and another urged help in defeating the "latest example of a greedy developer."

At a council meeting, he tried to trade votes with other council members, saying they'd need his support later on other issues.

On behalf of the three-member panel, Commonwealth Court Judge Doris A. Smith wrote, "It is clear that Councilman Lopiccolo was predisposed against his appellants' project, and his actions in opposition, particularly the letters on official council stationery, clearly demonstrated his bias and should have precluded him from participating in council's vote on appellants' applications."

As to the court's decision, Lopiccolo said, "I'm not going to comment."

Solicitors emphasize that this ruling affects zoning cases — in which council acts as a judge and jury — not legislative cases.

If the issue involved, say, a curfew proposal, Cambest said, "I don't think there's any problem in Rich writing a letter and holding a public

meeting in his ward, expressing his opinions on gangs and curfews in the letter, asking people to come to the meeting to hear a speaker, land helping to draft the legislation that would go into effect."

Cambest thinks public officials still can do such lobbying on a zoning matter, but then such officials wouldn't be permitted to vote on it.

Blaine Lucas, a land-use lawyer, said applicants in zoning matters were entitled to due process. If the council members are predisposed before hearing the evidence, then due process is denied.

County solicitor Ira Weiss said municipal officials were required to be of an open mind on zoning matters under the Municipal Planning Code.

"Where the problem is under the Municipal Planning Code, it isn't always a matter of pure discretion. There are criteria that have to be met to be entitled to certain relief under the code. The courts have said when council is doing that, they have to be impartial."

Some solicitors are advising their clients to beware.

Weiss said: "It is difficult as a public official to be sure you're able to do certain things. I have advised boards to err on the side of caution."

Patrick J. Clair, chairman of the Association of Municipal and School Solicitors of the Allegheny County Bar Association, said: "It's difficult because these things are matters of great local interest. All of the people involved in the government process are local people. The statutory framework is such they have to be very cautious as to which hat they are wearing at which moment."

PG
M:11
8/24/91

Official ordered to return payments

By Tim Reeves
Post-Gazette Harrisburg Correspondent

HARRISBURG — The state Ethics Commission has found that Chartiers Valley School Director Jeff Choura illegally pocketed \$1,500 in district money by submitting bogus airline tickets to the district for reimbursement.

The commission slapped Choura with its maximum penalty, saying Choura's conduct was an "affront to both the taxpayers and the children of the district."

The commission also said it would refer the matter for criminal prosecution.

Choura could not be reached for comment yesterday.

The commission found that Choura used the bogus ticket scheme at four education conferences he attended as a Chartiers Valley school director. The conferences, held between 1988 and 1990, were in Orlando, Fla., New Orleans,

Anaheim and San Francisco.

In each case, the commission found that Choura purchased full-price airline tickets and submitted them to the district for reimbursement, which he received. But the commission determined the tickets never were used. Instead, the commission hinted that Choura flew for free, or at great discount, through his job as a flight attendant.

Choura has been a flight attendant with American Airlines since 1984, according to the commission. He has been a Chartiers Valley school director since 1975.

The commission determined that Choura received \$1,502 in reimbursement for bogus airline tickets between 1988 and 1989, and that he was not entitled to the money.

However, the commission said its authority to levy penalties for incidents prior to 1989 is being challenged in court. So the commission sanctioned Choura only for the bogus airline tickets he submitted for a 1990 conference in San Francisco.

Choura, according to the commission, said that "bad bookkeeping" was to blame.

The commission did not buy it.

"We find such a ludicrous statement to be totally lacking in credibility, considering the effort that was expended by Choura as to these trips in contriving to submit reimbursements for bogus airline tickets."

SEE CHOURA, PAGE B-4

POST GAZETTE

OCTOBER 8, 1994

School director to return funds

CHOURA FROM PAGE B-1

The Ethics Commission said it was particularly troubled that a "school board member would not only violate the public's trust . . . but further take money for his personal benefit which could otherwise be used for the educational needs of

the children of the district.

"For every dollar that Choura improperly and illegally pocketed, that was one less dollar which could be used for the purchase of a textbook or for some program or service that could be offered by the district."

Choura was ordered to pay \$319 restitution to the district, representing the value of the "bogus" ticket for the San Francisco conference.

He also was ordered to pay triple damages, amounting to \$957, to the state Treasury.

ETHICAL LAPSES

The state Ethics Commission has ordered two men from two school districts to repay money and referred the cases for possible prosecution.

Public schools retiree must pay

By Tim Reeves
Post-Gazette Harnsburg Correspondent

HARRISBURG — A former Pittsburgh Public Schools employee improperly steered school business to companies owned by his wife, the state Ethics Commission has ruled.

Armand A. Zangrilli, who was plumber foreman for the city schools until 1992, was directed to repay \$1,690 to the district, representing the benefit he received on the business improperly referred to his wife's two plumbing companies.

The Ethics Commission also ordered Zangrilli to pay a \$5,070 triple-damages penalty to the state Treasury. The case also is being referred for possible criminal prosecution, the commission said.

Zangrilli, who retired from the city schools in 1992, lives in Conneaut Lake. He could not be reached for comment.

In June Zangrilli was sentenced in Crawford County to 60 days house arrest and two years proba-

tion for assaulting an Ethics Commission investigator, after the investigator had served him with subpoenas at Zangrilli's Conneaut Lake home.

Zangrilli was found to have kicked the investigator's car-door shut, injuring the investigator's arm and hand and shattering the car window.

The Ethics Commission, in a plodding, 150-page report, determined that A&D Mechanicals and ADAM Specialty Supplies, both owned by Zangrilli's wife, Donna Luke, received \$230,946 in school district business between 1989 and 1992.

But the commission found only two instances, totaling \$1,690, in which Zangrilli clearly used his official position at the city schools to steer the business to his wife's companies. That's the requirement for a violation of the state Ethics

Act — using one's official position for private, pecuniary gain.

So Zangrilli was ordered to repay that money to the district, along with the \$5,070 penalty to the state.

The case also will be referred to "the appropriate law-enforcement agency," the commission said. Typically, the commission makes such referrals to state Attorney General Ernie Preate Jr.

The commission's report is highly critical of Zangrilli's conduct, describing "an elaborate scheme" to steer district business to his wife's companies.

The commission also concluded that Zangrilli's denials of the scheme were unbelievable. "We are convinced that [Zangrilli] will avoid the truth, twist the truth and deliberately lie to further his own interests," the commission concluded.

DECEMBER 13, 1994

Post Gazette

Three quit council jobs in Blawnox

By Matthew P. Smith

Three Blawnox council members, including President Wayne Fusaro, resigned last night, citing a potential conflict of interest with a management firm favored by Mayor Thomas Smith and other council members for a contract.

Moments after they resigned, John MacKay was appointed to fill a council vacancy. MacKay then voted with the remaining three council members to hire Resource Development & Management Inc. to help manage the borough at a rate of \$2,500 per month.

Also resigning were councilmen John Lattimore and George McBriar.

Fusaro said the three resigned

because they believed there would be a conflict between the management firm and the borough's solicitor, John Cambest. One of Cambest's law partners, James Dodaro, is executive vice president of RDM.

Fusaro said the conflict could leave the borough and its officials liable in the event of litigation.

But Smith said Fusaro resigned because he has a personality conflict with RDM's president, Joseph Hohman, the former director of the Allegheny County Department of Development, where Fusaro once worked.

Smith and newly elected council President Wesley Rohrer said Cambest assured them there is no conflict under Pennsylvania law. Smith said that in the unlikely event of litigation involving RDM, council would hire outside legal counsel.

Fusaro noted that Dodaro is a member of the Pennsylvania Turnpike Commission. Smith is employed by the turnpike as a field investigator. MacKay is a turnpike toll collector.

A 1986 graduate of Butler High School, she was appointed treasurer in January 1990 from among eight applicants and was elected to a four-year term in 1991. Former Mayor Martin Taylor, who preceded Flick as treasurer, had pressed council to appoint her. Flick, 21 at the time, had worked seven months as a part-time clerk under Taylor.

Flick had been suspended Aug. 5, 1993. While she was on vacation, state police and county investigators seized boxes of files, computer printouts and ledgers from her office.

Tim Morgus was hired in January to complete the remaining two years of Flick's term at an annual salary of \$17,275.

The city treasurer's office collects about \$5 million annually in taxes and fees for the city.

The probe of Flick's office began after residents complained that tax payments made to her had not been recorded. Flick resigned her post Dec. 28, but the case had remained unresolved while an audit of her office continued.

Long, Butler County's district attorney, Flick was charged with two theft counts, receiving stolen property and record tampering.

The charges came after a joint investigation by Trooper James Huff of the white collar crime unit of the state police and the district attorney's office.

Flick was arraigned Wednesday before District Justice Dennis Armstrong in Butler. In entering her guilty plea, she agreed to cooperate with Butler officials regarding the return of city money, according to the statement from Long's office. Flick and investigators have not reached any agreement regarding other punishment, according to the city treasurer of Butler has pleaded guilty to stealing municipal money.

Long said the investigation took place because of the condition of the treasurer's office. "Record-keeping was in such a state that it was very hard for

her husband, Daniel, said any comment on the case would have to come from Haller. Haller said neither he nor Flick had anything more to say.

She also faces possible jail time, probation and fines. Her lawyer, John T. Haller Jr., agreed to have his client plead guilty to multiple charges in the case, according to a statement released yesterday by Sheryle L.

Stacy L. Flick, 26, has agreed to pay \$30,000 in restitution and \$13,000 in investigative costs, according to investigators.

Sixteen months after she was suspended from her job, the former city treasurer of Butler has pleaded guilty to stealing municipal money.

By Len Barcousky
Post-Gazette Staff Writer

EX-Butler treasurer guilty of theft

Stacy L. Flick, 26, agrees to cooperate in the return of city money.

THE REGION

Post Gazette
12/13/94

THE REGION

An Allegheny County municipality becomes the first in the country to plead guilty to an environmental offense.

Penn Hills admits sludge dumping

By Eleanor Chute

Post-Gazette Staff Writer

Penn Hills pleaded guilty yesterday to illegally discharging sludge from three sewage treatment plants, becoming the first municipality in the nation to be convicted of an environmental crime.

U.S. District Court Judge Alan N. Bloch accepted the plea made yesterday on Penn Hills' behalf by Mayor William DeSantis, who became mayor after the violations.

Sludge is the leftover waste the sewage treatment plant can't process and which must be removed and taken to a disposal site. Instead, Penn Hills discharged it into the Allegheny and Monongahela rivers.

Bloch set the sentencing for 2 p.m. Sept. 9. Penn Hills faces fines ranging from \$15,000 to \$1.5 million.

The conviction is a national first, according to Herbert G. Johnson, trial attorney with the environmental crimes section of the U.S. Justice Department in Washington, D.C. However, he added that a few

sewer or water authorities in the nation also have been convicted.

J. Alan Johnson, special counsel for Penn Hills, urged DeSantis not to comment after the court session.

In March, Penn Hills Council agreed to enter the guilty plea on three counts to avoid being indicted on more than 100 counts, with potential fines ranging from \$500,000 to \$50 million.

The plea presented yesterday states that Penn Hills failed to remove and properly dispose of sludge on Oct. 11, 1990, at the Gascola sewage treatment plant; on July 14, 1989, at the Sandy Creek sewage treatment plant; and on Oct. 18, 1990, at the Long Road sewage treatment plant.

One sign of excess sludge is the amount of suspended solids in the treated water leaving the plant.

Connie Bowden, assistant U.S. attorney, said that on Oct. 11, 1990, suspended solids were seven times the legal limit at the Gascola plant, according to county Health Department reports.

She noted similar figures at the Long Road plant but didn't have comparable numbers for Sandy Creek.

An earlier version of the plea covered longer periods of time — nearly a three-year period at the Long Road plant — but the final plea was narrowed to one day at each plant so the municipality wouldn't be fined for each day a violation was alleged.

By statute, the fines range from \$500 to \$500,000 on each count.

The afternoon criminal plea followed a morning hearing on the civil side of the case, also before Bloch.

That hearing was on the fact that Penn Hills missed a May 31 court-ordered deadline for completing construction of three holding tanks. The tanks are designed to contain sewage until it can be treated. In the past, Penn Hills discharged raw sewage into the rivers when sewage treatment plants were overloaded, such as in times of heavy rain.

Penn Hills argued that the harsh

winter was a main reason for the delay. Bloch said he would decide whether to fine Penn Hills after receiving more information about the weather.

Even though the tanks weren't completed, they were able to hold sewage and be operated manually by early June, thus stopping the bypasses of the treatment system, according to Robert Ging, special counsel to Penn Hills.

But attorneys for the U.S. Justice Department, the federal Environmental Protection Agency and the state Department of Environmental Resources maintained that Penn Hills had adequate time and opportunity to meet the deadline and should be fined.

Penn Hills is under an order by Bloch to complete more than \$30 million in sewer improvements by Jan. 31, 1996, including hooking up with the Allegheny County Sanitary Authority.

Bloch already has fined Penn Hills \$52,000 for missing an earlier deadline.

Rehabilitated Barry to rebuild D.C.

By Michael A. Fletcher

The Baltimore Sun

WASHINGTON — Marion Barry completed his remarkable political comeback yesterday, triumphantly taking the oath of office that returned him to the mayor's job he left in disgrace four years ago.

The inauguration ceremony, held before some 3,000 people in the University of the District of Columbia gymnasium, was rich in the symbols of redemption that have fueled Barry's campaign to recapture his old job.

Poet Maya Angelou, who spoke at President Clinton's inauguration, praised Barry for being strong enough to win, "despite it all." The mayor's stepdaughter, Tamara Masters Wilds, sang a resounding rendition of "Amazing Grace," her voice soaring on the lyrics, "I once was lost but now I'm found, was blind but now I see."

And after being sworn into his fourth term as mayor, Barry himself said, "I am grateful to the citizens of Washington for giving me a second chance to lead our great city to a new dawn."

Barry has indeed been given an extraordinary second chance. In 1990, he was caught smoking crack in an FBI sting operation that was captured on videotape and shown around the world.

After serving a six-month prison sentence for a misdemeanor drug conviction, he was elected to a four-year term on the City Council in 1992. And last May, he announced his candidacy for mayor, eventually winning the primary and general elections by comfortable margins.

Throughout his political comeback, Barry claimed to be a new man. He was newly married (to his fourth wife), claimed to be spiritually reborn, and said he was drug- and alcohol-free.

As he launched his candidacy for a fourth term as mayor, he said that his life could be an inspiration for this city, which is struggling under the burden of a high murder rate, an

eroding middle-class population and staggering debt that has pushed the government to the brink of insolvency.

He again sounded that theme during his inaugural address, saying that if he was able to transform his life, then the city should also be

able to recover.

"I believe we can turn the impossible into the possible," Barry said to thunderous applause. "I know we can do this, because I've done it. If Marion Barry can do it, then my city can ... rise up and believe in itself again."

Post Gazette
January 3, 1995

Ex-school employee sentenced for assault

Post Gazette

6/25/94

By Mike Bucsko
Post-Gazette Staff Writer

A former plumbing foreman for the Pittsburgh Board of Public Education was sentenced yesterday to 60 days of house arrest and two years of probation for assaulting an investigator for the State Ethics Commission.

Armand Zangrilli, 50, also was sentenced to serve 100 hours of community service and to pay a \$900 fine and \$500 in restitution to the state. The sentence was handed down by Crawford County Common Pleas President Judge Gordon R. Miller.

Zangrilli was convicted last month of simple assault, a misdemeanor, and of harassment, a summary offense, in the Oct. 8 attack on Daniel Bender, an ethics commission investigator.

For more than two years, the ethics commission has been investigating whether Zangrilli used his position with the Pittsburgh school system to arrange the district's purchase of \$220,531 in supplies from two companies owned by his wife, Donna Luke. The commission's investigation is continuing. Zangrilli retired in 1992 after the investigation began.

Zangrilli could not be reached for comment yesterday.

Zangrilli threatened Bender when the investigator went to Zangrilli's Conneaut Lake home to serve subpoenas. Bender's left elbow and a finger were injured when Zangrilli kicked a car door shut as Bender was entering the driver's seat. The driver's side window was shattered in the incident and cost \$289 to replace, according to court records.

The attack on Bender was the first on an ethics commission employee in at least a dozen years, said Rob Caruso, the ethics commission's director of investigations. Caruso said the sentence was "appropriate considering the fact was Mr. Bender was unarmed and just there serving papers."

POST GAZETTE 12/29/93

Ethics panel wants money repaid

By Frank Reeves

Post-Gazette Harrisburg Correspondent

HARRISBURG — The state Ethics Commission has ordered three former Wilkinsburg council members to pay back money they illegally took for travel expenses while they were on the council.

The state Ethics Commission ruled that former council members Dennis O'Leary, Peter Mathis and Ronald Hill violated the state Ethics Act by accepting the money.

In separate decisions released this week, the Ethics Commission:

- Ordered O'Leary to reimburse the borough \$1,227 for travel expenses he accepted for a conference in Las Vegas in 1986 that he did not attend.

- Told Mathis to pay back \$480 for "excess expenses" for attending the Allegheny County Borough Association annual meeting in Seven Springs, in September

3 former Wilkinsburg council members cited for illegally taking travel expenses

1986.

- Ordered Hill to pay back \$536 for "excess expenses" for attending the same borough association annual meeting in Seven Springs in September 1986.

O'Leary, Hill and Mathis could not be reached for comment.

The men were members of the council during the 1980s, when charges of financial mismanagement and corruption emerged as a political issue in the borough.

Sylvia Lafranchi, who becomes the borough mayor next week, said, "I am overjoyed. . . . I would hope this will serve as a hallmark to people that justice does prevail."

Lafranchi, along with council member Alexis Nedley, were chief organizers of the Citizens Coordinating Committee — a fact-finding group that delved into the borough's finances and brought many questionable practices into light.

According to the Ethics Commission, Hill in 1986, then a borough council member, was selected by the council to be the borough's delegate to the annual meeting of the Allegheny County Borough Association. Although Wilkinsburg prepaid for Hill's hotel accommodations, meals, and conference registration fees, the commission said Hill received an additional \$536 with "no justification whatsoever."

That same year, Mathis was selected alternate delegate to the annual meeting of the borough association. The Ethics Commission found that "Mathis received \$480 in reimbursements for the trip, which had been prepaid both as to registration and hotel costs by the borough."

Also in 1986, O'Leary was authorized to attend the seventh annual National Road and Street Maintenance Conference and Product Equipment Display, held at the Riviera Hotel in Las Vegas, Nev. The conference was from April 21 to April 23.

The borough paid for O'Leary's airfare. It also advanced him money for his meals and a hotel room, according to the Ethics Commission.

But the commission said although O'Leary traveled to Las Vegas, he never attended the conference. He left before it began.

SESSIONS 23 through 28
APRIL 11 - 30, 1996
DISCUSSION: STUDENT CASE STUDIES

ASSIGNMENT:

The last segment of the class schedule will be devoted to a series of student case studies involving leadership, decision making and accountability issues. The cases will be presented formally as a 10-12 page paper and informally as a 20-30 minute report and discussion to the class. Each student will be responsible for: selecting a case study topic, researching the facts and circumstances of the case, analyzing the situation to identify ethical problems/dilemmas, and indicating measures (legal or otherwise) to address the situation.

Topics will be real, recent in occurrence and deal with a public policy and/or management issue. Potential topics include: federal level of government --- the balanced budget amendment and welfare reform; state level of government --- the impeachment of PA Supreme Court Justice Rolf Larson, the constitutionality of Texas and Cali-fornia state laws to limit educational, social welfare and health care benefits to illegal immigrants, local level of government --- favoritism/nepotism in hiring practices, land acquisition and development transactions which involve public officials; case fixing in the county court system, the limitation of political involvement by public employees, and general applicability --- drug testing of public employees, and ethical issues associated with downsizing and privatizing public services.

Criteria for case evaluation will include:

- comprehensive chronology of facts and circumstances
- accurate assessment of ethical dilemma(s)/problem(s)
- identification of appropriate remedies and enforcement measures
- paper written in three distinct segments
 - facts/circumstances
 - ethical analysis
 - identification of remedies
- inclusion of bibliography of sources cited
- appropriate use of footnotes or endnotes
- sentence structure, grammar, spelling, punctuation

DUE DATES:

A draft of your case study will be due on **April 11, 1996**.
(I will return it with suggestions/comments for revisions.)

The revised papers will be due on the last day of class,
April 30, 1996.

FINAL EXAM - MAY , 1996
