

Ethical Problems in Public Careers: Lying

Participants in public life often face ethical dilemmas when they are called upon to transmit information. Honesty may in fact be the best policy, but does it apply in any and all situations? This is a matter of some controversy. This case starts from the recognition that prevailing practice in public life often condones—and sometimes requires—departures from any grand standard of “the truth, the whole truth, and nothing but the truth.” It focuses on the issue of the public official’s obligation to tell the truth: how strong is this obligation, to whom, and under what circumstances does it apply? When—if ever—is deception justified? And can any guidelines be formulated to help resolve the difficult ethical issues that regularly confront participants in public affairs?

This case is actually a set of ten minicases. In each, some participant in public life faces a decision of whether or not to tell the truth. Some, you will note, are entirely fictitious; others are drawn from actual occurrences. Some involve elected officials, some political appointees, and some nominally private citizens in public roles, such as journalists, lobbyists, and consultants. In each, you are asked to judge whether you believe the particular statement in question to be, on balance, morally right or wrong.

Read each case carefully and then circle the appropriate letter on the answer sheet following case #10. After all students have finished, your instructor will tally the vote for each case. Class will then proceed to a discussion of why individual class members voted as they did.

Ethical Hypotheticals

1. Analyst muffles uncertainties

It is January 1969. Governor Francis Sargent of Massachusetts is facing the issue of whether or not to approve plans for the construction of a state medical school. The school is supported by its proponents as a way to increase the number of practicing physicians in the state and as a means of expanding medical educational opportunities for Massachusetts residents. Plans call for the construction of a new 400-bed teaching hospital and a new classroom and medical sciences building in Worcester. The school is to enroll an annual class of 100 students.

Of major concern to Sargent, however, is the cost of the proposed school. Official estimates have recently raised the projected costs of construction from \$80 million to \$124 million. While it is hoped and expected that approximately half of this amount would come from the federal government,

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the state's share is still uncomfortably high. Moreover, the school's annual operating costs are projected to cost the taxpayers an additional \$12 to \$15 million indefinitely.

Despite its defects, the proposal has the solid support of the leadership of the state legislature and of organized labor. Sargent knows that to block the project he must have a convincing and workable alternative. He commissions a professor of management science at MIT to do a cost-benefit analysis of the proposal and of several alternatives to it.

During the course of his analysis, the professor comes to favor a system of "community medical schools," an innovative concept in which the basic medical sciences would be taught at one central facility, while clinical instruction would take place in existing hospitals scattered around the state. The analyst believes that, under this alternative, the cost per additional practicing physician might be less than half of the existing proposal. He knows that, as a new and untried method of medical education, the plan contains a large number of uncertainties, uncertainties that could substantially affect the estimated costs. To maximize the proposal's attractiveness, however, he deliberately understates those uncertainties, and instead presents his most optimistic estimate of its costs and benefits as if it were based on "hard" data.

Is the analyst's action right or wrong?

2. JFK, the "deal," and the denial

On Saturday, October 27, 1962, at the height of the Cuban Missile Crisis, President John F. Kennedy receives a letter from the Soviet government proposing to strike a deal. The Soviet Union, the letter offers, will dismantle and remove its missiles from Cuba if the United States agrees to a similar withdrawal of its nuclear-armed missiles stationed in Turkey. In fact, Kennedy twice ordered the removal of these obsolescent and vulnerable missiles in the months prior to the October crisis. But each time the Turkish government had objected, and so the missiles remained—an easy target for Soviet retaliation should the United States be forced to take military action against the missiles in Cuba.

Kennedy believes, along with virtually all of his advisers, that the Soviet offer is unacceptable. To back down under fire, he reasons, would be to demonstrate that the United States was willing to trade off European security for its own. It would undermine the credibility of America's pledge to defend Europe against Soviet attack, and would invite the Soviets to stage another missile crisis elsewhere—only this time in a situation where the military deck was not so heavily stacked in America's favor. But he also knows that tens of millions of Russians and Americans might soon be dead if he cannot find some other way to resolve the crisis.

Kennedy decides to ignore the Soviet proposal and to respond favorably to an earlier, private letter from Premier Khrushchev to himself, in which the Soviet leader had offered to withdraw the missiles in Cuba in return only for an American pledge not to invade the island. But to sweeten the deal, guessing that Khrushchev's colleagues may have subsequently raised the price of Soviet withdrawal, Kennedy has his brother Robert inform Soviet Ambassador Anatoly Dobrynin privately that, while there can be no Cuba-for-Turkey exchange made under pressure, the president had already ordered the removal of the American missiles in Turkey and would make sure the order was carried out speedily.

At a press conference on November 20, after the crisis had passed and after the congressional elections that were on Kennedy's mind during October 1962, the following exchange occurred:

Q. Mr. President, in the various exchanges of the past three weeks, either between yourself and Chairman Khrushchev or at the United Nations, have any issues been touched on besides that of Cuba, and could you say how the events of these past three weeks might affect such an issue as Berlin or disarmament or nuclear testing?

The President. No. I instructed the negotiators to confine themselves to the matter of Cuba completely, and therefore no other matters were discussed. Disarmament, any matters affecting Western Europe, relations between the Warsaw pact countries and NATO, all the rest—none of these matters was to be in any way referred to or negotiated about until we had made progress and come to some sort of a solution on Cuba. So that has been all we have done diplomatically with the Soviet Union the last month.

Now if we're successful in Cuba, as I said, we would be hopeful that some of the other areas of tension could be relaxed. Obviously when you make progress in any area, then you have hopes that you can continue it. But up till now we have confined ourselves to Cuba, and we'll continue to do so until we feel the situation has reached a satisfactory state.

Was this answer sufficiently forthcoming?

3. Woodward lies to Deep Throat

Investigative reporter Bob Woodward has uncovered a source on Watergate that he calls "Deep Throat." He has been getting information from Deep Throat for more than a month. Woodward has come to suspect that presidential aide H.R. Haldeman was deeply involved in the Watergate affair but has little hard evidence to back up his suspicions. He tries to get Deep Throat to fill him in on the extent of Haldeman's involvement, but Deep Throat is reluctant to reveal more than he already has. Therefore, trying to get Deep Throat to confirm his suspicions, Woodward falsely tells him that he and fellow reporter Carl Bernstein have a story for the following week saying that Haldeman was the fifth person in control of disbursements from a secret slush fund, and that the *Washington Post* has already decided to print the story.

Is Woodward's lie defensible?

4. The Election Debate

It is November 1969. John Lindsay is running for reelection as mayor of New York. His principal opponent is Mario Procaccino, a conservative Democrat. In a TV debate the Sunday before election day, Procaccino charges that Lindsay has “made a deal with the landlords.” More specifically, he claims that (1) Lindsay has a secret report on housing in New York City, (2) the report states that rent control is at the heart of the city’s housing problem, and recommends revisions of the rent control law which will result in massive rent increases, and (3) the report is being suppressed until after the election.

In fact, Lindsay knows that two city consultants (RAND and McKinsey) have done such a study for the Housing and Development Administration. He has not seen their report, but has seen a preliminary summary of their findings, which do find that rent control is aggravating the city’s housing shortage, and do recommend substantial revision of the rent control law in such a way that many rents will be significantly increased. At the recommendation of the Housing and Development administrator, the reports have been labeled “highly confidential” and publication is being withheld until after the election. On the basis of the report’s findings and the recommendations of other analysts in the city government, Lindsay believes that the report’s analyses are essentially correct, and plans to seek substantial changes in rent control—after the election.

Lindsay knows that to announce his intention prior to the election would cost many votes. He suspects that to acknowledge the existence of the report will raise serious doubts in many voters’ minds about his support for rent control. He believes that Procaccino would be a disastrous mayor for New York City. He replies:

I haven’t seen this so-called report; there could well be such a report. The mayor sees thousands of reports from various persons, and it’s the mayor’s decision that counts in this whole matter of governing New York City, and my decisions have been constant, not only to be firm on rent control, which I am. I believe in it. I think we must have it.

Is Lindsay’s statement justifiable?

Two hours after the debate, Lindsay and his staff are at campaign headquarters. A young aide says, “The mayor’s answer to the rent control question was ambiguous. We’d better put out a firmer denial. How about this?” He then proposes the following press release:

Mayor Lindsay today branded as ridiculous the charge that he is soft on rent control. He said the city is not studying the watering down of controls, and if any recommendation for higher rents is made, he will reject it out of hand.

Is the aide’s recommendation right or wrong?

5. Miller and furloughs

It is early 1970. Jerome Miller has just taken office as head of Massachusetts' Department of Youth Services, the agency responsible for managing the state's programs for juvenile offenders. After 15 years of child-treatment experience, Miller—like many other progressives in his field—has come to believe that institutionalization is a disastrous policy, and that almost any environment outside the large state detention centers is better for the child and cheaper for the state. He believes the old, prison-like "reform schools" are brutal, oppressive institutions that teach little more than the finer points of crime; his ultimate goal is to shut them down entirely and replace them with a network of smaller scale, community-based halfway houses. But first he must prove to the legislature and the communities in which the houses will be located that the kids can be trusted.

Miller's first step toward deinstitutionalization is a program of weekend furloughs for confined teenage offenders. One hundred boys and girls go home on Friday afternoon, and 91 come back Monday morning. Miller is not alarmed, since this result conforms to his expectations, based on similar programs elsewhere, in which virtually all of the wanderers have returned within a week. But the press want to know what the "count" was immediately, and Miller fears that published reports of a nine percent AWOL rate will kill any chances for deinstitutionalization. He tells the press on Monday afternoon that all the furlough children were back on time. By Friday, the nine missing offenders have all returned.

Was Miller's statement to the press right or wrong?

6. Fiddling the Rules Committee Chairman

Elizabeth Jackson is a private citizen, head of an ad hoc lobbying group formed to support the Equal Rights Amendment in her state. It is December 1975. Her state has not yet ratified the ERA, but ratification is closer than it has ever been in the three years since Congress sent the amendment to the states.

(Background note: The ERA was passed by both houses of Congress in 1972. The congressional resolution provided that the amendment would become effective if ratified by the required three-fourths of the states (38) within seven years. By the end of 1973, 34 states had ratified the ERA. After a flurry of ratifications in the first two years, the battle for the ERA has come down to a grinding effort to win the few more states needed. Time seems to be on the side of the opponents. The women's movement no longer enjoys the media attention which helped win the initial passage of the ERA by projecting the image of a potent new political force. The ERA opponents seem to be getting stronger, and are able to use delaying tactics to their advantage as the 1979 deadline approaches.)

In Jackson's state, the ERA forces have had little success until this year. Although most legislators are unwilling to be recorded against the ERA, its opponents have bottled it up in committee in both houses, preventing any floor votes. Last election, the key opponent in the House retired, perhaps because he was unwilling to face the vigorous campaign of an opponent whom Jackson helped recruit. With him gone, and with the help of the majority leader, Jackson's group forced the bill out of

committee, and the full House approved it. Now the end of the session is a day away, and the ERA languishes in the Senate Rules Committee.

The chairman of the Rules Committee, Senator Henderson, is a progressive force in the generally conservative Senate. Although he is personally ambivalent about the ERA, he has indicated to Jackson that it will reach the Senate floor. His cordiality and cooperative attitude have encouraged Jackson to be optimistic, but the end of the session is near, and the ERA still sits in Rules. Jackson now suspects that Henderson is holding the bill as a favor to his colleagues who would rather not vote on it.

Jackson is desperate to get the ERA approved this year. She knows that the national campaign against the ERA, led by Phyllis Schlafly, is raising funds to support a more intensive lobbying effort next year. Moreover, her key supporter in the House, the majority leader, is leaving to run for governor next year, and the Judiciary Committee chairman is running for Congress. Both of them helped to line up the necessary votes in the House, and without them next year, the prospects for the ERA look bleak. It looks to Jackson as if it's now or never.

She decided to change her tactics. She challenges Senator Henderson in his office. He's deliberately deceiving her, she charges, and she will make sure that he pays for it. He tells her that it is the Rules Committee members who are blocking the ERA, but she refuses to believe him. She tells him that her group is prepared to back Chris Carter, a young attorney active in local politics, who has agreed to run against Senator Henderson if he has sufficient funds and volunteers. She tells Senator Henderson that her group will contribute heavily to Carter unless ERA reaches the Senate floor.

In fact, she knows that her threat is pure fiction. While Carter has been rumored to be considering the race, she has not talked with him. The reason she has not is that she can see that her organization is running out of steam. They have no funds left, and fundraising lately has been hardly worth the effort. Volunteers are tiring of the struggle, and will probably disappear if they are not successful this time. Furthermore, she herself would find it difficult to oppose Senator Henderson because of his critical role in the passage of a wide variety of progressive legislation.

Is Jackson's lie right or wrong?

7. Breaking the deadlock

Baker, the speaker of the House in the state of Washington, is faced with a deadlock between the House and the Senate over the contents of the biennial appropriations bill. The members of the House have generally accepted a set of optimistic predictions about revenues for the biennium, and have passed a budget containing cost of living increases for welfare recipients and increased funding for the state university system while preserving the status quo on eligibility requirements for some state welfare programs. The Senate has used a set of pessimistic revenue projections as a justification for tightening welfare eligibility requirements, keeping welfare payment rates constant, and making other cuts in the state budget. Both houses have accused each other of using the dispute over revenue projections as a smokescreen for real attempts to alter the spending priorities of the state to fit more

liberal or more conservative values. A conference committee reported out a bill which split the difference on all key disputes, but that attempt at compromise was soundly defeated in both houses.

It is now 11 p.m. on the final day of the legislative session (the session is automatically adjourned at midnight because of a provision in the state constitution). Baker, his counterpart in the Senate, and the two Appropriations Committee chairmen are meeting in a conference committee. All of them are perfectly willing to accept the original compromise, but still think that neither house will back them. They decide to write a bill which is in fact the original compromise, but whose real terms are hidden from view by a series of technical amendments. Relying on the end of session chaos, Baker brings the bill before his caucus and then to the floor, and lies to the members about the net effects of various technical provisions. The bill passes the House. His Senate counterparts manage a similar sleight-of-hand, and the deadlock is broken.

Baker and his co-conspirators have deceived their members because they fear that if they do not, the result will be fiscal chaos. Is their action defensible?

8. Herman fiddles Finnegan

Suppose that the acting director of the Bureau of Consular and Security Affairs in the Department of State, Philip Herman, is trying to substitute a permanent visa for foreign visitors to the US in place of the existing renewable visa. Only the US, among its major allies and trading partners, maintains such a restrictive policy, a legacy of McCarthyist fear of Communist infiltration and subversion, and Herman is attempting to eliminate this imbalance. To do so, he needs congressional approval. But the man he must convince is Representative Michael Finnegan, a fierce anti-Communist who heads the House Appropriations Subcommittee for the State Department. Finnegan is virulently opposed to any change in visa requirements that would make it possible for a single additional Communist to enter the country, no matter what benefits the US might derive from increased foreign visitation. In fact, he has blocked such efforts before. Without Finnegan's approval, there can be no change in the visa. Thus, Herman falsely tells Finnegan that the State Department is under heavy foreign pressure to abolish visas entirely, that unless the US liberalizes its visa regulations, other countries might retaliate by making it increasingly difficult for Americans to travel abroad, and that the best way to beat this pressure would be to adopt a permanent visa system, which would at least permit an initial check on suspect foreigners. Finnegan buys the story.

Is Herman's action right or wrong?

9. Covert action in Chile (1)

It is early 1973. CIA Director Richard Helms has just been nominated by President Richard Nixon to be US Ambassador to Iran, but before he can take that post, he must be approved by the Senate. During his confirmation hearings before the Foreign Relations Committee, he is asked questions about alleged CIA covert activity in Chile.

In 1970, the CIA had spent over \$8 million to prevent the election of Dr. Salvador Allende Gossens, a Marxist, as Chile's president. Despite the CIA money, Allende won the election by a small plurality. But since no candidate won a majority of the vote, the Chilean Congress was required to choose between the top two vote-getters in the general election. In the past, the Congress had always selected the leading candidate, and 1970 appeared to be no exception.

Shortly after the election, President Nixon informed Director Helms that an Allende regime would not be acceptable to the United States and instructed him to organize a military coup d'état in Chile to prevent Allende's accession to the presidency. The CIA was to take this highly sensitive action without coordination with the Departments of State or Defense and without informing the US ambassador to Chile. Instead, the agency was to report, both for informational and approval purposes, only to the president's assistant for national security affairs, Dr. Henry Kissinger, or his deputy.

Despite Helms' belief, expressed later, that the agency was "being asked to almost do the impossible," he attempted to carry out the president's order. In a flurry of activity immediately prior to the scheduled meeting of the Chilean Congress, the CIA made 21 contacts with key military and police officials in Chile. Those Chileans who were inclined to stage a coup were given assurances of strong support at the highest levels of the US government, both before and after a coup. Yet the coup never took place, and Dr. Allende took office. After the death in an abortive kidnap attempt of Chilean Army Commander-in-Chief General Rene Schneider, who opposed the coup, the plot was uncovered. CIA support for the conspirators was rumored, but the allegations were unconfirmed.

Now, in early 1973, with Allende still in power but facing increasing domestic opposition, Helms is asked about the CIA's alleged role in the 1970 coup attempt:

Senator Symington: Did you try in the Central Intelligence Agency to overthrow the government of Chile?

Mr. Helms: No, sir.

Senator Symington: Did you have any money passed to the opponents of Allende?

Mr. Helms: No, sir.

Senator Symington: So the stories you were involved in that war are wrong?

Mr. Helms: Yes, sir. I said to Senator Fulbright many months ago that if the Agency had really gotten in behind the other candidates and spent a lot of money and so forth the election might have come out differently.

Was Helms right or wrong?

10. Covert action in Chile (2)

After the accession of Allende to power, CIA support of his opponents continued, albeit on a reduced scale. The stormy, three-year Allende presidency ended in September of 1973, when the Chilean military staged a coup in which he was killed. Although Thomas Karamessines, the CIA's deputy director for plans and head of the special Chile task force in 1970, later testified that "I am sure that the seeds that were laid in that effort in 1970 had their impact in 1973," no direct CIA involvement in the 1973 coup has ever been proven.

Only a few days after the coup, Henry Kissinger appeared before the Foreign Relations Committee, after being nominated to be secretary of state. In executive session, Kissinger was also asked about the CIA and Chile:

Senator McGee: As you listen to some of the comments here this morning, there is a suggestion that the CIA has been deeply involved in Chilean affairs over a period of time in one way or another. This came out in the ITT hearings, for example. Was the CIA deeply involved at this time?

Mr. Kissinger: The CIA had nothing to do with the coup, to the best of my knowledge and belief.

Evaluate Kissinger's statement.

Ethical Hypotheticals

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| R | W | 1. | Analyst muffles uncertainties |
| R | W | 2. | JFK, the "deal," and the denial |
| R | W | 3. | Woodward lies to Deep Throat |
| R | W | 4. | a) Lindsay in the debate
b) the aide's proposed press release |
| R | W | 5. | Miller and furloughs |
| R | W | 6. | Deceiving the Rules Committee chairman |
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| R | W | 8. | Herman fiddles Finnegan |
| R | W | 9. | Covert action in Chile: Helms |
| R | W | 10. | Covert action in Chile: Kissinger |

Notes

- ¹Hearings before the Committee on Foreign Relations, United States Senate, 93rd Congress, First Session, On the Nomination of Richard Helms, Former Director of the CIA . . . (Washington G.P.O., 1974), pp. 47-8.
- ²This testimony was read into the Congressional Record (January 22, 1975) during further questions of Mr. Helms by the Senate Foreign Relations Committee.
- ³Report of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities - Covert Action in Chile 1963-1973 - December 18, 1975, -(Washington G.P.O., 1975), p. 20.
- ⁴Ibid., p.20.
- ⁵Ibid., p.24.
- ⁶Ibid., p.25.
- ⁷Transcript of Meeting of Faculty Study Group, Cambridge, Mass. March 8, 1978, p.10.
- ⁸Richard Harris, "Reflections - Secrets", The New Yorker (April 10, 1978), p.46.
- ⁹Transcript of Faculty Study Group, p.25.
- ¹⁰Harris, p.72.
- ¹¹"Between the Law and the Secrets", New York Times (November 2, 1977).
- ¹²Anthony Lewis, "Mr. Helms and the Law" New York Times (November 3, 1977), p.35.
- ¹³Harris, p.72.