What’s Wrong With Being Right?

Mark Quiner, Director; Ethan Wilson, Policy Specialist
NCSL Ethics Center
Ethics in the News

- NM Sen. Griego to face 9 corruption charges

- Alabama Political corruption charges in all 3 branches of government

- US Supreme Court overturns VA Gov. McDonnell conviction

- Former House Speaker Dennis Hastert Indicted
Ethics

- Principles: integrity, trust & honesty; doing the right thing
- Professional and personal standards of conduct
- A system of moral principles
Purpose Today

- What ethical values are important to you? (where do you get your values?)

- How your values influence your job as a legislator/legislative staff?

- Real World case studies.
Model Code of Conduct for Legislative Staff:

– Public servant – assist state legislature

– Loyalty to legislative branch

– Duty to act in such a way that makes you worthy of trust and confidence
Duties to legislators, other staff and the public:
- Honest, discreet and candid
- Objective, competent, diligent, fair
- Respectful and supportive
- Courteous and law-abiding
Legislator Code of Conduct

“Legislative service is one of democracy's worthiest pursuits. A Maine Legislator is charged with civility and responsible conduct inside and outside of the State House commensurate with the trust placed in that Legislator by the electorate. To work well, government requires a bond of trust and respect between citizens and their Legislators. With such a trust, high moral and ethical standards producing the public's confidence, with the reduction to a minimum of any conflict between private interests and official duties, should be observed.” - Maine, Legislative Code of Conduct
Ethical Choices

- Law-based ethics ("little e")
  - Right versus wrong
  - Laws, rules, policies, guidelines
  - What *must* we do?
  - Why do good people still make bad choices?

- Value-based ethics ("Big E")
  - Right versus right
  - No formal guidance - values or principles
  - What *should* we do?
  - Gray areas - can be confusing
Your Work Environment

- Identify top 3 ethical values as a leader
- Identify top 3 ethical values for your organization
- How do you apply these values in your job?
- Are these values ever in conflict?
- Character vs. Reputation
NOW, TRY TO KEEP A STRAIGHT FACE.
Tension Points

- Who is your client?
- To whom are you loyal?
- What does confidentiality mean?
- How do you prioritize?
- Should you be quiet or speak up?
- How should we treat each other?
Making Ethical Choices Involves:

- Moral judgment and ethical decisions
- Mismatched duties & conflicting claims
- Ethical, legal, practical considerations
- Motive
- Seriousness of issue/offense
- Price tag: career, cost, courage
You can’t avoid ethical responsibilities by ignoring them!

"MISS JOHNSON WILL NOW PASS OUT THE MORAL BLINDERS."
Case study: Dinner

- On the eve of an important vote on a bill in your committee, an old friend calls you. He is a lobbyist who represents an association that has been pushing for that bill. The lobbyist asks you to go out to dinner, at his expense, to catch up on old times. You long ago decided that you were in favor of the bill, so the dinner would not influence you in any way. What do you do?
Case study: A muddy dilemma

- You were a county commissioner before being elected to the state legislature. As a commissioner you fought for years to receive state funding to widen a bridge over Muddy River and were not successful. You made this issue part of your platform in your election campaign, and you believe you won the seat because of this. The chair of appropriations agreed to include funding for the bridge in the budget bill, if you will not fight a proposal to build a state building on land that is now a park. You do not agree with building on park land.
Case study: The opportunity

- You have a bill in a committee that has been held up by the chair. The chair tells you that if you testify before the committee and propose an amendment that the chair wants, the committee will vote the bill out favorably. However, you must characterize the amendment as a technical correction of a “drafter’s error” in your original bill. In fact, the drafter did not make any error and the amendment has some substantive changes. You have no problem with the substance of the amendment, but you are faced with the choice of whether to misstate the nature of the amendment and use the drafter as a “fall guy” in order to get your bill passed out of committee. This looks like your only chance and the bill is very important to you personally and your constituents.
Discuss and Debate
How Do I Make Ethical Choices?

- Do what is best for the most people?
- Follow your highest sense of principle?
- Do what you want others to do to you?
- Pit of your stomach?
How do you know if you have a dilemma?

- What “should” I do? – moral compass
- “Mom” or “child” test
- “Headline” test
- Seek colleague’s advice
- Reflect
- Use common sense and experience
“Courage is the most important of all virtues, because without courage you can’t practice any other virtue consistently. You can practice any virtue erratically, but not consistently without courage.”

–Maya Angelou
Thank you!

- Special thanks to the NCSL Foundation

- Further information: ncsl.org/ethics

  - mark.quiner@ncsl.org; ethan.wilson@ncsl.org

- Monthly ethics article: Yes, No, Maybe So, State Legislatures Magazine