

THE ETHICS OF POLITICS AND THE POLITICS OF ETHICS

Thomas Shevory- Professor of Politics, Ithaca College, USA

Undrakh Davaadorj- Lecturer, Political Science Department, National University of Mongolia

This paper is intended as a starting point for a discussion of the role of ethics in U.S. politics compared with the Mongolian case. Any conclusions are tentative, and I hope grounds for what might hopefully become fruitful cross-cultural, comparative political analysis.

The ethical standards of what is acceptable behavior in American politics have varied over time. Richard J. Daley, or "Boss Daley," the legendary Mayor of Chicago in the mid-twentieth century, and one of the most loved and despised politicians of the era, had, according to his biographer, Mike Royko, an ethical standard that went as follows: "Thou shalt not steal, but thou shalt not tell on others that steal."¹

At the time of Daley's rise of power (in the 1930s and 1940s), Chicago was known as a town full of gangsters (Al Capone being among the most famous), and the line between gangsters, Democratic Party politicians, and public servants was not always easy to determine. This system was known as "machine politics," or the "patronage system." Within it, the line was very blurry between the administrative and political party structures.

Over time, in the U.S., the administrative apparatus has been separated from the party system, via a long series of reforms, civil service being among the most important. Under the civil service system, public employees or "civil servants," as they are known, at least at the lower and mid-levels, do not depend for their employment on the political party in power. As a result, they are generally viewed as professional and competent within their spheres of expertise. The problem of "corruption," in the U.S. system tends, therefore, to focus on politicians rather than professional administrative personnel.

Corruption Scandals in the U.S. and Mongolia

Because corruption scandals in the U.S. usually involve politicians, they often receive a great deal of media attention. There are two main kinds. First are sex scandals. Second are scandals involving questions of financial impropriety of some kind, eg., taking money inappropriately, using some funds inappropriately, using oneself, one's friends, or one's family in a corrupt way.

There have been a number of high profile sex scandals recently that receive a great deal of media coverage in the U.S. that have involved important figures in the Republican Party.

Mark Sanford, the Governor of South Carolina, and someone considered to be a rising star in the party, was exposed as having an extramarital affair with Maria Belen Chapur, an Argentine commodities broker that Sanford met at an economic development conference. Sanford, a conservative Republican, who had organized his career partly around an enthusiastic

¹ Mike Royko, *Boss: Richard J. Daley of Chicago* (New York: Plume Books, 1988).

defense of "family values," was at the time married with several children. During the course of his affair, he, at one point, left the state without telling his family or his staff. He made no provision as to who would be in charge in case of a state emergency. When confronted by a reporter at the airport returning from his trip, he lied about his whereabouts.¹

In 2006, a series of high profile scandals involving money received a great deal of publicity in the U.S. Jack Abramoff was a lobbyist who was closely aligned with a number of well-known Republican politicians, including President George W. Bush and House Majority Leader Tom Delay. Abramoff worked for a high level lobbying firm in the U.S. and spent a number of years courting important members of Congress with lavish vacations and other expensive gifts.

The scandal that was Abramoff's undoing involved his efforts to secure gambling licenses for four Native American tribes. Abramoff essentially defrauded the tribes by taking millions of dollars to supposedly establish lobbying campaigns for the licenses. Instead, he pocketed the money for personal use. He also gave illegal gifts and monetary contributions to several members of Congress. One member, Bob Ney, was sent to prison for accepting what amounted to bribes from Abramoff. Abramoff was convicted on bribery and other charges and received a sentence of four years in federal prison.²

The former Republican Majority Leader in Congress, Tom Delay, was discovered to have made significant connections to Abramoff. Near the time that this was discovered, a Texas prosecutor also brought legal charges against Delay for violation of campaign financing laws, accusing him of improperly spending money from his campaign fund. Delay denied the charges, but he resigned from office.³

In 2006, a Democratic Congressman from Louisiana, William Jefferson, was found to have \$90,000 in \$1000 bills in the refrigerator of his Virginia home. The money had been given to him by an F.B.I. informant, who was posing as a business person for the iGate company. Jefferson had told the informant that the money would be used to facilitate the signing of lucrative contracts with iGate by several African governments. Jefferson was charged with sixteen counts of corruption, and convicted on eleven of them. He was defeated in his 2008 run for Congress, and he now faces up to 14 years in prison.⁴

There have also been a series of high-profile corruption scandals in Mongolia. The scandals in Mongolia tend to revolve around financial improprieties. Since the 1990s, a list of scandals would include the following: the Gold dealers' case, the Ibex Group and Molam Corporation Contract case, the State Department Store privatization case, the stability contract with the Boroo Gold Company, the bankruptcy of the Savings and Loan cooperatives, the 2 billion tugrug fuel loan case, and cases involving the improper use of foreign aid. Unfortunately, the worst thing here is that most of those politicians whose names were raised around these scandals not prosecuted, and even seemed to step up their career.

¹Tim Padgett, "Sammy's Sex Scandal: Assessing the Damage," *Time*, 25 June 2009

²Geov Parrish, "Making Sense of the Abramoff Scandal," *Alternet*, 20 December, 2005

³Nicholas Thompson, "The Tom De Lay Scandals," *Slate*, 7 April 2005

⁴Carl Hulse, "For Democrats, a Scandal of Their Own," *The New York Times*, 23 May 2006.

In Mongolia, on the other hand, lower and mid level administrative personnel are often viewed as corrupt. In certain respects, then, the current problem of corruption in Mongolia corresponds to the problems posed in U.S. cities when political machines dominated. In both cases, political parties are seen as having too much influence or control over the administrative apparatus.

While in the U.S., political scandals involving money often ends up with the accused going to prison and paying large fines. The U.S. system seems to be reasonably good at prosecution of these sorts of cases. In Mongolia, on the other hand, the record is more mixed, as courts will sometimes fail in their responsibilities, and, in some cases, convicted public officials are pardoned by executive authorities.

Public Perception of Corruption in the U.S.

As noted, political scandals receive a great deal of attention from the American news media. All of the above scandals were heavily covered by newspapers, networks news, and cable television news stations. Over time, the number of scandals and media scrutiny of them has result in the American public believing that politicians are quite corrupt, and that corruption is a problem in the U.S. system that needs to be addressed.

In January 2006, according to a poll conducted by the Pew opinion research organization, 81% of respondents believed that "lobbyists bribing members of congress" was "common behavior." 38% of respondents said that "listening more to donors" than other constituents was "common behavior," and 20% of respondents said that members of congress would "trade votes for money." More of those polled believed that their own member of congress had taken a bribe (41%) than that they hadn't (35%).

Not surprisingly, given that both Abramoff and Delay were Republicans, the Republican Party has been seen as more likely to participate in corrupt practices than Democrats by a margin of 31% to 14%. Yet most respondents (43%) believed that both parties are equally involved with bribery.¹ Americans, in other words, had a very dim view of Congress's honesty and integrity in 2006. Moreover, the same respondents, 54% overall, believed that corrupt practices by members of Congress were "no more common now than in the past." In other words, this is seen as a long-term endemic problem.

That Congress is not viewed positively, however, does not necessarily mean that Americans believe that the corruption of their politicians is among the most important issues facing the country. In a 2007 Gallup Poll, for example, during a period in which the Bush administration had had its share of scandals, and at a time that only 27% of respondents thought that the "state of the nation" was positive, only 5% gave "corruption" as the reason for their dissatisfaction with the state of the country. This was behind the war in Iraq (23%) the poor

¹ Pew Research Center for People and the Press, "Bush a Drag on Republican Midterm Prospects: Hillary Seen as Leader of Democratic Party," *Survey Reports*, 9 February, 2006
² Joseph Carroll, "Americans' Satisfaction With the State of the Nation Americans mostly Dissatisfied Because of Economic Factors" *Gallup online*, 3 October 2007
³ Lydia Saad "Blagojevich Scandal Feeds into Public Skepticism," *Gallup online*, 23 December 2008

economy (20%), and high gas prices (6%). In fact, of the issues mentioned, it was 10th on the list.¹

In December 2008, the Gallup poll asked Americans to rate the "honesty" and "ethics" of various occupations or professions. Polls rating politicians versus other American professions generally put politicians in the middle of the pack, below nurses, 84% highly rated, but above "used car salesmen" with only 7% rated highly. Only 22 to 26% of state governors historically have been given the highest rating. This has put them below senators (with a 35% highly rated) and members of Congress (40% highly rated). But in 2008, after several years of highly publicized scandals occurring, Americans' views of their elected officials declined. 52% of Americans said that "quite a few" of those running for office were "crooked," and 5% said that "all are crooked."²

Public Perception of Corruption in Mongolia

As noted in Mongolia, the focus of corruption tends to be more on political and administrative structure. According to a poll conducted by the Academy of Public Administration in 2006, 87.7 per cent of respondents said that public officials (i.e., civil servants or public employees) are expected to be highly trained specialist on their fields.³ In other words, the Mongolian public fully expects that its administrative apparatus will perform in a professional and even-handed manner.

Yet, Mongolians also seem to have a low expectation of the actual performance of their public administrative figures. In fact, in the 2006 poll, 74.2 per cent of those polled criticized public officials for their immorality and unethical conduct. The problems tend to exist primarily at the local level where the behavior of civil servants is seen as particularly poor. On the other hand, many respondents did not feel as though they knew the level of corruption at higher levels. The public is very aware of corruption at the local levels, because they encounter it in a direct way. At the higher levels, corruption is more abstract, but this does not mean that public believes that higher-level officials are acting with integrity. Most likely, the lack of knowledge may indicate a lack of direct awareness more than a transparency at those levels of government.

A fairly high percentage of the Mongolian public, 67.2%, believes that laws against corruption are either inadequate or not being properly enforced. So part of the problem is not just the administrative apparatus, it is the legal system as well. The best example here is that among of those constitutional powers of President, the President has a power to grant pardons and reprieves, as is often done just before the end of a presidential term as the same everywhere else. Refers to the Pardoning Act of Parliament passed by the July 9th, 2009, 80 per cent of all corruption and official position related crimes under IAAC investigation had being involved. Moreover, as a result of the Act, any corruption and official position related crimes if which been conducted before June 24th, 2009, all are going to be covered and those criminals are going to be

³ "Төрийн албаны ёсзүйн үнэлэмж, шинжилгээ, дүгнэлт" судалгаа, Удирдлагын Академи. УБ., 2006

freed from criminal responsibilities. Strictly speaking, it was just a stumbling block for the whole efforts of the IAAC, and made it really unclear condition of further regular operation.¹

Unless the legal system is willing to enforce laws against corruption, it will be very difficult to find permanent or lasting solutions to the problem. It will be difficult to convince the public of the integrity of the administrative system.

Attempts at Reform in the U.S.

Given the ethical problems that seemed to have affected the U.S. Congress during the period from 2004-2006, some attempts were made at the national level to try to get some control over the process. The result was a proposal by House Speaker Nancy Pelosi, the Honest Leadership and Open Government Act. The bill would have increased the restrictions on gift giving by lobbyists to members of Congress. It would have required more detailed reporting by lobbyists of their activities. And it would have made it more difficult for former public officials to become lobbyists immediately after leaving office.

Pelosi also recommended an independent commission, consisting of a four-member panel that would filter outside complaints, recommending investigations for those it deemed serious.¹ It would not, however, have any independent investigative power, including no subpoena power. This was the first time a serious proposal was made by a congressional leader to have an ethics commission of some kind that would be independent of the Congress itself.

The 110th Congress passed a bill, which, while it did not include the panel proposed by Speaker Pelosi, it did attempt to curtail certain kinds of activities on the part of lobbyists and members of Congress, to make them more open and transparent.

The Transparency Act of 2007 provided the following: (1) Significant changes of bills in the Conference Committee (the important committee that makes the final compromises before a bill is sent back to each house) must be timely and public. (2) Ex-members of congress, who become lobbyists, will no longer be given "floor privileges," that is they will not be allowed onto the floor of either chamber while the chamber is in session. (3) Senior staff members will not be able to lobby a member of Congress for one year after leaving their position. (4) Spouses of members of Congress who are lobbyists will not be allowed to have official contact with congressional staff members. (5) Members of Congress are prohibited from threatening the employment of any private individual through official action. (6) Significant restrictions were put on payment for travel-related expenses. All trips by members must be made public, and if a private individual helps to pay for the trip, they must certify that they are not acting as lobbyists when doing so. (7) Lobbyists will now have to file quarterly (rather than biennial) reports on their activities involving members of Congress. (8) Ethics training for members of Congress is now mandatory.²

¹ "Өнөөдөр" сонин. 2009-10-06 А6 нүүр. №229. 2009/10/06

²Sourcewatch, Center for Media and Democracy, "Prospects for Ethics Reform in the 110th Congress,"

Conclusion

Because the focus of the problem of corruption in the U.S. upon elected officials, that is where reforms tend to be directed as well. In Mongolia, the reforms will need to be more directed at the administrative apparatus like as politics. Mongolians appear to be ready for reforms that will address the corruption problems. 36.5 per cent of all respondents in the 2006 survey believe that corrupt public officials should be prosecuted as criminals under the appropriate laws. 36.3 per cent of respondents expressed a desire to adopt more strict anti-corruption laws, and to fully enforce them.

It seems that both American and Mongolian publics are suspicious of corrupt practices in their political systems. In the U.S. system, it is the politicians that are the targets of suspicion. In Mongolia, it tends to be politicians plus administrative apparatus and legal system. Both systems need to find ways to address these problems of corruption and immoral behavior, and public perception of it. Corruption, in all its forms, can be a threat to democratic governance.

Bibliography

Mike Royko, *Boss: Richard J. Daley of Chicago* (New York: Plume Books, 1988).

Tim Padgett, "Sanford's Sex Scandal: Assessing the Damage," *Time*, 25 June 2009.

Geov Parrish, "Making Sense of the Abramoff Scandal," *Alternet*, 20 December, 2005.

Nicholas Thompson, "The Tom De Lay Scandals," *Slate*, 7 April 2005.

Carl Hulse, "For Democrats, a Scandal of Their Own," *The New York Times*, 23 May 2006.

Pew Research Center for People and the Press, "Bush a Drag on Republican Midterm Prospects: Hillary Seen as Leader of Democratic Party," *Survey Reports*, 9 February, 2006, file:///Volumes/HP%20v125w/bush-a-drag-on-republican-midterm-prospects.htm.

Joseph Carroll, "Americans' Satisfaction With the State of the Nation

Americans mostly Dissatisfied Because of Economic Factors" *Gallup online*, 3 October 2007, file:///Volumes/HP%20v125w/Americans-Explain-Their-Satisfaction-State-Nation.aspx.htm.

Lydia Saad, "Iraq and Economy Are Top Issues for Voters," *Gallup online*, 13 February 2008, file:///Volumes/HP%20v125w/Americans-Explain-Their-Satisfaction-State-Nation.aspx.htm.

Lydia Saad "Blagojevich Scandal Feeds into Public Skepticism," *Gallup online*, 23 December 2008, file:///Volumes/HP%20v125w/Blagojevich-Scandal-Feeds-Into-Public-Skepticism.aspx.htm.

Sourcewatch, Center for Media and Democracy, "Prospects for Ethics Reform in the 110th Congress," <http://www.sourcewatch.org/index.php?title=Prospects-for-Ethics-Reform-in-the-110th-Congress>.

Global Corruption Barometer-2009, *Transparency International* <http://transparency.org>
"Project 'On pro-and anti-corruption factors survey analysis' completed", Asia Research Network Vol.4 No1, 2007"

"Төрийн албаны ёсзүйн үнэлэмж, шинжилгээ, дүгнэлт" судалгаа, Удирдлагын Академи. Уб.2006., Өнөөдөр сонин. 2009-10-06 А6 нүүр. №229. 2009/10/06

Төрийн албаны тухай хууль. <http://www.legalinfo.mn/>

Авлигын эсрэг хууль <http://open-government.mn/lawsnews/>

Independent Authority Against Corruption of Mongolia <http://www.iaac.mn/>