

New Attention to Ethics
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In this glaringly unethical presidency, the issue of ethics and violation of ethics is front and center in the news. Ethics have to do with doing the right thing. All ethical government officials take an oath of loyalty to the Constitution. The Constitution makes clear that those with power must not abuse that power for personal gain, the definition of political corruption. The Constitution's remedy for removing an official for abuse of power (corruption) is impeachment. When such removal involves a president, it is so draconian that it has been tried only four times, and only one case (Nixon) removal was avoided by the president's resignation.

The House of Representatives must impeach a government official (from federal judges to presidents themselves), and the Senate must convict and remove the malefactor. However, we have just witnessed the impeachment process being met head-on by a Senate majority fearful of the political wrath of the impeached Trump. They failed to convict and remove, while acknowledging that the president had committed wrongs.

It may surprise many that there is actually an Office of Government Ethics in the White House. Following the Watergate scandal that removed Nixon, a Select Committee on Presidential Campaign Activities (the Watergate Committee) was put together to investigate campaign activities related to the election of 1972.

In 1973, the committee issued its final report, with recommendations in three areas: regulation of campaign activities and contributions, the establishment of a permanent special prosecutor, and the creation of a permanent congressional legal service. This resulted in the Ethics in Government Act of 1978, along with establishing the first Office of Government Ethics. It became an independent agency in 1988.

There are only 80 full-time employees at the agency, but almost 7,000 more people in the executive branch help the OGE fulfill its mission: to help create and implement ethics programs within the executive branch's 130 agencies. That means helping them set up and comply with rules about receiving gifts, conducting business with vendors, and dealing with things like corruption, nepotism and conflicts of interest.

Why, then, has this agency not been able to address President Trump's overt violations of receiving gifts (benefiting his hotels by holding official functions in them), conducting business with vendors, and dealing with corruption, nepotism (his own children benefitting) and conflicts of interest or incompetence in every agency appointment. A dog breeder now runs the pandemic response team!

The Agency can only recommend, but not compel. Its mission is prevention, not adjudicating complaints, investigating matters within the jurisdiction of Inspectors General and other authorities, or prosecuting ethic violations. They have no power over a lawless president.

Those matters are referred to each agency's Inspector General or is referred to the FBI or Department of Justice for investigation. We currently have no independent Justice Department thanks to Trump's appointment of a loyalist.

During the transition period from the Obama to the Trump Administration, the Agency ran into its first roadblock. They were required to review the financial disclosure reports of any Presidential nominees to civilian positions that require Senate Approval. The office looks for any conflicts of interest and makes sure nominees properly disclose all of their assets.

The one enormous flaw in these guardrails are that the Ethics Agency does not deal with the incoming President or Vice President themselves. Norms have governed those roles until now. President Trump has violated all of these norms, the most egregious of which are his financial holdings. Unlike every president since Nixon, we have yet to see his tax forms, and he never divested his holdings, the range of which are still unknown. And he is emphatically disinterested in the training of ethics for incoming leaders and administrations officials.

The bad news is this President's scorn for ethics, and comparable scorn of most of his appointees. The good news is a large part of this country now getting reacquainted with ethics. Businesses and schools are reviving ethics training, and the investigative press, without which ethics are toothless, is doing its job of reviving this essential part of a decent, representative republic.

Are we an ethical country or a banana republic?

688 words.

Dr. Laina Farhat-Holzman is a historian, lecturer, and author of "How Do You Know That? Contact her at Lfarhat102@aol.com or www.globalthink.netglobalthink.net.