

Blagojevich ethical violations essay



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Rod Blagojevich (Blago) persuaded a path of unethical behavior and misconduct that caused national media attention and an indictment on multiple counts and seat as the Governor of Illinois. Blagojevich was involved in a large scheme to rob the people of Illinois of honest and transparent government.

A federal grand jury handed down a 19-count indictment that included 16 felonious or felony counts that included racketeering conspiracy, wire fraud, extortion conspiracy, attempted extortion and making inaccurate, deceitful and fictitious statements to federal agents and the government. Among Blagojevich most notable or notorious actions, was his conspiracy to sell or auction off the attractive vacated senate seat of former senator Barack Obama, to the highest bidder. He presumed he could get away with it because of his flawed personal and profession ethical reasoning.

He used his office in numerous matters/ways involving state appointments, business, legislative and pension fund investments all with the intent to hunt for or acquire benefits, advantages or achieve financial, monetary gain, campaign contributions, and employment for himself and others, in exchange for official actions, together with making an attempt to leverage his authority to appoint a U. S. Senator. He might have gotten away with it if not for his own selfish arrogance professional and unethical personal code of conduct, which in his flawed thinking had him above reproach in his role of Governor of Illinois.

However, as he would soon find out, like his former predecessor, that the role of Governor in the State of Illinois should not be taken for granted,

overlooked or misused. This can and does cause all those who would and all those who would choose to follow or neglect to do the right thing or follow basic ethical behavior while acting as a publicly elected official in the state of Illinois. By choosing to violate his oath of office and professional code of ethics, he added to a well-defined stamp of corruption in Illinois and Chicago politics that has left a now indelible legacy of corruption in the Governor's office of Illinois.

Violation of Public Trust The number one alleged breach of ethical conduct or behavior, on the part of Blagojevich, was violation of the public trust.

Pursuant to the U. S. Code of Federal Regulations – Basic Obligations of Public Service (Title 5), “ Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain.

To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations. ” (Justia, 2011). Additionally, according to the Illinois

Governmental Ethics Act (IGEA), “ No legislator may engage in other conduct which is unbecoming to a legislator or which constitutes a breach of public trust. (IGEA, 2009) A breach of public trust arises when there is a breach in trust or abuse by a public official from a position of power or authority (local, state or federal) with government/public or private sector coconspirators.

Any time a public official violates federal laws by asking for, demanding, soliciting, accepting or agreeing to receiving anything of value in return for

being personally compensated outside or influenced in the performance of or outside their official duties they are guilty of corruption and therefore guilty of violating the public trust (Cornell, 2012).

Philosophically, public officials do not have ownership of their positions. Ultimately, public servants must answer to the taxpayers or to the people that elected them. Whether or not they are hired or the people elect them, they have been and are entrusted with public resources by which to pursue the goals, objectives or agendas that serve the best interest of the people or for the public good. Blagojevich did not.

He chose to follow a path or pattern of corruption and subsequently, decided to disregard the fact that his obligations were to the citizens or the taxpayers of Illinois. Unfortunately, Blagojevich decided to pursue those goals, objectives or agendas that went against the public trust, which proved to only serve himself, his family and friends. As long as the conduct of a public official is harmonious with official rules, regulations and the goals or objectives that they are responsible for fall in line with the public good or safety and serve the interest of the public, a public official or politician has satisfied the public trust placed with them (Questia, 2012). As in the case of Blagojevich, public corruption and disregard for the public trust it appears to have become a part of the norm or the culture, which is continuously being played out in Illinois politics currently, as well as in past years as there appears to be ever increasing unethical, immoral, and illegal behavior that exist within government today.

Sadly enough, public corruption or violation of the public trust can be seen at every level of government, not just in the Governor's office in Illinois. All too often, the judgment and discretionary power or decisions placed in the hands of corrupt public officials, some who have been elected and some who have not, becomes impaired or abused. Consequently, public assets or resources are compromised or misused to serve or fulfill the personal interest or agendas of a public official. This is not exclusive to the governor's office (Questia, 2012).

In one of his schemes that violated the public trust, Blagojevich along with his accomplices deprived and attempted to deprive the people of Illinois and the beneficiaries of Teachers Retirement System of Illinois (TRS) of honest services. They did so by failing to disclose to the public that they had close ties or were members of the Illinois Health Facilities Planning Board and the TRS board of trustees, which was an ethics violation or violation of the public trust (Washington Times: Communities, 2011).

Thus, Blagojevich actions were unethical and criminal and therefore, violated the public trust. As a public servant, he should not have taken advantage of the facts and knowledge that he was privy to in his role as Governor. He should have instead took a role of the protector or gatekeeper of the public trust insuring that the best interest and the public safety of the citizens of Illinois were well protected and secure from anyone who would chose to harm or take advantage of the citizens of his state, including himself. He failed to do so.

Thus, he should be held to the highest standards of conduct in his given position and the highest standards of punishment for his crimes (Washington Times: Communities, 2011). Lying/ Making Inaccurate, Deceitful and Fictitious Statements to Federal Agents Another alleged breach ethical of ethical behavior was lying to the people of Illinois. Pursuant to the U. S. Office of Ethical Standards, Code of Federal Regulations (Title V) – Standards of Ethical Conduct for Employees of the Executive Branch (OEG, 1993), it prohibits fraud or false statements relating to a Government matter (18 U. S. C. 1001).

Additionally, pursuant to Illinois Governmental Ethics Act (IGEA, 2009) it is the duty of every officer and employee under the jurisdiction of an Executive Inspector General to cooperate with the Executive Inspector General and the Attorney General in any investigation pursuant to this Act. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements. Failure to cooperate with an investigation of the Executive Inspector...Nothing in this Section limits or alters a person's existing rights or protections under State or federal law (2009).

According to the federal indictment, Blagojevich deliberately made inaccurate, deceitful and fictitious statements to federal-to-federal agents and the government to absolve himself and others of any wrongdoing. During an interview in March of 2005, Blagojevich lied to FBI agents when he stated he did not keep a track of his campaign contributors and how much they contributed to his campaign. Consequently, he and his co-conspirators were indicted under Title 18, United States Code, Section 1001, for lying to federal agents.

Title 18 is a statute that federal prosecutors like to use when public official or politician is accused of lying to the government. Thus, Blagojevich was specifically entrapped by Section 1001, which states under Title 18, United States Code, Section 1001 makes it a crime to: 1) knowingly and willfully; 2) make any materially false, fictitious or fraudulent statement or representation; 3) in any matter within the jurisdiction of the executive, legislative or judicial branch of the United States.

Your lie does not even have to be made directly to an employee of the national government as long as it is “ within the jurisdiction” of the ever expanding federal bureaucracy (Findlaw, 2013). According to “ United States v. Gaudin , 515 U. S. 506, 510 (1995). The lie must be “ material” and must meet the “ natural tendency” requirement, which demonstrated that this unintentional lie would cause or would have caused or influenced the decision of another. According to United States v.

Yermian , 468 U. S. 63, 69 (1984), you do not have to realize at the time that the statements you are making at the time are false (Findlaw, 2013).

Therefore, if he did not know or was unaware, he had the responsibility to know. Lying is ethically and morally wrong. People make important decisions, take critical actions, good bad, indifferent and potentially catastrophic, based on the truth or the accuracy of information that they receive and believe to be true.

For this reason, Blagojevich had the responsibility and the legal obligations to tell the truth. He and his co-conspirators should have been forthcoming regarding his/their relationship with any company or organization.

Additionally, after the fact, he should have forthcoming and told the truth regarding his participation involving any misconduct or misjudgment, dealing with others who might have consulted him or gave him inaccurate information regarding his political career.

Instead, he was unapologetic regarding any wrongdoing with respect to his lack of ethical judgment and criminally behavior with respect to the outrageous things he had allegedly done or said. He should have been forthcoming about his breach of trust and admitted to a higher standard of personal conduct and personal ethics which is be expected in his role as Governor of Illinois or in role of an elected official. Unfortunately, he should have put the interests of Illinois above his own personal interests.

Rod Blagojevich or any public official should have at had the integrity to resign when his actions caused embarrassment or dishonor to the office to which he was elected and to the people who have entrusted him with the office and their best interests. By virtue of the actions and sometimes non-actions, a publicly elected official is or should not be entitled to remain in office during the time of such insurmountable evidence and circumstances to try to vindicate himself at the expense of the public and the state.

It requires a tremendous amount of time and expense to the state and ultimately to the public to impeach or such individuals. In other words it leaves the public and state left to pay the bill for his fight, including not only the direct costs but also the shame and economic harm which it brings on the entire state of Illinois, then we should be rewarded by his very long tenure in jail. Given the insurmountable evidence, the ethical thing to do

would have been to resign forgoing leaving the state with a large debt and irrevocable harm due to his unethical behavior. Blagojevich was guilty of corruption and violation of the public trust and consequently, was impeached and sent to prison for his misdeeds. In essence, he lied by evading the truth and not honestly addressing the question of whether the allegations against him were true. He had offered little or nothing in respect to the allegations to substantiate the assertion of his innocence other than the allegations being made against him were false. His attitude, instead, was a sense of entitlement to which he believed he had a right to act in the manner in which he did based upon his power and position as governor that put him above the law.

Unfortunately, he offered no suitable apology or alibis to explain his actions or for his lapse in judgment. Criminal Malfeasance or Abuse of Power Another breach of his ethical obligation was malfeasance or his misuse of power in public office, for his own selfish and personal gain. Malfeasance is another term for misuse of power or the abuse of political power. In other words, malfeasance is the intentional doing something either legally or morally wrong which one had no right to do.

It always involves dishonesty, illegality, or knowingly exceeding authority for improper reasons. This distinction can apply to corporate officers, public officials, trustees, and others cloaked with responsibility (Legal Dictionary, 2012). According to the U. S. OGE as stated in Subpart G – Misuse of Position Subpart G, it is prohibited from using his public office for personal or private gain for family, friends, or persons with whom they are affiliated in a

non-Government capacity, or for the endorsement or any product, service, or enterprise (OGE, 2013).

Additionally, pursuant to Illinois Government Ethics Act (2009), the Executive Inspector General (EIG) has jurisdiction over the Governor, the Lieutenant Governor, and all officers and employees of, and vendors and others doing business with, executive branch State agencies under the jurisdiction of the Executive Ethics. By virtue of jurisdiction, the EIG is responsible for and is required to investigate all allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of this Act or violations of other related laws and rules (2009).

Thus, it was the duty of EIG to investigate any allegations of malfeasance or abuse of power by Governor Blagojevich. We know the abuse of political power takes a multitude of varied and awful forms. According to OGE and the federal indictment, Blagojevich abused his political power to obtain favors or privileges for himself, family and friends and consequently. It was the responsibility of the EIG to investigate Blagojevich alleged abuse of power where he allegedly, among other things, abused his power or authority to release \$8 million in state funds to Children Memorial Hospital in hopes of getting a significant campaign contribution.

He additionally gave lucrative government contracts with companies or individuals who also made campaign contributions. Another example of his abuse of power or misuse of his political office was his failed attempt to influence or peddle (as he had power to appoint a replacement) or trying to

sell President Obama's, very attractive, senate seat in exchange for cash and/or for personal favors.

As mentioned in his federal indictment extortion, bribery, greed, prejudice, betrayal are all elements of misfeasance. All which translate to an abuse of political power and the lack of underlying moral degeneracy (Justice, 2009). The ethical course of action to take in this instance would have been not to take advantage, as Governor of Illinois or use his position, political power and discretion to manipulate or control individuals or a particular situation over.

Bullying is wrong and Blagojevich used bullying type techniques to assert his will upon those in subordinate or lower level positions. Because you are elected by the people it did not entitle him assert his authority that was not in line with his duties as Governor of Illinois. Blagojevich should have taken heed to the fact that as a public official he was in the position to serve the public and not the other way around.

Instead, as Governor of Illinois, his attitude, from his actions, was a sense of entitlement (as a king to his subjects) that placed him above the law and no one in the United States is above the law Extortion Another criminal or unethical conduct or act of Blagojevich was extortion. Pursuant to OGE, Title V Administrative Personnel,-Standards of Ethical Conduct for Employees of the Executive Branch, gifts from outside sources, prohibits employees from soliciting or accepting gifts from prohibited sources or gifts given because of their official position.

The term “ prohibited source” includes anyone seeking business with or official action by an employee’s agency and anyone substantially affected by the performance of the employee’s duties (OGE, 2013). Additionally, Illinois Government Ethics Act and State Officials and Employees Ethics Act, a legislator may not accept any economic compensation under any circumstance where he knows or should know that there is a possibility that the opportunity is being given to him with intent to influence his conduct or performance in line with his official duties.

Nor shall a legislator charge or accept a price, fee, compensation or other consideration for the sale or lease of any property or the furnishing of services which is in excess of what would be charged in the ordinary course of business. Also pursuant to the act, no legislator may use or attempt to improperly use their authority or influence in dealing with a state agency in any form of representation where the legislator would participate and has or maintains a close personal or economic relationship within a state agency (2009).

In addition, IGEA prohibits a close economic association with a Legislator. It prohibits any legislative interest being discussed that would infer an economic opportunity with a legislator with the intent to influence that legislator’s official conduct, or to create good as to accept or reap financial benefit when he knows, or should know, of a substantial possibility that it is being offered with intent to influence that legislator’s official conduct (2009).

Additionally, pursuant to the Act, no person with whom a legislator maintains a close economic association should accept a representation case where

there is substantial reason for him to believe that it is being offered with intent to obtain improper influence over a State agency (IGEA, 2009).