Spring 1993

Corruption: A Threat From Within

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CORRUPTION:
A Threat From Within

Submitted in partial fulfillment of the requirements for Graduation with Honors to the Department of Political Science at Carroll College, Helena, Montana

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March 12, 1993
This thesis for honors recognition has been approved for the Department of Political science.

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Date

3-29-93

3-26-93
Acknowledgements

All too often I fail to recognize the many blessings God bestows upon me. For this reason I am thrilled to take this opportunity to give my acknowledgement of and appreciation for the true professionals—Dennis Wiedmann, Phillip Wittman, and Father Peoples—whom I have had the opportunity to know and work with over the past four years and especially with regard to the making of this thesis. Carroll College and the students who study here are very fortunate to be graced with the presence of such giving people.

First I would like to dedicate this thesis to the man who acted as the director, Dennis Wiedmann. In many ways I think of Mr. Wiedmann as my Dad away from home. His sense of humor, talent, encouragement, professionalism, and relentless effort to get me to participate in class always inspired me to work harder. His diligent effort to help me on this project is greatly appreciated and admired.

Second, I would like to express my sincere gratitude and admiration for Phillip Wittman. His qualities of professionalism, creativity, and attention to detail will always be cherished. I especially appreciate the helpful comments he offered to encourage the development of this
To Father J. Eugene Peoples, I owe more than words can express. He helped lift my spirits and was a friend when I needed one the most. Without his guidance, support, courage, and wisdom I probably wouldn't be here today. I am also deeply grateful for his willingness to take part in this project.

From the bottom of my heart, I appreciate all the work these three men have done on my behalf. It has truly been a pleasure and blessing knowing and working with each of them!
ABSTRACT

This study examines the problem of corruption as it relates to the growth of public cynicism and the weakened ability of America to govern. Therefore, corruption acts as a political cancer that plagues our society. The danger of this cancer lies in the destruction it is capable of doing to our civic faith necessary for governing.

We can define corruption as a deviation from the formal regulations or duties that characterize a public role for the sake of a perceived private gain. The result of corruption is a sense of betrayal that heightens public cynicism. As cynical feelings run rampant, any belief in the society and government are destroyed—making it difficult to govern.

When tensions strain the bottleneck between what the people want and what the people get, incentives to engage in corrupt activity increase as the stakes (perceived private gains) are raised. Any notion of democracy (e.g., fairness equality, honesty, and justice) is then hindered because a clientele type of government forms. In this type of government, where only those who can afford to pay for their goods with money, power, influence, or favors get the "goodies" from government. Hence a double standard exists,
generating more tension and overwhelming amounts of cynical feeling towards the government and those in public roles.

Special attention must be given to the two primary institutions that are responsible of upholding the very base of our civic faith— the judiciary and the police. Then effective reform measures can be suggested in order to prevent America's continued downward trajectory.
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Introduction

Corruption in America breeds cynicism to the point of weakening the government’s ability to govern. Corruption can then be referred to as a political cancer when it is used as a form of political influence.

Using corruption as a form of influence is a regressive action because it causes cynical feelings to build in the hearts of the general public. When this happens, the belief and trust in our governmental institution and the people in public roles (which is necessary in the ability to govern) is destroyed. Therefore measures to guard against corruption must be taken to prevent the weakening ability of our government to govern the society.

In the pages that follow, we will explore the problem of corruption’s relationship to public cynicism as it affects the civic faith. Chapter One is a full account of this very problem America is facing. This chapter demonstrates the need for reform; however, before we can offer intelligent suggestions a clear understanding of what corruption is and possible explanations of why it exists is needed. Chapter’s Two and Three do exactly that—spell out corruption in a fashion that allows us to come away with a solid base
of understanding from which to structure reform.

As the number of reported scandals involving people in public roles deviating from their formal regulations and duties for the purpose of some perceived private gain, our belief in our political and social environment whittles. The most important area of this environment that is responsible for upholding elementary notions of democracy (such as fairness, equality, and honesty) is our justice system. The two primary agents of our justice system are the judiciary and the police. In Chapters Four and Five we will take a hard look at the political cancer as illustrated in the judiciary and the police.

In Chapter Six we will pull everything together and suggest possible reforms that will (hopefully) curb America’s downward spiral. Only then will our civic faith be restored along with the government’s ability to govern.
CHAPTER ONE

Corruption: A Political Cancer

Corruption is not new nor exclusive in America; however, corruption in a society, like ours, that places a high value on democratic notions is extremely destructive. The destruction arises from the negative implications that accompany the corrupt activity—a loss of the civic faith—which weakens the government's ability to govern. Therefore, corruption can be thought of as a political cancer that grows and spreads.

Corruption is often used as a form of influence by public officials, as well as the general public, to get desired results or goods from the government. As the cancer snowballs, a clientele relationship between the government, public officials, and the general public is formed. In this type business atmosphere, the democratic notions of trust, honesty, equality, and fairness are lost.

This phenomena generates public cynicism towards the body politic (e.g., public officials and the governmental institutions), destroying the civic faith. Once this belief and trust in the body politic and society as a whole are lost, so is the government's ability to govern.
It is now important to break the problem down into three elements. First, we must examine corruption as it exists in American society today. Second, we will explore more carefully the seed from which public cynicism grows— which is the clientele relationship. And third, we need to take a closer look at the implications that cynical feelings create by destroying the civic faith.

Corruption: Alive and Well in America

The amount of corruption in America is much more than most people wish to acknowledge. An exact number of cases involving those in public office who take part in corrupt activity is impossible to calculate. Such a calculation is difficult because those involved in the corrupt activity have a sincere interest in keeping the act quiet; yet the number of cases that are reported continue to mount. Both elected and appointed people in public office are found guilty of betraying the very people they vow to serve. Staggering cases against those in public roles, such as our police and judicial representatives, blacken the headlines.

There doesn't appear to be any area of our political environment that is clean; constant scandal reports from the Executive branch to the many bureaucratic institutions prove that. That does not mean corruption doesn't pose any real threat to our society or that it should be accepted. On the contrary, we should fight corruption head-on because it has
the capacity to set American government in a downward spiral.

The best illustration of corruption in today's political environment concerns the notorious and shameful political condition in Rhode Island. Micah Sifry, a columnist for The Nation magazine, wrote a recent article detailing the collapse of the banking system in Rhode Island during 1991. About one-third of the state's one million people had their accounts frozen. Sifry writes, "Exposed in the process was the rampant self-dealing and foolish lending by many of the state's largest banks, an insolvent deposit insurance system, lax oversight by state banking regulators, vote-buying, and corruption at the highest levels of state government."\(^1\)

The citizens of Rhode Island felt the newly elected governor Bruce Sundlun handled the banking disaster poorly. Political discourse became so disjointed that demonstrations almost turned into riots.

Sifry quoted one angry citizen of the state, Jack Kayrouz, voicing his discontent with the political leaders of this country. Kayrouz stated, "I trusted the government...I was so stupid...what we need is a revolution. Nobody can salvage our situation unless we throw them all out."\(^2\) Sifry also mentioned the discontent expressed by other citizens on radio talk show airwaves.

From this illustration we get a real sense of the problem: damage to the intangibles of democracy; e.g., the values of trust, forbearance, and justice essential to making
our system work. As Michael Johnston, a respected authority on corruption writes, "corruption puts these essential democratic values under severe strain." In the next section, I will propose that the reason for such strain on the democratic values is the client-type of government that evolves out of the use of corruption as a political resource to acquire particular results or goods. Let's now look into the client type of government.

**Clientele Bargaining**

No longer is the relationship that defines contemporary politics one of a "constituent" or "citizen", but rather a "clientele." William Greider, in his recent book entitled *Who Will Tell the People*, states that, "Modern representation has assumed a different purpose; taking care of clients, not the public interest." Greider further illustrates that instead of the popular will of the public, the government now responds to narrow interests of organizations and groups with concentrated wealth and influence. In other words, like serving customers of a business, the body politic only responds to its clientele.

This clientele type of governing implies that a profit/loss motivation exists for corrupt activity which increases political pressures all the more because many of the goods desired by the clientele, the "business" (government) has a monopoly on. Johnston's perception of the government's
monopoly on many valuable decisions and benefits is that it "serves to focus all the pressure upon the routine tasks and procedures of decision-making. When the stakes are high, and when only one source of regard exists, efforts at influence are apt to become most intense."6

In summation, government has then become what Greider refers to as a "vast arena for bargaining and deal making on every conceivable question."7 Such an arena incubates a permissive attitude in the politics of government that tolerates loose legal standards and extra curricular actions far beyond the view of citizens or formal accountability. Thus a generation of frustrated aspirations has led many citizens to divorce themselves from the formal system of power, which leads us to study the eroding civic faith and its implications.

Erosion of Civic Faith

Civic faith is essentially belief in the system and environment of a governing society as a whole. When people see elementary principles of democracy failing (such as protection of society, equality and fairness of the law, quality performance from personnel, and a rough sense of honesty), their faith in society as a whole deflates. William Greider supports this point with his statement:

The consequences of failure are enormous for the country, not simply because important public matters are neglected, but because America won’t
work as a society if the civic faith is lost... If connections between the governed and the government work as a society if the civic faith is lost... If connections between the governed and the government are destroyed, if citizens can no longer believe in the mutuality of the American experience the country may descend into a new kind of social chaos and political unraveling, unlike anything we have experienced before. The early symptoms of such deterioration may already be visible.8

The notions Americans were taught and still wish to believe about self-government, the articles of civic faith we loosely call democracy, no longer fit the present reality.

This apparent loss of faith in the system could increase law-breaking and use of corruption by citizens for their own purposes. If the people no longer value or believe in the system, there is no incentive to comply with the system. For example, the supporting behavior of paying taxes (which is based on voluntary compliance) could deteriorate. If the government can no longer collect large sums of money, it will have difficulty administering programs and enforcing laws. Suddenly it's not how one plays the game; it's whether one wins or loses.

Johnston explains that, "weakening conditions are caused by people feeling that their public officials' only desire is to get rich at the public's expense; and the institutional structure seems to allow them the opportunity to do so. Hence, support for leaders and the institution is seriously damaged."9

Therefore, the action of representative democracy rests on political trust. We can monitor some of what government
does; but what it really comes down to is the faith we have in our public officials (both appointed and elected) who represent us and the institution itself to be competent and honest. As Johnston clearly writes, "Democracy is fragile even when trust is strong. If trust is lost—it is hard to imagine how a system like ours would survive."\(^{10}\)

Other well known and highly respected intellects on the topic of corruption support this point of view. For example, Kenneth Sheppard, a political data analyst stated in a recent report concerning our society, "Public support of and affection for its political institutions has been on a downward trajectory for some time."\(^{11}\) Another example is that of J.S. Nye, a Harvard University professor. He articulated the point that, "Corruption is economically wasteful, politically destabilizing, and destructive of our governmental capacity."\(^{12}\)

Plainly, the cost of corruption outweighs the benefits. The cost is a loss of trust in democracy, leaders, institutions and each other—all of which make up our civic faith. Corruption is therefore a cancer spreading through a body politic, undercutting its strength and integrity, and robbing its citizens in the process.

The only benefits seem to come from the fact that corruption can produce favorable results for particular participants. In this sense, a zero sum game is the result where someone loses and someone wins. Often the losers are
those who need the benefits the most, and make up the growing number of citizenry. Instances of corruption then become less tolerable by producing a double standard. What one deserves or gets is forbidden fruit for another—destroying any notions of democracy we believe in.

The Funk and Wagnalls Standard Dictionary defines democracy as:

A theory of government which, in its purest form, holds that the state should be controlled by all the people, each sharing equally in privileges, duties, and responsibilities and each participating in person in the government. In practice, control is rested in elective officers as representatives who may be upheld or removed by the people.¹³

Thus the expectations and demands are greatest in response to the element of justice.

Justice, meaning merited reward or punishment, directly relates to each of the before mentioned notions, or values, or democracy that articulate the make-up of our civic faith. Justice is not being upheld; boosting public cynicism to an all time high. As a result, as William Greider points out, "the redeeming quality of American politics--and the central virtue of democracy--has been the capacity for self-correction. That capacity is now endangered..."¹⁴

Now that we have a clear sense of the problem, it is most important to establish an acceptable definition of corruption so everyone is on the same train of thought. Therefore, the focus of the next chapter will be on defining corruption, difficult as it is, in the best possible way.
In a generation of pressing public demands and heightened expectations, it is extremely important to accurately define, thoroughly understand, and investigate the ills that plague our society if we can arrive at effective solutions. Corruption is a delicate and difficult issue; a real "hot potato". That is why a complete understanding is essential to our investigation. Elementary to this understanding is the establishment of an acceptable definition.

Corruption is one of those terms in which everyone seems to have their own definition. Different perspectives bring different definitions. It is generally conceived that corruption does involve a violation of some reasonable standard. The difficulty sprouts from choosing a method of defining a "reasonable standard". Michael Johnston has set three main definitions of corrupt activity out for us. The three main definitions are: public-interest, public-opinion, and legal norm.

Use of the Public-Interest Definition

The public-interest definition states that activities
which harm the interests of the public constitute corrupt acts. Its appeal is in the fact that it considers the interests of the public first. But, as Michael Johnston points out, there are several drawbacks in using the public-interest definition.²

One such drawback is in deciding what the public interest exactly is. On all issues, more than one interest is often expressed; moreover, some interests are never heard. Therefore, who decides which position is correct and which position should be ignored?

A second drawback is that analysis of whether an act is good or bad for the "public-interest" is after-the-fact. One cannot anticipate total ramifications of an action until the act has been completed. Therefore, corrupt acts could not be prevented, only analyzed after-the-fact.

Yet a third drawback stems from the implication that the ends justify the means. If an act is considered to benefit the public interest then the "means" do not matter.

For example, in the political machine era votes were bought outright by machine bosses. The political favors and upward mobility offered were in return for immigrant votes, and seemed to be in the immigrants best interest. Yet the WASPS (White Anglo-Saxon Protestants) saw the advancement of Irish immigrants as against the public interest. Which view is right and who decides? Moreover, does the ensured number of votes justify the exploitation of immigrants for getting
Let the Public-Opinion Decide

The public-opinion definition of corruption is best described by Robert Klitgaard, in his book Controlling Corruption as, "activity which the public regards as corrupt."3 The obvious attraction of this particular definition is that it is the most democratic way to define corruption because it allows the public to decide. Unfortunately the drawbacks, as with the public-interest definition, are in abundance.4

The first negative derives from the difficulty of deciding just who the public is. Is it registered voters? Is adults? Or is it everyone?

A second negative is the ability of secondary sources to manipulate and shape the opinion of the public. For example, the media plays an extreme role in the amount of, accuracy of, and the tone of coverage we get. Because most people rely heavily on the media for the bulk of their information, they tend to believe what they hear; thus dramatically altering and sculpting their opinion of the situation at hand.

Lastly, a third negative is that public opinion shifts from time to time, and from place to place. It is extremely difficult to achieve a stable consensus on what is and is not considered to be corrupt. For example, the following chart shows differing opinions among judges and three subgroups of
the general public on important issues.  

<table>
<thead>
<tr>
<th>Issue</th>
<th>Whites %</th>
<th>Blacks %</th>
<th>Hispanics %</th>
<th>Judges %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Courts that do not treat poor people the same as well-to-do people as a serious problem that occurs often</td>
<td>22</td>
<td>47</td>
<td>41</td>
<td>3</td>
</tr>
<tr>
<td>Courts that do not treat blacks and other minorities the same as whites as a serious problem that occurs often</td>
<td>15</td>
<td>49</td>
<td>34</td>
<td>3</td>
</tr>
<tr>
<td>Courts that are expensive for those who must use them as a serious problem that occurs often</td>
<td>37</td>
<td>51</td>
<td>44</td>
<td>15</td>
</tr>
<tr>
<td>Judges who are biased and unfair as a serious problem that occurs often</td>
<td>10</td>
<td>23</td>
<td>24</td>
<td>-</td>
</tr>
<tr>
<td>Courts decisions that are influenced by political considerations as a serious problem that occurs often</td>
<td>24</td>
<td>38</td>
<td>28</td>
<td>2</td>
</tr>
</tbody>
</table>

Therefore, a more stable definition is needed.

Legal-Norm: A Concrete Definition

This brings us to a third definition, the legal-norm.
definition. The legal-norm definition is best depicted by J.S. Nye who defined corruption as:

Behavior which deviates from the formal duties of a public role (elected or appointed) because of private-regarding (personal, close family, private clique) wealth or status gains; or which violates rules against the exercise of certain types of private-regarding influence.6

"Formal duties" denotes the obligations or prohibitions placed on those in a public role by either a law or other formal regulation. Those considered to hold a public role are persons who are, as Johnston remarks, "taking direct part in decisions or processes that affect the use of public power or the disposition of public good."7 For example, this piece examines the public role of the judiciary and the police. In the case of the judiciary, the formal regulations binding Judges are a code of ethics.

The problems evident in the legal-norm definition are fourfold. First, laws are often vague and sometimes contradictory. For instance, the Supreme court of New Jersey has decided that the act of purse-snatching does not necessarily constitute robbery. Rather it depends on how the purse is snatched.8 This particular ruling demonstrates vagueness and allows for a great deal of discretion and interpretation. Therefore, what may seem corrupt or wrong to one would be perfectly legitimate to another.

Second, laws may not always reflect the public opinion or public interest for a particular time period or a particular region of the country. In other words, written statutes
sometimes do not suit the needs of the public or the public’s perception of what it needs.

An example of a law that doesn’t suit the needs, or interests, of the public in a particular region is the 1972 Clean Water Act. Under this Act, any land considered by the Army Corps and the Environmental Protection Agency to be a wetland remain protected "waters of the United States"; unless the Army Corps of Engineers issues a permit allowing the owner to disturb the site.9 For most regions of the country, the Clean Water Act is suitable; however, for the regions where it is only wet seven days a year the Act can create problems for owners—actually going against the public interest in particular areas.

A third problem with the legal-norm definition is, as Michael Johnston astutely points out, "law is a political product, not holy writ, and many of those in a position to take part in corruption are also in a position to write or rewrite the law, perhaps legitimizing their own conduct."10

And fourth, as with the public opinion definition, laws change from place to place, and from time to time. Voter registration requirements are a perfect example of laws changing from state to state.

Although problems do exist with the legal-norm definition Nye so succinctly articulated, the positive advantages make this definition the most concrete; therefore, I will use the legal-norm definition of corruption throughout this piece.
Such advantages that Johnston noted are; 1) laws are more precise and consistent for judging conduct than public opinion or general notions of public-interest; 2) laws are often formulated in response to public opinion (hence, this depiction incorporates aspects of the public opinion definition); and 3) this definition captures the tension between laws and the behavior it seeks to regulate.\textsuperscript{11}

Under the legal definition of corruption falls specific categories or classifications of behavior considered corrupt. The important thing to remember is that each abuse of a public role or trust for the sake of some private benefit is unique. Two elements sculpt corruption under the legal definition: purpose and execution. Johnston gives a detailed account of the two elements.\textsuperscript{12}

A purpose is, "to attain or augment power, or material benefits."\textsuperscript{13} Execution can either be unilateral--involving holders of public office acting on their own behalf individually or amongst the other department members; or transactional--involving direct dealings between people who do and people who do not hold public roles.\textsuperscript{14}

A unilateral execution for the purpose of attaining power encourages: cover-ups, falsified records, and vote fraud. Transactional executions used to attain power, on the other hand produce: illegal patronage practices, nepotism, and vote buying.

Obtaining material benefits generates still different
types of corrupt activities. Unilateral executions constitute: outright theft, diversion of resources or services for personal benefit, and fraudulent financial schemes. When combining the transactional execution to obtain material benefits, forces of bribery, extortion, and kickbacks run rampant. The following story illustrates examples of cover-ups, bribery, extortion, and vote buying.

Consider this account of corruption in a small town by Joe Savage, Assistant U.S. Attorney for the Southern District of West Virginia. He was assigned to join a narcotics investigation in Mingo County.

Across from the police station was a trailer from which drugs were sold. The Preece family sold LDS, cocaine and other drugs.

Savage was part of a task force along with trooper Allen, and FBI agent named Cal Knott. The townspeople were afraid to talk for fear the Preeces would get even. The political machine protected the Preeces. The police chief was married to the Preeces' daughter and provided protection for the drug operation. (cover-up) Their money supported two politicians who chose candidates for each of the county offices.

A man named Hamrick was on the school board and ran the welfare office which gave him control of patronage opportunities and the federal welfare money for that county. The investigators turned up evidence that Preeces paid Hamrick $5,000 in 1982 to get Preece released on bail after a
narcotics arrest (bribery).

When Preeces daughter Brenda faced jail in 1985 for selling drugs to an undercover police officer, Hamrick promised the jury foreman a job for his daughter. Brenda was found not guilty (extortion).16

The Democratic party chairman and former county sheriff supposedly charged candidates to be on his slate, and then his supporters would find "floaters" who would sell their votes.17 They would ask for help at the poll and that person would go into the booth with them to be sure they pulled the right lever (vote buying).

Investigators hoped to build a good case against the Preeces and get them to testify against the politicians. They were able to get pictures of 600 customers of the Preeces. Undercover agents also bought drugs; others posed as drug dealers and got the Preeces to buy from them. On May 30th of 1986, a buy was completed and the Preeces were arrested on federal warrants.

Once they realized there wouldn't be any fix, they began to talk. They named the police chief, two officers, and Hamrick. The county Sheriff had even bought his job for $100,000. He had to make a down payment to the former sheriff to get the commissioners to vote for him. The rest would be paid in installments from the country tax collection. The former sheriff couldn't account for $50,000 he had earned in bribes, so he was willing to talk to Savage as well.
By the spring of 1987, Hamrick saw that investigators knew about the $5,000 Preece had paid to get out of jail. One of the deputies who had witnessed the payoff was in the hospital. Hamrick visited him, pointed to the oxygen tank and said, "There could be carbon monoxide in it." However, his threats didn't work anymore. The task force had 69 convictions.

Now that we have defined corruption as any activity that deviates from formal duties of a public role (both appointed and elected) for the purpose of private gain, we need to understand why such actions take place. Therefore, in the next chapter we shall focus on possible explanations as to why corruption—the political cancer—exists and continues to grow.
CHAPTER THREE
Understanding Corruption

Now that we have established corruption as an abuse of a public role or trust for the sake of some private benefit; we must inquire as to "why" corruption occurs. Is it that those who serve the public are scoundrels? Is it the structure of the government? Or, is it the relationship between the body politic and the public. The answer: a combination of all three.

"Throw the Scoundrels out"

No one can dispute the fact that those in public roles willfully choose whether or not to take part in corrupt activity. This suggests that corruption exists because of the personnel acting on a cost vs. benefit rationale.

The rational model of behavior is best explained by Susan Rose-Ackerman. She believes that our public officials take part in corruption because they perceive the potential benefits outweighing the potential costs of getting caught.¹

Therefore, corruption is a consequence of human nature. We all are subject to greed and rationalization. For instance, if a judge or a police officer rationalizes that a

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benefit (such as money received in a bribe) outweighs a particular cost (such as getting caught and losing one’s job); the person will probably engage in the corrupt act.

Yet some public officials do resist the temptations, even though they appear rational in a cost/benefit analysis. Why? It is not a particular type of person (e.g., illiterate or educated, churched or unchurched, black or white, rich or poor); but rather a quality inherent in a person. For example, today we have the highest educated judges in our history; yet, the cases involving judicial corruption continue to build. Therefore, we need people in public roles with high standards of integrity, logic, reflectiveness, and consistency.

Blame the Structure

To put all the blame of corruption on the personnel is very idealistic. We need also to acknowledge the temptations created in the institution itself. The political structure of government, allows for people to perceive benefits ahead of costs. After all, as Johnston says of our political structure, "corruption is often the consequence of loopholes, hidden dynamics, or unintended side effects inherent in our institutions and laws."

Politics, broadly defined by Harold Lasswell includes the entire range of activities that influence the "what, when, where, and how." Government thus serves as a "bottleneck"
between what the people want and what the people get.

Because government benefits (goods, services, transfers of payments, licenses, concessions, grants of authority, etc.) are so valued; because the legally sanctioned process is so burdensome, government and its standard procedures stand as a bottleneck between what the people want and what they get. And in many cases, the demand for government benefits exceeds the supply available. As Johnston so clearly states, "Tremendous amounts of pressure and influence all are brought to bear upon the routine and legitimate processes through which they make their decisions." This is the bottleneck.

Corruption thus serves as a source of political influence just as money, organized groups, and advertisements do. Corruption cuts through the policy processes that appear to be time-consuming, costly and uncertain. How rapidly or slowly decisions are made has a lot to do with the amount of corruption. For example, an elected official may need to get a policy enacted that confirms an old campaign promise to ensure success in the next campaign. Cutting through red tape by corrupt means such as a bribe or a kickback may be the only way such success can be guaranteed.

Established decision making procedures are uncertain in their outcome. Once a decision has been made it can be reconsidered, modified, and even recalled. This is seen as an institutional flaw by those seeking the "goodies" from a policy and invites incentive for engagement in corrupt
activity. The uncertainty produced heightens the anxiety and pressure that encourages corruption as a form of influence. Concerning the costs and uncertainties of decision making Johnston writes, "Between the people and groups seeking to influence governmental action and rewards they seek stand the hurdles and delays that compromise the legitimate policy process." Corruption becomes the grease in the wheels.

Looking At the Whole

Governments don't act in isolation. The pressures, demands, and influence brought to bear upon government by interested individuals and groups are important forces in shaping actions and decisions of public officials. Corruption is in part an interaction between government and the public. The way people view their relationship between the government, themselves, and the people in public roles has an impact on the amount of corruption. These views grow out of the constantly evolving political cultures, customs, political attitudes, economic arrangement, and size of public sector.

Johnston sees the political culture as a, "general term referring to an enduring set of values, norms and disposition defining the individuals relationship to the collectivity." This relationship changes slowly over time because of social and economic development. For example, Danial Elazar describes three different political cultures: traditionalistic, individualistic, and moralistic.
A traditional political culture is a culture where politics is regarded as the jurisdiction of hereditary traditional elites. In this particular culture, popular support of elites is generally high and popular participation low; therefore, the public's demands and expectations are not as great.

The individualistic political culture exemplifies America's capitalistic orientation. In this culture, politics is regarded as a marketplace. There is an overall attitude that winning benefits is more important than obeying laws or accepted standards. The political machines are a perfect example of an individualistic culture. Most states in America today, however, are a mixture of both individualistic and moralistic political cultures.

Our society is moving in the direction of a social-democratic orientation in which a moralistic culture is encouraged. This type of culture regards politics as a process through which a "good community" is structured. Therefore, policy questions have dimensions of right and wrong. Here, the expectations and demands of government and public officials are at an all time high. In other words, the public wants more services, or "goodies," from the central government that were once considered one's own responsibility to go get if desired.

Johnston refers to popular customs as a, "full range of social arrangements and traditions that influence peoples
decisions on how to act in a certain situation." The customs most relevant to corruption are the ones that pose standards of popular or official conduct directly contrary to a law or regulation. For example, campaign contribution limits set by the Federal Elections Committee go against the popular custom of politically active groups using the most transferable and valued political resource—money—in any fashion or amount they choose. This creates tension and encourages corrupt activities such as bribery or extortion in order to cut through the red tape.

Popular attachments to government also have an impact on corruption. Johnston defines popular attachments to government as, "loyalties people feel toward the government, and ways they regard its policy process." This attachment, hence, directly influences how public officials as well as citizens go about winning benefits. If people feel strongly attached to government, we can expect them (citizens and public officials) less likely to break the law in pursuit of benefits. On the other hand, if people regard the government as dysfunctional and distant, people might feel the ends justify the means and pursue benefits with little regard to legality.

The two other vital factors in this comprehensive system—public officials, structure of governmental institutions, and the citizenry—are the economic arrangement and the size of the public sector. In the economic arrangement Johnston
claims, "the status-gap between the public officials and citizens can lead to corruption by putting more pressure on the bottleneck and emphasizing upward mobility." More concisely, as economic and technological activity accelerates, public policy benefits can increase in type as well as number.

Logically then, contrasts become larger and the stakes higher, making domestic concentrations of wealth even more concentrated. Hence, more groups compete over political access and benefits making corrupt activities very attractive as a form of political influence.

The size of the public sector cannot be left out in our analysis. The larger the public sector (e.g., government institutions, enterprises, and services), the more corruption there will be. As Klitgaard notes, "Public sector grows in relation to the rest of the economy. The number of public roles increase with the growth of the public sector." This unfortunately increases the opportunity, as well as incentive, for corruption by raising the stakes.

In summation, corruption can best be explained as growing out of fundamental forces and tensions in the political system created by individuals in a public role, structural deficiencies, and a hungry citizenry. The demand for governmental regards frequently exceeds the supply; and routine decision making processes are lengthy, costly, and uncertain in their outcome. The legally sanctioned decision making processes constitute a bottleneck between what the
people want and what they get. The temptation to get around the bottleneck to make favorable decisions more probable is built into the relationship between the government and society. To cut through the bottleneck, one must use political influence, which often involves corrupt activity.

In the following two chapters, we will take a close look at what happens to the ability to govern when cynical attitudes saturate our justice system. The two primary agents we will be investigating that uphold justice include the judiciary and the police.
CHAPTER FOUR

Judging the Judiciary

The stage was set. As soon as the lights dimmed and the curtain was drawn, the action played like a Shakespearean tragedy. In 1981 an undercover agent pretended to be a defendant seeking a reduced sentence in a case to be heard before Judge Alcee Hastings. A lawyer solicited a $150,000 bribe from the undercover agent and was arrested for bribery.¹

Later, Hastings was brought up on charges of taking a bribe. The Federal Judiciary's governing board informed Congress that the evidence against Judge Hastings warranted his impeachment; and in 1989, after the House of Representatives impeached Hastings, the Senate removed him with a 69 to 26 vote.²

Cases, such as the one above, clearly show how all too often justice is dispensed separately and unequally because of actions that abuse the public role or trust for some private benefit. As Henry Abraham wrote, "To be faithful to the constitutional mandate to, promote the general welfare, and judicial system or structure in a democratic society with a constitutional base must essentially meet two basic requirements...to protect society and to be fair to those
Alexander Hamilton in The Federalist No. 78 wrote:

The judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the constitution, because it has the least capacity to annoy or injure.

Judicial authority today, however, reaches every corner of society. Every facet of the world is affected in some way by judicial decisions and competence of the judges. Experts on judicial conduct and ethics—Jefrey Shaman, Steven Lubet, and James Alfini—clearly describe the importance of the judiciary through the statement, "They define our rights and responsibilities, determine the distribution of vast amounts of public resources and direct the actions of officials in other branches of government." Because judges are so vital, they must generate respect, not cynicism.

As the political customs, culture, attitude, economic condition, and size of public sector changes, so does the role the judiciary plays. Political and social forces recognize the importance of courts as an important institutional resource—like money. This is because the current perception of justiciability is one of flexibility.

In 1966, for example, the Supreme Court amended Rule 23 of the Federal Rules of Civic Procedure to make class-action suits easier to pursue. This liberation the Rule 23 allowed for greater access to the courts which increases the opportunity for those seeking "goodies" to receive desired results. As a result we saw a dramatic increase in the number
of civil rights cases which ultimately put more pressure on the judiciary's shoulders.

At the same time more interests are asserted in the judicial arena, the courts influence in the policy-making process is increased. Add innovation in the nature of the courts, and the sum result is a greater capacity to serve the needs of political forces.7

The bottleneck created between what the people want and what they get raises the stakes involved and incentives for engaging in corrupt activity. As John Ikenberry and Theda Skopal conclude in their social study, "No longer is the judiciary the 'least dangerous branch' envisioned by the framers, nor is the court an appendage of executive politics."8

The public cynicism toward the judiciary and justice in general is already evident. Research conducted by the National Center for State Courts to establish the public opinion of courts confirms that "Three expectations haven't been met,"9 The three expectations elementary to democratic notion we hold are: 1) protection of society, 2) equality and fairness before the law, and 3) quality performance of personnel.

Other conclusions were drawn from the study as well. Once such conclusion was that the public with the most knowledge of the judicial system holds courts in lower esteem than those with little knowledge.10 In other words, the more
one knows about the courts, the more cynicism is felt. This is due to the clientele type of government that sets a double standard of justice.

Another conclusion was that there is overwhelming support for court reform.11 Public dissatisfaction with the courts is clear. What is equally clear is that the dissatisfaction results from the overwhelming growth of expectations. Hence, the bottleneck between what the people want and what they get is enhanced, creating more incentive for using corruption as a means of influence.

For example, Americans still cling to the belief that our judges are beyond reproach.12 Thus when overwhelming laws, cases of codes of ethics, and other formal regulations are reported broken for the purpose of private benefit, disheartened people become cynics. Its rather hard to govern people who no longer believe it is necessary to cooperate or abide by tactics implemented to govern.

To best illustrate this growing problem, we will next take a look at specific cases of Justices breaking formal regulations relating to their conduct and ethics in their public role.

Judicial Conduct and Ethics

The first call for formalized standards of professional conduct in the legal profession came in 1906.13 In 1924 the American Bar association drew up the original Canons of
Judicial Ethics. The 1924 Code was intended to be a guide of behavior instead of an enforceable set of rules.

The Bar attempted to improve the Code and revised it in 1972 designing it to be mandatory and enforceable, but apparently there was still dissatisfaction with it because they revised it again in 1990. Canons 4, 5, and 6 were combined and became Canon 4. Canon 5 is the former Canon 7. The preamble to the Model Code of Judicial Conduct (August 1990) contains the following statement:

Our legal system is based on the principal that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to all sections of the Code are the precepts that judges individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system.

Certainly we should have the best written laws and adequate funding, but for the most part the quality of the judges determine the quality of justice. It is especially disgusting to read about cases of judicial misconduct because in most cases it should have been absolutely clear to them that they were breaking the Codes. Now we will look at the Codes and illustrations of them being broke.

CANON #1: A judge shall uphold the integrity and independence of the judiciary.

N.y., 1980 Where a judge in two cases appointed his son’s law partner as a receiver enabling the law partner
and his son to share in fees amounting to over $51,000. The judge violated a section of the Rules Governing Judicial Conduct requiring judges to disqualify themselves when they know that a close relation could be substantially affected by the outcome of proceedings. A judge should be required to observe high standards of conduct so that the integrity of the judiciary is preserved.\(^\text{18}\) He violated Canon 1.

**CANON #2:** A Judge shall avoid impropriety and the appearance of impropriety in all of the judges activities.\(^\text{19}\)

N.Y. Ct. Jud., 1980 A judge was suspended for six months without pay when he negotiated reductions on bail forfeitures in various vehicle and traffic matters pending before other judges outside his jurisdiction, presided over a case where members of his family had a financial interest in the outcome of the litigation. Such participation violated the basic rule that a judge’s conduct should be free from even the appearance of impropriety; therefore he violated Canon’s 1 and 2.\(^\text{20}\)

**CANON #3:** A judge shall perform the duties of judicial office impartially and diligently.\(^\text{21}\)

The case above was also a violation of Canon 3 because the judge should have disqualified himself from a case in which a family member had an interest.
CANON #4: A judge shall so conduct the judges extra judicial activities as to minimize the risk of conflict with judicial obligations.22

In re Yandell, 772 P. 2d 807 (Kansas 1989) A Judge defaulted on a loan to various banks but continued to sit in contested cases involving the same banks as parties; he was disciplined for failure to disqualify himself from the cases.23

CANON #5: A judge or judicial candidate shall refrain from inappropriate political activity.24

In re Baker, 535 So. 2d 47 (Miss. 1988) A judge received private reprimand for soliciting the political support of a litigant over the telephone, raising the specter of influence peddling.25

The Total Ramification

The breaking of some of the codes may not seem to be too serious but it will often lead to increased misconduct and more cynicism toward those we should be able to look up to.

This quote from the record of a court case should be stamped upon the mind of every judge. "It is regrettable, but grimly true, that one bad judge can undo the efforts of a hundred excellent judges..."26

As with the judiciary, the other primary agent of our justice system, the police establishment, is plagued with the political cancer. Corruption in the police establishment is
not unlike the corruption we have just exposed amongst our judges. Formal duties and regulations are being broken for some perceived private gain. The explanation for such activity is again the bottleneck between what the people want and what they get. And as the tension builds, a clientele type of government forms destroying the civic faith by generating public cynicism—making it difficult to offer incentive for citizens to comply with the law or those who enforce it.

In the next chapter we will look closely at the Rodney King beating and discuss some of the formal duties and regulations being broken by our police. As with the judiciary, we will observe a great need for reform.
CHAPTER FIVE
Policing the Police

The events that unfolded on the eve of March 3, 1991, rocked the nation. Specific details vary depending upon which perspective is taken; but the ultimate consequence was heightened cynicism in feelings toward the police and justice system.

Rodney G. King, a black felon on parole for armed robbery, had been driving drunk and was a suspect in a robbery that took place earlier that evening. When police attempted to pull King over for speeding, he drove off the freeway at reportedly high speeds and sped through two red lights. Additional patrol cars were used to get King and his two male passengers stopped. The arresting officers attempted to handcuff King, but he resisted.

Onlooker George Holliday captured the next 81 brutal seconds on his home video camera. When King resisted arrest, field sergeant Stacey Koon delivered 50,000 volts of electric shock to King with a taser gun. After King dropped to the ground, officers Ted Briseno, Laurence Powell, and Timothy Wind proceeded to kick and club King to a bloody pulp. Images crossed the screen as twenty or more officers stood in the
background watching; yet doing nothing. Images that would haunt the nation and bring charges against the officers involved.

During the next year, political and legal wrestling continued. Briseno, Wind, and Powell were charged with willfully using unreasonable force; Stacey Koon was charged with failing to prevent the assault when acting as the supervising officer. The twenty officers who chose not to intervene were not charged because no California law makes their inaction a crime. The LAPD (Los Angeles Police Department) lost its reputation of excellence, and people were demanding that Police Chief Daryl Gates resign his position.

To get convictions for the officers that were charged, prosecutors would have to prove two things. First, that the officers used excessive force in subduing King. And second, that they deliberately took justice into their own hands before King had the opportunity to his constitutional right to a speedy trial.

When the verdict came in on April 29, 1992, the officers were found not guilty. Angered citizens started an uproar. Reports of looting, arson, robbery, and beatings showered news broadcasts as the rioting spread through Florence and Normandy—two suburbs of northern California.

Only six hours after the verdict was announced, white trucker Reginald O. Denny stopped at an intersection and was yanked out of his truck, kicked, hit beat with bricks, and
smashed with his own fire extinguisher. As news casts captured this ugly scene, cynical attitudes rampaged the nation driving an even bigger wedge of mistrust between the citizens and the police department.

The Rodney King case illustrates how quickly public cynicism grows and destructs the ability of the government to govern when public officials betray the public by deviating from their public role. The police officers involved in the beating exploited and abused their discretion.

Discretion is the essence of good police work because officers must make quick judgments about what happened and what should be done. Not every incident falls into a neat category; and therefore, discretion is needed. However, when legitimate discretion is exploited in order to acquire some private gain, discretion gives those in the public role and overwhelming opportunity to engage in corrupt activity.

Other categories of police corruption involve active criminality, bribery and extortion, and internal corruption. Active criminality is the active planning and committing of crime. It usually involves burglary or sale of stolen goods.

Bribery and extortion involve practices that deviate from their public role of law enforcement to raise money. Sometimes, it is just one or two officers and at other times it’s the whole department.

Another category of police corruption is internal corruption. Internal corruption is abuse of the public role
or trust among officers or subunits within a department. Still we must ask what induces these people in public roles to deviate from them.

What Makes the Bomb Tick

We can see the factors of the explanations explored in Chapter Three at work—encouraging officers of the law to participate in these, as well as other, types of corrupt activities. In this sense, corruption can be thought of as a bomb just waiting to blow.

The personality of individual officers has an influence on the amount of corruption. The pressures, opportunities, and incentives that grow out of the police institution has an impact on the amount of corruption. The political culture customs, attitudes, economic conditions, and size of public sector also have a substantial impact on the amount of corruption. Let’s take a closer look at each.

The personality of a police officer does indeed have an effect on how a person reacts in a given situation. Whether a person is inherently easy-going, uptight, hot-tempered, lazy, ambitious, psychotic, or stable all influence a person’s motivation as well as perception of the situation at hand.

In a captivating book authored by Mike Rothmiller and Ivan Goldman, details of Rothmiller’s experiences as a LAPD police officer and OCID (Organized Crime Intelligence Division) detective lay out some of the corrupt practices
common in our police departments. Goldman and Rothmiller reported, "even the most straight-ahead cops were sometimes party to the injustices frequently perpetrated on innocent people by the worst officers..." Survey data as well indicates that police officers tend to be more suspicious, defensive, isolated, impulsive, aggressive and willing to take risks; however, the data was not conclusive.

Rothmiller and Goldman's statement, plus inconclusive results of survey data indicate the difficulty in measuring the specific degree of influence one's personality actually has. Also, to rely too heavily on them as a complete explanation of corruption would be like implying recruitment of particular types of people would solve the problem of police corruption. Therefore, we will now concentrate on features of the institutional framework that creates pressure on the bottleneck and those in a public role.

One area of the institutional format comes from the socialization process. Rothmiller and Goldman recite countless instances of dictum (unwritten rules) of the police "brotherhood." To be considered one of the guys, one would have to obey the dictums. Cadets were well aware of these pressures because instructors at the academy and veteran officers taught them what was expected. For example, the two authors account:

At the academy, instructors had besieged
recruits with the dictum that they must protect their partner. *Never let your partner down...* the code of the blue tribe...when one acted, *all must follow*. That meant if a fellow warrior lashed out at someone, the others were expected to follow.

Another such dictum was referred to as *Contempt of Cop*.\(^{15}\) Any suspect making a furtive move would be punished. You ran; you paid. Unfortunately most of the time, suspects are told not to move; but when the frisker is checking for any foreign objects, he or she takes a pin kept in their Sam Brown belt and jabs a sensitive area. Of course the suspect is provoked to move, while onlookers believe the suspect was resisting arrest legitimizing the extra force.\(^{16}\)

At other times, dictums were practical jokes played at the expense of some innocent unsuspecting passerby. Practical jokes included playing "follow the leader," "diamond formation," and "lie detector test." "Follow the leader" is played mostly at night where a lead car tears through the streets, alleys, and parking lots at speeds up to 90 miles per hour. Everyone is expected to follow.\(^{17}\) Clearly, this dictum violates their public role as well as endangers the public.

The "diamond formation" is also usually pulled on night shifts.\(^{18}\) Instead of catching criminals, a half dozen patrol officers meet at a prearranged side street. The officers then await for a lone driver on an abandoned boulevard. One cop car pulls in front of the victim and proceeds at 25 mph. The victim logically slows down and follows. Then other patrol cars squeeze in on the sides and rear of the victim’s car
until a diamond figure is formed. Of course, the unsuspecting driver plays along because they are trapped, not knowing what to expect next.

Then there is the infamous "lie detector test." A lone pedestrian was always the target. Cops would wait until they found a target with a limited education. Once found, the cops would make the victim hold a traffic flare covered with electrical tape and attached to a ferocious looking battery. They then ask the target victim numerous questions. Every once in a while they hand key their mike to make a clicking sound. To scare the detained pedestrian, they would warn he or she that they only have thirty seconds to answer correctly or they will be shocked.

Three other dictums that warrant mention are lying on arrest reports, probable cause, and violence. Lying on arrest reports is routine business; especially in felony cases. Rothmiller and Goldman state, "Rothmiller watched cops decide for themselves who was guilty, and then weave a spell over the arrest report to make it match their perception." The dictum concerning probable cause (P.C.), taught by instructors, dictated that, "If you don't like someone's looks, pull him over...you can always find P.C. later...Don't say it was an equipment violation, because then you would need physical evidence..."

Instructors also taught cadets never to hit with a closed fist because it leaves marks. If the officer did hit, he
was instructed to go for the belly, groin or kidney.

The most haunting dictum is relevant to the before detailed Rodney King case. Rothmiller and Goldman vividly detail that, "claiming a suspect appeared to be on PCP (angel dust) was a classic command take...The public had been primed repeatedly with frightening stories about the sometimes super-human strength displayed by PCP zombies." So, if a cop claimed he/she had suspicions that the suspect was on PCP, brutal force would be legitimized. Police officers involved in the King incident did claim that they suspected King to be on the hallucinogenic drug PCP; which is why, they claimed, they had to use brutal force to control his super-human strength.

Opportunities and incentives also are generated out of the institutional structure. Again, the wide degree of discretion officers need to do their jobs effectively offer the opportunity to make choices that deviate from their public role. This is especially true with vague and contradictory laws. The fact that there is a low managerial visibility gives officers the opportunity as well because most work is beyond supervision. For the most part, officers are usually alone or with only one partner. Another area opportunity is invited, is in the low public visibility. The public does not see all the action, so there's no way of knowing what goes on.

Also important is the catch-22 that many powers and
procedures that enable police to fight crime also enable them to engage in corruption. Police have access to places (public and private), two-way radios, and guns; further more, they carry symbols of trust—the uniform and the badge. All these resources can be used to deceive or allay suspicions. For example, a policeman messing with a lock on a liquor store door in the middle of the night would raise little inquiry. People see the symbols of trust and rationalize that the officer is just checking the locks, or responding to a call.28

Yet other incentives and opportunities stem from laws that are difficult to enforce, such a vice laws.29 Vice laws govern activities which people are generally involved in their own violation. For example, laws concerning prostitution or gambling, the participants have no desire for and do not benefit from the enforcement of them. Logically, participants offer bribes to cops to get them to look in the other direction. Corruption here appears to benefit all direct parties to the vice transaction. For cops, taking bribes is an attractive way to avoid a difficult task. And for the participants corrupt influence allows them their way.

Rothmiller and Goldman also suggest that cops involved in undercover work are subjected to opportunity and incentive. In order to succeed, the cop has to ingratiate himself with the criminal and then has to arrest them which requires a strong sense of purpose.30 All too often undercover cops lose their sense of purpose, and deviate from their original
mission. The opportunity and incentives are just too overwhelming once a body has befriended people and is in the middle of the action.

Political customs, cultures, attitudes, economic condition, and size of the public sector influence police corruption as they did with judicial corruption—by putting pressure on the bottleneck. For example, veteran officers teach the traditional police customs to new cadets. Rothmiller and Goldman report, "Every day veteran officers taught the subtleties of circumventing the laws to their younger officers."31

LAPD cops also, are expected to be racist towards blacks. Here Rothmiller and Goldman state, "Racism was expected, part of the group persona. Shrink from it and you were an odd duck..."32

A High Price To Pay

Whatever the reason, incentive, opportunity, or pressure to act in a corrupt manner, the cost is that people will develop a widespread cynicism about all police—honest or otherwise.33 The Rodney King brutal beating proved this notion true. When people believe that justice is for sale, the political cancer grows and spreads.

When accounts of corrupt activity flourish, four significant effects take hold.34 First, illegal activities are tolerated and made more profitable. Automatically then,
the quality of law is diminished. Second, society as a whole loses trust in the police. Once trust, the civic faith discussed in chapter one, is lost people take justice into their own hands. Third, crime rates increase as well as violence. And fourth, it encourages potential lawbreakers to act out their temptations. In other words, people normally discouraged from criminal activity because of the penalties of getting caught no longer see laws or police as a deterrent.

We expect the police to regulate matters of personal morality; while at the same time expect them to respect the civil liberties of suspects. We expect them to uphold their public role and trust without winking at the slightest temptation to deviate from that mission. Any perceived involvement in corruption destroys our civic faith; we become leaves falling from a tree.

The ability of the police to uphold justice is therefore greatly diminished because citizens feel no need or use to comply with the laws or the police. The Rodney King incident clearly demonstrates this scenario, just as the Judge Hastings case did in chapter four.

We can point the finger at many things. However, the cynicism felt towards these two primary agents of our justice system is generated when clientalism, induced by corruption, destroys our sense of faith upheld in our notions of democracy.

Therefore, because increased tensions on the bottleneck
between what the people want and what they get enhances perceived benefits of using corruption as a form of political influence, we must focus on reforms that will attempt to cure the cancer.

Furthermore, because the justice system is elementary to our civic faith, as demonstrated in this section and the section on the judiciary, we must reform these two agents of our justice system. Thus, the following chapter will be devoted to the suggestion of possible reform.
CHAPTER SIX

Conclusion: The Cure

The overriding theme throughout this thesis has been that corruption is indeed like a cancer. It is spreading and growing to the point of causing citizens to lose their civic faith. The loss is directly related to the public cynicism that is born out of our public officials engaging in corrupt activities as depicted by the legal norm definition. When people no longer believe that elementary notions of American democracy exist (e.g., protection of society, fairness and equality of the law, and quality performance from public officials), we lose our civic faith.

Upholding the very base of our civic faith is our justice system. The two primary players, the judiciary and the police, are failing us by actively participating in corruption which aggravates public cynicism. Thus we must find a cure for the cancer. Unfortunately, there is no quick fix. Michael Johnston confirms this notion as he writes, "Reform does not always improve our politics or yield redemption from past sins and evils." Therefore, it is appropriate to first recognize some of the difficulties of reform before we can look at some suggestions.
Dilemmas of Reform

As indicated earlier, reform is very difficult. There may not be an instant or complete solution; moreover, some reforms may do more harm than good. The most important thing to keep in mind, however, is that our motivation to ensure our civic faith. In other words, the many dilemmas that are encountered when instituting reform should not discourage us from working towards eliminating as much corruption from our society as possible. One way to get past the dilemmas of reform is to acknowledge them.

One source of difficulty in instituting successful reform is a lack of information. We can’t aim at what we don’t see. Reformers definitely face a data problem that may handicap them from seeing the whole problem. Not only do the parties involved in the corrupt activity have an interest in keeping the act quiet, those not directly involved also have an interest in keeping quiet.

Whistleblowers (those who know of corrupt activity and come forward with their information) can almost be classified as an endangered species. Ralph Nader who reported on professional responsibility stated, "It is clear that hundreds and often thousands of people are privy to such information but choose to remain silent within their organizations." They stay silent because their social environment, job, and even life may be threatened depending on how much those involved in the corrupt act have to lose if they are exposed.
As we explored in Chapter Five, the "brotherhood" of police force members is an extremely powerful and intimidating network. If one goes against the "brotherhood," they are outcasts facing severe consequences.

Data gathering is also a problem because sometimes the monitoring systems developed to keep track of money, personnel, and equipment can often be used to cover-up the very abuses they are supposed to reveal. Those in charge of such systems are often in a position to exploit the system. Rothmiller and Goodman expose such exploitation within the LAPD in their discussion of the multiple file system set up to hide particular files. The information hidden in the filing systems could lead to a misunderstanding of the total problem.

A second, and possibly the most important, source of difficulty in forming a reform strategy is that of implementation. As Dennis Palumbo stated in his public policy text, "Implementation is now recognized as one of the most important aspects of the policy cycle." Often there is question as to what superiors wish those actually implementing the policy to do; disagreement between what the superiors want and what the subordinates want; and sometimes a lack of means (capability or resource) available to affectively implement a policy. If a reform for corruption breaks down at the implementation stage, any possible benefit from that reform is not likely to be observed.

Now that we have observed some of the factors that create
great dilemmas for reformers, we can focus on approaches to reform. The first two approaches (positive and negative reinforcement) deal with the resistance of public officials from succumbing to the pressures on the bottleneck—engaging in corrupt activity. The third approach attempts to relieve pressure off the bottleneck between what the people want and what the people get. Lastly, the fourth approach suggests that the society as a whole needs to invest in ethical and moral principles.

Positive Reinforcement

Positive reinforcement is intended to encourage good behavior by increasing the incentive to follow correct procedure as defined by the legal norm definition.⁷ Measures that encourage "good" behavior range from the selection of public officials to moral education. Let’s take a closer look at the selection of public officials.

When selecting public agents, we want to find those individuals most technically capable for the job. However, honesty and dependability are two aspects that also must be considered when corruption is a concern. If the people being considered for the public service position are aware that honesty is a key factor in their success, an incentive is provided to follow the legal norms and procedures instead of engaging in corrupt activity.

One method of achieving positive reinforcement in the
selection process is through "screening". Basically, screening attempts to predict which individuals will be honest or have integrity. Screening can be achieved by looking at past employment record or by using certain psychological tests.

Although research shows some success with screening, it is important to recognize that some people that are considered honest may change once in office. Therefore screening might eliminate some corruption, but it would not completely solve the problem of corruption.

Moral education is another method of positive reinforcement that encourages good behavior. Public servants would learn a "code of ethics" (set of ethical rules and norms a particular institution develops) through training programs and personal examples. Moral education generates attitudes that place a high value on both the ethical codes of the institution and responsibilities to the public. Hence, good behavior is encouraged by changing the attitudes of those in public office. This brings to the second reform measure that aims at getting public servants to resist the temptation of succumbing to the pressures of the bottleneck—negative reinforcement.

Negative Reinforcement

Negative reinforcements attempt to deter people from corrupt behavior by increasing the chances of getting
Negative measures might include supervision of workers, monitoring of work, and increasing penalties.

Let's expand on the notion of increasing the penalties. By increasing the penalties of engaging in corrupt activity, the cost of getting caught is increased. The basic idea is to deter public servants from engaging in corrupt activity by making the costs outweigh the benefits. Penalties could be raised by increasing the severity of formal penalties (such as jail terms), use of publicity, and loss of professional standing.

Another method of negative reinforcement is to monitor the public servants and their work. The public institution could set up an organization that would supervise the actions of public servants and the quality of their work. When people think they are being carefully observed, they tend to follow procedures more diligently. They do so because they know if they step out of line they will be caught and have to face the music.

For example, the police department has a difficult time internally monitoring the patrol officers because they can go out of radio range, are usually with a single partner or alone, and possible whistleblowers are intimidated by the "brotherhood" of the police department. Therefore, an organization of people knowledgeable about police work but not directly involved might be more beneficial. The external network could then report any suspected misconduct to an
official that has authority to further investigate and act on
the situation.

Hence, we are brought to the conclusion that negative and
positive reinforcements are not intended to completely solve
the problem of corruption. Positive and negative
reinforcements do, however, attempt to strengthen the
incentive for public servants to resist the incentive to
succumb to the pressures on the bottleneck.

We can also aim reform at relieving some of the pressure
exerted on the bottleneck. To do so, we need to restructure
the clientele type of government.

Restructuring the Clientele

As we discussed in the first chapter, a clientele type of
relationship exists between the government and the general
public. This type of relationship generates tension on the
bottleneck between what the people want and what the people
get. Therefore, an ideal reform would be to relieve the
pressure on the bottleneck by restructuring the clientele type
of government.

One way of restructuring government to relieve pressure
off the bottleneck is often referred to as the "market-
oriented" reform. Essentially, this type of reform attempts
to make government smaller by removing certain goods from
public control.

At first glance, the market-oriented reform appears to be
the magic potion we have been searching for. However, by taking the "goodies" out of public control and putting it into the hands of private control, we are merely shifting the location of the bottleneck—not eliminating it. Corruption would soon occur creating the same threat to society on a privatized environment as it does in the public environment. Therefore, a more reasonable measure would be to limit the ways clients can seek to influence the business (government officials).  

Because corruption usually involves transactions between private clients and public officials, if clients were made to disdain corrupt exchanges fewer illicit relationships might develop. For instance, campaign finance laws and lobbying laws spell out what clients may and may not do to advance their interests. Such laws place limits on the contributor's effort to get what they want—lowering the stakes or incentives to engage in corruption.

This draws us closer to a conclusion. A conclusion that suggests the legislation of moral and ethical concerns alone is not feasible. Therefore, we must to look at society as a whole, and the role it plays in reform.

The Lost Generation

Can we legislate morals and ethics? This question gives birth to the notion that the reason we cannot find a single magic potion is because we are not addressing a problem at a
more elementary level—the problem being a lost generation—a generation in which moral and ethical principles have faded into the background.

Laws and rules won't work unless the people they are directed at have a desire or interest in upholding them. Therefore, another possible approach to reform is to integrate and emphasize moral and ethical principles.18 Like moral education within the public institution, we should morally educate society as a whole.

Moral education should be integrated into the homes, schools, and churches. Such measures might get the general public behind anti-corruption efforts by changing the public's attitude toward corruption. As Robert Klitgaard suggests, we would be attempting to break the culture of corruption that seems to exist in America.19

We are left with notion that several reform measures are required to combat corruption—there is no quick fix or simple solution. Combating corruption requires a comprehensive effort through legislative and societal reform; and although reform is difficult and frustrating, the cost of letting the political cancer continue to grow is a loss of our civic faith.
Chapter One


2. Ibid., 892.


5. Ibid., 13.


8. Ibid., 16.


10. Ibid.


Chapter Two


2. Ibid., 5-6.


11. Ibid.

12. Ibid., 11.

13. Ibid.

14. Ibid.


16. Ibid., 20.
Chapter Three


2. Ibid., 69.


7. Ibid., 21.

8. Ibid., 27-30.

9. Ibid.

10. Ibid., 15-16.


13. Ibid.

14. Ibid.

Chapter Four


7. Ibid., 371-388.

8. Ibid., 387.


10. Ibid., 4-27.

11. Ibid., 28-45.


15. Ibid., 492.


23. Ibid., 18.


Chapter Five


9. Ibid., 76-77.

10. Ibid., 77-79.

11. Ibid., 75-76.


14. Ibid., 82-84.


16. Ibid., 36.

17. Ibid., 37.


19. Ibid., 44.

20. Ibid., 44-45.

21. Ibid., 45-46.
22. Ibid., 33.
23. Ibid., 31.
24. Ibid., 30.
25. Ibid., 34.
28. Ibid., 85.
29. Ibid.
30. Ibid., 85-86.
31. Ibid., 93-95.
33. Ibid., 82.
34. Ibid., 29.

Chapter Six

2. Ibid., 184-185.
6. Ibid., 111-114.

8. Ibid.

9. Ibid., 88.


12. Ibid.

13. Ibid.


15. Ibid.

16. Ibid.

17. Ibid., 128-130.

18. Ibid.

19. Ibid.
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