

Corruption in the U.S.: Do They All Do It?

As Americans take leave of an extraordinary year, they can recall endless days when the front pages of their daily newspapers seemed to suggest that everything—and everyone—is corrupt. And the stories were not just about Watergate and all that. Like a steady drip-drip, they told of big companies caught paying bribes, of little fellows paying kickbacks, merchandise failing to support the promise of its labels, employees defrauding their bosses, physicians involved in accident-insurance swindles, 300 indictments in 20 cities in poverty-housing scandals, developers paying off zoning commissions, policemen on the take, store employees outstealing shoplifters, even a cherubic youngster caught cheating in the soap-box derby. Any day, anywhere: see your local paper for further details.

The hardened reader is privy by now to journalism's dark secret, which is that news is the extraordinary, not the ordinary. Even so, in 1973 one all-purpose phrase was often heard, as useful to malefactors justifying their actions as it was to cynics excusing their civic indifference. It is that *They All Do It. But do they all?*

The suspicion must exist, of course, that the constant emphasis on corruption is like those "crime waves" that newspapers used to discover in slack periods when no other story dominated the headlines. Any story with however tenuous a "Watergate angle" has a better chance of making the front page. In this effort, journalism may have had a collaborator in Richard Nixon. Indeed, as the notes on those 18 minutes of missing tape show, the White House's first response to Watergate was to invoke public relations to "top" the embarrassing news: "We should be on the attack—for diversion." In other words, show that *They All Do It.*

In the days when President Nixon was criticizing the morals of others rather than defending his own, he used to speculate about whether the U.S. had entered a Roman decline, what with so much permissiveness around. The argument is familiar: the church has lost its authority, parents are too soft, and every new Gallup or Harris poll shows a decline in the public's confidence in all institutions. But it is fair to ask: Were things really better when respectability was in flower and authority spoke in plummy, assured tones? Historians, whose occupational peculiarity is to find the past at least as interesting as the present, are certain to rank Watergate paramount on any list of presidential misdeeds, but that is not to say that they will regard the present as more corrupt than earlier times. In fact, less so. To think otherwise is to fail to appreciate the high savor of Boss Tweed's New York or General Grant's America.

Investigations now being pursued may yet link the Nixon Administration to more classic kinds of corruption. But the transgressions of Watergate and the Nixon palace guard turn more on amorality than immorality and are all the more pernicious for that. These were power-intoxicated, self-righteous men, sure that their purposes justified their wrongdoing, insisting that they were not themselves profiting financially, though they were in fact serving their ambitions in the process and showing themselves ready to subvert government and justice when it suited them. Corruption once wore a plainer face.

It is no longer a secret that the West was won, and railroads

flung across the continent, not just by the elimination of Indians but by the corruption of Congressmen. In earlier times, Daniel Webster was on the take from Nicholas Biddle and his second Bank of the U.S. Webster once wrote to Biddle to complain that "my retainer has not been renewed, or refreshed as usual." Biddle also distributed favors to three Vice Presidents, eminent Cabinet members and several of the country's leading editors.

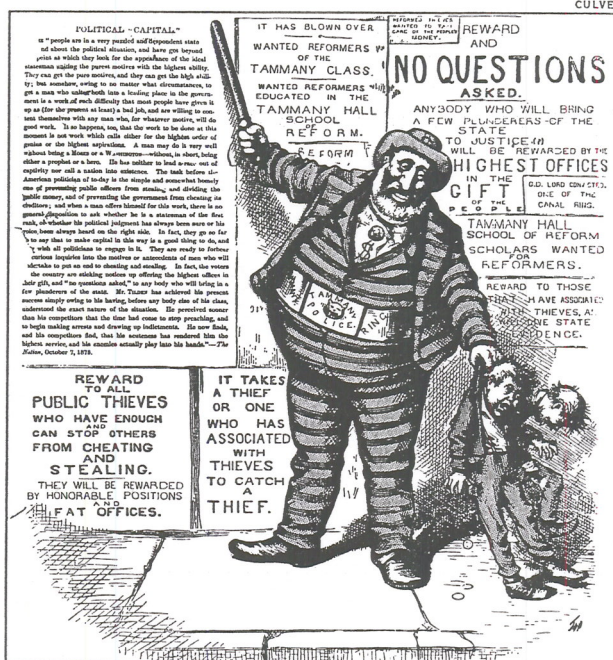
To prove that *They All Used To Do It* may unsettle those who believe in the natural goodness and perfectibility of man, but does no violence to that other enduring strain in religious belief that accepts man's essential depravity and starts from there. The constitutional forefathers, who lived before public relations counselors were invented, thought in such clear-sighted fashion. Their theory of checks and balances rested on the premise that "ambition must be made to counter ambition" because, as one

of *The Federalist* papers puts it: "It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary."

The pragmatic wisdom of the American system is that whenever standards of behavior are set too high, the law itself—as happened with Prohibition—is deemed at fault: enforcement becomes silly or scandalous; the law is hypocritically evaded, then widely disobeyed and finally repealed. Are standards of corruption also unrealistic? Should the shenanigans involving money and politics be acknowledged to be as American as frozen reconstituted orange juice? Such is the logic in *They All Do It.* The conclusion need not, however, be nearly as lugubrious as that.

Washington, D.C., is a place where expensive lawyers and lobbyists of powerful interests hover around, befriend, intimidate and influence legislators and bureaucrats whose standard of living is generally lower than theirs. Lobbyists no longer waste long, smoke-filled evenings laboring to be consistent and heavy losers in card games with politicians. The better-tailored lawyers and lobbyists around Washington are those who can influence Government decisions by access, by persuasion, argument or help, so that no one cries corruption. Congressmen need money and votes to get re-elected; campaign contributions can create an obligation without being illegal. Offering or withholding the support of large interest groups in American society can be a powerful influence on a legislator's behavior.

Real bribes are clumsier and rarer; in the present atmosphere, Congressmen even think twice about accepting a ride home in the private plane of a friendly defense contractor. The limit one federal tax collector used to go in accepting favors was a 12-lb. ham. Former Senator Paul Douglas, an incorruptible man, made a \$2.50 present his ceiling, which nowadays would not keep a man in good cigars. But Douglas remembered that if one asked a corrupt policeman where things went wrong, he would say "It all began with a cigar." Then a bottle of whisky; after that a case; then something for "the little woman," which by gradual stages led to the \$9,500 "natural royal pastel mink coat" that figured so prominently in the corruption of the last days of the Truman Administration. Those days made a fa-



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miliar name of T. Lamar Caudle, the folksy bribe-taking head of the tax division in the Justice Department.

In the two decades since, the bureaucrats in the Justice Department and the Internal Revenue Service have been singularly free of such scandal. Where the federal income tax raises hackles is in the loopholes and exemptions written into the law to enable the rich and the favored to avoid high taxes. Tax collection is less criticized. The IRS collected an astonishing \$238 billion in taxes in fiscal 1973, and Donald C. Alexander, its commissioner, believes that only about \$6 billion in legally taxable money got away. Such faithful "voluntary self-assessment" is sometimes cited as evidence of American moral superiority over Latin nations, where income taxes are negotiated or avoided. In this case, however, prudence more than honesty may be the American virtue to be esteemed. By fiscal 1974, computers will be able to match up tax returns instantly with W-2 forms, and by 1975 with all interest and dividend payments.

The elusive boundary between what is ethically dubious and patently illegal troubles moralists. That problem surfaced in the heartfelt remarks that Oregon's Freshman Republican Senator Robert Packwood made to the President at a White House meeting: "For too long this Administration has given the public the impression that its standard of conduct was not that it must be above suspicion but that it must merely be above criminal guilt." The milk producers' \$527,500 contribution was followed by a Government reversal of policy, permitting milk-price supports to be raised. Not all contributions led to happy and immediate consequences. Quids do not have to have direct quos in a day when increased federal power has such discretionary say over business—over price rises, tariffs, tax investigations, antitrust prosecutions, Government loans, rate structures, contracts, subsidies, allocations of raw materials, licenses. Every major corporation has matters pending with Government, and many (who preferred Nixon to McGovern anyway) got the message that the Nixon Administration could be selective in rewarding friends and punishing enemies.

Harvard Law Professor James Vorenberg, who was one of Archibald Cox's top lieutenants, believes that "in a sense the corruption at the top reflects too great a trust on the part of the people in the leaders they place in power." It is generally agreed that farther down the ladder the public has less trust in those who run the statehouses, city halls and police stations, and with good reason. William Saxbe, the Attorney General-designate, thinks things are better than they used to be, and remembers Ohio in the Depression, when people had "to pay to get on relief or a job on the streets." In those days, when Government employees were less well paid, it could be argued, as Ben Franklin once had, that "it is hard for an empty sack to stand upright." But Paul Douglas believed that "men will not be saved from temptation merely by being paid more money. Desire always outruns income."

Just how many ways there are to be corrupt is evidenced in the \$1,750,000 study issued last month by the National Advisory Commission on Criminal Justice Standards and Goals, which may be one of John Mitchell's few lasting contributions to law-and-order. The commission, headed by Governor Russell W. Peterson of Delaware, poses 74 questions to the citizen about his own city and state government, and suggests that yes answers argue "the presence of corruption or an atmosphere conducive to corruption." Some of the questions:

"Do well-qualified companies refuse to do business with the city or state? Are municipal contracts let to a narrow group of

firms? Is competitive bidding required? Do turnpike or port authorities or governmental departments operate with almost total autonomy? Are kickbacks and reciprocity regarded by the business community as just another cost of doing business? Are court fines regarded as a source of revenue for the municipality? Are records of disciplinary action against government employees closed to inspection? Do business establishments give certain public employees free meals, passes, discounts and the like?"

The 74 questions read like a reader's guide to misconduct. The commission, after dutifully noting that "most people in public service are honest," seems more aware that "corruption results in a staggering cost to the American taxpayer" and has wider effects, such as spreading a lawless cynicism among street criminals (from a passage about the failure of prisons to rehabilitate men: "A sense of injustice is endemic among prisoners, and it stems in large measure from the inmates' belief that they are the unlucky victims of a hypocritical system that tolerates lawlessness among its officials but makes scapegoats of less well-placed offenders"). It cites estimates that about 15% of the money spent for state and local election campaigns—some \$20 million—comes from the underworld. Engineering firms holding high-

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"You've got a great future in the corporate world, kid!"

way construction contracts, holders of state liquor licenses and race-track officials have traditionally been generous campaign contributors. Beyond that are the kind of direct payoffs that Spiro Agnew thought had become offensive to ordinary citizens only in "the new post-Watergate political morality."

All of this makes dispiriting reading, except that the commission believes that much can be done. It favors more laws like Florida's "Who gave it, who got it?" legislation to get campaign contributions on the record. It recommends a code of ethics to states, counties and cities and urges that boards be set up to enforce the code. All elected officials should be required to file a financial disclosure statement, listing "all assets legally and constructively owned," "all debts in excess of \$1,000 and to whom owed" and, "if a partner in a law firm, a list of all clients whose annual fees exceed \$2,000 or comprise 5% or more of the firm's annual business." Such disclosure "must be mandatory, periodic and accessible to the public."

Political scientists who keep an eye on such things are convinced not that there is more corruption around but that there is now more concern about it. If so, all that bad news on the front pages is in a way good news: not just proof of the wickedness in man, but of the capacity of society to respond to it. Perhaps the defense is at last catching up to the offense. The age of data banks and Xerox machines and tapes leaves many more telltale spoors: the Justice Department's budget has tripled since Nixon took office; 2,000 employees have been added to the FBI payroll; strike forces against organized crime are finding a happy hunting ground in Brooklyn, Newark, Boston, Chicago and New Orleans; U.S. attorneys are making new use of immunity pledges to get lesser lawbreakers to inform on bigger ones. Lawyers report that accused politicians have become nervous about trial juries. Being an investigator or a fearless prosecutor now seems as sure a route to becoming a household word as to be chosen Vice President of the U.S. This would seem to be one of those times similar to England in 1876, when Gladstone believed: "Good ends can rarely be attained in politics without passion, and there is now, for the first time for a good many years, a righteous passion." The message is not the despairing They All Do It, but the fighting cry that too many do.

■ Thomas Griffith