

# Post-Watergate morality: Too good for our good?

By Irving Kristol

**J**ack Anderson's column is one of the most widely syndicated, and on Sept. 17 he had an awful truth to convey to the American people. It seems that when an official of the National Endowment for the Arts flew from Washington to Los Angeles on official business, her baggage, containing official documents, somehow got left behind, and the endowment rushed the luggage to her, by special air delivery. "All told," Mr. Anderson solemnly informed us, "the misplaced suitcase cost the taxpayers \$42.75."

One wonders what Mr. Anderson wishes us to do with this information. Write indignant letters to our Congressmen? Demand that a grand jury look into the matter? Conclude that "the system isn't working" and become alienated?

I suspect such confusion—compounded in equal parts of apprehension and impotence—is fairly widespread these days, as our daily papers, weekly newsmagazines, and TV news programs assail us with one such "sensational" scandal after another. No less a person than the head of the F.B.I., it seems, had "valances" installed on his home windows at F.B.I. expense. He says it was all the result of a misunderstanding and has since paid the bill out of his own pocket. But it was front-page news for over a week, and the Attorney General and the President of the United States got involved. The economic costs to the taxpayer of coping with this \$300 misunderstanding must have been enormous. And the psychic costs were surely not insignificant. How many Americans, like me, have felt diminished by the fact that we can never quite remember what a "valance" is?

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**T**he reforms aimed at solving today's problems are likely to constitute the problems of tomorrow.

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Just as I was sitting down to write this article, The Washington Post had a front-page story two days running that kept me on tenterhooks. According to The Post, the Swedish Government secretly paid the Pentagon some \$250,000 for some secret equipment, or secret information, or secret whatever. So much secrecy can only be sinister. The Post appeared to be suggesting. Shouldn't official secrets be sold publicly? Or, come to think of it, should they? Since The Post has inexplicably dropped the story, I am left dithering.

All of these revelations of misdeeds, actual or possible, and their echoing traumas among the citizenry, are part of what is generally called "the post-Watergate morality." We have been living with that morality for many months now, and it seems to me there are two things to be said about it. First, it is far, far better than the pre-Watergate morality. Secondly, it may be too good for any of us to survive.

Though Americans have always been cynical about political corruption and petty abuses of official preroga-

tives, they have also been aware—deep down—that it is not really so trivial a matter. Democracy, after all, means self-government, and it is no exaggeration to say that the political problem of a democracy is to insure that it is our better selves which govern. This is the ultimate purpose of our complex constitutional arrangements: to refine the impulse of popular government into decent—perhaps even admirable—self-government. And just as the abuse of political authority threatens the roots of popular government, so does the corruption of political authority stifle its flowering into anything worthy of our respect.

It is for this reason that, despite their basic cynicism about politicians—in itself a form of suspiciousness that is not entirely unhealthy—the American people do not tolerate official corruption indefinitely. They vote the rascals out—though there are too many instances where they have taken their own sweet time to do it.

Unfortunately, however, the other side of American political cynicism is American self-righteous moralism. The demand for "clean government" becomes an insistence on a degree of political purity which, in the real world, is either not within human reach or is itself self-destructive. At the moment, this kind of moralistic fervor is in full swing, and is notable in the vigilante-like passion with which the news media track down every sort of misdemeanor committed by officials, no matter how trivial or ambiguous or even nonexistent.

There is an obstinate presumption that innocent explanations cannot possibly be true—that there is a direct connection between permitting a private citizen to pay for one's lunch, or one's golf fees, and one's ultimate views on matters of public policy. None of us really experiences such a direct connection in the conduct of his private affairs. A publisher who accepts a Christmas gift from a printer doesn't for a moment think he has been "bribed." But, then, we believe ourselves to be basically honest—a  
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# Morality

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good opinion we do not extend to public officials.

One observable effect is the increasing reluctance of distinguished men and women to enter politics—the slightest transgression, however unwitting or however irrelevant to the performance of their duties, leaves their reputations stained forever. More important, because more immediate in its consequences, is the incarnation of the post-Watergate morality in the laws which Congress and other legislatures either have passed or are contemplating passing.

Take, for instance, the so-called "sunshine" laws which are being passed at every level of government, and against which no public figure seems bold enough to protest. They require that practically all meetings of all official bodies be open to public view. This sounds good, but in actuality it is utterly absurd. It's no way to run anything, whether it be a school board, a university department, a trade union or a government agency. It penalizes candor and compromise and rewards aggressive "grandstanding." Does anyone really believe that the Ford Motor Company and the United Automobile Workers could have reached an agreement if their negotiations were transmitted live on television? Or even if minutes of the meetings were kept? Similarly, the only reason Congress can function is because the committee system provides private (i.e., "secret") occasions for negotiation that are distinct from the public forum where opinions are sharply expressed and debated.

It is easy to predict that these "sunshine" laws will be regularly evaded, even by the legislative bodies that enacted them. But they will be a perpetual nuisance, will provide opportunities for mischievous intervention by various publicity-hunting busybodies and, above all, will have exactly the opposite effect from that intended; instead of increasing public respect for the laws of the land, they will simply provide another instance of frequent nonobservance of these laws by public officials at all levels.

Or take the many efforts of the Federal Government to legislate ethical behavior for businessmen and business

corporations. Sometimes they are patently ridiculous. Thus, various American firms which own potash mines in Western Canada stand accused by the Justice Department of "price-fixing" because they have obeyed the laws of that Canadian province, whose Socialist government does indeed believe in price-fixing. Incredibly, if logically, the elected officials of that government have been designated by our Justice Department as "unindicted co-conspirators"! What this means is that corporations who do legitimate business overseas can find themselves in trouble for obeying the laws of their host countries. Congress certainly has the authority to prohibit them from engaging in such business; but, since in this case it did not do so, it is hard to see the justice of our Justice Department's action.

The same Justice Department has also apparently come to the conclusion—by what right no one knows—that foreign cartels which try to do business in the United States fall under the purview of our antitrust laws. The fact that these cartels are perfectly legal in their own countries is apparently beside the point. So far this thesis has been applied only to Western European firms. But why shouldn't it also apply to Soviet firms? Or to the OPEC? One of these days, as things are now going, an overly zealous Justice Department is going to declare foreign socialism to be illegal and will bring an indictment against King Khalid of Saudi Arabia for having acted in "collusion" with President Suharto of Indonesia.

Obviously, when corporations engage in unambiguously illegal actions overseas such as bribery, the principle involved is much clearer. Unfortunately, however, clearness of principle is not always terribly helpful when dealing with a murky reality. No one approves openly of bribery, but there are many countries where public officials engage in it—and have always engaged in it—more or less openly. Our pre-Watergate attitude toward this situation was to say that's not our affair but rather that of the country involved. It is their laws that are being violated; it is their public officials who are being bribed; if

they don't like it, let them prosecute briber and bribee, and may God bless their efforts. But the post-Watergate morality, reacting with understandable repugnance against revelations of illegal corporate "pay-offs" to American politicians at home, is not satisfied with such a policy. It fails to abolish the evil of bribery itself; and, to the moral purist, implies there is a tacit collusion by all Americans in this wickedness.

The upshot is a bulky package of regulations and impending legislation to eradicate international bribery which will, of course, be very difficult to enforce. Any foreign official interested in a bribe will have little difficulty arranging for it to be "washed" by a legitimate "consultant" or "commission agent." Moreover, to the degree that serious efforts are made to enforce these regulations and laws, they will merely result in contracts going to French or German (both East and West) or

Czechoslovak companies rather than to American ones. In both France and Germany, bribes to foreign officials are deductible as a proper business expense. Nor is this practice on the part of these countries likely to change, simply because we are setting such a morally superior example. On the contrary: French and German corporations are already informing potential clients that it will be very risky in the future to do business with American firms—an argument that has some obvious substance.

Sooner or later, as the economic costs—in jobs lost and profits unearned—become visible, subtle but powerful pressures will build up to relax enforcement. The very same Senators who are striking self-righteous postures today will soon be intervening quietly on behalf of constituents who have been adversely affected. Enforcement will become intermittent and increasingly rare. And another moralistic crusade will have only