

Ethics Notes

This week I was struck by the words of federal District Court Judge Ketanji Brown Jackson, “Presidents are not kings.” These words came from a 120-page opinion in which Judge Jackson determined that senior Presidential aides must comply with Congressional subpoenas even as the White House asserted executive privilege to prevent them from testifying before Congress.

While the phrase (“Presidents are not kings”) caught my attention, the full paragraph from which it came was just as compelling; “Stated simply the primary takeaway from the past 250 years of recorded American history is that Presidents are not kings. This means that they do not have subjects bound by loyalty or blood, whose destiny they are entitled to control. Rather, in this land of liberty, it is indisputable that current and former employees of the White House work for the People of the United States, and that they take an oath to protect and defend the Constitution of the United States.” Judge Jackson closes her opinion with the statement “[t]he United States of America has a government of laws and not of men.”

Wow! I think Judge Jackson just gave us a civics lesson. Civics lesson notwithstanding, I believe there’s also an ethics message here. As public employees, we each have a duty of loyalty to the public that we serve, not to any individual.

For those of you who have been to one of my ethics classes, you might remember that I teach an important rule; “Do what’s in the best interest of the County, regardless of your own personal interest.” To do otherwise, could result in your acting improperly on a conflict of interest.

When Judge Jackson states that senior White House officials ultimately work for the “People of the United States” and must hold their first loyalty to the Constitution and not to an individual or king, she is reiterating the principal in my first rule; that is, don’t make decisions for the County where your own self-interest (or that of another) may be a factor - even if that other is your boss and especially if that person requires you to do so to demonstrate your loyalty.

As Rob Asghar, a management consultant and a regular contributor to Forbes Magazine, stated in his article ***Loyalty isn’t a Virtue It’s the Enemy of the Workplace***, “The challenge is to move organizations away from the notion of loyalty to persons and toward the notion of loyalty toward first principles. These principles include transparency, integrity, accountability and a constant readiness to reform in whatever way necessary—no matter whose personal interests may be affected.”

<https://www.forbes.com/sites/robasghar/2018/07/03/loyalty-isnt-a-virtue-its-the-enemy-of-workplace-ethics/#852a2f24d4b0>



Ketanji Brown Jackson - Judge of the United States District Court for the District of Columbia

