

Ethics in America

By Harry J. Joachim, Senior Member, Mississippi Real Estate Commission

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It looks as if we have an ethics crisis in America today. Prominent Wall Street Brokers have been jailed for inside trading, defense contractors have been indicted for bribery, the faking of findings by scientists, insurance frauds, government shenanigans, corporate greed, cheating, stealing, expense account padding, business misbehavior and sports gambling allegations makes it look as if scandals are routine in America.

Japan, which is no perfection of virtue, as seen by the government scandals, is no doubt ruled by moral consensus, where as in America, it seems our country is ruled by the "Ethic of Lawsuits." We all know that



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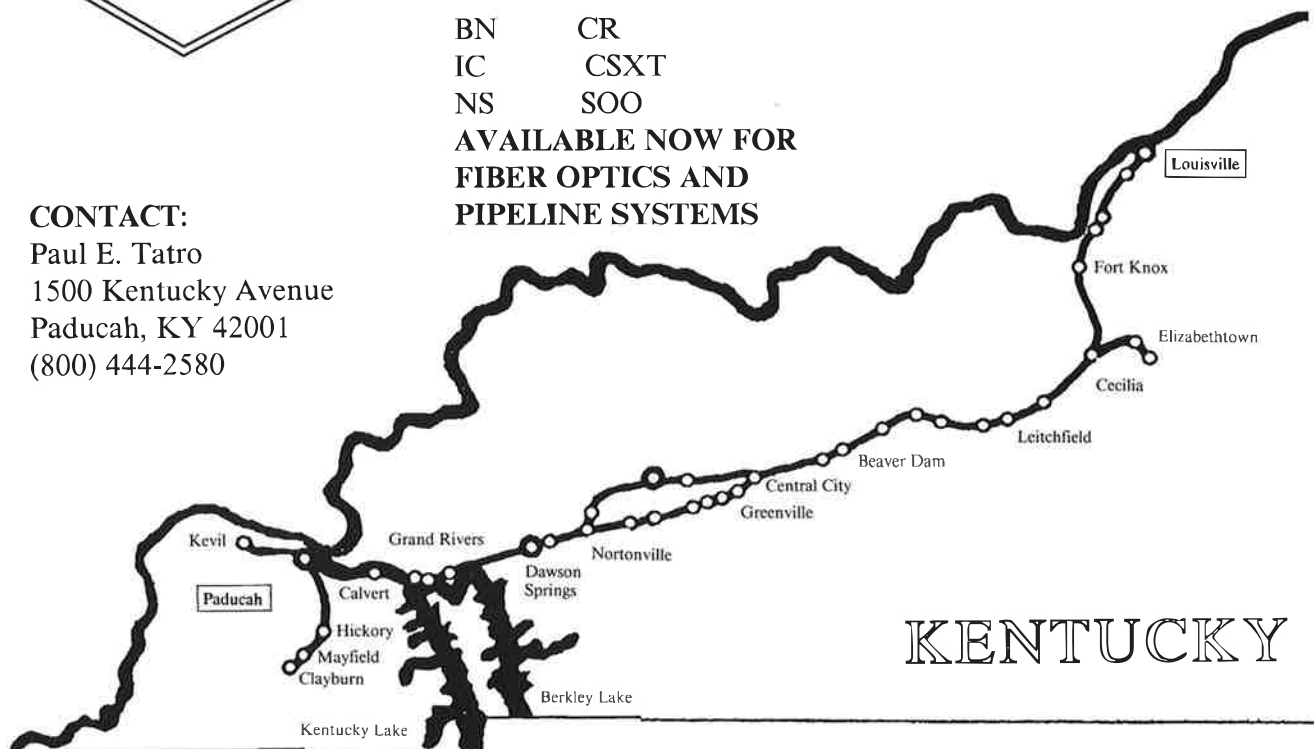
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America is a pluralistic society, and we have different points of view. However, in our country it has become very easy to confuse legal, ethical and moral responsibility. As the number of lawyers nationwide approaches the one-million mark, it is hard not to believe the old maxim, that we are a population swimming in a sea of lawyers. Ethics in America is now called disagreement. In other words, unethical behavior is now – "I did nothing illegal – sue me."

John Adams, our nation's second President, and one of the most reflective of our founding fathers said, "we have no government armed with power capable of contending with human passions unbridled by morality and religion. Our constitution was made only for a moral and religious people. It is wholly inadequate for the government of any other." It was true then, and is true today to believe that an ethics crisis could threaten the survival of our great nation.

It could be that the people of America are missing an objective understanding of the word ethics. Some people today look at life as imperious style with power and authority. For a time this style might bear fruit, but if ethics in anything is diffused, it will complicate one's life. In ethics, dilemma number one is misrepresentation, and the Honorable Donna Rice, Assistant Attorney General of Wyoming, has a decisive definition for the word misrepresentation. She says that "Misrepresentation is defined as a false or misleading statement, and in the law, it is defined as a statement that the person making the statement knows, or reasonably should know, to be false, or the concealment of material facts on which another relies to his detriment." The Honorable Ms. Rice sets our four elements of misrepresentations: 1) A false statement or conceal-

ment of material fact, 2) The person making the statement knows or should know that the statement is false, 3) The effect of the statement is to deceive or defraud the other person, and 4) The other person relies on the false statement or concealment and is damaged. These four elements are high, excellent and strict mandates from an ethical standpoint, and we must not forget that anyone who intentionally misrepresents is a "plus positive person," and that this person's ethical fiber is unraveling.

Boston University President, John Silber, in his book "Straight Shooting – What's Wrong With America and How to Fix It," proposes that our schools and colleges terminate bilingual education, stop television from polluting our children's sensi-

bilities, break the education's school's manpower on teacher certification and begin ethics instruction in kindergarten. Ethics in kindergarten? Why not! Dr. Mark Pastin, director of the Lincoln Center for Ethics at the University of Arizona, says "Ethics is a hot topic." According to Dr. Pastin, the last time anyone cared much about this was during the Industrial Revolution. He also asserts that 88 percent of Americans believe that managers in government and business act unethically. From Dr. Pastin's standpoint, a person's ethics are the ground rules by which they act. He tells the story of an ethics professor at Harvard who cheated at the game of Monopoly. This story proves that anyone not doing the

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