



*Everyday Ethics for Local Officials*

## **Making Politically Unpopular Decisions**

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### **QUESTION**

*We have an extraordinarily controversial item coming up in a few weeks on our agenda. It has to do with an affordable housing development. The developer has worked well with our staff and has addressed most of our concerns.*

*The community, however, is very much opposed to the development. Our attorney says that we have limited options in terms of being able to turn the project down. In fact, approving the project will help us meet our affordable housing requirements and, I truly believe, be good for the community.*

*What should we do if our sense of the “right” decision is at odds with our constituents’ sense of the “right” decision?*

### **ANSWER**

This dilemma has aspects of both a “personal cost” and a “right-versus right” ethical dilemma.

In terms of “right-versus-right” values, on one hand you indicate you believe that approving the project is best for your community and, possibly, required by law. This relates to the value of responsibility (and possibly your sense of fairness and compassion for those who will benefit from such affordable housing). On the other hand, you may feel like acting in conflict with your constituents’ preferences is inconsistent with your respect for their views and democratic values relating to majority rule.

There is a “personal cost” aspect to this dilemma as well, since you are also concerned that “doing the right thing” may come at a significant personal cost – the loss of constituent support. Mixed up in the analysis is the issue of when an issue becomes worth risking your political career. In this regard, this dilemma raises fundamental questions about what kind of elected official – and leader – you want to be. Saying “no” to constituents is very difficult, even though you disagree with them.

So the question becomes: Can you say “no” and politically live to tell the tale?

## The Shifting Sands of Representative Democracy

Naturally, public support is very important to an elected official. How far should you go to “represent” your constituents’ views in a representative democracy? To what extent should you assume that it is your duty as an elected official to vote your best judgment on what best serves your community?

John F. Kennedy pondered this dilemma in his Pulitzer Prize-winning book, *Profiles in Courage*.<sup>1</sup> He noted one school of thought that says a representative should put his constituents’ views above all else. He concluded, however, that his constituents did not elect him to “serve merely as a seismograph to record shifts in popular opinion” but to exercise his own judgment.<sup>2</sup> Of course, the very theme of *Profiles in Courage* celebrates those public officials who had the courage to risk their careers for principles they held dear.

However, there actually is a political risk associated with allowing one’s actions to be determined by popular sentiment. Political strategist Steve Grand,<sup>3</sup> cautions that leaders can get misleading information about perceived public sentiment by listening only to the vocal few. Even polls can be misleading. He also reminds the elected officials that the public sometimes can be wrong on issues.

## Before Making the Decision, Analyze Community Sentiment

As with so many situations in public life, communication is key. You say the community is opposed to the project. Are you hearing only from a vocal few? What are the concerns underlying this opposition? Could opponents’ concerns be addressed or at least reduced if the public had more information?

Seal Beach Council Member John Larson shares his experience:

The important question is determining what the electorate really wants. Twenty people may appear for a land use or other decision; they may be loud and even have valid reasons for their position. Based upon the hearing, it may even seem to be a bad proposal. However, in many cases, the area that would be affected contains hundreds of residents who have not stated any opposition to the proposal. Thus, it is just as valid to say 20 are opposed and 900 are in favor. Often I have asked the staff, “How many notices were mailed to the residents?”

This is an example of the “vocal few” phenomenon that can give local officials a misleading impression of community sentiment. But what if community concerns run more deeply? Many times, the role of a leader is to engage in a “bridging-the-gap” process between where the community presently is and where the elected official thinks the community needs to go. This is the essence of leadership, as political strategist Dick Morris observes in his book about political effectiveness, *The New Prince*.<sup>4</sup>

Ever direct, Morris postulates that:

Too often, leaders don't think carefully before they take unpopular positions. Intellectually lazy, it's easier to revel in martyrdom (on the one hand) or to resort to demagoguery (on the other hand) than to think out in advance how to take an unpopular position... and survive. A politician can do what he thinks is right; he just has to be sophisticated in how he goes about it.<sup>5</sup>

Drawing on a quote from Henry Kissinger, Morris proposes that the art of leadership is to maintain sufficient forward momentum to control events and steer public policy without losing public support.<sup>6</sup>

The alternative, according to Morris, is “timid, tepid, meek governance that leaves the initiative to others – usually enemies.”<sup>7</sup> It also reduces the public official to a gambler, dependent on “good times and dumb luck to take him where he wants to go.”<sup>8</sup> Or, as Harry Truman put it: “How far would Moses have gone if he had taken a poll in Egypt?”

This advice suggests a proactive strategy of public education on the need for affordable housing in your community, what kinds of people benefit (typically people that most in the community would consider to be fine neighbors – nurses, teachers, police officers and other hardworking wage earners). Engage in active listening and determine what really bothers those who are organizing the opposition. Perhaps there are ways your agency can address those concerns while still approving the project.

To the extent that you have anticipated certain concerns, explain the steps that the agency has taken to address them (for example, design guidelines). And don't wait to be put on the defensive, counsels ethics professor Craig Dunn. Explain the values and thought processes underlying your perspective before you become the target of criticism for that perspective.

This can be an arduous and time-consuming process – making it particularly difficult for busy elected officials. Discuss the challenges with staff to see what steps they can take in terms of community outreach and education. It may make sense to consider hiring a mediator or community engagement expert to help those on different sides of an issue identify approaches that address everyone's needs.

Finally, some communities have rethought how they describe such housing. Professor Dunn notes that language does matter in terms of how the public responds to proposals. Analyze whether the proposal for which you are seeking support is being described in unnecessarily pejorative (“low-income housing”) – or just downright unclear – terms. Even within a county, “affordable” housing can mean different things given the nature of the community's own housing stock, observes Rosemary Corbin, former mayor of Richmond.

## **When Making the Decision, Explain Your Position**

When it comes time to make the difficult vote, there is the possibility that, in spite of all these efforts, people will remain opposed to the project. Acknowledging that both sides share a concern about the community can be helpful insofar as it shows that the project opponents' views have been heard and respectfully considered. Demonizing your opponents is never an ethical strategy and is rarely effective in the long term.

According to Morris, keeping public support does not mean abandoning principle. Rather, he believes that it means explaining your positions well.<sup>9</sup> Explaining why you believe a particular course of action better serves the community's needs also can be helpful. Indicate the depth of thought you have given to the issue – particularly if you have linked your decision to core ethical values with which many people agree.

For example, if you ran for office on a platform of expanding housing opportunities, remind people of that campaign promise and explain your support for the project in terms of keeping your promise. Promise-keeping is an ethical quality that most people respect and value.

Other core and widely held ethical values relating to this policy decision include fairness (everyone should have access to decent and affordable housing) and compassion. If indeed the target income levels for the housing match those of nurses, teachers, police officers and other hardworking people, explain why you feel this segment of the population deserves access to affordable housing in the community.

What's more, you probably took an oath of office to uphold federal, state and local laws. If the law does not permit you to turn the project down, note that aspect of promise-keeping as well. Again, keeping your word is a quality most people value.

The key to maintaining public support often lies in explaining your position well, while indicating that you have heard others' concerns. Those who disagree with your analysis will still do so, but they may respect you for having carefully considered all perspectives and remained faithful to your values.

Again, however, it is important to be respectful of differing perspectives; the public hearing process is not a debating society in which one loses points for concessions to the other side. As the person who ultimately gets to cast a vote, you can afford to be magnanimous to those with whom you disagree.

## **A Proactive Strategy**

Political strategist Grand suggests that, as a proactive strategy, public officials prepare for the day when they will have to make an unpopular decision. According to Grand, officials do this by cultivating a reservoir of goodwill with constituents who like and

respect them. Another way of putting this is having many friends and few enemies. Having a record of positive accomplishments in office fosters such goodwill as well. Grand further observed that constituents can also be more forgiving of disagreements with their elected representatives if the community's "big picture" is generally positive.

## **Living With the Consequences of An Unpopular Decision**

Of course, there are situations in which people will remain upset and unforgiving of such disagreements. These are particularly difficult situations, as Caroline Kennedy observes in *Profiles in Courage for Our Time*, because:

Local battles are often among the most intense political fights, for public servants are placed in conflict with friends, neighbors and colleagues with whom they share a lifetime of experience. Often too, their family's security is at risk. Rage, anger and hostility can be directed not only at public officials, but also at those they love.<sup>10</sup>

"California Connected," a Public Broadcasting System show, ran a story about a local district attorney who was encountering fierce opposition for his decision to take on a powerful company that employed many local people. So outraged were some people in the community that critics mounted a recall effort against him.

### **Examine Your Assumptions on What's Important to Your Constituents: Is It Always about Getting Their Way?**

People like to joke that good ethics and good politics are somehow mutually exclusive. Actually, the opposite is more likely the case.

In a 1999 Lake Snell and Perry survey, 71 percent of polled respondents "strongly agree" with the statement that they "prefer officials to be honest and fair in their dealings, even if they are unsuccessful at getting the best results for the public." Similarly, three-quarters of poll respondents agreed that public confidence in government would be restored "if leaders demonstrated high ethical standards, respected the public's moral values and treated the public with respect and courtesy."<sup>11</sup>

The bottom line: Rather than being a political liability, a commitment to ethics can be a political strength. Good ethics can be good politics.

The problem, of course, is that sometimes the electoral system rewards those who don't give ethical considerations priority in their actions and decisions. Moreover, making ethics a priority usually is not the easiest approach, as the question in this section illustrates.

The key issue for each public official to ponder is what kind of leader he or she wants to be. If all elected officials give in to perceived popular sentiment (a dynamic sometimes referred to as pandering), it makes it that much more difficult for leaders to stand up for their values and principles and address the difficult and divisive issues facing the community and the state.

Ironically, such “lowest common denominator” thinking feeds into public perceptions about the inability to government institutions to grapple with pressing issues. For example, recent Public Policy Institute of California polls show California voters increasingly pessimistic about both the state and local government’s ability to solve problems.<sup>12</sup> Thus, pandering to popular sentiment has a bit of a “winning-the-battle,-but-losing-the-war” dynamic in terms of overall public confidence.

Irrespective of the merits of either side of the debate, the district attorney’s comments are interesting on the issue of how to approach your task as an elected official. After acknowledging the people’s right to “kick him out of office,” the district attorney observed, “If I become too attached to the job, I can’t do the job. It’s a job to do, not a job to have.”<sup>13</sup>

At some point, each elected official must evaluate whether keeping their position is more important than making the kinds of tough decisions that doing the job well involves. The analysis is not easy because not all decisions implicate equally important principles and values for an individual. As author Alexandra Stoddard noted:

The choices that make a significant difference in our lives are the tough ones. They’re not often fun or easy, but they’re the ones we have to make, and each is a deliberate step toward better understanding ourselves.

And, of course, making tough choices is what ethics is all about.

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This piece originally ran in *Western City Magazine* and is a service of the Institute for Local Government (ILG) Ethics Project, which offers resources on public service ethics for local officials. For more information, visit [www.ca-ilg.org/trust](http://www.ca-ilg.org/trust).

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## Endnotes:

<sup>1</sup> John F. Kennedy, *Profiles in Courage* (Harper & Brothers, 1956), at 14.

<sup>2</sup> *Id.* at 15.

<sup>3</sup> Steve Grand spoke at a League of California Cities Annual Conference session on the issue of why good ethics is good politics. For more information visit [www.wilsongrand.com](http://www.wilsongrand.com).

<sup>4</sup> Dick Morris, *The New Prince* (St. Martin's Press, 1999).

<sup>5</sup> *Id.* at 87 (this observation is made in a chapter entitled "How to Lead").

<sup>6</sup> *Id.* at 83.

<sup>7</sup> *Id.* at 82.

<sup>8</sup> *Id.* at 82-3.

<sup>9</sup> *Id.* at 74 (this observation occurs in the chapter entitled "The Need for a Daily Majority").

<sup>10</sup> Caroline Kennedy, *Profiles in Courage for Our Time* (Hyperion Books, 2002) at 5.

<sup>11</sup> 1997 Peter Hart poll conducted for the Council for Excellence in Government.

<sup>12</sup> August 2004 Public Policy Institute Statewide Survey on Californians and the Future, at 17-18 (73 percent responded that local voters – as opposed to elected officials-should make the decisions at the ballot box and only 12 percent of those responding had a "great deal" of confidence in the state's ability to plan for future and growth). Available at [www.ppic.org](http://www.ppic.org).

<sup>13</sup> Comments of District Attorney Paul Gallegos, California Connected, May 1, 2003 ([www.californiaconnected.org/segments/2003/0501-01.html](http://www.californiaconnected.org/segments/2003/0501-01.html)).