



Everyday Ethics for Local Officials

Telling the Truth When it Hurts

June 2003

Note: Truth telling issues arise for both staff and elected officials. The hope is that the ends-versus-means discussion with respect to truth-telling can be of assistance in a variety of contexts.

QUESTION

I'm a public agency employee. I work in a unit that is responsible for monitoring our compliance with certain laws and reporting that compliance to relevant state and federal authorities. Because of growth in our community and budget constraints, we are having increased difficulty meeting these particular standards. These standards are an example of unfunded mandates, which are a bit arbitrary. If we don't meet the standards, however, we could face stiff fines and cause more financial problems for the agency.

Would there be an ethical problem if I "fudged" the numbers a bit? My sense is that, because of the agency's attitudes about these requirements, my supervisor wouldn't mind and, in fact, may be secretly relieved if I do.

ANSWER

Some people say truth and honesty are absolute ethical values. If you share this view, the analysis starts and stops with being honest in every endeavor.

There is some evidence that the number of people who fall into this category is relatively small – a phenomenon that caused Mark Twain to quip, "None of us could live with a habitual truth teller; but, thank goodness, none of us has to." However, in recent years there have been a number of high profile instances where the truth has yielded to expediency and self-interest.

To be sure, good people can see the truth as an ethical value that must be weighed against competing values, such as when one person withholds the truth out of concern that it will hurt someone else's feelings unnecessarily. In this situation, truth is yielding to the value of compassion. In fact, this kind of phenomenon is the subject of an entire book.

In *The Varnished Truth: Truth Telling and Deceiving in Ordinary Life*,¹ David Nyberg explores the complexities of truth-telling and deception and society's ambivalence about unchecked honesty.

Charles V. Ford examined this issue in his 1996 book *Lies!, Lies!!, Lies!!!: The Psychology of Deceit*.² One theory applicable to the questioner's scenario says people lie because of external factors that benefit or protect them or others. In this case, the staff member wants to achieve the benefit of protecting the agency from getting into trouble with regulatory authorities.

Like many ethical dilemmas, this one can be viewed as a conflict between two "right" sets of values: the value of truth (trustworthiness) versus the value of loyalty to an employer and sensitivity to the agency's difficult situation.

Should Truth Yield to Other Values?

Even acknowledging, however, that there can be circumstances under which truth should yield to other values, this is not one of them. One way to analyze this dilemma is to think through the consequences of various courses of action. This process has started by considering some of the consequences of reporting numbers that will get the agency in trouble (by subjecting it to fines) and cause budgetary problems. The employee also seems to be saying that at least his immediate supervisor may condone the misreporting.

Questions for Public Agencies To Ponder

How would your employees answer this question? Do they know how your agency's leadership would want them to answer this question? These can be high-stakes issues for an agency, and it may be wise to have a discussion with staff about this issue and the value the agency places on both truth and loyalty. Giving employees the tools to work through some of these kinds of issues may save headaches, embarrassment and worse down the road.

Of course, if an agency's leadership is asking the staff to place a high value on ethics and truthfulness, its leaders need to walk the talk. This means avoiding the temptation to shoot the messenger who delivers bad news. It also means modeling the behavior that leaders would like to see from their staff.

Organizational Values

It is important to keep in mind that, in this situation, the employee and his or her supervisor's inclinations are not the only relevant considerations. The employee works for the entire organization. Thus, another question to ask is: What would the agency manager or governing body want done? An agency ethics code may provide some

guidance on what values the agency decision-makers place the most importance. But, even if one concludes the entire agency leadership would be supportive of “fudging,” it would still not be the right or advisable thing to do.

What Happens When It Hits The Front Page?

It may be helpful to ask: What will be the consequence to the agency if the reports are “fudged”? As recent corporate and government breaches have shown, it is a mistake to assume a misdeed will remain secret.

Why? The agency to which your agency submits the report may have an auditing process for double-checking the reported numbers. Various watchdog groups also monitor compliance with governmental standards. And there’s always a chance that there could be a whistle-blower among one’s colleagues on agency staff.

So what are the consequences if the misreporting is discovered? Probably greater than the consequences of violating the standards. While some view truth as a value that may sometimes yield to other competing values, the agencies to which these reports are submitted are not likely to have such a mindset. State and federal authorities rely on the accuracy of these reports; odds are they view truthful reporting as an absolute necessity. One can reasonably predict that such agencies will come down hard on reporting agencies that violate their trust. In some instances, misreporting may be punishable as a criminal offense.

There are other potential consequences as well. When the misreporting is discovered, the media is likely to portray the employee, the agency and its officials in a very unflattering light. Will one’s supervisor or elected officials provided back up under these circumstances? It’s highly unlikely. Practically speaking, there will be strong pressure for them to repudiate the misreporting and to emphasize the value the agency places on honesty.

The Long-term Consequences

An emphasis on honesty and truthfulness is not misplaced for a public agency. An African proverb says, “One falsehood spoils a thousand truths.” Even if this is the first instance in which an agency is caught not telling the truth, the effect on the public’s perception of and trust in the agency will be immeasurable. That trust and credibility are perhaps the most valuable assets the agency has; they are easily lost and hard to regain.

What About Civil Disobedience?

Should the legitimacy of the standards be a factor in a staff member’s decision-making? Disregarding standards because they are a bit arbitrary is a dangerous approach, because public agencies are in the business of setting standards for others to follow. Once a public

agency or public agency official takes the position that a standard needn't be adhered to because it's arbitrary or invalid, all of that agency's standards arguably become subject to the same analysis.

There are ways to legally challenge standards that the agency believes to be faulty. That's the point, of course. A public agency counts on the public to follow its standards – or resort to an administrative or judicial process to resolve any disputes over the standards. Put simply, “civil disobedience” is a risky approach for public agencies and public agency officials to promote.

George Washington Was Right

The above analysis leads us to conclude that this is not a situation where the value of truth should yield to other values. There is simply too much at stake for the agency to run the risk of not being honest about the agency's success (or lack of it) in meeting the regulatory standards.

So what are the employee and agency to do? The first thing, of course, is to alert as early as possible the relevant people within the agency about the problem in meeting the standards. This enables the agency to formulate a strategy to come into compliance and explore implementation options.

At the appropriate time, perhaps the agency can meet with the regulatory authorities to explain the strategy for bringing itself into compliance and ask for mercy in the event the agency is unable to meet the standards for some reporting periods. There may be other options, including corrective legislation or regulations.

The bottom line is that one's energy and that of the agency should be invested in fixing the problem, not covering it up. There may be some painful moments and consequences of doing so, but in the long run the integrity of the agency and its officials will remain intact. Advertising guru Joseph Sugarman said it best: “Each time you are honest and conduct yourself with honesty, a success force will drive you toward greater success. Each time you lie, even with a little white lie, there are strong forces pushing you toward failure.”

Endnotes:

¹ David Nyberg, *The Varnished Truth: Truth Telling and Deceiving in Ordinary Life* (University of Chicago Press, 1993).

² Charles V. Ford, *Lies! Lies!! Lies!!!: The Psychology of Deceit*, (American Psychiatric Press, 1996).