



United States
Office of Government Ethics
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DO-98-021

MEMORANDUM

TO: Designated Agency Ethics Officials

FROM: Stephen D. Potts
Director

SUBJECT: "A Different Point of View"

The attached poem by Julia Loring Eirinberg, "A Different Point of View," summarizes key provisions of the Standards of Ethical Conduct for Employees of the Executive Branch and certain of the conflict of interest statutes in title 18 of the United States Code. Although targeted for your use in educating senior officials, it also may be instructive for other executive branch employees.

Of course, a short poem cannot possibly describe every legal nuance, nor substitute for the more comprehensive written materials contemplated by the ethics program training requirements at 5 C.F.R. §§ 2638.703 and 2638.704. Nevertheless, we believe the poem highlights those circumstances most warranting an employee's making further inquiry and that it can serve as a light introduction to more serious counseling and training.

We hope you like it!

Attachment

A DIFFERENT POINT OF VIEW

I'd become somewhat dissatisfied with private sector life,
So I sat down to discuss it with my child and with my wife.
I reviewed financial documents to see just where we stood,
Then dismissed the bottom line so I could serve the greater good.

Uncle Sam had offered me a very powerful position
In which I could earn a living while fulfilling my ambition:
To press policies in furtherance of my creative plan
To improve a country I still deem the last best hope of man.

Uncle Sam warned opportunity did not come without strings.
In America the people rule; its leaders are not kings.
To preserve the people's confidence in all that I would do,
Uncle Sam had rules of conduct to reflect their point of view.

On the first day I was given a complex disclosure form
Introduced to prove that Watergate was not the rule or norm,
Meaning sacrifice of privacy so future history books
Would not say we bureaucrats were just a bunch of dirty crooks.

My first form was due the Feds before the end of thirty days,
Then on May 15 of every year until we parted ways.
For time's sake I would compare each form against past forms I'd saved
Since if not on time I had to pay a late fee (unless waived).

If my duties would affect my own finances in some way
Or my partner, wife, or child could gain by what I did each day,
I was told by my advisor that I might have to divest
Since the people might suspect that I was feathering my nest.

I learned also if my duties could affect an entity
Of which I served as director, officer, or a trustee,
Or with which I served as employee while serving Uncle Sam,
I must take steps that my public service not be deemed a sham.

My advisor said divestiture was not at all times needed.
If my duties were adjusted and our mission not impeded,
The financial interest causing conflict need not be unloaded
Since recusal would ensure that confidence not be eroded.

Furthermore the drafters of the law made an important call
For financial interests that are just too indirect or small:
Notwithstanding that some gain or loss will happen certainly,
Listed interests aren't enough so as to tempt integrity.

For example, there's a waiver for stock worth up to five grand --
(It was rare when any ownership of stock was outright banned).
I could take an action even though the stock might rise or fall;
Law presuming I was acting not for me but for us all.

I forget all waivers now but they all tried to strike a balance --
Weighing ethical concerns against the use of my fine talents.
And if listed waivers didn't offer any remedy,
There was some chance I could get one just for me personally.

My advisor warned that there were certain other situations
When I'd have to be disqualified because of regulations:
I would have to be recused from aspects of my master plan
If participation wouldn't please the reasonable man.

Thus, if one of my assignments would affect someone with whom
I was sharing a big residence or only just a room,
I was always bound to ask myself a question that was key:
Would the reasonable man think I could act impartially?

The same question was germane if with respect to an assignment,
My housemate or relative was representing a big client,
Or as agent or a party there was any entity
With whom parent, wife, or child was seeking opportunity.

And I had to ask if he'd be troubled if I ever acted
On a matter touching someone with whom business I transacted.
And I posed the question when my job involved an entity
In which I then had an active role or once was employee.

If I thought the reasonable man would question my intention,
There was someone at my agency who'd ponder my suspension
Since my agency had just as much an interest as I did
That my action not be questioned on a contract, grant, or bid.

Uncle Sam also had rules so I would mainly serve one master;
He expected from me loyalty -- not ethical disaster.
For performing my official job I had to forgo wealth:
I could only accept salary from Uncle Sam himself.

I could take part in activities outside the job I'd picked,
Just so long as there was not an insurmountable conflict.
For example, I could earn some cash as driver of a van --
(I was not a person subject to the outside income ban).

My advisor said the conflict he'd be most likely to find
Was more likely the more closely that my jobs were intertwined.
I specifically was not allowed to take remuneration
If addressing my official job in my off-time oration.

Subject to a few exceptions I could never represent
Anyone before my Uncle even though not for one cent.
And I couldn't serve as expert witness even for no pay
If the Feds had interest in the case (unless they said okay).

Uncle Sam made me distinguish what I did personally
From the duties I was called upon to do officially.
I was not to use my title or position in which serving
To advance a favored charity -- no matter how deserving.

I soon understood that Uncle Sam's credenzas and computers,
His red ink and auto fleet must all be safe from inside looters.
I appreciated that his printers and long distance line
Were the property of taxpayers and not considered mine.

And I saw that taking gifts from sources seeking just my ear
Might destroy the people's confidence, fulfilling their worst fear:
That I'd discount merit and would favor those who gave me stuff --
(But I could pay market price if to decline was just too tough).

Luckily, the rules provided for some warranted exceptions,
Crafted carefully to satisfy the public's keen perceptions.
For example, if from friend or kin it only had to be
That the donor's motivation wasn't business but just me.

And for gifts that were worth twenty bucks (and those that were worth less),
It was thought that I could take them and not cause the public stress.
To avoid risk of flawed judgement, this exception was quite clear:
Never cash and from each source gifts worth just fifty bucks per year.

To preclude suspicion that I might have gained my boss's favor
With a costly gift of something that I knew that he would savor,
Rules applied so on occasion I could give a supervisor
Something worth only ten dollars (but yet not appear a miser).

Furthermore, if to a friend who wasn't a superior,
I was free to give a nice gift and not one inferior.
And regardless if my boss or peer, I disregarded worth
For occasions designated special: for example, birth.

Then the time had come for me to leave my Government position
And I thought I had what it would take to make a smooth transition:
After all, I had the power to ensure a gain or loss --
Steer a contract or a grant to favor my potential boss.

But since after years in Government this didn't seem quite right,
I sought help from my advisor and he made me see the light:
Certain duties were off limits while I sought my future work
To avoid suspected compromise for promise of a perk.

Now I work for a polluter and press claims against the weak --
Oh, it's not that bad! The pay is good -- it's really not that bleak.
But at times there is a melancholy feeling in my soul
For the days when I did good things for the public as a whole.