As the patriots of seventy-six did to the support of the Declaration of Independence, so to the support of the Constitution and Laws, let every American pledge his life, his property, and his sacred honor—let every man remember that to violate the law, is to trample on the blood of his father, and to tear the character of his own, and his children's liberty. Let reverence for the laws, be breathed by every American mother, to the lisping babe, that prattles on her lap—let it be taught in schools, in seminaries, and in colleges; let it be written in Primers, spelling books, and in Almanacs—let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the nation; and let the old and the young, the rich and the poor, the grave and the gay, of all sexes and tongues, and colors and conditions, sacrifice unceasingly upon its altars.

—ABRAHAM LINCOLN

1
Government, Law, and Ethics

Learning Objectives

The reader upon completion of this chapter will be able to:

• Discuss the three branches of government, and the importance of separation of powers.
• Describe the organization structure of the Department of Health and Human Services.
• Explain the development of case law and how it differs from statutory and administrative law.
• Describe the function of various government ethics committees herein presented.

This chapter introduces the reader to the purpose and sources of law, the functioning of the legal system, and the roles of the three branches of government in creating,
administering, and enforcing the law. There is also a brief overview of the Department of Health and Human Services and selected agencies within the department.

# GOVERNMENT ORGANIZATION

The three branches of the federal government are the legislative, executive, and judicial branches (Figure 1–2). A vital concept in the constitutional framework of government on both federal and state levels is the separation of powers. Essentially, this principle provides that no one branch of government is clearly dominant over the other two; however, in the exercise of its functions, each can affect and limit the activities, functions, and powers of the others.

## Executive Branch

The primary function of the executive branch of government on the federal and state level is to administer and enforce the law. The chief executive, either the president of the United States or the governor of a state, also has a role in the creation of law through the power to approve or veto legislative proposals.

The president serves as the administrative head of the executive branch of the federal government. The executive branch includes 15 executive departments, as well as a variety of agencies, both temporary and permanent. Each department is responsible for a different area of public affairs, and each enforces the law within its area of responsibility.

On a state level, the governor serves as the chief executive officer. The responsibilities of a governor are provided for in the state's constitution. The Massachusetts State Constitution, for example, describes the responsibilities of the governor as presenting an annual budget to the state legislature, recommending new legislation, vetting legislation, appointing and removing department heads, appointing judicial officers, and acting as Commander-in-Chief of the state's military forces (the Massachusetts National Guard).

## Legislative Branch

On the federal level, legislative powers are vested in the Congress of the United States, which consists of the Senate and the House of Representatives. The function of the legislative branch is to enact laws that can amend or repeal existing legislation and to create new legislation. The legislature determines the nature and extent of the need for new laws and for changes in existing laws. Committees of both houses of Congress are responsible for preparing federal legislation.

## Judicial Branch

As I have said in the past, when government bureaus and agencies go awry, which are adjuncts of the legislative or executive branches, the people flee to the third branch, their courts, for solace and justice.\(^1\)

—Justice J. Henderson, Supreme Court of South Dakota

The function of the judicial branch of government is adjudication—resolving disputes in accordance with law. As a practical matter, most disputes or controversies that are covered by legal principles or rules are resolved without resort to the courts.

Scarcely any political question arises in the United States that is not resolved, sooner or later, into a judicial question.

—Alexis de Tocqueville (1805–1859)

The decision as to which court has jurisdiction—the legal right to hear and rule on a particular case—is determined by such matters as the locality in which each party to a lawsuit resides and the issues of a lawsuit. Each state in the United States provides its own court system, which is created by the state's constitution and statutes. Most of the nation's judicial business is reviewed and acted on in state courts. Each state maintains a level of trial courts that have original jurisdiction, meaning the authority of a court to first conduct a trial on a specific case as distinguished from a court with appellate jurisdiction, where appeals from trial judgments are held. This jurisdiction can exclude cases involving claims with damages less than a specified minimum, probate matters (i.e., wills and estates), and workers' compensation. Different states have designated different names for trial courts (e.g., superior, district, circuit, or supreme courts). Also on the trial court level are minor courts such as city, small claims, and justice of the peace courts.

Each state has at least one appellate court. Many states have an intermediate appellate court between the trial courts and the court of last resort. Where this intermediate court is present, there is a provision for appeal to it, with further review in all but select cases. Because of this format, the highest appellate tribunal is seen as the final arbiter for the particular state's system of jurisprudence.

The trial court of the federal system is the U.S. District Court. There are 94 district courts in the 50 states (the larger states have more than one district court) and one in the District of Columbia. The Commonwealth of Puerto Rico
also has a district court with jurisdiction corresponding to that of district courts in the different states. Generally, only one judge is required to sit and decide a case, although certain cases require up to three judges. The federal district courts hear civil, criminal, admiralty, and bankruptcy cases.

The U.S. Circuit Court of Appeals is an appellate court. There are 12 regional courts in various cities and the 13th judicial circuit is located in Washington, DC. Their main purpose is to review cases tried in federal district courts within their respective circuits, but they also possess jurisdiction to review orders of designated administrative agencies and to issue original writs in appropriate cases. These intermediate appellate courts were created to relieve the U.S. Supreme Court of deciding all cases appealed from the federal trial courts.

The Supreme Court, the nation’s highest court, is the only federal court created directly by the Constitution. Eight associate justices and one chief justice sit on the Supreme Court. The court has limited original jurisdiction over the lower federal courts and the highest state courts. In a few situations, an appeal will go directly from a federal or state court to the Supreme Court, but in most cases, review must be sought through the discretionary writ of certiorari, an appeal petition. In addition to the aforementioned courts, special federal courts have jurisdiction over particular subject matters. The U.S. Court of Claims, for example, has jurisdiction over certain claims against the government. The U.S. Court of Appeals for the Federal Circuit has appellate jurisdiction over certain customs and patent matters. The U.S. Customs Court reviews certain administrative decisions by customs officials. Also, there is a U.S. Tax Court and a U.S. Court of Military Appeals. The federal court system is illustrated in Figure 1–3.

Separation of Powers

The concept of separation of powers, a system of checks and balances, is illustrated in the relationships among the branches of government with regard to legislation. On the federal level, when a bill creating a statute is enacted by Congress and signed by the president, it becomes law. If the president vetoes a bill, it takes a two-thirds vote of each house of Congress to override the veto. The president also can prevent a bill from becoming law by avoiding any action while Congress is in session. This procedure, known as a pocket veto, can temporarily stop a bill from becoming law and can permanently prevent it from becoming law if later sessions of Congress do not act on it favorably. If enacted by Congress, the Supreme Court can declare a bill invalid if it violates the U.S. Constitution.

Even though a Supreme Court decision is final regarding a specific controversy, Congress and the president can generate new, constitutionally sound legislation to replace a law that has been declared unconstitutional. The procedures for amending the Constitution are complex and often time consuming, but they can serve as a way to offset or override a Supreme Court decision.

Department of Health and Human Services

The Department of Health and Human Services (DHHS), a cabinet-level department of the executive branch of the federal government, is concerned with people and is most involved with the nation’s health concerns (Figure 1–4). The DHHS is responsible for developing and implementing appropriate administrative regulations for carrying out national health and human services policy objectives. It is also the main source of regulations affecting the healthcare industry. The secretary of the DHHS, serving as the department’s administrative head, advises the president with regard to health, welfare, and income security plans, policies, and programs.
The Centers for Medicare and Medicaid Services

The Centers for Medicare and Medicaid Services (CMS), formerly the Health Care Financing Administration, was created to combine under one administration the oversight of the Medicare program, the federal portion of the Medicaid program, the State Children’s Health Insurance Program, and related quality-assurance activities.

Medicare is a federally sponsored health insurance program for persons older than 65 and certain disabled persons. It has two complementary parts: Medicare Part A
helps cover the costs of inpatient hospital care and, with qualifying preadmission criteria, skilled nursing facility care, home health care, and hospice care. Medicare Part B helps pay for physicians’ services and outpatient hospital services. It is funded through Social Security contributions (Federal Insurance Contributions Act payroll taxes), premiums, and general revenue. The program is administered through private contractors, referred to as intermediaries, under Part A and carriers under Part B. The financing of the Medicare program has received much attention by Congress because of its rapidly rising costs.

Medicaid, Title XIX of the Social Security Act Amendments of 1965, is a government program administered by the states that provides medical services (both institutional and outpatient) to the medically needy. Federal grants, in the form of matching funds, are issued to those states with qualifying Medicaid programs. In other words, Medicaid is jointly sponsored and financed by the federal government and several states. Medical care for needy persons of all ages is provided under the definition of need established by each state. Each state has set its own criteria for determining eligibility for services under its Medicaid program.

Public Health Service

The Public Health Service (PHS) is responsible for the protection of the nation’s physical and mental health. The PHS accomplishes its mission by coordinating with the states in setting and implementing national health policy and pursuing effective intergovernmental relations; generating and upholding cooperative international health-related agreements, policies, and programs; conducting medical and biomedical research; sponsoring and administering programs for the development of health resources, the prevention and control of diseases, and alcohol and drug abuse; providing resources and expertise to the states and other public and private institutions in the planning, direction, and delivery of physical and mental healthcare services; and enforcing laws to ensure drug safety and protection from impure and unsafe foods, cosmetics, medical devices, and radiation-producing objects. Within the PHS are smaller agencies that are responsible for carrying out the purpose of the division and DHHS. The PHS is composed of the offices and agencies described below.

• National Institutes of Health

The National Institutes of Health (NIH) is the principal federal biomedical research agency. It is responsible for conducting, supporting, and promoting biomedical research.

• Centers for Disease Control and Prevention

The Centers for Disease Control and Prevention (CDC) is recognized as the lead federal agency for protecting the health and safety of people at home and abroad, providing credible information to enhance health decisions, and promoting health. The CDC serves as the national focus for developing and applying disease prevention and control, environmental health, and health promotion and education activities.

• Food and Drug Administration

The Food and Drug Administration (FDA) supervises and controls the introduction of drugs, foods, cosmetics, and medical devices into the marketplace and protects society from impure and hazardous items.

• Substance Abuse and Mental Health Services Administration

The agency’s mission is to reduce the impact of substance abuse and mental illness on America’s communities.

• Health Resources and Services Administration

The primary federal agency for improving access to healthcare services for people who are uninsured, isolated, or medically vulnerable. Its mission is to improve health and achieve health equity through access to quality services, a skilled health workforce, and innovative programs. HRSA takes a comprehensive approach to addressing HIV/AIDS with activities taking place across multiple bureaus and offices designed to deliver care to people living with HIV or AIDS, expand and strengthen the HIV care workforce, and improve access to and the quality of HIV care and treatment.

• Agency for Healthcare Research and Quality

The Agency for Healthcare Research and Quality (AHRQ) provides evidence-based information on healthcare outcomes, quality, cost, use, and access. Information from AHRQ’s research helps people make more informed decisions and improve the quality of healthcare services.

• Agency for Toxic Substances and Disease Registry

The mission of the Agency for Toxic Substances and Disease Registry (ATSDR) is to prevent or mitigate harmful exposures
and related disease by applying science, taking responsive action, and providing trustworthy health information.

- **Indian Health Service**

The Indian Health Service (IHS), part of the U.S. Department of Health and Human Services, provides a comprehensive health service delivery system for approximately 2 million American Indians and Alaska Natives (AI/AN) who belong to 566 federally recognized tribes in 35 states.

## SOURCES OF LAW

The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury. One of the first duties of government is to afford that protection. [The] government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested right.

—Chief Justice John Marshall

Scholars often define the law as a system of principles and processes by which people in a society deal with disputes and problems, seeking to solve or settle them without resorting to force. Simply stated, laws are rules of conduct enforced by government, which imposes penalties when prescribed laws are violated.

Laws govern the relationships between private individuals and organizations and between both of these parties and government. Public law deals with relationships between individuals and government; private law deals with relationships among individuals.

One important segment of public law, for example, is criminal law, which prohibits conduct deemed injurious to public order and provides for punishment of those proven to have engaged in such conduct. In contrast, private law is concerned with the recognition and enforcement of the rights and duties of private individuals. Tort and contract actions are two basic types of private law. In a tort action, one party asserts that the wrongful conduct of another has caused harm, and the injured party seeks compensation for the harm suffered. A contract action usually involves a claim by one party that another party has breached an agreement by failing to fulfill an obligation. Either remuneration or specific performance of the obligation can be sought as a remedy.

*See the website www.hhs.gov/ for more information on the Department of Health and Human Services and its various agencies.

## Public Policy as a Principle of Law

**Public policy** is the principle of law that holds that no one can lawfully do that which tends to be injurious to the public or against the public good. The sources of public policy include legislation; administrative rules, regulations, or decisions; and judicial decisions. In certain instances, a professional code of ethics may contain an expression of public policy.\(^4\)

## Common Law

**Common law** refers to the body of principles that evolve and expand from judicial decisions that arise during the trial of court cases. Many of the legal principles and rules applied today by courts in the United States have their origins in English common law.

Because a law will never cover every potential human event that might occur in society, the judicial system was developed to serve as a mechanism for reviewing legal disputes that arise in written law. It is also an effective review mechanism for those issues on which the written law is silent or in instances of a mixture of issues involving both written law and common-law decisions.

During the colonial period, English common law began to be applied in the colonies. After the Revolution, each state, with the exception of Louisiana, adopted all or part of the existing English common law and added to it as needed. Louisiana civil law is based to a great extent on the French and Spanish laws and, especially, on the Code of Napoleon. As a result there is no national system of common law in the United States, and common law on specific subjects can differ from state to state.

Judicial review became part of the law in the decade before the federal Constitution was adopted. Courts began to assert their power to rule on the constitutionality of legislative acts and to void unconstitutional statutes.

Today, legal cases are tried by applying common-law principles unless a statute governs. Even though statutory law has affirmed many of the legal rules and principles initially established by the courts, new issues continue to arise, especially in private-law disputes, which require decision making according to common-law principles. Common-law actions are initiated mainly to recover money damages or possession of real or personal property.

When a higher state court has enunciated a common-law principle, the lower courts within the state where the decision was rendered must follow that principle. A decision in a case that sets forth a new legal principle establishes a precedent. Trial courts or those on equal footing
are not bound by the decisions of other trial courts. Also, a principle established in one state does not set precedent for another state. Rather, the rulings in one jurisdiction can be used by the courts of other jurisdictions as guides to the legal analysis of a particular legal problem.

The decisions of the U.S. Supreme Court are highest in the hierarchy of decisional law with respect to federal legal questions. Because of the parties or the legal question involved, most legal controversies do not fall within the scope of the Supreme Court’s decision-making responsibilities. On questions of purely state concern—such as the interpretation of a state statute that raises no issues under the U.S. Constitution or federal law—the highest court in the state has the final word on proper interpretation. The following are explanations of some of the more important common-law principles:

• **Precedent:** A precedent is a judicial decision that can be used as a standard in subsequent similar cases. A precedent is set when a court decision is rendered that serves as a rule for future guidance when deciding similar cases.

• **Res judicata:** In common law, the term res judicata— which means the thing is decided—refers to that which has been previously acted on or decided by the courts. According to Black’s Law Dictionary, it is a rule where “a final judgment rendered by a court of competent jurisdiction on the merits is conclusive as to the rights of the parties and their privies, and, as to them, constitutes an absolute bar to subsequent action involving the same claim, demand, or cause of action.”

• **Stare decisis:** The common-law principle stare decisis (let the decision stand) provides that when a decision is rendered in a lawsuit involving a particular set of facts, another lawsuit involving an identical or substantially similar situation is to be resolved in the same manner as the first lawsuit. New lawsuits are thus resolved by applying rules and principles of preceding cases. In this manner, courts arrive at comparable rulings. Sometimes slight factual differences can provide a basis for recognizing distinctions between the precedent and the current case. In some cases, even when such differences are absent, a court might conclude that a particular common-law rule is no longer in accord with the needs of society and can depart from precedent. Principles of law are subject to change, whether they originate in statutory or in common law. Common-law principles can be modified, overturned, abrogated, or created by new court decisions in a continuing process of growth and development to reflect changes in social attitudes, public needs, judicial prejudices, or contemporary political thinking.

### Statutory Law

**Statutory law** is written law emanating from a legislative body. Although a statute can abolish any rule of common law, it can do so only by express words. The principles and rules of statutory law are set in hierarchical order.

The Constitution of the United States adopted at the Constitutional Convention in Philadelphia in 1787 is highest in the hierarchy of enacted law. Article VI of the Constitution declares:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The clear import of these words is that the U.S. Constitution, federal law, and federal treaties take precedence over the constitutions and laws of the states and local jurisdictions.

Statutory law can be amended, repealed, or expanded by action of the legislature. States and local jurisdictions can only enact and enforce laws that do not conflict with federal law. Statutory laws can be declared void by a court; for example, a statute can be found unconstitutional because it does not comply with a state or federal constitution, because it is vague or ambiguous, or, in the case of a state law, because it is in conflict with a federal law.

In many cases involving statutory law, the court is called on to interpret how a statute applies to a given set of facts. For example, a statute can state merely that no person can discriminate against another person because of race, creed, color, or sex. A court can then be called on to decide whether certain actions by a person are discriminatory and therefore violate the law.

### Administrative Law

**Administrative law** is the extensive body of public law issued by either state or federal agencies to direct the enacted laws of the federal and state governments. It is the branch of law that controls the administrative operations of government. Congress and state legislative bodies realistically cannot oversee their many laws; therefore, they delegate implementation and administration of the law to an appropriate administrative agency. Healthcare organizations in particular are inundated with a proliferation of
Government Ethics

administrative rules and regulations affecting every aspect of their operations.

The Administrative Procedures Act describes the different procedures under which federal administrative agencies must operate. The act prescribes the procedural responsibilities and authority of administrative agencies and provides for legal remedies for those wronged by agency actions. The regulatory power exercised by administrative agencies includes power to license, power of rate-setting (e.g., Centers for Medicare and Medicaid Services [CMS]), and power over business practices (e.g., National Labor Relations Board [NLRB]).

Administrative agencies have legislative, judicial, and executive functions. They have the authority to formulate rules and regulations considered necessary to carry out the intent of legislative enactments. Regulatory agencies have the ability to legislate, adjudicate, and enforce their own regulations in many cases.

Rules and regulations established by an administrative agency must be administered within the scope of authority delegated to it by Congress. Although an agency must comply with its own regulations, agency regulations must be consistent with the statute under which they are promulgated. An agency’s interpretation of a statute cannot supersede the language chosen by Congress. Executive regulations that define some general statutory term in a too-restrictive or unrealistic manner is invalid. Agency regulations and administrative decisions are subject to judicial review when questions arise as to whether an agency has overstepped its bounds in its interpretation of the law.

Recourse to an administrative agency for resolution of a dispute is generally required prior to seeking judicial review. The Pennsylvania Commonwealth Court held in Fair Rest Home v. Commonwealth, Department of Health that the department of health was required to hold a hearing before it ordered revocation of a nursing home’s operating license. The department of health failed in its responsibility when “in a revocation proceeding it did not give careful consideration to its statutorily mandated responsibility to hear testimony.”

Conflict of Laws

When state and federal laws conflict, resolution can be sought in the appropriate federal court. The following case illustrates how federal and state laws can be in conflict. The plaintiff in Dorsten v. Lapeer County General Hospital brought an action against a hospital and certain physicians on the medical board alleging wrongful denial of her application for medical staff privileges. The plaintiff asserted claims under the U.S. Code for sex discrimination, violations of the Sherman Antitrust Act, and the like. The plaintiff filed a motion to compel discovery of peer-review reports to support her case. The U.S. District Court held that the plaintiff was entitled to discovery of peer-review reports despite a Michigan state law purporting to establish an absolute privilege for peer-review reports conducted by hospital review boards.

GOVERNMENT ETHICS

I weep for the liberty of my country when I see at this early day of its successful experiment that corruption has been imputed to many members of the House of Representatives, and the rights of the people have been bartered for promises of office.

—ANDREW JACKSON

The words of Abraham Lincoln and Andrew Jackson, so eloquently spoken, resonate true today. Political corruption, antisocial behavior, declining civility, and rampant unethical conduct have heightened discussions over the nation’s moral decline and decaying value systems. The numerous instances of questionable political decisions, executives with shocking salaries, dishonesty at work and in school, and the entertainment media have contributed to this decline. Legislators, investigators, prosecutors, and the courts have been quick to speak moral truths but continue to be slow in action. The question remains: Can the decline in ethical behavior be reversed as citizens struggle with a broken legal system inundated with new laws? The answer is more likely to be a return to practicing the virtues and values upon which this nation was founded. Ethics and the law are not mutually exclusive—they are intertwined throughout the text, providing an overview of government agencies designed to protect each individual’s rights (e.g., the right to privacy and self-determination).

Office of Government Ethics

The Office of Government Ethics (OGE) is an agency within the executive branch of government. The agency was established by the Ethics in Government Act of 1978. Originally within the Office of Personnel Management, OGE became a separate agency on October 1, 1989. The Office of Government Ethics exercises leadership in the executive branch to prevent conflicts of interest on the part of government employees, and to resolve those conflicts of interest that do occur. In partnership with executive branch agencies and departments, OGE fosters high ethical standards for
employees and strengthens the public’s confidence that the government’s business is conducted with impartiality and integrity.12

The OGE website provides information about the agency and services it provides. The site helps people understand the executive branch ethics program and its effort to reach federal employees and the general public. Common ethical issues discussed on the website include gifts from outside sources, gifts between employees, conflicting financial interests, remedies for financial conflicts of interest, impartiality in performing official duties, seeking other employment, misuse of position, outside activities, postemployment, representation to government agencies and courts, supplementation of salary, financial disclosure, informal advisory letters and memorandum and formal opinions, DAEOgrams (memoranda to agency ethics officials providing guidance on how to interpret and comply with modifications or new issuances of ethics laws, policies, and procedures; copies of the memoranda released since 1992 are available in the DAEOgrams section of the OGE website), and contractors in the workplace.

U.S. House of Representatives Committee on Ethics

The Committee on Ethics is designated the “supervising ethics office” for the House of Representatives. The jurisdiction of the Committee on Ethics is derived from authority granted under House Rules and federal statutes.

The Committee on Ethics is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives with its membership divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee’s activities and to help ensure that the Committee serves the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.13

The scope of the Committee’s jurisdiction under the various authorizing rules and statutes involves duties and responsibilities related to:

- Jurisdiction over all bills, resolutions, and other matters relating to the Code of Official Conduct.
- Recommend administrative actions to establish or enforce standards of official conduct.
- Investigate alleged violations of the Code of Official Conduct or of any applicable rules, laws, or regulations governing the performance of official duties or the discharge of official responsibilities.
- Report to appropriate federal or state authorities substantial evidence of a violation of any law applicable to the performance of official duties that may have been disclosed in a committee investigation.
- Consider requests for written waivers of the gift rule.
OCE is not authorized to determine if a violation occurred nor it is authorized to sanction members, officers, or employees of the House or to recommend sanctions. The OCE is not able to provide advice or education on the rules and standards of conduct applicable to members, officers, and employees of the House.

The mission of the OCE and its board is to assist the House in upholding high standards of ethical conduct for its members, officers, and staff and, in so doing, to serve the American people. The board of directors consists of eight members, which are private citizens and cannot serve as members of Congress or work for the federal government.

As the reader will note, there are a variety of laws and agencies that provide oversight and regulations that are designed to protect the right and safety of all citizens. Government is a reflection of the people it serves. Failure of the many to participate in the political process leads to government for the few who do.

Political Malpractice

The tragedy of society is not the noisiness of the so-called bad people, but the appalling silence of the so-called good people.

−Martin Luther King, Jr.

Like medical malpractice, political malpractice involves a failure to offer professional services to help prevent the travesties that take place daily, as illustrated by the following anonymous true story.
have black lung disease. I can barely breathe." He then turned, looking over to Bill, and said, "My brother also has black lung disease. We worked together in the coal mines for many years. This is our reward." I looked at Jimmy and slowly back to Bill and said, "I will help you." As we said our goodbyes, I thought to myself, as I left the room, this man has fought so long. He has asked for so little, a man forgotten by a cruel system of corrupt government and greedy corporations. I remember this day all too well. It brings tears to my eyes as I recall the sadness of that day.

Discussion
1. What government agencies might be of help to Jimmy (e.g., OSHA).
2. Explain what action you would take to help Jimmy.
3. Describe the ethical principles that apply to this case.

The failure of Congress to act when there is a duty to act by playing partisan politics is unconscionable to the citizens of the United States. It has occurred, for example, in financial and healthcare policy decision-making or lack thereof. Just indiscriminately objecting to every issue of the sitting president on a partisan basis continues to fall on the backs of the citizen whom Congress was elected to represent.

Ethicists in Public Service
Although not all cities may need to hire an ethicist in order to set priorities, it may be helpful in certain types of decisions. An independent, unbiased, professionally trained decision from an "outsider" may be more acceptable to councils, mayors, citizens, employees, or the press than one derived from inside the political process. This is particularly helpful in the decision to reduce or eliminate services to the public, especially services to the elderly, disabled, or less fortunate.}

Notes
6. U.S. Constitution, art. 6, § 1, cl. 2.
10. Id.
at 873.
18. Id.
20. Id.