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Politicians and Privacy Alexa Cowen and Lindsey Gross

Introduction

Imagine running for a position in a political office when your confidential medical records are released to the public. Let us assume that you have a previous history of a life-threatening illness which could be detrimental to your future career. Could certain private information that is leaked out to the public affect the results of the election?

Many ethical dilemmas arise when it comes to private information escaping into the media. Furthermore, this information could have a major impact on voters' decisions. For example, during the 1972 presidential campaign, Thomas Eagleton ran for Vice President until the public became aware of his previous struggle with depression. Presidential Candidate George McGovern selected Eagleton as his running mate initially, vowing to "back Eagleton 1,000 percent" prior to the public announcement of Eagleton's previous mental illness. Once information about his electric shock therapy treatment was revealed to the public, McGovern eventually chose Sargent Shriver, an in-law of the Kennedys, to replace Eagleton as his running mate ("Former Senator"). Although Thomas Eagleton was dropped from the election process, he remained in the senate until 1987.

Would it be fair for the public to base their votes on the details of Eagleton's private life? Are the specifics of a politician's private life helpful to voters? Could an issue such as depression seriously affect the success of a leader? How much information about politicians should be disclosed prior to elections and does that information affect a reelection? Scandalous issues such as racism, sexual encounters, illicit drug use, and alcoholism will also be discussed while addressing how these issues have affected the election or re-election of politicians. Is being deviant avoidable, and how much should a politician try to hide from the public?

Legal Rights to Privacy

The only legally protected privacy rights politicians have are all related to their medical history. Information about the medical status of a politician is closely guarded, not only to protect his privacy but also to ensure the national security of the country. Legally, everyone has a right to confidential medical records but according to CNN.com, if the president was to become incapacitated, the "facts would be made public and the orderly transfer of power would take place." On one hand, people may believe that there should be no reason to violate the medical privacy of an existing or potential leader, but others believe they need to know if the candidate they are voting for is physically and psychologically fit for the position.

The United States' medical system is becoming more urbane and computerized which makes it easier to access health records making them more vulnerable to unauthorized disclosure. This increases the risk that medical information will leak to the press and become public.

The Health Insurance Portability and Accountability Act (HIPAA) prohibits doctors and hospitals from releasing medical records, in most instances, without patient consent. Candidates' medical records can only become public if they release their own information or authorize their doctors to discuss their health with the media (Goldman). The White House has a different approach: "they feel it is ethical to allow reporters to read, but not copy, the medical documents of a politician" (Goldman).

The American Medical Association's Council on Ethical and Judicial Affairs instructs physicians to "cooperate with the press to insure that medical news is available more promptly and more accurately than would be possible without their assistance if their patient authorizes them to disclose medical information." The Council strongly advises physicians not to release any information without patient consent to avoid any potential lawsuits (Goldman). On the other hand, the media can legally photograph or document any person, place, or thing they have seen in public.

Types of Scandals and Incidents

A large concern for politicians is the release of confidential medical information to the media. In addition, there is much paranoia for politicians about their private lives with friends and family being exposed to the public eye. For example, politicians have cheated on their significant others, had sexual relations with drastically younger persons, participated in prostitution, were involved with child pornography and in other scandals. In addition, many public officials have dealt with or are still dealing with alcoholism or drug abuse. Less common scandals can even involve violence or murder. Various types of scandals or incidents that occur can have an effect on a politician's present or future career. Despite an incident occurring many years ago, information can always get exposed to the public leading to problems with the politician's constituency, and have an adverse impact on their ability to properly carry out the mandate of their office.

The Lose-Lose Situation

From a politician's perspective, being honest can potentially be a lose-lose situation. Honesty is one value that many Americans hold in high esteem. This value has often been forgotten with politicians of the past, hurting their reputations as leaders. On one hand, the media has the resources and technology to uncover any mistakes one may have made in the past. The media can proceed to present those mistakes to the public which in turn, may help competitors win an election, or cause voters to lose respect for the politician in question. On the other hand, if a politician keeps secrets and blatantly lies about past mistakes and the media discovers the deception, voters may no longer respect that politician due to his or her dishonesty. A report from CNN.com states, "In today's political environment, saying no is tantamount to admitting there is something to hide and so many candidates have taken to releasing sometimes voluminous medical records in an effort to answer questions and thwart further digging." This situation has put politicians under a magnifying glass with an expectation of perfection, which could arguably be unattainable and can certainly add a twist to politics and voting behavior.

Interview with Colorado Senator

Politicians are aware of how technology is providing easy access to their private lives and the potential negative consequences to their career. Colorado Senator Brandon Shaffer outlined three areas where he saw a paradigm shift in reference to privacy. These areas of technology include email, media publishing material, and negative campaigns.

The media, as well as campaign candidates, are on the prowl for any controversial topics that would make a good headline. With the innovation of email, camera phones and fast-paced blogs, private information can circulate more quickly and with greater ease than

before. Private information can be published rapidly, which leaves little time for the public to question the accuracy and credibility of the source, not to mention whether a politician was truly guilty of the claim. In addition, this can lead to the slandering of campaigns of opponents.

During election time, the public is exposed to a large amount of negative campaigns that aim to back stab and nit pick the private lives of opponents. Increasing technology today assists the media and the public to record, publish, or capture private and inaccessible information that could not be acquired without these innovative tools.

Medical Privacy

How deep should the media dig in order to obtain medical information about politicians? Should voters use this information to decide if a politician will make a worthy candidate or is it irrelevant to the voting process? People are essentially going to want to know if their future president is mentally and physically fit for the job, but should past medical records affect the way people vote? Would the average person vote for the candidate who suffers from an illness that may impair his ability to function, or even put a stop to the completion of a four-year term? Even though medical records are supposedly confidential, these records can be found by the click of a button at a doctor's office or hospital. The media has obtained private medical files, which could also be used for negative publicity or campaigning.

Although it may not be the first thing that crosses a person's mind, voters may have legitimate concerns about whether a candidate will be able to finish out his or her term. For example President Warren Harding, who hid his heart disease for many years, died of heart failure in his first term in office. Another incident occurred when President Franklin Roosevelt concealed his polio and hid the hypertension and heart failure which he developed during his third term in office (Goldman). During his fourth term, Roosevelt died leaving his country and citizens without a president. President John F. Kennedy suffered from various conditions such as Addison's disease but denied to the public he had any such illness. Kennedy did not want the fact that he may have been physically unstable to jeopardize his career as President. When candidates cannot physically and mentally finish out their terms, it puts a burden on the government, and most importantly the citizens of the country.

Recently, Americans have been faced with the question of whether current Vice President Dick Cheney is medically fit to serve in his post? Cheney has a history of medical instability, including cardiovascular disease, which led him to his first of four heart attacks beginning at age 37. He underwent a coronary artery bypass, coronary artery stenting, and coronary balloon angioplasty. In addition, he currently lives with an implanted cardioverter-defibrillator used to shock the heart if the monitor notices any unsteady cardiac rhythm (American Heart Association). Additionally, Cheney suffers from atherosclerotic disease and had an endo-vascular procedure in 2005 for his knee. He also suffers pain in his foot which usually requires him to walk around with a cane. On top of these medical problems, Cheney is a former chain smoker. Do these illnesses impair his ability to function as an elected official?

Due to Cheney's experience, skill, education, and job tasks as vice president that did not require extreme health and fitness, his medical history should not affect the overall performance of duties as a political officer. However, the public should be aware of the time commitment that each medical procedure and follow-up treatment requirements. Since a vice president's position does involve long work hours in order to perform his duties as a leader and serve the country effectively, physical and mental health is an advantage ("Cheney, Dick").

In another example, New York City's former Mayor Rudy Giuliani battled an extremely private cancer in front of a very public audience. Although Giuliani knew he would be suffering from embarrassing symptoms such as frequent bathroom trips, pelvic discomfort, weight loss, and persistent lower back pain, Giuliani fought through prostate cancer in a way that proved his leadership ability and his heroism to New Yorkers and the country. Giuliani served two terms from 1994-2001 and was named Time magazine's "Person of the Year" in 2001. Giuliani's next feat will be his candidacy in the 2008 presidential election (Time).

Marital Infidelity and Sexual Relations

Private controversies have occurred since the U.S. government was founded ("Cheney, Dick"). The First Secretary of Treasury, Alexander Hamilton, became intimately involved with a married woman named Maria Reynolds. Hamilton was blackmailed by Reynolds' husband, which leading Hamilton to admit to the affair and resign as Secretary of the Treasury in 1795.

Of all the types of political scandals, marital infidelity and sexual relations appear to be the most publicized. People who lived through Bill Clinton's presidency are keenly aware of his affair with White House intern, Monica Lewinsky. Initially, Clinton denied the accusations of the affair, but as physical evidence surfaced the President finally admitted to having "sexual relations" with Lewinsky. After Clinton acknowledged the affair on national television, his career and reputation were in jeopardy. Not only was his family devastated by his actions, but some Americans felt betrayed and lied to, as well.

Although the affair was considered inappropriate behavior, was it fair for the public to critique Clinton's whole job performance based on his personal sexual relationships? Or was Clinton judged not because of his sexual relationship, but because he told a lie? Unfortunately there is no easy way to know what Americans truly thought of the Monica Lewinsky scandal. Clinton's publicized scandal shocked the media, but nonetheless settled with Americans, proven by the example of his wife Hillary Clinton becoming Senator for the state of New York.

Additionally, 53% of Americans felt that marital infidelity had little to do with a president's ability to govern, according to a Gallup Poll taken after the affair. As a result of perjury, President Clinton was put on trial for impeachment from office but after being acquitted, continued to serve for the remainder of his term. Many Americans may not have necessarily disputed with Clinton's affair. However, they may have felt uneasy about his public announcement, which many felt consisted of lies. Following his two presidential terms, Clinton became involved in public speaking and humanitarian work, but has yet to dive back into the political arena.

An additional example was the affair between Colorado Senator Gary Hart and his mistress, Donna Rice. Rumors began to circulate about an affair prior to the presidential election in 1988. After hearing these claims, Hart stated, "Follow me around. I don't care. If anybody wants to put a tail on me, go ahead. They'd be very bored" (Time). Taking him up on his word, reporters waited outside his home to watch for suspicious activity. Sure enough, an unfamiliar woman, who was not Hart's wife, but rather Donna Rice, was seen leaving Hart's home numerous times. Following up on Hart's suspicious activity with the unknown woman, the media followed both of them down to Gary Hart's yacht. Days later it was revealed that Hart was having an affair with 29-year-old model Rice. As a result, Hart immediately dropped out of the presidential election. Though his chances in the presidential election were lost, Hart resumed his law practice, served on the Hart-Rudman Commission to change security policies, and furthered his degree in politics to remain active in the political scene.

In 2004, Neil Goldschmidt, the Governor of Oregon for four years, finally admitted to having a lengthy sexual relationship with a 14 year old girl in the mid-1970s (Jaquiss). Goldschmidt proceeded to resign from his positions with the Texas Pacific Group and the Oregon State Board of Higher Education. Much of the public believed that the relationship with the minor was the true reason why he had not run for re-election as governor or for a seat in the United States Senate. After he admitted to the affair, his political reputation with citizens declined, which forced an end to his career in politics.

Alcoholism

In 1952, Thomas J. Dodd was elected into the House of Representatives, serving two terms. He later served as Connecticut's senator in 1958 and was reelected in 1964. In 1965, Dodd was reported drunk on Capitol Hill. Subsequently, rumors circulated about potential alcoholism. Dodd then suffered a heart attack in 1970 and did not run for reelection. Dodd continued to serve as senator until several months before his death.

Alcohol abuse affected another reported public official, Herman Talmadge. Serving as governor of Georgia from 1947 to 1955 and then senator from 1957 to 1981, Talmadge was a committed political leader. However, he was defeated for reelection in 1980 due to a combination of factors. Primarily his self-admitted alcoholism spun out of control after his son drowned in 1975, leaving Talmadge depressed and incompetent (Talmadge, Herman). His depression led him to retire after realizing he wasn't capable of being a strong, influential political leader any longer.

Suspicious Occurrence

The Chappaquiddick incident which involved Edward Ted Kennedy quickly became a national scandal and was very influential on his later career as a politician. After a night of heavy drinking at a political event in 1969, Ted Kennedy agreed to drive his campaign worker Mary Jo Kopechne home. Unfortunately, he swerved off the bridge he was driving on and drove into a channel of water below. Kennedy claims he tried to save Kopechne but was unsuccessful. After the crash, he returned back to the party and was later charged with drunk driving and fleeing the scene. After this incident, his campaigns received substantial negative press, which may be the reason Kennedy decided against running for president in 1972. Despite the shocking Chappaquiddick incident, Ted Kennedy has remained politically active and began a new term in 2007 (“Sentaor for Massachusetts”).

A Mix of Segregation and Statutory Rape

Holding the record for the longest serving senator of his time, Strom Thurmond, Governor of South Carolina and U.S. Senator, did not hold a record on purity. Thurmond conducted the longest filibuster ever conducted by a United States Senator in opposition to the Civil Rights Act of 1957. Thurmond later moderated his views on race, but continued to defend his early segregationist campaigns on the basis of states' rights. Thurmond was elected as Governor of South Carolina in 1946 and ran for the 1948 presidential election. He served as Senator of South Carolina from 1954 until 2003. Following his death in 2003, Essie Mae Washington-Williams announced that she was Thurmond's illegitimate daughter, and that her mother was an African American maid who worked for the Thurmond family. She gave birth to Essie when she was only sixteen. Strom Thurmond did not consider himself to be a racist, but he did support segregation. His beliefs contradicted his actions when America found out that he was guilty of statutory rape of an African American woman while she worked as a maid in the Thurmond household. Essie Mae, her mother and Thurmond agreed to keep their connections a secret. This controversy did not have an impact on Thurmond's career, due to the fact that Washington-Williams waited until after his death to reveal this information.

Politicians and the Future

Ed Schrock, a member of the United States House of Representatives from 2001 until 2005, and a member for the Second Congressional District of Virginia, firmly opposed gay rights and same sex marriage unions. Schrock abruptly declined election for a third term once rumors of his sexual preference were publicized. Audio recordings on a blog were found of Schrock soliciting homosexual phone-sex. Politicians have viewed this example and learned how the media exposed Schrock's private life. The following quote comes from Jim McGreevey, a former New Jersey Governor who left office three months after announcing his affair with a male co-worker:

As glorious and meaningful as it would have been to have a loving and sound sexual experience with another man, I knew I'd have to

undo my happiness step by step as I began chasing my dream of a public career and the kind of 'acceptable' life that went with it. So, instead, I settled for the detached anonymity of bookstores and rest stops — a compromise, but one that was wholly unfulfilling and morally unsatisfactory.

McGreevey's situation only further proves the "lose-lose" situation confronted with complete honesty, while serving a public office position. This has not yet affected Schrock's career, as he is still politically active.

Newt Gingrich, a potential 2008 presidential candidate, has been had several past extra-marital affairs, which may affect the way people view him as a person. Gingrich married his high school teacher, Jackie Battley, but filed for divorce while Battley was recovering from cancer surgery. He told the media that, "she's not young enough or pretty enough to be the wife of a president, and besides she has cancer" (Jeffery). Several months after this harsh statement and a divorce settlement with Battley, he married Marianne Ginther. Eighteen years later Ginther and Gingrich divorced, and Gingrich admitted to an extramarital affair with 33-year old Congressional staffer Callista Bisek (Time). He married Bisek only one year after the divorce with Ginther. Newt Gingrich has gained some negative publicity from his messy marriages and divorces, yet he remains as a potential candidate for the 2008 election.

Recently, Barack Obama, Senator of Illinois and 2008 presidential candidate, publicly addressed his history of drug use in his book *Dreams From My Father*. Before Obama entered the political scene, he experimented with marijuana, cocaine and until recently, chain-smoked. By making a choice to be completely open and honest with America about his past struggles, Obama is taking a huge risk, which may be judged negatively against him in the 2008 election. His honesty comes as a shock, which begs the question as to whether his confessions were revealed only because most privacy no longer exists, and what little does exist may be in jeopardy of being exposed. Perhaps, Obama's new approach to honesty will translate to a successful trend throughout candidacy.

Recently it was announced that North Carolina senator John Edwards's wife has been diagnosed with a recurrence of breast cancer. Edwards says he still plans to run in the 2008 presidential race, although a USA Today/Gallup Poll found that a third of those surveyed believe Edwards will eventually be forced to withdraw from the campaign due to her illness (Page).

Hillary Clinton, a 2008 presidential candidate, will soon find out the influence of her husband's past scandal when voting time comes. In an article from *USA Today*, the author questions, "Will memories of the Monica Lewinsky scandal haunt Hillary Clinton's campaign and drive away voters" (Lawrence). According to a USA Today/Gallup Poll, an surprising 70% of Americans say Bill Clinton will do more good than harm for his wife's campaign (Lawrence).

Currently, it is unclear how personal information and private scandals will affect the voting process for these future candidates. As illustrated above, some candidates have been greatly affected by their personal incidents, while others have not had any affect on their electability as a political officer.

Conclusion

No one is perfect, but how can Americans decide who is most honorable to lead a country? Honesty, guidance, and leadership can be viewed as imperative characteristics of politicians. These previous examples have illustrated that a public scandal can not only disappoint Americans, but also end a political career and reputation. For instance, a breach of medical privacy can show weakness and lack of thoroughness on the job for a candidate. Controversial scandals have resulted in resignation, wasted time, investments, and at times, caused an exit from the political scene. Conversely, some of the previous examples show that politicians have continued on with their political careers long after private incidents surfaced to the public. In the end, technology and the media have enabled a new age, which has opened the closets of any politician and exposed every one of their secrets, regardless of size.

Voting citizens must choose whether or not to see beyond the surface of a politician and decide what values a politician can offer as a leader for the country. If Americans were to vote solely based on scandals and historical details of a candidate's private life, they may be failing to vote for the integrity of the country. The challenge for Americans lies in critically examining the facts presented by the media. By understanding one's personal values and placing initial judgments aside, a wiser and more informed democracy could be established.

"Oh that lovely title, ex-president"

-Dwight D. Eisenhower

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