There is an interesting problem in the way we evaluate ethical leadership. The problem arises from how we apply standards of personal morality to leadership.

There are two versions of this problem. One version concerns how we judge a candidate’s fitness for office based on the candidate’s personal relations. The other version concerns how we judge a leader’s decisions while in office based on personal, or conventional, morality.

When we judge a candidate’s fitness for office, we often look at the candidate’s personal relations. When you look at the history of how we have judged candidates, I think the country is unbelievably inconsistent. For example, you will recall that several years ago, it was reported that presidential candidate Gary Hart had an extramarital affair. As a result, he was simply out of the race for the presidency.

Now contrast the outcome of the Clinton example with the case of General David Petraeus, one of the great American heroes. General Petraeus assumed responsibility for a war in Iraq that was lost and literally turned it around in the most remarkable way. Though the future of that county is still in doubt, Petraeus left us in a position to leave Iraq with hope for a positive outcome. We are now trying to replicate that same strategy in Afghanistan.

Of course, you all know the outcome of the Petraeus story. When it was reported that he recently had an extramarital affair, he suddenly resigned his position. I cannot quite understand this. My view is that I do not want to know about a public official’s personal affairs. I do not care. I know many people disagree. They think personal history reflects on the character of the person. But many American presidents, whose private affairs fell short of that standard, led exemplary public lives. Presidents Franklin Roosevelt and Dwight Eisenhower both had extramarital affairs. Would the country be better off had they not served as presidents?

I know many people disagree. They think personal history reflects on the character of the person. But many American presidents, whose private affairs fell short of that standard, led exemplary public lives. Presidents Franklin Roosevelt and Dwight Eisenhower both had extramarital affairs. Would the country be better off had they not served as presidents?

So I have always been ambivalent about the influence of the defects of personal lives on the performance of public duties. I am willing to say I would rather not know about them. I am not sure they are relevant. I would rather judge politicians on the basis of what they say, what they do and have done, and how they act on behalf of the country.
There is a certain irony in the way we reacted to revelations of the private lives of our leaders in the past, compared to the way we react today. In the past, presidents like Franklin Roosevelt, Dwight Eisenhower, and John Kennedy had or were having extramarital affairs. This would disqualify them for office today. Yet in the 1930s and 1940s, the family was infinitely stronger, and the divorce rate was infinitely lower. The sense of family and family obligations was much stronger. At that time in history, we were more forgiving of our leaders.

Today, divorce is the fate of about half of all marriages. Almost 50% of American children are born out of wedlock; a few decades ago, the rate was about 3% to 5%. It is almost as if we are taking out the contemporary frustrations we have over the problems and weaknesses of the family on our leaders. At a time in the recent past when there was less anxiety about the health of the family, we were more able to forgive and to overlook.

I do actually have an animus against how politicians use the family when they run for office. Typically, when election campaign announcement speeches are given, politicians bring in the wives, the kids, and the grandkids. The kids, especially the cute little ones, tug at the candidate’s pants on stage and instantly endear him to the electorate. That is okay. But then, fifteen to twenty years later, as the official prepares to retire, he or she always says, “I am leaving office because I want to spend more time with my family.”

I think the law should require that when politicians originally announce to run for office, they should be required to say they are running for office because they want to spend less time with family. No family should be allowed to appear on stage and instantly endear him to the electorate. I know that this is not going to happen. But it has been a pet idea of mine for many years, and I am sticking with it.

The second version of the problem that emerges from the application of private virtues to public life applies to the decisions leaders must make in their official capacity. When you think about the most terrible decisions that presidents and other leaders have to make, there is a real disconnect between the personal and public versions. When you are leading a country, your concern has to be your paramount concern, even if that concern makes you do things you would consider immoral in your private life.

For example, when the United States entered the First Gulf War in 1990, I remember being in a debate with Anthony Lewis, a liberal columnist. I was defending our role in the Gulf War. In that war, Saddam Hussein of Iraq had ordered an invasion of Kuwait. As a result, Iraq occupied Kuwait and was threatening our other allies in the region, including Saudi Arabia. In that debate, I remember Lewis saying, “You know, you’re only in favor of that war because of oil.” The implication of his remark was that to go to war in Kuwait to secure oil was an illegitimate reason.

In fact he was wrong. Our involvement in that war was not because of oil. Kuwait had been invaded, occupied, and plundered. In international relations, there is the rule of law. You cannot just walk into another country and take it by force. The rule of law is threatened when a country is invaded and occupied by force. And the United States would not allow that to happen.

Even if Lewis was right, would it be wrong to fight a war over oil? Think about what the country would look like without oil. You would not be able to go to work; you would not be able to heat your homes. In many places, you would not be able to supply the energy you need to conduct your lives.

If you are running a country, you have to think about the welfare of the country. If you are a person in private life, you do not attack other people or engage in aggressive behavior toward others in order to protect or increase your wealth. If you are the leader of a country, however, public morality demands that you must be willing to do things that in private life would be called selfish.

In national life, these actions are regarded as defending your interests. And that is why we have a military to defend our interests abroad.

A lot of our national interests are principled. Defending the freedom of people who are defenseless against aggressors is an example of a principled interest. And that was what the Gulf War was about. Protecting the national interest also means acting in the world to preserve our power from threats so that we may use that power to defend others.

A more extreme example of this debate over the meaning of public virtue concerns the controversy over whether President Harry Truman was right to order the use of the atomic bomb on Japan during World War II. In that debate, many revisionist historians said, “Well, you know Japan was close to surrendering and what we really wanted to accomplish was to prevent...
the Russians from entering the war against Japan.” This claim is patent nonsense.

Harry Truman gave that order for one reason. To end the war, we were going to have to invade Japan. Our generals estimated that at least half a million Americans would die in such an invasion. Truman had a choice to make: to risk the lives of American soldiers or to destroy the Japanese cities of Hiroshima and Nagasaki, as well as the lives of innocent people who lived there. That was the essence of the decision Truman faced. Because his decision saved the lives of half a million young American soldiers, it was the right decision.

It was a terrible decision to face, in a sense. But if you are a leader, you may have to authorize actions that might be considered immoral from the standpoint of private morality. Ethical leadership demands that you do what you were entrusted to do when you were elected.

As president, your ultimate obligation, your sworn duty, is to defend the country and protect the Constitution.

There is another, more immediate, decision that I think is the perfect illustration of the ethical dilemmas of leadership. I am referring to the debate over the so-called “enhanced interrogations” of terrorists after 9/11. These interrogations, which include waterboarding to a limited extent, did yield information that was helpful in the location and elimination of al Qaeda leader Osama bin Laden.

To me, the authorization of the use of these interrogations was an open and shut case, even though it was a terrible decision to make. If you were president, then you would feel awful making that decision. But at the same time, you would feel obliged to make it because you know there were hundreds, maybe thousands, of unnamed American lives at stake. Without the information the interrogations could yield, you do not know the identity of the terrorists or when the next suicide attack could come. So, at the cost of authorizing actions that would violate private standards of morality, you would be saving lives.

I think President Bush made the right decision based on the demands of public morality, even though the decision seemed to contradict private morality. At the same time, I have complete respect for the Quaker pacifist who believes that you should never go to war. That is fine. The pacifist deserves honor and respect. But you do not run for the presidency if you are a Quaker pacifist. You have to recognize that your moral obligation as a pacifist is totally incompatible with the role of an ethical leader. As president, your number one ethical obligation is the protection, safety, and welfare of the people who entrust you with that kind of leadership.

The application of standards of morality derived from our private lives to the lives of leadership figures is often confusing. But what ethical leadership and public virtue demand in other areas of public life is much clearer. For example, public virtue demands that policy debates in Washington be conducted in an atmosphere where respect is granted for the motives and good will of the opposing side. Yet often this atmosphere is missing. I am bothered by the way President Obama tends to devalue the conservative opposition he encounters.

In one sense, I am not dismayed by the quarreling between parties in Washington because I think they are debating fundamental principles. President Obama is here to change America in the direction of a European social democracy. This would entail an expansion of government for the purpose of redistributing income and regulating lives.

The other side of this debate, the more traditional American argument, claims that we are a country of liberty. We’re a country of risk-takers, of entrepreneurship, and that is the essence of the freedom we enjoy.

In reality, this debate concerns the fundamental conflict that has divided the political left and right since the French Revolution. One side favors liberty; the other side favors equality. In our country’s tradition, liberty is paramount.
There is a reason why we have a Statue of Liberty in New York Harbor and not a Statue of Equality. We are a free people, and we see that our liberty is the essence of who we are.

Regardless of your beliefs on this matter, you need to give respect to the other side. Unfortunately, President Obama has a tendency to discount and devalue the opposing side of the debate and argue that the only way you can be against his point of view is if you are acting in bad faith.

The debate over gun control legislation provides an example of this tendency. The President gave a speech on this subject in Hartford, Connecticut recently. Basically, he said, “You know the issue here is whether you care more about kids or for your National Rifle Association (NRA) rating.” Now that is a disgrace.

In an honest debate, the President would engage opponents of gun control legislation on the basis of their beliefs. Those beliefs include the conviction that further legislation would do nothing to stop the next massacre and would only serve to curtail the Second Amendment. Instead, the President implied that opposition to gun control is a consequence of knuckling under to pressure applied by the NRA lobby. But the NRA is strong only because so many Americans believe in the Second Amendment rights. The strength of the NRA lobby is derived from the support of the American people; it is not the other way around.

An honest debate on gun control would focus on safety—if you believe gun control legislation would make a difference—and liberty. That is a classic debate. Safety is good, but liberty is also good.

That is the essence of politics. Politics is a conflict among goods. It is not bad faith by one side or the other. In the gun control debate, one side is a believer in liberty and does not want to see it compromised. The other side believes in safety.

So the essence of leadership is to believe what you believe. Try to make a case for it. But ethical leadership also requires that the two sides respect each other. Once you question the motives of the other side and hurl insults, there is no debate. That is a way to stop arguing and end good will in a debate.

Something we all can do, even in your classrooms when you debate with each other, is to respect the other side of the debate. Never resort to epithets or accusations. Calling someone a fascist or a communist or a racist, that is cheap. You should always try to understand the opposing point of view, try to restate it in your head, and then try to find the best argument against it. That’s the best of democracy. That’s the best of leadership. We really do not have enough of it today.

The Honorable Eugene Siler, Jr.

Judge Eugene Siler, Jr. is a native of Williamsburg, Kentucky. He attended Vanderbilt University and graduated in 1958. He attended law school at the University of Virginia, receiving an LL.B. degree in 1963. He went on to obtain other degrees.

He began his law practice in Williamsburg in 1964. He was elected Whitley County Attorney and was later appointed to the United States District Court for the Eastern and Western Districts of Kentucky. He served in several other positions and was appointed to the United States Court of Appeals for the Sixth Circuit in 1991. He has served in many other positions and still lives in Williamsburg and has offices in London, KY and Cincinnati, OH.

Judge Siler’s speech was given at a ceremony remembering 9/11 and honoring those who died on that day.

A Day in Infamy

“A Day in infamy” is what President Franklin Roosevelt said about the Japanese attack on Pearl Harbor in December 1941. September 11, 2001 is another day in infamy when terrorists attacked innocent people.

We come today, September 11, 2013, to commemorate that day and to honor all those innocent victims, rescue workers, and their surviving families who still suffer from the physical and emotional trauma of the event and the ensuing days.

We all recall some events of that day. Because of television coverage and other modern technology, we could see it happening before our eyes, unlike what our citizens could see on Pearl Harbor Day.

To sum up some important facts, these are the time lines for that day.
• 5:45 a.m.—terrorists Mohamed Atta and Abdul Aziz Alomari board an aircraft in Portland, Maine, and an eventual Boston flight to Los Angeles.
• 7:59 a.m.—American Airlines Flight 11 takes off from Boston for L.A.
• 8:14 a.m.—United Airlines Flight 175 with terrorist's onboard takes off from Boston for L.A.
• 8:20 a.m.—American Airlines Flight 77 with terrorist's onboard takes off from Washington to L.A.
• 8:42 a.m.—United Airlines Flight 93 with terrorist's onboard takes off from Newark to San Francisco.
• 8:45 a.m.—American Airlines Flight 11 hits World Trade Center North Tower.
• 9:03 a.m.—United Airlines Flight 175 hits World Trade Center South Tower.
• 9:43 a.m.—American Airlines Flight 77 hits the Pentagon.
• 10:10 a.m.—United Airlines Flight 93 crashes near Shanksville, Pennsylvania.
• 10:28—World Trade Center North Tower collapses.

The tragedies of 9/11 cannot be forgotten. More than 2,700 people died at the World Trade Center; 125 died at the Pentagon, and 256 died on the four planes. The death toll surpassed that at Pearl Harbor in 1941. And even more were crippled and suffer today from post-traumatic syndrome disorder from their experience.

We must proclaim the bravery of the rescue workers who risked their own lives and safety by going into the World Trade Center buildings after the buildings were hit. Many of those workers lost their lives or were critically injured by their dedication to saving others. And we must never forget the brave men on United Airlines Flight 93 from Newark to L.A. When it was apparent to those men that the plane was hijacked (believed to be heading toward Washington), they used their cell phones to call others and set up a plan to overtake the hijackers. A telephone operator and members of their families were able to recreate what was happening.

In particular, I bring to your attention Todd Beamer from New Jersey who was on that plane. He contacted an air phone operator and told her what was happening. He asked her to recite the Lord's Prayer and the 23rd Psalm, and she could hear on the telephone that others were reciting these verses inside the plane. Beamer then spoke softly and said, "Jesus help me." Then he said in a loud voice, "Are you ready? Let's roll."

It is believed that he and several other men used a food cart from the galley as a battering ram to rush the cockpit which was then under the control of a terrorist pilot. It is believed that the airline pilots had already been killed. You know the rest. The terrorists must have decided to crash the plane and did so in Pennsylvania. Those passengers who stormed the cockpits lost their lives but saved many others as a result.

It is a great honor here at the University of the Cumberlands to have a relic of the World Trade Center in memory of those brave men and women from September 11. As Winston Churchill said during World War II in the Battle of Britain in tribute to the brave pilots of the RAF who fought the German planes on a daily basis to save Britain: "Never have so many owed so much to so few." That's what we now say about those heroes of 9/11.

The Third Amendment

By: Al Pilant, Ph.D

This is the third in our series entitled Foundations of Freedom.

No soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

The Third Amendment has its roots in British practices perceived by inhabitants in the American colonies as one of many violations of the 1689 English Bill of Rights. The billeting of British troops in peace times, required by the pre-War for American Independence (1775-1783) quartering acts of 1765, 1767, and 1774, was widely deemed by Britain's American colonists to have undermined their rights as English subjects. During the American Revolution, four of the new states forbade mandatory quartering of troops, except during war, in their first written constitutions. In post-independence conventions called to consider ratification of the Federal Constitution of 1787, three other new states expressed concerns that
the proposed document had no Bill of Rights, specifically noting the absence of an admonition against forced lodging of military forces in times of peace.

Citing their forebears’ colonial charters, the Americans constantly claimed traditional English rights and privileges, including relief from any standing military force during peacetime, as provided in the 1689 statute enacted by Parliament. The former British colonists sought to elevate the principle of no mandated troop billeting at any time of peace into a permanent provision of a written constitution, even if it came as but one amendment to an already-enacted document. From such was born the Third Amendment to the United States’ Constitution.

As one of the first ten Amendments comprising the Bill of Rights added to the Federal Constitution in 1791, the Third Amendment has rarely been the subject of subsequent litigation. No issue directly addressing the Amendment has ever been heard by the United States’ Supreme Court. Occasionally, some small reference to the Third Amendment, amounting practically to nothing, has been made by a High Court jurist to illustrate some matter not directly pertinent to troop quartering. Justice Robert H. Jackson mentioned the Amendment to illustrate restraint of federal executive power even during a time of hostilities [Korean Conflict] in Youngstown Sheet & Tube Company v Sawyer (1952). Justice William O. Douglas offered the Amendment as support for the right of privacy from government within one’s own domicile in Griswold v Connecticut (1965).

Not until some three decades ago, one hundred and ninety-one years after becoming part of the Federal Constitution, did the Third Amendment become even the subject of litigation at one of the thirteen bodies constituting the country’s second highest judicial level, the United States’ Court of Appeals. On May 3, 1982, in Engblom v. Carey, the Second Circuit of the U.S. Court of Appeals ruled that a state’s National Guard is a military force under the Third Amendment and, as such, is subject to quartering restrictions. At issue was whether New York’s National Guard members could be housed in the dormitory residences of prison guards at the Mid Orange Correctional Facility, while the latter were temporarily removed from their quarters because they were among New York public employees participating in a state-wide labor strike.

In Engblom, two of the prison guards, Marianne E. Engblom and Charles E. Palmer, sued New York Governor Hugh Carey and other state officials for violating the two plaintiffs’ rights under the Third Amendment. The plaintiffs contended that they were “tenants,” with the same domicile rights as home owners. By occupying the correctional officers’ quarters while securing the facility during the plaintiffs’ forced absence, the National Guard personnel and those ordering their occupancy violated the plaintiffs’ Third Amendment rights.

Ultimately, the Second Circuit Court of Appeals ruled that the Fourteenth Amendment’s due process clause makes actions by state government officials as accountable under the Third Amendment as those by federal officials. For the Second Circuit jurists, that due process clause of the Fourteenth Amendment incorporated the provisions of the Third Amendment, making state officials as subject to its proscriptions as federal officials. The Second Circuit Court’s ruling in Engblom was and is incorporated only for the federal courts of the three states (New York, Connecticut, and Vermont) comprising the Second Circuit. Pending any similar decision by any or all of the other twelve circuit courts of appeal or by the United States’ Supreme Court, the incorporation finding in Engblom is pertinent only to the Second Circuit’s jurisdiction.

The incorporation finding, notwithstanding, the plaintiffs in Engblom prevailed in principle, but not in damage claims. The Second Circuit found that, since the rights of the litigating prison guards had not been established by any court under the Third Amendment when the strike began, the defendants were protected from suit by qualified immunity and, accordingly, were not liable for any damages to the plaintiffs. No federal court has revisited the specific Third Amendment issues raised in Engblom since 1982.

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*based on minimum age of 65; a gift annuity of $10,000; figures for annual payment & IRS discount rate of 2.4% as of October, 2013.

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Benjamin Solomon “Ben” Carson, Sr. is a retired American neurosurgeon who has done much pioneering work in the medical field.

Recently he has joined Fox News as a contributor. He had earlier risen to political fame when he delivered a speech at the National Prayer Breakfast in February 2013. He has since become recognized as an outstanding conservative political speaker.

Tuesday, April 1, 2014 at 7:00 p.m.
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