

To: Bi-partisan Committee of Review
From: Non-partisan committee staff
Date: October 2, 2007
Re: Definition of Censure and Reprimand in Congress

At the September 19, 2007 committee meeting you asked whether there were definitions for the terms "censure" and "reprimand". You also asked if there were instances in which the respective investigatory committee had made a recommendation that was not followed by the full chamber or that was made moot by the resignation of the member.

With regard to Congress, there is no precise listing or description of the specific type of misconduct or ethical improprieties that might subject a member to expulsion, censure or reprimand. Rather, the U.S. House rules provide that reprimand is appropriate for serious violations, censure is appropriate for more serious violations and expulsion for the most serious violations.

In the U.S. Senate, there have been no expulsions within the last fifty years. However, within this period of time there have been two expulsion proceedings in the U.S. Senate that ended because the Senator in question resigned before a full vote of the Senate. In 1982, Senator Harrison Williams (D) of New Jersey resigned before a vote by the full Senate. Senator Williams had been convicted of bribery and conspiracy in the ABSCAM scandal and the Senate Committee on Ethics had recommended that Williams be expelled. In 1995, Senator Robert Packwood (R) of Oregon resigned before a full vote of the Senate could occur. Senator Packwood was charged with sexual misconduct and abuse of power toward former staff members and lobbyists and the Senate Committee on Ethics had recommended that Packwood be expelled.

Again, the Senate does not distinguish between reprimand and censure, as the U.S. House of Representatives does. Within the last fifty years there have been three censures by the U.S. Senate. These occurred in 1967 when Senator Thomas Dodd (D) of Connecticut was censured for using his office to convert campaign funds to his personal benefit and conduct unbecoming a Senator. In 1979, Senator Herman Talmadge (D) of Georgia was censured for improper financial conduct and improper reporting of campaign receipts and expenditures. Most recently, in 1990 Senator David Durenberger (R) of Minnesota was censured for unethical conduct relating to reimbursement of Senate expenses and acceptance of

outside payments and gifts. Censure does not carry a formal punishment in the Senate.

In the U.S. House of Representatives, there have been two expulsions in the last fifty years. In 1980, Representative Michael Myers (D) of Pennsylvania was expelled by the House after being convicted of bribery in connection with the ABSCAM investigation and the House Ethics Committee recommended expulsion to the full House. In 2002, Representative James Traficant (D) of Ohio was expelled by the full House after he was convicted of conspiracy to violate federal bribery and gratuity statutes, receipt of illegal gratuity, obstruction of justice, defrauding the government, racketeering and tax evasion. The House Ethics Committee had recommended Traficant's expulsion to the full House. It should be noted that in 1988, the House Ethics Committee made recommendation to expel Representative Mario Biaggi (D) of New York after he was convicted of accepting illegal gratuities but he resigned after an additional conviction. As well, in 1995 an expulsion resolution was filed against Representative Walter Tucker (D) of California in relation to his conviction on extortion and tax evasion charges but Tucker resigned on the same date that the resolution was filed.

Turning now to censure, in the last fifty years there have been four instances in which the full House voted to censure a member. These censures occurred for misconduct that included one representative who engaged in mail fraud and false statements, one representative who accepted money from a person with a direct interest in legislation and personally used campaign funds, and two representatives who each had a sexual relationship with a House page. It should be noted that with regard to the two representatives that each had a sexual relationship with a House page, that it was not the same House page in each instance and more importantly that the House Ethics Committee had recommended reprimand in each of these cases but that the full House rejected such recommendations and instead voted to censure these members.

Finally, in the U.S. House there have been 8 reprimands within the last fifty years. These reprimands have been for conduct that included improper financial disclosures, false statements, failure to report campaign contributions, conversion of campaign funds, improper use of official resources, improper contacts with a probation officer on behalf of a personal assistant and improperly

arranging for the dismissal of parking tickets for a personal assistant. Concerning one of the representatives who failed to report campaign contributions and converted campaign funds for personal use, the House Ethics Committee had recommended his censure but the full house rejected the recommendation and voted to reprimand him instead.