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Examining the Evolving Ethical Environment within the House of Representatives

Christopher Bruce Ehle

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Christopher Bruce Ehle

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has been read by the undersigned. It is hereby recommended for acceptance by the
faculty with credit to the amount of 3 semester hours.

Christi Scott Bartman (Date) 29 April 2014
Christi Scott Bartman, MPA, JD, PhD
Associate Professor
American Public University System

Recommended for approval on behalf of the program

Kristen Osborne Obst (Date) July 31, 2014
Kristen Osborne Obst, PhD
Program Director, Public Administration Program

Recommended on behalf of the program director

_____ (Date) _____

Approved by academic dean

EXAMINING THE EVOLVING ETHICAL ENVIRONMENT WITHIN THE HOUSE
OF REPRESENTATIVES

A Master Thesis

Submitted to the Faculty

Of

American Public University

By

Christopher Bruce Ehle

In Partial Fulfillment of the

Requirements for the Degree

of

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Charles Town, WV

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DEDICATION

First and foremost, to the lion's share of politicians who behave honestly and ethically, your devotion to public service contributes directly to the underpinnings of democracy.

ACKNOWLEDGMENTS

I wish to sincerely thank all of my professors that have guided me through the learning process at AMU. They have all, in one way, or another, contributed to help me achieve my final goal. To my thesis advisor Dr. Christi Bartman, thanks for helping guide me through the process of finally completing my long journey towards graduation. Lastly, I extend my unending appreciation to my friends and family that has stood by me in reaching for my goals, your patience in my frequent absence does not go unnoticed.

ABSTRACT OF THE THESIS

EXAMINING THE EVOLVING ETHICAL ENVIRONMENT WITHIN THE HOUSE OF
REPRESENTATIVES

By

Christopher Bruce Ehle

American Public University System, April 27, 2014

Charles Town, West Virginia

Professor Christi Bartman, Thesis Professor

This study compares and contrasts ethics cases in the House of Representatives in two different time periods: 1798-1966 and 1967-2004. The purpose of this is to establish whether or not the formation of a permanent Ethics Committee in the House in 1967 and the following Congressional reform movement are acting as mediating variables causing a sharp increase in conduct cases being brought before the House since 1967. To do this, the exact number and types of ethics cases in the House will be taken from a historical summary prepared by the House, which lists all ethics cases officially recorded for the time periods listed. Findings suggest that there is indeed a strong correlation between the formation of the Ethics Committee and the Congressional reform movement, and a dramatic increase in ethics cases brought before the House. Additionally, there is evidence that media exposure and the purely political aspects of the ethics process are further contributing to an increase in ethics cases in the House after 1967.

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Introduction

Though only a quote from a purely fictional character in Tom Clancy's widely popular *The Hunt for Red October*, National Security Advisor Jeffery Pelt, advises the movie's protagonist Jack Ryan "listen, I'm a politician which means I'm a cheat and a liar, and when I'm not kissing babies I'm stealing their lollipops" ("Quotes for Jeffrey Pelt," 1990). That comment perfectly embodies the perennial doubt surrounding the ethics of Congress and the nature of, some, elected officials that occupy those positions. As an institution, Congress continues to suffer a decline in public trust since the early 1960s when evaluations of Congressional performance began being monitored regularly through public opinion polling (Patterson & Caldeira, 1990). The derision that Congress faces is even understood by politicians themselves. In remarks to the assembled Senate, Senator Proxmire (D-WI) proclaimed that:

No one and I mean nobody ever defends the Congress. In more than 30 years in this branch of the Congress, and in literally tens of thousands of conversations back in my State with people of every political persuasion I have yet to hear one kind word, one whisper of praise, one word of sympathy for the Congress as a whole. ("Congressional record: Proceedings and," 1987, p.1073

The negative sentiment towards Congress is not unique by any means; many, if not all, major democracies are showing a decline of trust in politicians (Bowler & Karp, 2004).

Congress' largest branch of the two chambers, the House of Representatives, tends to be more respected as individuals. This prompted Parker and Davidson (1979) to ponder "why Do Americans love their Congressmen so much more than their Congress" (p53)? Their data led them to the conclusion that Congressmen were appraised in concrete terms about how they served their individual constituencies, while as a whole, people's expectations of Congress "are vague and anchored to generalized policy and stylistic concerns" (Parker & Davidson, 1979, p.

60). That being said, recent trends show that trust in our Congressmen continues to decline. In 2013, Gallup found that lobbyists, car salespeople, and Members of Congress rated the lowest in their annual Honesty and Ethics Survey of different professions (Swift, 2013). If the American public rates the ethics of one of the most powerful public institutions in society at the same level as car salesmen, there can be no doubt that Congress suffers from a continual crisis of unethical conduct in the public's eyes.

In some ways, a dour view of Congresses' conduct and sense of ethics is not surprising. Just before the Watergate Scandal and the Congressional Reform movement that would last well into the 1990s, a survey in 1970 of the 90th Congress found the majority of "respondents regarded behavior in the House as not especially bad and no worse than that found elsewhere in American society" (Frederickson, 1993, p.22). The last statement from the survey sounds like more of an indictment than a positive statement. It is probably universally safe to assume the majority of the American public feel Congress should have as a requisite characteristic a higher standard of conduct and ethics; not "no worse than found elsewhere." Of course, the low bar set by the 90th Congress stays right in line with Foster's (1999) statement that while ethics are a given and expected in traditional professions within the public service field, government ethics when applied to politicians seem quite "oxymoronic."

Another issue that could be a strong contributor to the poor view on Congressional ethics is that Congress has been very slow to embrace ethical reforms. Straus (2011) stated, "only since the 1960s has each chamber systematically undertaken self-discipline related to conduct" (p.1). Also, Congress has been reluctant to use its disciplinary powers in the past with Members cringing at the thought of passing judgment on their peers (Ethics and criminal, 2000; Davidson, Oleszek, & Lee). Additionally, the House has consistently refused to expel Members, the most

serious form of punishment available, for acts unrelated to their status as a Congressman or to public trust and duty (Holmes-Brown, Johnson & Sullivan, 2011). For instance, Rep. Jonathan Cilley made disparaging remarks on the floor in 1838 about prominent New York newspaper editor James W. Webb, a strong Whig Party supporter, which caused Webb to send a note to Cilley through Rep. William J. Graves a member of Whig Party (“Seating and disciplining,” 2000). Cilley refused the note and further correspondence led to a challenge for a duel to Graves from Cilley (“Seating and disciplining,” 2000). Graves was killed with a rifle after the third volley in his duel with Cilley (“Seating and disciplining,” 2000). A majority of the committee appointed to investigate the circumstances of Graves death recommended that Cilley be expelled from the House (“Seating and disciplining,” 2000). However, a motion to table the committee’s investigation report and testimony was acted upon, and a later attempt to take up the report failed resulting in no action against Rep. Cilley (“Seating and disciplining,” 2000). The House has expelled a mere five Members during the entire time of its existence, three of them during the Civil War period for disloyalty to the Union (Long, 2008; Maskell, 2013a).

Finally, the modern media surely has a hand in the negative perceptions of Congress. In fact, both Thompson (2000) and Corner and Pels (2003) draw attention to how modern communication technologies of the media (e.g., television, internet, radio, mass produced print media) has altered the nature of political representation. The modern media has dramatically changed the nature of politics and their visibility (Thompson, 2000; Corner & Pels, 2003). Dennis (1981) echoes this saying the tendency of the media and other critics to provide wide public displays of a negative image of Congress, coupled with a strong public focus upon the relatively few instances of corrupt or scandalous behavior, have probably tended to cancel the effects of ethical reforms in Congress.

Proposed Research

There are three central questions that this paper seeks to answer:

1. What are the exact numbers of conduct cases brought in the House each year from its creation in 1798 until 2004? This question will be important because it will establish a numerical baseline to answer the second and third questions.
2. After recording the total number of conduct cases, are there more instances of conduct cases, substantiated or not, appearing in the House of Representatives over time? This will be significant because it is hoped the ethical standards of Congress have been refined and strengthened over time. Ergo, the more cases brought forth lends credence to the premise that standards have indeed been refined, creating an environment in the House where misconduct is investigated and punished more frequently.
3. The final question will look specifically at the number of cases between 1967 and 2004. The many scandals in Congress during the 1970s, including the Watergate affair, led to a Congressional reform movement during this period (Ethics and criminal, 2000). It is of foremost importance to know if the “Congressional reform movement” and the establishment of the House Committee on Ethics in 1967 are acting as mediating variables causing a sharp increase in conduct cases being brought before the House since 1967.

Significance of Research

Dennis underscores the need for attention and study about the ethical environment in Congress. For instance, he states studying the ethical environment in Congress is of immense value because “among the national parliaments of the world, Congress is generally regarded as one of the most powerful in relation to other major organs of government” (Dennis 1981, p. 319). Examining conduct issues of Congress’ Members has been an issue of interest for some

time. In one study, Dennis (1981) collected data from a statewide survey of Wisconsin residents during the 1970s from various sources (i.e., CPS/NES, Gallup, and Harris polls). He found “[w]ith few exceptions, Congress has suffered a general erosion of public support over the past decade on most indicators” (Dennis 1981, 319).

Realizing that the rules of conduct for Congress have evolved and been refined since its inception in 1798, have the number of conduct cases increased uniformly over time? This is significant because being elected to Congress is one of the highest levels of public service to which a person can aspire. The immensity of Congress’ enumerated, statutory, implied, and general powers are only equaled by the awesome responsibility its Members have in using these powers ethically and responsibly. Representatives are elected to give voice to their constituents. To further illustrate this point, Clucas (2011) found that there is considerable evidence that legislative leaders act as agents for their followers as they work to meet voters’ expectations and help attain their goals. Taking all of this into account underscores the need of ensuring that as Congress has matured, so must its standards of ethical conduct. It is of keen interest to know whether or not standards have created a more ethical environment in which more malfeasance is discovered, investigated, and punished. While Roberds (2004) has conducted similar research in his article *Do Congressional Ethics Committees Matter? U.S. Senate ethics cases, 1789-2000*, he only examines the U.S. Senate. It is just as important to give equal attention to the House of Representatives especially considering the House was originally intended to “be the most representative element of the U.S. Government” (Davidson, Oleszek, & Lee, 2012, p.8). It is also important to note that not until the addition of the 17th Amendment in 1913 did voters get to select their senators (Direct election of senators, n.d.). Before 1913, senators were selected by state legislators (Davidson et al., 2012).

Literature Review

As previously mentioned, Roberds (2004) has conducted similar research. Specifically, he examines the history of Senate Ethics Committees and ethics cases in three different time periods (i.e., 1789-1912, 1913-1963, and 1964-2000) and their effects on the careers of Senators. Roberds's (2000) research found "formal ethics cases have become more prevalent in recent decades and that Members investigated suffer damage to their careers" (p.36). While Roberds's (2000) work may be similar in some ways, his work only examines U.S. Senate ethics cases from 1789-2000. It is important to note that as of 2005, only 1,889 people have been U.S. Senators compared to 10,546 individuals that have been U.S. Representatives (Long, 2008). The sheer number of representatives alone makes the House a much richer and extensive organization in which to examine the effects of ethics and conduct charges in Congress.

In its most basic form, the Markkula Center for Applied Ethics at Santa Clara University defines ethics as "standards of behavior that tell us how human beings ought to act in the many situations in which they find themselves-as friends, parents, children, citizens, businesspeople, teachers, professionals, and so on" ("A framework for," 2009, p.2). Unfortunately, standards of behavior and how one should act, in addition to ethics in general, and their application to certain circumstances are not always black and white propositions. Few do a better job in relaying the ambiguous nature of ethics in relation to political corruption than Arnold Heidenheimer with his black-gray-white typology of corruption first published in 1970 (Johnston, 2004). Black corruption is the perpetration of acts that both the public and public service officials find especially serious, and which warrant punishment (Frederickson, 1993). Gray corruption involves actions found to be corrupt by one group, or another, but not both (Frederickson, 1993). White corruption entails political acts deemed by public officials and the public as corrupt, but

not severe enough to warrant any punishment (Frederickson, 1993). Within the framework of Heidenheimer's typology, Johnston (2004) sums up the crux of studying ethics saying "that with its many shades of meaning and degrees of severity, [it] is thus a relative concept—an argument, in effect, that evades rather than develops useful comparison" (p.3).

Understanding the basic definition of ethics and its often nebulous nature, it must be remembered that the House of Representatives is an organization made up by a large group of individuals. Therefore, it is often more appropriate to view and frame a review of ethics in their institutional form. Oregon Health and Science University defines institutional ethics as "an organization's articulation, application, and evaluation of values and moral principles related to its practices, procedures, and policies" ("OHSU Institutional Ethics," 2014, p.1). In a recent House ethics manual printed in 2008, they provide these general guidelines to all Congressmen:

- Members, officers, and employees of the House should: Conduct themselves at all times in a manner that reflects creditably on the House
- Abide by the spirit as well as the letter of the House rules; and
- Adhere to the broad ethical standards expressed in the Code of Ethics for Government Service.
- They should not in any way use their office for private gain. Nor should they attempt to circumvent any House rule or standard of conduct. Employees must observe any additional rules, regulations, standards, or practices established by their employing Members. ("House ethics manual," 2008, p.1)

The House Ethics Manual also advises "public office is public trust," and that reasonable standards consistently enhance the legislative process while building citizen confidence ("House ethics manual," 2008). Multiple-term Congressman and Speaker of the House Henry Clay touched on the importance of trust in government and public service long before the current House Ethics Manual. In an 1829 speech, in Kentucky, Clay eloquently stated, "government is a

trust, and the officers of the government are trustees, and both the trust and the trustees are created for the benefit of the people” (“House ethics manual,” 2008, p.2; “Clay, Henry 1777–1852,” n.d.).

Very clearly, the “United States Constitution (Article 1, Section 5, clause 1) provides each House of Congress with the sole authority to establish rules, judge Membership requirements, and punish and expel Members” with a concurrence of 2/3 of the House (Straus, 2011b, p.2). This might lead someone to logically conclude that Congress has always had formal procedures and standards for conduct, ethics, and discipline; unfortunately, that person could not be further from right. Straus (2011b) informs us, “from 1789 to 1967, the House of Representatives dealt with disciplinary action against Members on a case-by-case basis, often forming ad-hoc committees to investigate and make recommendations when acts of wrongdoing were brought to the chamber’s attention” (p.2). Amazingly, it was not until events in the mid 1960s:

Including the investigation of Representative Adam Clayton Powell for alleged misuse of Education and Labor Committee funds,” that prompted the creation of a permanent ethics committee and the writing of a Code of Conduct for Members, officers, and staff of the House (Straus, 2011b, p.2).

Powell was an eccentric and colorful Congressman that would famously remark “keep the faith baby” when responding to questions from the media about the House’s move to exclude him from Congress (“Powell, Adam,” n.d.). In March of 1967, the House voted to exclude him from the 90th (1967-69) Congress (“Powell, Adam,” n.d.). However, the Supreme Court overturned Congressman Powell’s exclusion because the exclusionary criterion in the Constitution only

states “each House shall be the judge of the elections, returns and qualifications of its own Members” (McLaughlin, 1972, p.53-54). Powell was properly reelected by voters in Harlem and could not be disqualified on qualifications grounds alone; i.e., age, citizenship, residency requirements (McLaughlin, 1972). In the end, Powell would spend “most of [his] ... term on the island of Bimini in the Bahamas,” lose most of his former authority and influence, and finally fail his bid for reelection in 1970 after his constituents became tired of his legal troubles (“Powell, Adam,” n.d.).

In 1966, a House Select Committee on Standards and Conduct was established creating a 12 member panel to recommend, by report, additional resolutions and rules to ensure proper standards of conduct for the House and report violations of any law to proper authorities (Straus, 2011b). In the next great step in Congressional reform, House Resolution 418, which established a standing committee to be known as the Committee on Standards of Official Conduct, passed with a vote of 400 to 0 in April of 1967 (Straus, 2011b). In his arguments for initiating a committee on standards the Select Committee Chair Representative Charles Bennett testified:

The public image of Congress demands that the House establish a full, working, thoughtful committee working solely in the field of standards and conduct. Sixty percent of those answering a recent Gallup poll said they believe the misuse of Government funds by Congressmen is fairly common. Of course, we know that such abuses are, in fact, not common, but we have seen a number of such damaging polls showing the people’s lack of faith in the integrity of Congress.

There is a need for a vehicle in the House to achieve and maintain the highest possible standards by statute and enforcement thereof. This can only be done after thorough study by a committee whose primary interests are in the field of ethics. (Straus, 2011b, p.4)

Bennett also presented the idea that a standards committee would be crucial to “aid the House in dealing with issues of perceived and actual impropriety by Members” (Straus, 2011b, p.4). Prior to 1967, cases of discipline in the House were handled completely ad-hoc (Straus, 2011b). The Committee on Standards of Official Conduct is unique in that it is the “only standing committee of the House whose Membership is evenly divided between each political party” (“Committee History,” n.d., p.1). Since the establishment of the Committee on Standards of Official Conduct in the 1960s ethics rules and regulations have grown exponentially (“Committee History,” n.d). In its current form, the 112th Congress in 2011 changed the name of the Committee on Standards of Official Conduct to the much shorter title of Committee on Ethics (“Committee History,” n.d).

As stated in clause one of rule X in the House Practices Manual (Holmes-Brown et al., 2011), the Committee on Ethics has general jurisdiction:

To enforce standards of conduct for Members, officers and employees; to investigate alleged violations of any law, rule or regulation; and to make recommendations to the House for further action. The Committee has sole jurisdiction over the interpretation of the Code of Official Conduct. (“Committee History,” n.d)

However, there have been several notable changes to the rules of conduct, procedures, and jurisdiction of the Committee on Ethics since 1968 (Straus, 2011a; Straus, 2011b; “Committee History,” n.d). In 1970, the Committee on Ethics was given jurisdiction “over lobbying activities as well as those involving the raising, reporting, and use of campaign funds” (Straus, 2011b, p. 9). Shortly after, the House transferred lobbying and disclosure oversight to the Committee on House Administration in 1975-76, and campaign financing to the Committee on the Judiciary in 1977-1978 (Straus, 2011b). In March of 1977, the House Rules of Conduct were amended to

require financial disclosure to be made public regarding the “limits on outside earned income and unofficial office accounts; and further restrictions on the acceptance of gifts, the use of the franking privilege, and limits on foreign travel” (Straus, 2011b, p. 9). In addition to previously mentioned changes in 1977, all falling under the jurisdiction of the Ethics committee, the committee was charged with investigating any unauthorized disclosure of intelligence or intelligence-related information by any House employee (Straus, 2011b). Also in 1977, the Ethics Committee was given authority to make rules “governing the acceptance by House Members, personnel, and employees of gifts, trips, and decorations from foreign governments” (Straus, 2011b, p. 10). In accordance with the 1978 Ethics in Government Act, which required government-wide public financial disclosure, the Ethics Committee was now given the duty to review, interpret, and assume compliance responsibilities for the public financial reports to be filed with the House Clerk (Straus, 2011b). With the Ethics Reform Act of 1989, the Ethics Committee was expanded even further to include the “enforcement of the act’s ban on honoraria, limits on outside earned income, and restrictions on the acceptance of gifts” (Straus, 2011b, p. 10). The 1989 law also established the Office of Advice and Education, which provides advice and training on conduct and ethical issues to House employees (Straus, 2011b). In 1997 the House created an Ethics Reform Task Force, which caused a number of recommendations to be acted upon including: decreasing the size of the committee from 14 to 10, creating a supplemental pool of members to support the committee, altering the ways in which evidence in ethics complaints are handled, and requiring a vote to refer evidence to law enforcement (Straus, 2011b).

The literature shows that ethics reform has been slow in the House, and that after reforms were embraced change has been constant and rapid compared to over 200 years of previous

House history. A lot of this can be attributed to “the fact that political corruption usually occurred in secrecy, and was only sporadically... prosecuted [successfully], long continue[ing] to impede the creation of 'objective' indicators of its prevalence” (Heidenheimer, 2004, p.101). Expectations and rules have evolved causing what may have been permissible in the past, to be now verboten. Thus, particular types of unethical activity in the House that were tolerated as "white," or demonized as "black" corruption depend on what period is examined (Heidenheimer, 2004).

Theoretical Framework

There already exists a wealth of knowledge and formal scholarship on the field of ethics. This paper does not seek to rehash the wealth of information already easily accessible on the general subject of ethics and their underlying principles. Though, some of the foundational information on that topic certainly has merit in helping anyone understand ethics as they relate to congressional behavior. Additionally, there is an abundance of study on the effect of ethical behavior and perceptions, and how they influence, positively or negatively, the public's opinion of Congress' performance and function both institutionally, and on individual politicians (Bowler & Karp, 2004; Davidson et al., 2012; Patterson & Caldeira, 1990; Swift, 2013). Examination of ethical violations and scandals affect on voting behavior, elections, and politicians' careers have also been completed (Dimock & Jacobson, 1995; Peters & Welch, 1980; Roberds, 2000; Welch & Hibbing, 1997). The gap this research seeks to fill has to do with the institutional ethics within the House of Representatives. A specific focus will be on whether changing norms and increasing ethical standards have resulted in a greater number of violations being investigated and punished.

This research will not be a strict examination of political scandal. Thompson (2000) provides a modern definition of scandal as “actions or events involving certain kinds of transgressions which become known to others and are sufficiently serious to elicit a public response” (p.13). Although political scandals will often be intertwined with what is intended to be examined, it is not the main focus of my proposed research. What is intended to be reviewed are the formally initiated investigations and punishments recorded in official annals by the House of Representatives.

Sanctions and Punishments in the House

Establishing a framework of understanding on what types of misconduct and their punishments are found in the House is important because the changing standards and the number and types of punishment meted out for failing to maintain the norms will be part of answering the central question of this research. The Constitution only opaquely refers to both Houses’ authority to establish standards and punish Members for “disorderly conduct” with no elaboration on what misconduct is (Straus, 2011a). As Sinclair and Wise (1995) stated, “legislative ethics ... have to do with the establishment and maintenance of norms of acceptable conduct by legislators” (p.39). However, as touched on earlier, for nearly two centuries only a simple and informal code of behavior existed in Congress (Straus, 2011a). This means that what was investigated and punished in the past may be vastly different from contemporary times. Thus, there will be no fixed standard or framework for what is considered misconduct because it will vary depending on what era is examined.

Traditionally, the standards for legislative discipline “has been to protect the integrity and dignity of the legislature and its proceedings, rather than merely to punish an individual” (Maskell, 2013a, p.4). “The House may generally discipline its Members for violations of

statutory law, including crimes; for violations of internal congressional rules; or for any conduct which the House of Representatives finds has reflected discredit upon the institution” (Maskell, 2013a, p.2). It is important to note that Members of the House do not necessarily have to violate any specific rule or law to be punished (Maskell, 2013a). Merely abusing basic privileges of office, or demonstrating contempt for the institution or engaging in activities, which would reflect poorly on the House is enough to merit punishment (Maskell, 2013a). What are the punishments for violations of House ethical norms? The three most common methods used to discipline House Members are expulsion, censure, or reprimand (Maskell, 2013a). Expulsion is the most severe form of sanction, which will remove a member from office by a two-thirds vote in the House (American congressional dictionary, 2001). Censure is the strongest formal condemnation, short of expulsion (American congressional dictionary, 2001). If the resolution to censure a colleague is adopted after a vote in the House, the presiding officer in charge will read the formal condemnation aloud to the charged member in the presence of their colleagues (American congressional dictionary, 2001). Reprimand is a “formal condemnation of a member for misbehavior; considered a milder reproof than censure” (American congressional dictionary, 2001, p.213). A reprimand is generally delivered verbally by the Speaker of the House or merely adopted by a vote with the member being reprimanded in attendance (Maskell, 2013a).

Beyond expulsion, censure, or reprimand, “the House may also discipline its Members in others ways, including fines or monetary restitution, loss of seniority, and suspension or loss of certain privileges” (Maskell, 2013a, p.2). In the 1867 Supreme Court case of *Kilbourn v. Thompson*, the court ruled that either House of Congress has the right to fine its Members as punishment (“*Kilbourn v Thompson*,” 1880). Fines assessed on Members of the House have been used for the “repayment or restitution of funds misused or wrongfully received, as opposed to

finer merely or strictly for “punishment” purposes and not necessarily connected to the wrongful conduct” (Maskell, 2013a, p.18). Seniority loss is a type of punishment that “reduces a member’s seniority on his or her committees, including the loss of chairmanship” (American congressional dictionary, 2001, p.231). Suspension is a temporary punishment, which will prohibit a “member of the House from voting on or working on legislative or representational matters for a particular time” (Maskell, 2013a, p.18).

The House Committee on Ethics may also take an administrative action by issuing a Letter of Repeval. The issuance of a Letter of Repeval by the committee is made public and may be issued by the committee after a majority vote (Maskell, 2013a). A Letter of Repeval is separate from legislative discipline and or punishment, and is intended to be a “rebuke of a member’s conduct issued by a body of that member’s peers acting, as the Committee on Standards of Official Conduct, on behalf of the House of Representatives” (Maskell, 2013a, p.20). Finally, it is technically within the authority of Congress to imprison Members as a form of punishment, but there is no known case of a congressional imprisonment of a Member in the history of the House or Senate back to 1787 (“Kilbourn v Thompson,” n.d; Maskell, 2013a; Straus, 2011a; “United states court,” 2004).

Hypothesis Statement

The main hypothesis this paper presents is that there exists a positive correlation between an increasing number of conduct cases being brought against Representatives in the House over time since the establishment of the House Ethics Committee in 1967 until 2004 (See Figure 1).

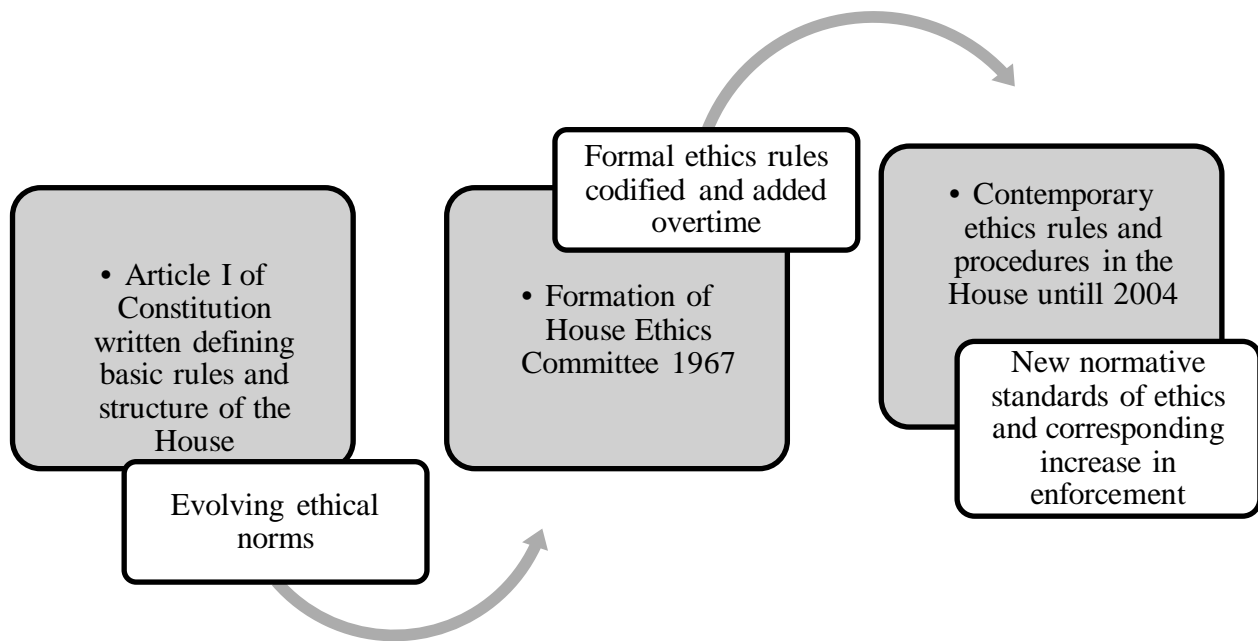


Figure 1. Model of hypothesis

In attempting to answer the hypothesis and show a correlational relationship, cross-sectional information obtained from House conduct records in 2004 will allow the collection of quantitative data for comparison. The independent variable (exact numbers of conduct cases brought in the House) will then be compared to the dependent variable (the years to be studied between 1798 until 2004). While the collected data may not be able to show causation, it will at the least, show a direct correlation between the increasing number of conduct cases in the house and their refined mechanisms for discipline, investigations, and expansion of rules over time.

Methodology

Very simply, the central problem this paper seeks to address is whether the creation of the House Ethics Committee in 1967, and the proliferation of reforms that followed has resulted in more cases of ethical misconduct being investigated and adjudicated than in the past. When “in the past” is mentioned, it refers specifically to the first officially recorded conduct case in the House involving charges against Rep. Matthew Lyon on January 30th, 1798 and all subsequent

cases until 1966 (“Historical summary of,” 2004). For the purposes of comparison against the period of 1798-1966, the first and only conduct case in 1967 involving the aforementioned Rep. Adam Clayton Powell will serve as the starting point for the second period to be examined. Beyond 1967, the second period for scrutiny of conduct cases in the House will end in 2004. More specifically, the exact stop point will be the case involving Rep. James McDermott in 2004 (“Historical summary of,” 2004). The second time period (1967-2004) will ultimately be the most important in regards to proving the main hypothesis of this paper.

Why stop at 2004 as the last year for examining conduct cases in the House? Why not stop with the 112th Congress extending from 2011-2013, which is the most recent session of Congress to conclude until the completion of the 113th Congress in 2015 (“List of all,” n.d.)? There are several primary reasons the 2004 case involving Rep. McDermott was chosen as the end point for this research. First and foremost, the main source for the identification and background information about conduct cases in the House will come from a document titled *Historical Summary of Conduct Cases in the House of Representatives*. That report is an official document compiled by the Committee on Standards of Official Conduct, which the Committee on Ethics was referred to until the name change in 2011 (“Committee History,” n.d). The dates and cases within that document correspond with the periods to be compared in the opening paragraph. The historical summary document should be considered the preeminent source on conduct cases in the House of Representatives. This House document provides a single source that is well organized, succinct, and immensely useful for anyone studying the historical background of conduct cases in the House. It is certainly possible for a researcher to locate information on conduct cases in the House beyond what is included in historical summary report. However, that would likely result in three separate sources needing to be cross-referenced: the

Library of Congress's nearly 20 year old website THOMAS, which is currently being phased out for the new Congress.gov website, and from the Committee on Ethics official website. None of those three sources comes even near being as well organized and comprehensive as the historical summary report, and the synthesis from three separate sources could easily result in computational errors skewing and invalidating the results of the main research question.

Another reason the number of conduct cases examined will be limited to the previously specified time frame is that some cases take years before their final disposition is known. This could cause the final disposition and possible punishments to remain unknown for cases occurring in the 112th and possibly the 111th Congresses. For instance, the last case examined involving Rep. McDermott started in the 2nd session of the 108th Congress (2004) with the case remaining a pending matter in the historical summary document ("Historical summary of," 2004). It was not until the 2nd session of the 109th Congress (2006) slightly over two years later that the Ethics Committee issued its findings in a 38 page report ("In the matter," 2006). The case of Rep. McDermott will be the one exception where the final disposition of this will be extracted from other sources for inclusion in the final results.

Finally, it may seem logical that using the most up to date information on conduct cases would better answer the central research question; however, this is not the case. By creating a strict cut off with a compressed time frame, the results will actually stand in stronger support of the hypothesis presented earlier. In other words, if it is demonstrated that conduct cases have indeed increased markedly after 1967, constricting the time frame examined only grants further credence to the results rendering the use of the most current information immaterial to the researches purpose.

Research Design

Keeping in mind the aims of this paper, a quantitative method will be used to answer the central research question. A quantitative method of inquiry should allow for an objective measurement and numerical analysis of collected data on conduct cases in the House, and generalize that data across the House as an institution (Creswell, 2009). The quantitative research design will be descriptive with the aim of using numerical data to show the relationship between the independent variable (exact numbers of conduct cases brought in the House) against the dependent variable (the years to be studied between 1798 until 2004) in answering whether there are more conduct cases brought before the house post-1967. This process will allow for a straightforward numerical baseline to compare the two time periods (1798-1967 and 1967-2004) against one another. As is often the case with descriptive studies, the time dimension will be cross-sectional with the data collection method being archival (Maxfield& Babbie, 2006). Archival methods of data collection have the benefits of being: a relatively rapid process, being often very accurate, offering good to moderate validity, allowing for historical comparisons/trend analysis, and permitting comparisons with larger populations ("Data collection methods," n.d.).

Organization of Collected Data

The data collected on conduct cases will be broken down in several ways. First, raw numbers of both substantiated and unsubstantiated investigations into ethics violations will be tallied and displayed in the chart for the two time periods to be compared. Unsubstantiated cases will be included. Knowing whether or not increasing ethical standards are resulting in a greater number of investigations into ethical charges will be important information toward proving or disproving the central hypothesis. Next, the final dispositions of cases will be tallied and displayed graphically. If ethics cases were substantiated, the punishment or sanction will also be

broken down and displayed by type (e.g., censure, reprimand, expulsion, etc.). Additionally, charges related to a specific congressional scandal (e.g., Korea Gate, Iran Contra, etc.) will be given attention and displayed in an additional section. Finally, information on reelection bids and their failure or success for politicians formally charged with ethics violations will also be given attention and displayed.

It is important to note that while the majority of ethics cases examined will involve elected politicians, one must remember that the House is also made of a number of other officers, sub-organizations, and public service employees that are not Congressmen. These individuals equally account for the ethical environment in the House. That being said, cases investigated and reported by the House involving those other than Congressmen will also be included in the results section of this research.

Study Limitations

As Maxfield and Babbie (2006) stated, “it’s important to keep in mind that cause in social science is inherently probabilistic” (p.62). That is to say descriptive studies are excellent at describing the defined variables in relation to their distribution, frequency of occurrence, and prevalence, but they do not prove causation. Just because one event follows another does not mean we can definitively say that one causes the other. The overreaching aim of a quantitative study “is to classify features, count them, and construct statistical models in an attempt to explain what is observed” (“Organizing your social,” 2013). Thus, this study can infer causation by showing the relationship between variables, but never achieve a deterministic level of explanation.

The subject of ethics in the House of Representatives is a complex phenomenon, so the possibility exists that there could be some complicated extraneous variables competing with the

independent variable (exact numbers of conduct cases brought in the House) in explaining the outcome of this study (Hall, 1998). Two possible variables that could affect the independent variable in this study are the role and influence of the modern media and the ethics process being used as a political tool or value. These two variables would be extremely difficult, if not impossible, to control for in this study, but they will at least need to be addressed in the results section as to their possible influences in the results section. Confounding variables should not be a problem because the dependent variable in this study is simply a set date range.

Bias should not be a significant problem. While most researchers need to worry about missing phenomena occurring because of a desire to focus on the theory or hypothesis they developed (confirmation bias) in quantitative studies, it should not be a great problem in this study because the focus is on objective data; i.e., number of conduct cases in relation to years of the Houses existence (Maxfield & Babbie, 2006).

Results

Ethics Cases 1798-1966

To begin comparing and contrasting the two time periods, the first period of ethics cases extending from 1798-1966 in the House will be examined. In the very first recorded case in January of 1798, Representative Matthew Lyon of Vermont was charged with an allegation of “disorderly behavior” (“Historical summary of,” 2004, p.2). Rep Lyon engaged in a shouting match with Rep. Roger Griswold of Connecticut when Congress debated the potential of American involvement in a war then brewing in Europe; the U.S. would eventually become involved in a limited, undeclared war known as the Quasi-War with France (Long, 2008; “The XYZ Affair,” n.d.). After their argument became particularly heated, Rep. Lyon, a tobacco chewer like many Members of Congress of that era, spat in the face of Rep. Griswold after an

exchange of insults, which resulted in Lyon earning the nickname of “the spitting Lyon” (Calhoun, 1990, p.37 ;“Committee History,” n.d.;“Historical summary of,” 2004; Long, 2008). Unfortunately for Rep. Lyon, the charges against him did not end with “disorderly behavior.” While addressing the House, an additional charge was added, which involved “gross indecency of language in his defense before this House” (“Historical summary of,” 2004, p.2). After the Committee on Privileges heard evidence involving Rep. Lyon’s misconduct, they recommended expulsion of Lyon from the House. However, a resolution to expel, or even censure Lyon failed (“Historical summary of,” 2004). The resolution of Rep. Lyon’s Case would only involve a letter of apology on February 1, 1798 (“Historical summary of,” 2004).

Almost as if specifically created for the benefit of lurid tabloid covers, Rep. Lyon would actually be involved in the first three cases of officially recorded ethics cases in the House. Almost exactly two weeks after Lyons apology letter Rep. Griswold would also be charged with disorderly conduct when he “assaulted Rep. Lyon with a ‘stout cane’ on the House floor before the House was in session and Rep. Lyon responded by attacking Rep. Griswold with fireplace tongs” (“Historical summary of,” 2004, p.2). Once again measures to expel or censure both Members failed with both Members finally pledging to keep the peace (“Historical summary of,” 2004). In Lyon’s third and final case of Congressional misconduct, he was convicted of violating the Sedition Act (“Historical summary of,” 2004). Lyon would be fined and serve four months in prison while a member of the House, but ultimately be reelected after his conviction and the second expulsion resolution against him failed (“Historical summary of,” 2004).

An examination of the first three ethics cases in the House certainly makes for a colorful start, but the official records leave out a couple of important details. Lyon originally came from Ireland as an indentured servant to the colonies (Calhoun, 1990). Through hard work and

determination he earned his freedom, founded the town of Fairhaven, Vermont, accumulated significant wealth, and married the governor's daughter (Calhoun, 1990). He also fought in the War of Independence alongside Ethan Allen (Calhoun, 1990). What caused Lyon to become so enraged he would spit in the face of a fellow Congressman? Griswold would belittle "Lyon's Revolutionary War service in a speech before the House" (Calhoun, 1990, p.37). This is an affront most would find intolerable, not to mention, constitute unparliamentary speech, which would soon be incorporated into the decorum rules of Congress after Thomas Jefferson began writing his *Manual of Parliamentary Practice* from 1797-1801 ("Basic training: Decorum," n.d.; "Jefferson's manual of," 2003).

On the subject of Lyon's violation of the Sedition Act, Calhoun (1990) would characterize the law as "the greatest threat to freedom of speech and the press ever approved by a peacetime Congress" (p.37). The Sedition act was a pernicious law that should have never stood constitutional muster in 1798 for it certainly would not today. The 1798 Sedition Act signed into law by President John Adams, restricted speech critical of the government, and was "designed to silence and weaken the Democratic-Republican Party" ("Primary documents in," 2013, p.1). Even though Lyon was formally convicted and expelled from the House, this would be a case of corruption and unethical behavior by the state itself as a shade of grey corruption at the time, but through the lens of history, unarguably black corruption in keeping with Heidenheimer's typology.

Ethics Cases by the Numbers 1798-1966

In calculating these numbers, it should be noted that the raw number of individual Congressmen investigated or their charges with ethics violations was not counted, but the

number of individual ethics cases listed in the historical summary was (see table 1). Some ethics cases will have two Congressmen being investigated, and possibly charged, in relation to their mutual involvement in a singular incident. In fact, there are only two cases where two separate congressmen were involved in this period; i.e., the physical battle between Lyon and Griswold and the surviving parties involved in the dueling death of Cilley, Rep. Graves, the actual duelist, and Rep. Wise.

Table 1

Total Number of Ethics Cases and their Dispositions' 1798-1966

Cases, punishments, results, etc.	Number of occurrences
Total number of ethics cases	49
Expulsion resolutions or recommendations	13
Actual number of expulsions	3
Censure resolutions or recommendations	11
Actual number of Members censured	20
Resignations in relation to ethics charges	11
Members reelected after resigning or being formally charged	9
Representatives defeated in reelection bids after ethics cases	0
Representatives-Elect excluded from House	1
House employees or officers listed in ethics cases	0

Adapted from *Historical summary of conduct cases in the House of Representatives*, by U.S. House of Representatives, Committee on Standards of Official Conduct, 2004, p.2-11

Notable Cases and Information From 1798-1966

Although expulsion was recommended seventeen times, there were only three actual expulsions of Representatives during this time period in 1861; i.e., John B. Clark (MO), John W. Reid (MO), and Henry C. Burnett (KY) (“Historical summary of,” 2004). Their offenses were taking up arms against the government in the first two cases and open rebellion against the government in the latter (“Historical summary of,” 2004). January of 1861 is the period when the South seceded from the Union, and the Civil War began. In some respects, three is a low number of expulsions when contrasted to the Senates expulsion of fourteen Members when they were

charged with supporting the Confederacy during the Civil War ("Expulsion and censure," n.d.). Additionally, two Members (Rep. Long and Rep. Harris) were both censured in 1864 on two separate occasions for making pro-Confederacy comments on the floor of the House ("Historical summary of," 2004).

There was one significant scandal listed in the historical summary document, pertaining to the Colt Patent investigation of 1854, for this time frame. In 1854, the Patent Office advised approving Samuel Colt's request for an extension on the patent for his famous revolvers, "but it became mired in debate in the House of Representatives" (Hosley, 1999, p.72). Later, a Congressional investigation centered on inquiring whether "Colt's principal lobbyist sought to bribe House Members and provide improper gifts" to secure the patent extension ("Historical summary of," 2004, p.4). According to Gibby (2011), the specific allegation that rose was Colt "tried to bribe Members of Congress with a \$15,000 slush fund managed by his patent attorney, Edward Dickerson" (p.160). No individual Congressmen was ever named in any wrong doing by the select committee appointed by the House to investigate the patent bribery scheme (Historical summary of," 2004). Colt was eventually exonerated, but his patent was not extended, and he would face stiff new competition with the expiration of his patent in 1856 (Gibby, 2011). The interesting thing about this scandal is that, in August of 1854, the *Scientific American* ran an article about the scandal that dismissed any wrong doing by Colt. Instead, the *Scientific American* called Washington a "den of corruption" saying Colt's only "crime appears to have been little more than entertaining 'the honorables' in the same lavish style he had been doing for twenty years, in this case supplying Members' wives with 'fancy kid gloves' " (Hosley, 1999, p.72). It seems as if providing gifts, or what some may call bribes, was par for the course during Colt's time if one wished to accomplish business. In fact, a few years later Colt

would again offer “\$50,000 to a lobbyist in an effort to secure a reissue of an important patent” relating to a component of his revolver design (Gibby, 2011, p.160).

John Quincy Adams has the distinction of being the “first and only former President to be elected to the House of Representatives” (“The election of,” n.d., p.1). He also has the distinction of being the only other Congressman involved in three separate ethics cases in the 1798-1966 time period (“Historical summary of,” 2004). Adams would become embroiled in his first Congressional ethics matter in relation to:

The first House censure, in 1832, [involving] Representative William Stanberry of Ohio [who] was rebuked for insulting the speaker, Andrew Stevenson of Virginia, by suggesting he was spending too much time thinking about his White House ambitions. That same year Mr. Stanberry also accused Sam Houston, a former governor of Tennessee and future governor of Texas, of corruption, and when Mr. Houston attacked him with a cane on Pennsylvania Avenue, he drew a pistol, which misfired. No action was taken. (McFadden, 2010, p.15)

A resolution to censure Adams was adopted because he refused to vote on the censure resolution of Stanberry (“Historical summary of,” 2004). In Adams’ own words in a letter to his wife, “the majority of the House were in a towering passion with me for declining to vote upon what I thought an unconstitutional question. The Next morning the House cooled down wonderfully, and after duly trying my temper,” a large majority voted to table the resolution proposed by Col. Dayton (“John Quincy Adams,” 1906, p.526).

The next two ethics cases would come about because of Adams’ fervent stance on abolitionism. In May of 1836, the House of Representatives would institute a resolution, which would become known as the “gag rule” (Frederick, 1991). The gag rule prohibited “all petitions, memorials, or resolutions regarding slavery” and that they “should automatically be tabled and that no further action be taken upon them” (“The house of,” n.d., p.1). The gag rule was instituted

in hopes of increasing Congressional efficiency because of the deluge of petitions received by antislavery activists that were often interfering with the normal pace of Congressional business, “and partly as an effort to throttle the emancipation movement” (Frederick, 1991, p.129). Adams would be one of the first and most vocal opponents to this rule shouting out “I hold the resolution to be a direct violation of the Constitution of the United States” during the roll call vote on the gag rule (“The house of,” n.d., p.1). On February 6, 1837, Adams would run afoul of the gag rule when he was charged with showing “gross disrespect” to the House when presenting petitions “purported to be from slaves” (“Historical summary of,” 2004, p.3). Also, there were some doubts raised about the authenticity of Adams petition (“John Quincy Adams,” 1837). A resolution to censure Adams would ultimately be withdrawn, and a substitute resolution rejected (“Historical summary of,” 2004).

In January of 1842, Adams would be charged with “breach of privileges of the House” when he “presented a petition to the House from his constituents regarding dissolution of the Union” (“Historical summary of,” 2004, p.3). Adams would present this petition when he baited pro-slavery Representatives into a public debate when he was supposed to be defending his position as Foreign Affairs Committee Chairman (“A motion to,” n.d.). Adams created the debate when he submitted a petition, allegedly drafted by a group of Georgians calling for his removal, but “historians doubt the authenticity of the petition—some implying that Adams or one of his allies authored it” (“A motion to,” n.d., p.1). The third censure resolution against Adams would be tabled and a motion to reject the acceptance of Adams petition would be made (“Historical summary of,” 2004).

Adams would fight the gag rule for four Congresses after its creation “until Adams finally mustered enough votes to repeal it on December 3, 1844” (“The house of,” n.d., p.1). As

Fredrick (1991) said, “the gag rule effectively quashed the right to petition as it had been exercised for centuries-as a means of communicating the people's grievances to government” (p.113). The gag rule is yet another example of behavior in the House that would be seen as unethical behavior by the institution itself as ethical norms changed, but not at the time of its inception.

All Representatives that ran for reelection after being named in House ethics cases during the 1798-1966 were reelected. This is illustrative of the fact that Congress’ powers to both expel and discipline its Members and the people's right to choose their representatives often clash. McLaughlin (1972) echoes this saying “the power of Congress to expel, to exclude or to punish a Member is itself limited by the people's right to elect whomever they wish to represent them” (p.44). In fact, during the 1842 censure debate of John Quincy Adams, he would dare:

His enemies to expel him and force a special election to fill his vacant seat, taunting them with the promise, “I have constituents to go to who will have something to say if this House expels me. Nor will it be long before gentlemen see me here again!” (“A motion to,” n.d., p.1)

Though all of the Congressmen seeking reelection after being the subject of ethics cases won their bids, some even after resigning, there is one case where the House refused to seat a disgraced congressman. Benjamin F. Whittemore, who served as a Chaplain during the Civil War, was a Representative from South Carolina that was charged with selling appointments to military academies in 1870 (Grossman, 2003; “Historical summary of,” 2004). The Committee on Military Affairs recommended that Whittemore be expelled, but instead the House voted 187-0 to censure Whittemore (“Historical summary of,” 2004). However, Whittemore would resign his seat before the censure vote was completed. According to Grossman (2003), Whittemore’s

constituents were angered by his forced resignation causing them to reelect him to fill the vacancy left by his early departure from Congress, “but when Whittemore went to present the credentials of the election ..., he was rebuffed, and the House declined to seat him” (p.368). Whittemore’s reelection exemplifies the clash between the people’s ultimate right to choose and the Congress’ power to discipline. This would be highlighted on the House floor by Rep. John A. Logan when he stated:

It is said that the constituency has the right to elect such Members as they deem proper. I say no. We cannot say that he shall be of a certain politics, or of a certain religion, or anything of that kind; but, Sir we have the right to say that he shall not be a man of infamous character. (“Seating and disciplining,” 2000, p.920)

The House could *technically exclude* Whittemore because if a member has not been administered the oath office and taken their seat, a simple majority of the House can prevent that Representative from taking office (McLaughlin, 1972). That being said, the House unconstitutionally excluded a Member elect (Whittemore) for ethical reasons, but it was not challenged, and he would never return to Congress (Grossman, 2003; McLaughlin, 1972).

Ethics Cases 1967-2004

The next period of ethics cases examined begins after a hiatus of Congressional ethics so to speak. The last House ethics case in the 1798-1966 period was in 1925 against Rep. John Langley (“Historical summary of,” 2004). Langley, a nine term Representative from Kentucky, was indicted for bribery, conspiracy, and influence peddling in connection to a scheme that involved removing stores of whisky from government warehouses, and then distributing the illicit goods (Long, 2008). This was of course squarely during the prohibition era. Langley was sentenced to two years in federal prison, but before being sent off, he would remain a free man during his appeal process (Long, 2008). “While waiting for a verdict on his appeal, he was

reelected, but not before being arrested for drunkenness and jailed for contempt of court because he used profanity in his court hearing” (Long, 2008, p. 152). In 1926, his appeal was rejected by the Supreme Court, and Langley resigned at that time before beginning his prison sentence (“Historical summary of,” 2004; Long, 2008). In yet another unbelievable twist, Langley’s wife was elected to fill his empty seat, and while serving in Congress, she was able to convince President Coolidge to pardon him (Long, 2008). Langley was eligible again for public office after his pardon, but he never took advantage of this (Long, 2008). Instead, he continued to maintain his innocence and write an autobiography, “which was entitled *They Tried to Crucify Me*” (Long, 2008, p. 152).

After Langley’s case, maybe it was a good thing that there were no Congressional ethics cases for a 42-year period; because it would be hard to top a story like that. However, that certainly does not mean there were no instances of misconduct during this time, but only that there were no formal cases in the House until 1967. In fact, this period (1925-1967) would be the single longest stretch without any formal ethics cases in the House from the whole study. The second closest period (33 years) would be between Rep. Lyon’s conviction on the Sedition Act in 1799 and the censure case of Rep. Stanberry in 1832 (“Historical summary of,” 2004).

In starting the examination of the second period of ethics, we begin with Rep. Adam Clayton Powell of New York and his admonishment for us to “keep the faith baby” (see figure 2).



Figure 2. Campaign button from Rep. Powell circa 1969. Adapted from POWELL, Adam Clayton, Jr., (1908 - 1972), In *Biographical Directory of the United States Congress*, n.d., Retrieved February 27, 2014 from <http://bioguide.congress.gov/scripts/biodisplay.pl?index=p000477>

Powell's case would be a long drawn out public affair that would involve a precedent setting Supreme Court Case, and served as a watershed event ushering in the modern era of ethics reform in the House ("Seating and disciplining," 2000; Straus, 2011b). Not long after Powell's attention grabbing follies, the House would establish and maintain a Committee on Ethics, and the rules and regulations in the House would grow exponentially along with the number of ethics cases ("Historical summary of," 2004 "Committee History," n.d; Straus, 2011b).

Ethics Cases by the Numbers 1967-2004

Numbers for the 1967-2004 time frame are calculated in a similar fashion to the previous period (see table 2). Eight of these cases do not present the name of any House Member or employee, but count towards the number of total overall ethics case. There is one case where three Members and one Delegate are listed in one entry (i.e., the House Bank scandal 1991-1992) that will only be counted as one case towards the overall number recorded. Additionally, there is one case in 1988 involving both a Delegate and House employee, but that will of course only count as one ethics case entry. Finally, cases involving house employees will be included in that

table, but only current employees of the House that were the subject of ethics cases while actively serving will be included in the results.

Table 2

Total Number of Ethics Cases and their Dispositions' 1967-2004

Cases, punishments, results, etc.	Number of occurrences
Total number of ethics cases	95
Expulsion resolutions or recommendations	6
Actual number of expulsions	2
Censure resolutions or recommendations	4
Actual number of Members censured	4
Reprimand recommendations	9
Members actually reprimanded	8
Members fined or ordered to pay restitution	5
Letters of Reproval	5
Members reelected after resigning or being formally charged	2
Representatives defeated in reelection bids after ethics cases	14
Representatives resigning in relation to ethics cases	15
Representatives-Elect excluded from House	1
House employees or officers listed in ethics cases	7

Adapted from *Historical summary of conduct cases in the House of Representatives*, by U.S. House of Representatives, Committee on Standards of Official Conduct, 2004, p.11-38

Notable Cases and Information From 1967-2004

Once again, expulsion resolutions are only happening in a very small number of House ethics cases. The first person to be expelled from the House was Representative Michael J. (Ozzie) Myers in 1980 for his part in the Abdul Enterprises Scam (ABSCAM) investigation (“Historical summary of,” 2004). Meyers was “convicted of bribery (\$50,000), conspiracy and Travel Act violations” (“Historical summary of,” 2004, p.16; Leiby, 2013). He would go on to serve 21 months in prison (Leiby, 2013). The second expulsion would be of Representative James A. Traficant, Jr. in 2002 (“Historical summary of,” 2004). “Famous for his unruly toupee that was piled impossibly high on his head”, Traficant would be charged and convicted with a litany of criminal offenses (Jordan, 2009, p.1). The charges include: “conspiracy to violate

federal bribery and gratuity statutes, receipt of illegal gratuity, obstruction of justice, defrauding the government, racketeering, and tax evasion” (“Historical summary of,” 2004, p.35). Traficant would represent himself in his trial (he does not have a law degree) before being convicted of ten felony counts and going on to serve seven years in prison (Jordan, 2009).

Unlike the 1798-1967 period with only one political scandal listed, the 1967-2004 time frame would be an era of Congressional scandal and ethics investigations. The first listed in the historical summary would be in 1976 with the improper publication and release of what is popularly referred to as the Pike Committee Report, which criticized U.S. intelligence agencies and their actions (Haines, 1999; “Historical summary of,” 2004). The House’s Select Committee on Intelligence was referred to as the Pike Committee after the committee’s chair Rep. Otis Pike (Haines, 1999; “Historical summary of,” 2004). Due to the controversial nature of the report, it was never formally released due to the Select Committee’s vote to keep its findings secret (Greenblatt, 2010; Haines, 1999). However, it was leaked by CBS reporter Daniel Schorr and published in the *Village Voice* (Greenblatt, 2010; Haines, 1999). Schorr refused to answer questions in a Congressional hearing about where he obtained the report, but the Ethics Committee declined to recommend prosecution or sanctions (Haines, 1999; “Historical summary of,” 2004). The Standards Committee concluded that the leak came from the legislative branch, but no individual was actually ever found responsible for releasing the report (Haines, 1999; “Historical summary of,” 2004).

The next scandal mentioned was the Iran Investigation (i.e. Iran-Contra Affairs) in 1979 (“Historical summary of,” 2004). The Iran-Contra Affair involved Reagan Administration officials supporting militant contra rebels in Nicaragua and the selling of arms to a hostile Iranian government (“Understanding the Iran-Contra,” n.d.). “These events ... led to questions

about the appropriateness of covert operations, congressional oversight, and even the presidential power to pardon” (“Understanding the Iran-Contra,” n.d., p.1). In the end, a special counsel appointed by the Ethics Committee concluded “there was no evidence indicating misconduct” in the House (“Historical summary of,” 2004, p.15).

In 1980, the so-called “South African Investigation” looked into allegations of bribery in the form of payments or travel expenses from the Republic of South Africa to House Members (“Historical summary of,” 2004). The investigation started because of:

Press reports that Eschel Rhoodie, former Secretary of the South African Department of Information, had been in charge of a secret project by the South African government to influence world opinion in favor of his country's policies and that bribery of foreign officials had been an important part of this campaign. (“Report and recommendation,” 1980, p.2)

No evidence of intentional misconduct was reported in the report drafted by the staff committee to investigate the matter (“Historical summary of,” 2004).

Also in 1980, there was an investigation ordered by the Ethics Committee involving voting anomalies in the House (“Historical summary of,” 2004). Specifically, votes were recorded for two Members who were not present on May 14, 1979 (Rep. Morgan Murphy Rolls call 397-402) and July 30, 1979 (Rep. Tennyson Guyer Rolls call 146-148) (“Historical summary of,” 2004; “study and analysis,” 1979). At the time, proxy voting was not expressly forbidden by the rules of the House. That being said, in a ruling dating back to 1930 by the Speaker of the House Nicholas Longworth, he interpreted rule VIII to mean “no man can transfer his vote or permit another Member to vote for him ... a Member must vote in person” (“study and analysis,” 1979, p.3). However, the Ethics Committee ruled that the existing rules at the time gave no basis to sanction the two Representatives in question (“Historical summary of,” 2004).

The committee's recommendations also included that Rule VIII of the House be amended to specifically forbid proxy voting ("study and analysis," 1979). In the 2011 House Practices manual voting in absentia or "ghost voting is considered a serious breach of ethics. A Member's participation in such activity, either by direction or by subsequent acquiescence or ratification, is a matter warranting sanction by the House" (Holmes-Brown et al., 2011, p.932).

The aforementioned ABSCAM scandal came as the result of an extensive undercover FBI investigation from 1978-1980 (Leiby, 2013). "The undercover operation put six congressional representatives and one senator in prison for bribery and conspiracy, and secured nearly a dozen other significant convictions" (Leiby, 2013, p.3). What made this scandal unique was the fact that the FBI had video evidence of five Congressmen accepting bribes from phony sheiks (Ethics and criminal, 2000). The Members from the House involved in this scandal include: John Jenrette, Richard Kelly, Raymond Lederer, John Murphy, Frank Thompson, and Michael Meyers (Ethics and criminal, 2000; "Historical summary of," 2004). Another House Member, John Murtha, was named as "an unindicted coconspirator and testified for the government in the trial of Murphy and Thomson" (Ethics and criminal, 2000, p.953). Only Meyers, Jenrette, Lederer, and Murtha appear in the historical summary and count towards the total number of ethics cases for 1966-2004. Meyers would be expelled; the first Congressman since the Civil War (Historical summary of," 2004). Three other Congressmen (Jenrette, Lederer, and Williams) would resign to avoid almost certain expulsion (Ethics and criminal, 2000). Kelly, Murphy, and Thompson were defeated for reelection before being formally convicted (Ethics and criminal, 2000). Murtha would be cleared by the ethics committee, over the objections of the committee counsel, and would go on to serve continually in Congress until his death the result of

a surgery complication in the removal of his gallbladder in 2010 (Keck, Cohen, Rice & Sinderbrand, 2010).

In the 1982-1983 time frames, the “Sex and Drugs” investigation would take place in the House (“Historical summary of,” 2004). The Ethics Committee would appoint Special Counsel to investigate allegations of “improper sexual conduct, illicit use or distribution of drugs, and preferential treatment of house employees” (“Historical summary of,” 2004, p.17). The investigation would involve five Congressmen and five house employees (“Historical summary of,” 2004). Three of the five employees resigned in relation to the investigation and two of those were charged with federal misdemeanors afterwards (“Historical summary of,” 2004). Two Congressmen would also be in serious trouble by the time the investigation concluded. Representative Gerry E. Studds admitted to concealing consensual sexual relationship with a 17-year-old male page in 1973 and be censured (“Historical summary of,” 2004; Roberts, 1983). Representative Daniel B. Crane would admit to a sexual affair with a 17-year old female page in 1980, be censured, and fail a reelection bid afterwards (“Historical summary of,” 2004; Roberts, 1983). Two other Congressmen (Rep. Charles Wilson and Rep. Ronald Dellums) would be found to have used cocaine and marijuana, but the “Special Counsel found that the evidence was insufficient to justify issuance of a Statement of Alleged Violation against either Representative” (“Historical summary of,” 2004; “Investigation pursuant to,” 1983, p. 2). Finally, the Special Counsel found sufficient evidence of three former Members of the House that had purchased or used narcotics, but House policy has consistently been to not take action against former Members (“Investigation pursuant to,” 1983).

The year of 1985 saw an investigation of “alleged improper political solicitation” (“Historical summary of,” 2004, p.20). The investigation would arise from complaints made by

Representative Trent Lott and Al McCandless (“Investigation of alleged,” 1985). Lott and McCandless alleged that Representatives Tony Coelho, Edward Feighan, and Mike Andrews violated certain provisions of Federal law by authorizing solicitations seeking political contributions from federal employees (“Investigation of alleged,” 1985). Additionally, authorizing and distributing “dear colleague letters” advertising a political fundraising event in federal buildings; i.e., “the congressional offices of Members of Congress” (“Historical summary of,” 2004; “Investigation of alleged,” 1985, p.1). None of the people just mentioned appeared by name in the historical summary.

The interesting part about this investigation was that there is no affirmative requirement that the results of every Ethics Committee investigation be made public (“Investigation of alleged,” 1985). Typically, committee investigations are only made public when they are initiated as a resolution in the House, or when the issue involves matters of clear interest or guidance to the House and its constituent Members (“Investigation of alleged,” 1985). The only reason the Ethics Committee released this investigation, causing it to be included in the historical summary, was:

Because virtually every Member of the House is associated with some local, State, or national organization which solicits political contributions. Thus, the Committee believes that the subject report should be useful and serve as guidance to all Members or organizations which may seek such contributions. (“Investigation of alleged,” 1985, p.2)

According to Straus (2013), dear colleague letters are formal, written, Member-to-Member correspondence that is distributed in bulk to other congressional offices. These letters are a form of “correspondence [often] used by one or more authors to persuade others to co-sponsor, support, or oppose a bill” (Straus, 2013, p. 60). In the end, the Ethics Committee found

that none of the three respondents (Coelho, Feighan, and Andrews) knew anything about the contents of the solicitation letter even though their names appeared on it (“Investigation of alleged,” 1985). The letter was composed by a consulting firm (Wilhelm, Inc.) on behalf of the Democratic Congressional Campaign Committee (“Investigation of alleged,” 1985). The stated purpose of the fundraising event in the dear colleague letter was to help “Members who had been ‘targeted for defeat by the National Republican Congressional Committee’ by building up the ‘DCCC coffers’” (“Investigation of alleged,” 1985, p.2). While the letters were ruled to violate criminal statutes, no sanction was recommended against either the DCCC or the respondents in this case. This was because the Ethics Committee found fault with the consulting firm hired by the DCCC for the content of and distribution of the letters (“Historical summary of,” 2004 ; “Investigation of alleged,” 1985). The Ethics Committee completed its report on this case by admonishing “political organizations to be particularly mindful of federal law regarding such matters” (“Historical summary of,” 2004, p. 20; “Investigation of alleged,” 1985).

In 1991, a General Accounting Office report concluded that in a one-year period, Members of the House “had written 8,331 checks exceeding the balance in their House bank accounts” (Jacobson & Dimock, 1994, p.601). Literally hundreds of Members in the House had written bad checks, but due to perennial practice, the House bank would cover the checks, which would in effect constitute “interest-free loans to Members whose accounts came up short” (Jacobson & Dimock, 1994, p.601). This information, when released to the public, would result in what would come to be known as the House banking scandal. The public was particularly incensed about Congress and the banking scandal because they were already “primed to think the worst of Congress”, and their behavior seemed to suggest that they (Congress) did not have to follow the same rules as everyone else (Jacobson & Dimock, 1994, p.601). The 1992 elections

“produced the greatest turnover in the House of Representatives in more than 40 years, with 110 new Members taking office in 1993” (Dimock & Jacobson, 1995, p.1143). Although there were other circumstances that contributed to this huge turnover, “none was more important than the House bank scandal” (Dimock & Jacobson, 1995, p.1143). There were three Members (i.e., Rep. Albert Bustamante, Rep. Christopher Perkins, and Rep. Mary Rose Oakar) and one Delegate (Walter Fauntroy) that were convicted after leaving the House on charges related to the bank scandal (“Historical summary of,” 2004).

Congress did not have to wait long for another scandal to appear for in 1992-1994 time frames, the House Post Office scandal would come to light. An investigation by the U.S. Attorney for D.C. would look into an allegation “clerks stole money from the House post office and distributed narcotics,” and further investigations “of Members trading stamps for cash” (“Historical summary of,” 2004, p.27). Seven former House employees would be convicted of charges related to the post office scandal. Additionally, former Rep. Joseph Kolter would be convicted of charges relating to the post office scandal. Kolter a five-term former Representative from Pennsylvania, would plead guilty to defrauding taxpayers and be sentenced to six months in prison (Long, 2008).

The next scandal would involve the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 and a public display of the cajoling that sometimes surrounds the political maneuvering necessary to pass legislation. Republican leadership would freeze the voting clock for three hours, which had never been done before, while they desperately whipped defectors into voting for the bill on the House floor (Klein, 2010). Allegations investigated by the ethics committee involved Rep. Nick Smith making public statements “that he received communications linking support for his son’s congressional candidacy with his vote on the

Medicare Prescription Drug Act” (“Investigation of certain,” 2004, p.36). Nick Smith’s comments also hinted that money, in the sum of \$100,000, would be provided “to support the congressional candidacy of Brad Smith in order to induce Representative Nick Smith to vote” for the act (“Investigation of certain,” 2004, p.36). The investigative subcommittee would never find any proof that money was ever offered to Nick Smith. It would also find claims of endorsements emanating from the National Republican Congressional Committee as merely the result of speculation or exaggeration from Nick Smith’s camp (“Investigation of certain,” 2004). In the end, it was shown that Tom DeLay did, in fact, offer a bribe in “his personal endorsement of Brad Smith in exchange for Representative Nick Smith’s vote in favor of the Medicare Prescription Drug Act (“Investigation of certain,” 2004, p.42). This offer was made personally by the Majority Leader Delay to Smith. This offer was most likely made during a vote on Nov. 21, 2003 on an unrelated matter to the act (“Investigation of certain,” 2004). DeLay would later be reprimanded by the House Ethics Committee for his actions (Klein, 2010).

Beyond scandals and expulsions in the House during this period, there is one individual Representative, beyond those already listed, that stands out during this time frame.

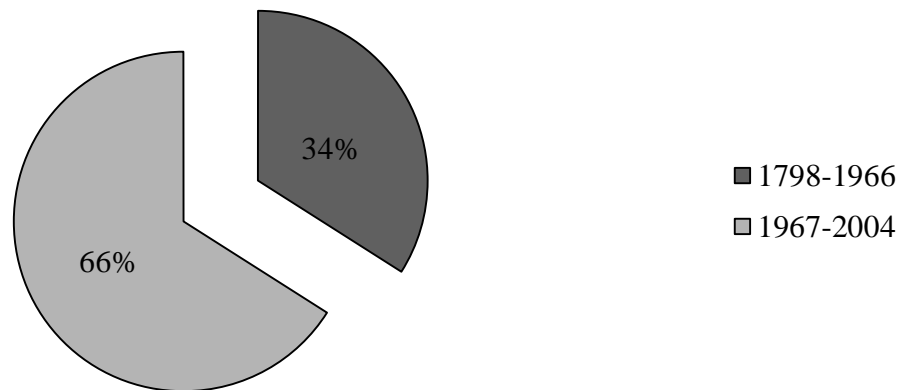
Representative Newt Gingrich holds the record for the number of appearances before the House Ethics Committee during this study. He made nine separate appearances before the Ethics Committee between 1990 and 1996 (“Historical summary of,” 2004). Gingrich would also become infamous for writing his book *To Renew America* while serving in Congress.

“Originally, HarperCollins offered Gingrich a \$4.5 million advance . . . , but that drew intense criticism and Gingrich agreed to accept royalties on sales instead” for his book (“Gingrich working on,” 1997, p.7). Gingrich is also the first and only sitting Speaker that has been disciplined for ethical wrongdoing in the House’s history when he was reprimanded in 1997

(“Historical summary of,” 2004; Yang, 1997). Unfortunately for him, he is also the recipient of the largest fine, an unprecedented \$300,000, that he was ordered to pay in order to reimburse the House’s costs in investigating his ethics violations from 1994-97 (“Historical summary of,” 2004; Yang, 1997).

Comparisons between 1798-1966 and 1966-2004

From just a cursory glance, it is clear that the bulk of ethics cases occurred during the 1966-2004 time period in this study (see figure 3). There was a total of 144 ethics cases recorded from 1798 until 2004 (“Historical summary of,” 2004). Of course, 49 of those were from 1798-1966 and 95 were from 1967-2004 (“Historical summary of,” 2004). Rounded to the nearest whole number, this equates to 34% of the ethics cases occurring between 1798-1966 and 66 % during the final time frame of 1967-2004. In a way, these numbers are amazing in some respects. This is because those percentages are clearly disproportionate in respect to the amount of years they cover in Congressional ethics. In other words, nearly 168 years of history in the House accounts for a minority while, roughly, a mere 37 years account for the majority of ethics cases in the House! These numbers certainly give strong evidence that could be used to support the hypothesis of this paper. However, as tempting as it may be to leave it at that, further interpretation and examination of those numbers is necessary to understand what they really mean.



*Figure 3. Percentage of ethics case by period. Adapted from *Historical summary of conduct cases in the House of Representatives*, by U.S. House of Representatives, Committee on Standards of Official Conduct, 2004, p.2-38*

First, it is important to keep in mind that the 1st Congress (1789–1791) only had 65 Representatives in the House (“Congress profiles,” n.d.). At the turn of the century, the 56th Congress (1899–1901) had 357 Representatives and 4 delegates (“Congress profiles,” n.d.). “The office of Delegate was established by ordinance of the Continental Congress (1774–1789) and confirmed by a law of the U.S. Congress” (“Members faqs,” n.d., p1). The House admits Delegates from territories or districts organized by law; e.g., District of Columbia, Guam, etc. (“Members faqs,” n.d.). The first Delegate appeared in the House during the 3rd Congress (1793–1795) (“Congress profiles,” n.d.). Delegates have most of the authority that Members have (“Members faqs,” n.d.). “They may not vote while the House is conducting business as the Committee of the Whole or vote on the final passage of legislation when the House is meeting” (“Members faqs,” n.d., p.4). Delegates were counted the same way as Representatives when listed in the historical summary towards the totals in this study. Three Delegates in three separate ethics cases appeared in the historical summary. In contrast, the last Congress partially covered

in the historical summary was the 108th Congress (2003–2005) with 435 Representatives, 4 Delegates, and 1 Resident Commissioner (“Congress profiles,” n.d.). “Congress created the post of Resident Commissioner in 1900 to apply to Puerto Rico” (“Members faqs,” n.d.). No Resident Commissioners appeared in the historical summary. The code of official conduct for the House applies equally to all Members, Delegates, Resident Commissioner, officers, or employees of the House (“Historical summary of,” 2004; Holmes-Brown et al., 2011).

Why present the information in the previous paragraph? Very simply, the size of the House has grown significantly over time. Though it may seem overly self-evident, it is germane to the results of the study. With an increasing amount of individuals involved in the House’s operations, there exist the circumstances for a parallel increase in ethical violations to be committed. The corollary to this is that it should be fully expected that the number of ethics cases in the House would steadily increase over time because of this. However, this is an overly simplistic explanation for an increasing number of ethics cases in the House. It also represents a worst case scenario in that it is hoped developing standards of conduct and evolving ethical norms are the reason for more ethics cases being pressured. Not just because the increasing size and scope of the institution over time directly leading to the creation of a fertile environment where a greater number of *opportunities* for misconduct exists.

To further break down the numbers, it helps to know the average number of ethics cases a year between the two periods, the year(s) with the higher numbers of ethics cases, and the underlying events contributing to those high numbers (see figure 4).

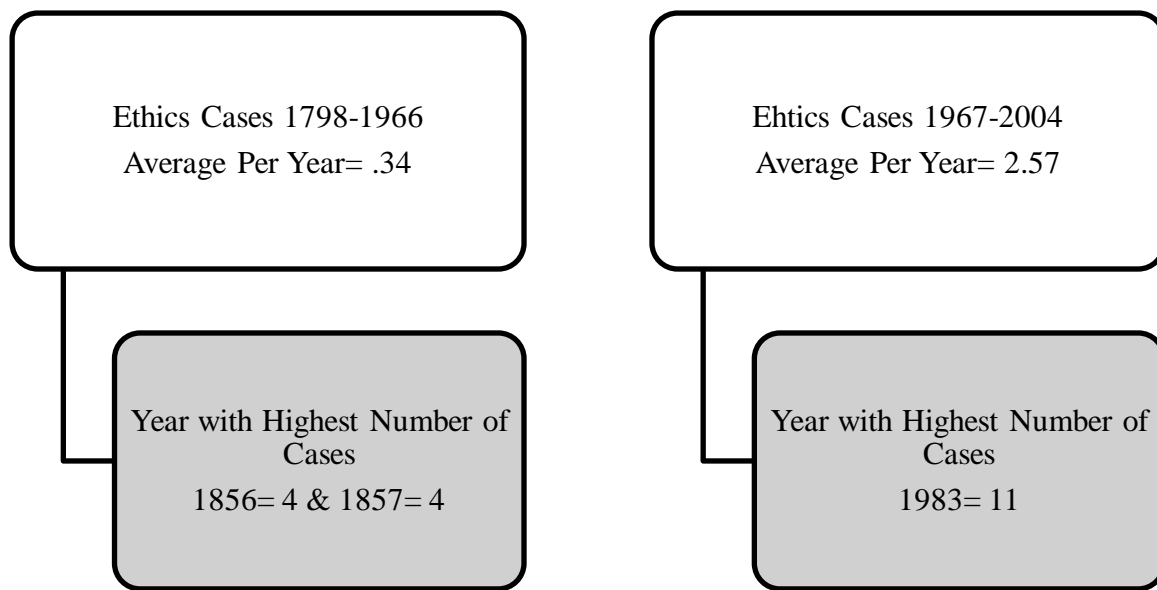


Figure 4. Average number of ethics cases per year and year(s) with highest number of cases. Adapted from Historical summary of conduct cases in the House of Representatives, by U.S. House of Representatives, Committee on Standards of Official Conduct, 2004, p.2-38

Rounded to the nearest hundredth, 1798-1966 saw a mere average of .34 ethics cases a year. The year with the highest number of cases is a tie between 1856 and 1857; with both of those years seeing four cases. In 1856, there was the Colt patent investigation scandal. “On May 8, 1856, [Congressman Philemon] Herbert fatally shot an Irish waiter during a brawl at a Washington, D.C., hotel” (Hall, 2010, p. 1). Herbert would later be imprisoned, but acquitted (“Historical summary of,” 2004). Also in 1856, Rep. Preston Brooks attacked Congressman Charles Sumner on the floor with his cane (“Historical summary of,” 2004). The House would vote on expelling Brooks, but the resolution would fail. Brooks would resign from the House before the expulsion vote, but would be reelected to fill the vacancy left by his own resignation (“Historical summary of,” 2004). Also, two other Representatives (Lawrence Keitt and Henry Edmundson) would be subject to censure resolutions for their “complicity” in the assault on Sumner (“Historical summary of,” 2004). Keitt would resign after he was censured, but once

again, he would be reelected after his resignation (“Historical summary of,” 2004). The censure resolution against Edmundson would fail.

The year tied for the highest number of ethics cases (1857), would see four Representatives investigated for corrupt practices. The four Congressmen (Orsamus Matteson, William Gilbert, Francis Edwards, and William Welch) would stand to face ethics charges for influence pedaling, which involved selling their votes in exchange for supporting the Minnesota Land Bill (Grossman, 2003; “Historical summary of,” 2004). Expulsion resolutions would be tabled after the resignations of Gilbert and Edwards (“Historical summary of,” 2004). Insufficient evidence was found to pass a resolution to expel Welch (“Historical summary of,” 2004). Orsamus Matteson’s circumstances would be the most interesting of these cases. Matteson would be the subject of two separate expulsion resolutions in 1858 and 1857, the only Representative to ever face such disciplinary action twice (Grossman, 2003). Matteson would defend his behavior saying that though he did not seek payment, such “bribes are necessary because of the corrupt nature of politicians” (Long, 2008, p.57). Matteson’s statements about his necessary acts of corruption came from a personal letter that was purportedly stolen from a post office in an act of revenge by certain persons looking for “his political destruction” (“Proceedings of,” 1915, p.4). He would resign before House action in 1856, but was reelected afterwards (“Historical summary of,” 2004). Before his resignation, Matteson would write a public letter to the committee investigating him saying:

If men, in public or private life, are to be subjected to censure, or even suspicion, upon evidence of trifles like this, there is not one who is safe, especially in Washington, where the father of lies seem to have surrounded himself with most numerous and most industrious progeny. (Long, 2008, p. 57)

Upon his reelection that matter would be taken up against him once again in 1857. In the end, the resolution to expel him from Congress would be tabled in March of 1958, and the only disciplinary action against him would be when he was censured in 1857 (“Historical summary of,” 2004).

For 1967-2004, the average number of ethics cases per year would be 2.57. The year with the highest number of ethics cases would 1983 with eleven cases in that year. The high number of cases in 1983 is almost solely the result of the “Sex and Drugs Investigation.” The Sex and Drugs investigation came about “after two former pages made public assertions of homosexuality, sexual misconduct and drug use in Congress” (Maitland, 1983, p.2). Despite obvious dangers, numerous Congressmen have become ensnared in scandals involving sex, drugs, and alcohol (Ethics and criminal, 2000). Only one case in 1983 would not involve the Sex and Drugs investigation. One House employee would be dismissed from their job because it was found that they made an unauthorized alteration of official documents (“Historical summary of,” 2004).

Differences in Disciplinary Actions and Final Case Dispositions

Another important difference between the two periods is the number and types of disciplinary actions used and the final outcomes of cases before the House. From 1798-1966, the most commonly recommended forms of disciplinary actions in the House were expulsion (17 resolutions/recommendations) and censure (31 resolutions/recommendations). In fact, there was no other form of discipline encountered during this period. Even though, according to the historical summary, the “resolution of reprimand and censure” passed by a vote of 293-0 for Representative Thomas Blanton in 1921 (“Historical summary of,” 2004, p.10). Prior to the 1970s, “the terms ‘reprimand’ and ‘censure’ were often considered synonymous and used

together in a resolution” (Maskell, 2013a, p.12-13). Those numbers mean that while there were far fewer ethics case in the House from 1798-1966, the two most severe punishments (expulsion/censure) became resolutions or recommendations in a greater number than the second time frame.

In contrast, from 1967-2004 there were only six recommendations or resolutions for expulsion and a mere four censures and four recommendations or resolutions for censure (“Historical summary of,” 2004). While there were no instances of physical assault between Congressmen, dueling, or open support of rebellion in the House during this period, there were certainly no shortages of misconduct committed during this time. However, it seems that only the two most unrepentant violators were expelled from the House; i.e., Michael Myers and James Traficant. Meyers was caught on tape by the FBI famously remarking, “Money talks in this business and bulls--- walks” before accepting a huge bribe (Leiby, 2013, p.7). The House did not take final action against Meyer until he had actually been convicted in court (Ethics and criminal, 2000). Even recently, Leiby (2013) quoted Meyers saying “he considers the [ABSCAM] operation a waste of money that destroyed ‘legitimate, honest people’” (p.8). In Traficant’s case, the House waited until a week before he was actually sentenced to eight years behind bars before expelling him (Long, 2008). At Traficant’s sentencing hearing, he stated his “plans to run for reelection from prison, and he asked the judge to select a prison in Ohio to make sure he is still eligible to run in the state” (“Traficant gets 8,” 2002, p.5). The four other cases where expulsions were recommended (Representatives Diggs, Lederer, Biaggi, and Tucker) all resulted in those Members voluntarily resigning. Voluntary resignations actually play a key role in relation to ethics cases in the House, but this point will be touched upon more in a later section.

Censure is an even rarer punishment in the 1967-2004 timeframe. In the past, especially the 1898-1966 period, censure often resulted from the use of unparliamentary language, assaults upon a Member or insults to the House by introductions of offensive resolutions, and in five cases as of 1967, for corrupt practices (Holmes-Brown et al., 2011; Maskell, 2013a). Of the four cases from 1967-2004 (Representatives Powell, Roybal, Diggs, and Wilson) where censure was initially recommended, only two cases actually resulted in censure (“Historical summary of,” 2004). The first actual censure against a Member in this period was against Rep. Charles Diggs. Congressman Diggs, a close associate of Adam Clayton Powell, was convicted of committing mail fraud and falsifying payroll forms in October of 1978 (“Historical summary of,” 2004; “DIGGS, Charles,” n.d.). Before Diggs was censured, a young Newt Gingrich tried to introduce a resolution to expel Diggs, but it went nowhere (“Historical summary of,” 2004; “DIGGS, Charles,” n.d.). Ultimately, Diggs was reelected after his conviction, but he resigned in June of 1980 after facing indignation from his House colleagues and the failure of his appeals to overturn his conviction (“Historical summary of,” 2004; “DIGGS, Charles,” n.d.). “One month later, he entered a minimum–security prison in Alabama; he served seven months of a three–year federal sentence” (“DIGGS, Charles,” n.d., p. 14). Diggs is the only other Congressman, besides Adam Clayton Powell, that was reelected after being found guilty of an ethics violation (“Historical summary of,” 2004; “DIGGS, Charles,” n.d.).

The second Representative that was actually censured after the ethics committee recommended that sanction initially was Charles Wilson in 1980 (“Historical summary of,” 2004). Wilson was found to have “accepted money from [a] person with direct interest in legislation”, and “transferring campaign funds into office and personal accounts” (“Historical summary of,” 2004, p.15; Holmes-Brown et al., 2011, p.526). Wilson would be defeated in the

primaries on June 3, 1980 before the House would censure him on June 10th, so censure was essentially an afterthought (“Historical summary of,” 2004). Powell was of course excluded from congress instead of being censured. Representative Edward Roybal’s censure recommendation was rejected, and he was instead reprimanded for failing to report a campaign contribution and converting campaign funds for personal use (“Historical summary of,” 2004).

What about the other two Congressmen that were actually censured in this period (there were a total of four censures for 1967-2004)? The other two Members censured were Daniel Crane and Gerry Studds. Both of them were censured in relation to their involvement in the “sex and drugs” investigation. Studds was censured by the House for having had an affair 10 years earlier with a 17-year-old Congressional page (“Historical summary of,” 2004). Studds’ open admission of his relationship with a male page made him the first openly gay Congressmen (Cave, 2006). The initial recommendation was to reprimand Studds, but that was rejected, and he was censured in July of 1983 with a House vote of 421-3 (“Historical summary of,” 2004). To many people’s surprise, Studds would be reelected in 1984, but this is *not listed* in the historical summary and *does not* appear in table 2 (Long, 2008). Crane, a married man with six children, would admit to having a consensual relationship with a female 17-year-old Congressional page and be censured for it (“Historical summary of,” 2004; Long, 2008). He would be defeated for reelection after this (“Historical summary of,” 2004; Long, 2008).

The next most common form of disciplinary action from 1967-2004 was reprimand, which is a step down in seriousness from censure (“Historical summary of,” 2004; Holmes-Brown et al., 2011; Maskell, 2013a). “The term ‘reprimand’ was used to explicitly indicate a less severe rebuke [than censure] by the House in 1976” for the first time (Maskell, 2013a, p. 13). The first use of an official reprimand in 1976 was against Rep. Robert Sikes for failing “to

disclose stock holdings, invested in bank stock while engaged in official actions on behalf of the bank and sponsored legislation without disclosing personal interest in property” (“Historical summary of,” 2004, p. 12). Sikes was ousted from his position as chairman of the House Appropriations Subcommittee on Military Construction and did not run for reelection in 1978 after his reprimand (Long, 2008). The eight reprimands in the House from 1967-2004 include cases that involve a:

Range of misconduct, including failure to disclose certain personal interests in official matters and using one’s office to further one’s personal gains; misrepresentations to investigating committees; failure to report campaign contributions; conversion of campaign contributions to personal use and false statements before the investigating committee; false statements on financial disclosure forms; ghost voting and maintaining persons on the official payroll not performing official duties commensurate with pay; the misuse of one’s political influence in administrative matters to help a personal associate; the failure to insure that a Member-affiliated tax-exempt organization was not improperly involved in partisan politics, and for providing inaccurate, incomplete and unreliable information to the investigating committee. (Maskell, 2013a, p. 13)

The House only seems slightly more reluctant, but not by much, to sanction its Members with reprimands for misconduct when compared to censure. Also, once again, it seems that the House is only willing to reprimand Members that have committed relatively serious breaches of ethics. A prime example of this is the ethics case against Barney Frank in 1990. According to the historical summary, Frank would stand accused of: “1) Use of personal residence for prostitution by third parties, 2) improper contacts with probation office on behalf of personal assistant, 3) improper dismissal of assistant’s parking tickets and 4) sexual activity in the House gymnasium” (“Historical summary of,” 2004, p. 25). In the end, Frank would admit to having an affair with a male prostitute, Steve Gobie (Romero, 2011). Hiring Gobie to run errands and to allow him to

live at his home before he became aware that Gobie was running a prostitution scheme, and then kicking him out as soon as he knew (Romero, 2011). Additionally, in a ten-month investigation, Frank was found to have improperly used official privilege “in waiving 33 of Gobie's parking tickets and for writing a memo that attempted to end Gobie's probation for a prior infraction” (“Historical summary of,” 2004; Romero, 2011, p.2). Frank was reprimanded and ordered to pay restitution for the parking tickets that were quashed (“Historical summary of,” 2004). According to the House Practices Manual, “the conduct for which censure may be imposed is not limited to acts relating to the Member’s official duties. The power to censure extends to any reprehensible conduct that brings the House into disrepute” (Holmes-Brown et al., 2011, p.525). It is not much of an argument to make that Frank’s conduct more than merited a censure, but instead, the House chose to use a relatively new form of a lesser sanction instead.

There were five cases where the House chose to levy a fine against a Member concerning a disciplinary matter, or require restitution. Fines imposed as criminal sanctions are not included in this study. According to Maskell (2013a), “fines for disciplinary purposes in the House, as well as in the Senate, have been relatively infrequent occurrences” and the historical summary backs this up (p.14). The precedent for the first monetary fine ever imposed in the House appears to be the ethics case against Powell in 1967 when he was fined \$25,000 (“Historical summary of,” 2004; Maskell, 2013a).

Letters of reproof were issued in five ethics cases from 1967-2004. A public Letter of Reproof was a sanction created by the House ethics committee and first used in 1987 (“Historical summary of,” 2004; Straus, 2011a). In 1987, Rep. Richard Stallings was given the first ever letter of reproof for improperly using campaign funds as a personal loan to both himself and his administrative assistant (“Historical summary of,” 2004). The next letter of

reproval was given to Charles Rose in 1988 for “personal use of campaign funds and improper financial disclosure” (“Historical summary of,” 2004, p. 22). Next, a letter of reproval was given to Representative Jim Bates in 1989 “for bringing discredit to the House by conduct in interacting with two female employees” (“Historical summary of,” 2004; Holmes-Brown et al., 2011, p.529). The fourth letter of reproval was sent to Rep. E.G. “Bud” Shuster in 2000 for:

Bringing discredit to the House with respect to a Member’s ongoing professional relationship with a former member of his staff, with respect to his campaign committee, and for violating House gift restrictions, and for bringing discredit to the House by conduct in interacting with two female employees. (Holmes-Brown et al., 2011, p.529)

The fifth and final letter of reproval was given to Rep. Earl Hilliard in 2001 when he admitted to a pattern and practice involving improper campaign loans and improper use of campaign funds for personal use (“Historical summary of,” 2004).

Though voluntary resignations and the loss of a reelection bid are not disciplinary measures or formal sanctions by any means, they seem to be the most common outcomes from substantiated ethics cases in the House from 1967-2004. Maskell (2013a) points out how this might be a contributing factor to why so few Congressmen have been expelled:

The numbers of actual expulsions from the House may be small because some Members of the House who have been found to have engaged in serious misconduct have chosen to resign (or have lost an election) before any formal action could be taken against them by the House. Thus, the House committees investigating allegations of misconduct have from time-to-time expressly recommended the expulsion of a Member, who then resigned before the expulsion vote could be taken by the full body. Additionally, several other Members of the House who might have been subject to expulsion or other legislative discipline because of misconduct either resigned before any committee recommendation was made, or, soon after their misconduct became known, lost their next election (either the primary or the general election) before congressional action was completed. The defeat at the polls of Members who had engaged in misconduct was precisely the principal “ethics” oversight planned by the framers of the Constitution, who looked to the

necessity of re-election to be the most efficient method of regulating Representatives' conduct. James Madison explained in the Federalist Papers that despite all the precautions taken by structural separation of powers in the government, or by the institution of the Congress or the law, the best control of Members' conduct would be their "habitual recollection of their dependence on the people" through the necessity "of frequent elections." (p.5)

From 1798-1966, there were a total of eleven resignations in relation to ethics charges and fifteen from 1967-2004. As touched on earlier, all nine Representatives that ran for reelection from 1798-1966 were reelected. In stark contrast, only two (Powell and Diggs) out of the fourteen Representatives running for reelection were seated in office after being the subject of an ethics case from 1967-2004.

Ethics Cases and House Employees

Another distinct difference between the two time periods is that individuals *other than* Members appear in ethics cases from 1967-2004. A Member of Congress is defined as "a U.S. Representative, who serves in the House of Representatives, or a U.S. Senator, who serves in the Senate. A Member of the House also is called a Congresswoman or Congressman" ("Members faqs," n.d., p1). As touched on earlier, "Delegates and the Resident Commissioner are nonvoting *Members* of the House" ("Members faqs," n.d., p1). No one other than Members appear in ethics cases from 1798-1966.

Members of Congress rely on a number of employees, officers, officials, and other organizations to help them fulfill their legislative duties. The House code of conduct defines the term "officer or employee of the House" to mean "an individual whose compensation is disbursed by the Chief Administrative Officer" ("Code of official," n.d., p.180). An employee is also anyone "compensated by the House pursuant to a consultant contract" ("Code of official," n.d., p.180). "Elected at the beginning of each Congress, House Officers include the Clerk of the

House, the Sergeant at Arms, the Chief Administrative Officer, and the Chaplain” (“Officers and organizations,” n.d., p1). Officials of the House include the Inspector General, Historian, Law Revision Counsel and Legislative Counsel (“Officers and organizations,” n.d.). Organizations of the House include the Office of the Legislative Counsel, Office of the Law Revision Counsel, and the Office of Congressional Ethics, which was not created until 2008 (“Officers and organizations,” n.d.). The Code of Ethics for Government Service and the Code of Official Conduct for the House all apply to employees, officers, and Members equally.

There was a total of seven employees in seven separate ethics cases from 1967-2004. Five of the seven employees listed in the historical summary were involved with the “sex and drugs” investigation in 1983. Majority Assistant Cloakroom Manager Robert Yesh and James Beattie of the Doorkeeper’s Office both pleaded guilty to two federal misdemeanors (“Historical summary of,” 2004). Majority Chief Page James Howarth would resign before the House took action (“Historical summary of,” 2004). Congressional aide John Apperson would not be charged due to lack of any evidence (“Historical summary of,” 2004). The final employee involved in the “sex and drugs” investigation would not be named due to the dismissal of the case against them (“Historical summary of,” 2004).

The sixth employee, who remained unnamed in the historical summary, was found to have made unauthorized alteration to Congressional records and was dismissed from House employment for this in 1983. The seventh and final employee named in the historical summary was Matthew Iuli in 1988. Also listed in the same entry as Iuli, was Delegate Fofu Sunia of American Samoa, who employed Iuli as his administrative assistant. Del. Sunia and Iuli would each agree to plead guilty to charges of “bilking the government out of \$131,920 by claiming ghost employees on his congressional staff payroll” in an elaborate scheme over a three and a

half year period (Lichtblau, 1988, p.1). According to the U.S. Attorney's office, Sunia and his administrative assistant "regularly claimed payroll expenses for non-staff Members, forged the signatures of the ghost employees and used the cash for political campaign and personal expenses" (Lichtblau, 1988, p.2). Matthew Iuli would voluntarily resign from House employment in September of 1988 ("Historical summary of," 2004). A week after Iuli's resignation, Sunia would resign "a day before the House ethics committee planned to hold a disciplinary hearing against him ... Sunia's resignation ended the ethics panel's jurisdiction over him ... as it can only discipline current Members and employees of the House" ("Samoan resigns seat," 1988, p. 2).

Though it was not counted towards the total number of employees involved in ethics cases from 1798-2004, it bears mentioning because of its appearance in the historical summary. In relation to the House Post Office Scandal of 1992-1994, the historical summary mentions the conviction of seven former House employees for Post Office-related crimes ("Historical summary of," 2004). Also in this same entry, the summary mentions the former House Postmaster pleading "guilty to misdemeanor conspiracy to embezzle and aiding and abetting embezzlement" ("Historical summary of," 2004, p.27). The House Postmaster, Robert Rota, would resign after becoming embroiled in the Post Office Scandal. Rota, who was elected by Members after each Congress, served as the House Postmaster for twenty years (Bowman, 1992).

Indictments, Arrests, and other Criminal Charges

Another area of comparison that shows a stark contrast between the two periods is in relation to the number of entries in the historical summary that involve a mention of criminal cases. When it comes to criminal conduct Members of congress have no general immunity, and

just like other citizens in the United States, Representatives are “subject to investigation and prosecution for criminal misconduct and other statutory violations through the criminal justice system, initiated by Federal, State, or local public prosecutors, and conducted through the courts” (“Enforcement of ethical,” 1993, p.1). From 1798-1966, there were a total of five ethics cases, listing six different Representatives names, where an arrest or conviction was mentioned. The charges in these cases involved: violation of the Sedition Act, an arrest for manslaughter, a prior illegal bribe received before moving from a state legislature to the House, conspiracy to violate the National Prohibition Act, and the transfer of illicit goods; i.e., theft of government stores of liquor during prohibition for monetary gain (“Historical summary of,” 2004; Long, 2008). In some respects, it is not surprising that there are not many specific mentions of criminal conduct from 1798-1966. As Thompson (1995) stated, bribing Members of Congress did not even become illegal until 1853.

In comparison, the second period of House ethics cases is a veritable cornucopia of criminal offenses. From 1967-2004, there were 23 ethics case entries mentioning convictions and indictments. The list of criminal charges for this period is varied and wide to include: bribery, perjury, conspiracy, contempt charges, obstruction of justice, mail fraud, wire fraud, witness tampering, drug charges, sexual assault, extortion, tax evasion, making false statements, travel act violations, etc. (“Historical summary of,” 2004).

What is most interesting, or shocking depending on how someone looks at it, is how the consequences and repercussions for Representatives subject to criminal prosecutions have been traditionally insignificant. To start, Members of Congress could still collect their federal retirement benefits if convicted of a crime while serving; unless they were convicted of a “federal crime that relates to espionage, treason, or several other national security offenses

against the United States” (Maskell, 2013b, p.2). It was not until 2007, with the passage of the Honest Leadership and Open Government Act (HLOGA), for which convictions of any number of federal laws concerning corruption, election crimes, or misconduct in office would result in the loss of a Members federal pension (Maskell, 2013b).

Unfortunately, while the HLOGA has many other reforms beyond Congressional pension forfeiture clauses and was touted as “the most sweeping ethics and lobbying reform in history” by Senate Majority Leader Harry Reid, it lacks the teeth of the original version of the bill (“Reid, Feinstein, Lieberman,” 2007, p.3). Layton (2007) reported that the HLOGA was a watered-down version of the legislation proposed by Rep. Mark Kirk. Rep. Kirk wanted pensions to be withheld from lawmakers convicted of a wider range of twenty-one different public integrity crimes (Layton, 2007). One other defining downfall of this act, noted by Maskell (2013b), is that:

Any punitive legislation can apply prospectively only. As a constitutional matter, Congress cannot retroactively cut off or lessen the annuities of former Members as a penalty for having engaged in any criminal misconduct prior to the enactment of the legislation (even if the conviction for that misconduct occurred after the passage of the law). (p.11)

For instance, even though the former crooked Sheriff and expelled Representative Traficant was indicted for a wide range of corruption related charges, while in prison and currently is collecting an estimated \$40,000 a year federal pension financed by taxpayers (Griffin, 2007). In probably the most angering example of the House and Congress as a whole to act against crooked politicians is the case of Rep. Dan Rostenkowski. Congressman Rostenkowski went to prison after being indicted for 17 counts including mail fraud, wire fraud, witness tampering, concealing a material fact, false statements, embezzlement, and conspiracy (Griffin, 2007; “Historical summary of,” 2004). Yet, he is receiving \$126,000 a year from his federal pension (Griffin,

2007). In fact, according to Griffin (2007), “20 lawmakers over the last 25 years have been found guilty of serious crimes while in office. All 20 received or are still receiving, congressional retirement benefits” (p.6).

Discussion

Looking back at the original hypothesis, do the results show the formation of a permanent ethics committee and the Congressional reform movement that followed as contributing to a more ethical environment in the House post 1967? When you look at the numbers, it certainly seems as if this is the case (See table 3). Undeniably, the lion’s share of ethics cases in the House have occurred post 1967. In comparison to the 1798-1966 time frame, there are an overall greater number of cases, larger average number of cases a year, and the year with the single greatest number of ethics cases all happening post 1967.

Table 3

Direct comparison between the two time periods in House ethics cases

Cases, punishments, results, etc.	1798-1967	1967-2004	Change
Total number of ethics cases	49	95	+46
Expulsion resolutions or recommendations	13	6	-7
Actual number of expulsions	3	2	-1
Censure resolutions or recommendations	11	4	-7
Actual number of Members censured	22	4	-18
Reprimand recommendations	n/a	9	n/a
Members actually reprimanded	n/a	8	n/a
Members fined or ordered to pay restitution	0	5	+5
Letters of reproof	n/a	5	n/a
Members reelected after resigning or being formally charged	9	2	-7

Representatives defeated in reelection bids after ethics cases	0	14	+14
Representatives resigning in relation to ethics cases	11	15	+4
Representatives-Elect excluded from House	1	1	0
House employees or officers listed in ethics cases	0	7	+7
Average number of cases a year	.34	2.57	+2.23
Highest number of cases in one year	4	11	+7
Ethics Cases mentioning criminal charges	5	23	+18

Adapted from *Historical summary of conduct cases in the House of Representatives*, by U.S. House of Representatives, Committee on Standards of Official Conduct, 2004, p.11-38

Furthermore, there are a number of other occurrences in the House that signal it is becoming a more ethical institution. For starters, the first recorded appearance of House employees being investigated for ethics violations occurs post 1967. Though not a huge difference, resignations continue to be prompted in large numbers by ethics charges. It is also readily apparent that being formally charged with ethics violations in contemporary times sounds the death-knell for any Representative's political career. Finally, there is nothing short of an explosion in criminal cases and charges against Congressmen 1967 and after.

When the previous data was examined in context with the rapid wave of increased standards and rules for Congressmen beginning in 1967, there is definitely a strong correlation between the formation of the ethics committee and the following increase in ethics cases. However, only considering the creation of the ethics committee may be an overly simplistic, and probably naïve, explanation for an increase in ethics cases post 1967. While completing the research for this paper, it became clear that there may be two confounding variables that could also be accounting for the dramatic increasing in House ethics case post 1967. The first is the

major impact that the modern media has on the conspicuousness of politics in the U.S. Second, would be the rise of ethics charges as political tools for the opposition in the House.

The News Media's Possible Influence on Ethics Cases in the House

As a simple truth, politicians are held to much higher standards of both personal and professional conduct, and their behavior is more transparent and less corrupt than in the past. Yet as Davidson et al. (2012) report, “the contemporary news media exert great enterprise and energy in investigating indiscretions and ethical violations, a *shift* from the journalistic norms of earlier eras” (p.478-479). Now, it is not just a politicians’ official performance of their duties that is illuminated by the ever-present media, but also their private life, which they can no longer depend on keeping separate from their public persona.

There is little disagreement that media coverage of Congress has become more hostile (Hibbing & Theiss-Morse, 1998; Morris & Clawson, 2005). However, there is no evidence that longstanding press outlets have become more partisan in nature (Hibbing & Theiss-Morse, 1998; Prior, 2013). In fact, Prior (2013) reported that “evening newscasts on the broadcast networks, long the most widely followed news source, are mostly centrist with possibly a minor tilt in the liberal direction” (p.298). This actually represents a change from past paradigms where news media sources were often partisan in their reporting of congress (Hibbing & Theiss-Morse, 1998). To illustrate this point, in an 1896 journal article written by several Senators and Congressmen titled *Congress and its Critics*, it authors suggest that:

The people who rail most at Congress are ... those writers who are obliged to draw inspiration from the business department of their respective publications. No man can, nor is he expected to, write his true convictions while his bondsman's club hangs, like the Damoclean sword, immediately over his head. The writer in greatest demand is the one having the most picturesque vocabulary of effective and effulgent adjectives with which to hurl scorn and contumely upon the heads of public men. This kind of pabulum pleases

class one, above mentioned, because it supplies them with new and novel epithets; it also pleases the business management of the paper, because it swells the subscription list. (Dingley, Elliott, McClellan, Taft & Hansbrough, 1896, p.356)

While today's press is considered less overtly partisan and more investigative in nature, Congress still suffers from a lack of support in the media (Hibbing & Theiss-Morse, 1998). This translates to make it more difficult for the general public to put aside negative criticism, or set the media's negative reporting about Congress in perspective (Hibbing & Theiss-Morse, 1998).

The funny thing is that while reporting on Congress is often focused on the negative, the relationship between Congress and the media was typified by Morris and Clawson (2005) as largely cooperative, or even symbiotic. That is to say, "reporters and public officials interact to create a negotiation of newsworthiness (Morris & Clawson, 2005)" (p. 12; see also Cook, 1989). While there may be cooperation between politicians and reporters that does not mean in any way that their goals are one and the same. Journalists will oftentimes use their latitude to pursue news that is entertaining, or that exposes or accentuates scandal over purely policy oriented reporting (Hibbing & Theiss-Morse, 1998; Morris & Clawson, 2005; Thompson, 2000). Case in point, "some researchers contend that the tone of congressional news coverage takes a much nastier edge than the coverage of other political institutions" (Morris & Clawson, 2005, p. 298). The preponderance of Congressional reporting leaning towards scandalous material was the direct result of several high-profile Congressional gaffes in the mid 1990s (Morris & Clawson, 2005). This included several notable instances of Members' personal misconduct, and more importantly, from groups of senators and representatives; i.e., House Bank Scandal, House Post Office Scandal, and the Senate's "Keating Five" (Morris & Clawson, 2005).

Why is Congressional reporting more focused on scandal, conflict, and infrequent cases of impropriety by some of its Members? Hard evidence exists for this trend in both print and

electronic media extending to even the most prestigious news organizations (Hibbing & Theiss-Morse, 1998; Rozell, 2000). Is this simply because the legislative process is dull and uninteresting? Actually, this may just be part of the issue. As Broder (1987) suggested, it is much easier to convince editors to publish stories of inconsequential scandal than a story of weightier consequence. A desire and focus on the colorful personalities, internal conflicts, and tabloid like scandals in politics results in a sort of social Darwinism for Congressional reporting. In other words, only the most enthralling and deprecating stories about Congress survive to be reported.

Most likely, the media's biggest single contributing factor towards an increase in ethics cases in the House post 1967 is the "transparency" the media stimulates in the House. Balkin (1998) describes transparency as encompassing:

Three separate political virtues, which often work together but are analytically distinct. The first kind of transparency is informational transparency: knowledge about government actors and decisions and access to government information. Informational transparency can be furthered by requiring public statements of the reasons for government action, or requiring disclosure of information the government has collected. A second type of transparency is participatory transparency: the ability to participate in political decisions either through fair representation or direct participation. A third kind of transparency is accountability transparency: the ability to hold government officials accountable – either to the legal system or to public opinion – when they violate the law or when they act in ways that adversely affect people's interests. (p.2)

In the end, the increased visibility, or transparency, granted by the media's focus on Congressional misconduct undoubtedly accounts, to some degree, for a higher number of cases of misconduct and ethics violations being investigated and punished in the House.

House Ethics as a Political Process

Very bluntly, Sinclair and Wise (1995) stated, "Congressional ethics values are political values and ethics reform legislation is subject to the same political forces as any other controversial issue" (p.56). Lee Hamilton (2004) is a 34 year former Member of the House and

Director of the Center on Congress at Indiana University. He plainly feels that the ethics process is being misused as a political weapon. To support Hamilton's supposition, a perfect example is the career of Newt Gingrich. Tolchin and Tolchin (2008) call Gingrich the Genghis Khan of recent American politics. In their aptly titled book *Glass Houses: Congressional Ethics and the Politics of Venom*, they say Gingrich transformed the humdrum Congressional ethics process out of its lethargy by turning it into an offensive tool for partisan gain.

A target of one of Gingrich's vendettas, Rep. Barney Frank, has been quoted as saying, "ethics was not political until Gingrich" (Tolchin & Tolchin, 2008, p.1). Gingrich was responsible for helping to spearhead ethics cases against a number of Representatives that appeared in the historical summary. As previously mentioned, Gingrich was instrumental in leading the Republican charge to expel Rep. Charles Diggs of Detroit in 1978 ("Historical summary of," 2004; Tolchin & Tolchin, 2008). Tolchin and Tolchin (2008) note that even a "censure vote would never have occurred without Gingrich's initiative because Democrats as well as Republicans typically preferred to cover up their colleagues' problems until forced to act" (p.2). Several years later in 1982, Gingrich would take part in confronting the massive Sex and Drugs scandal in the House (Tolchin & Tolchin, 2008). Rep. Gingrich would attack both Representatives Daniel Crane and Gerry Studds. Both had sexual affairs with Congressional pages (Tolchin & Tolchin, 2008). Next, Gingrich would pursue Rep. Fernand St. Germain of Rhode Island in 1987 (Tolchin & Tolchin, 2008). St. Germain was found to have "repeatedly violated disclosure provisions of both the House Code and the Ethics in Government Act" (Tolchin & Tolchin, 2008, p.3). But in a Democratic-Controlled House, the Ethics Committee would not recommend any sanctions and only verbally admonish "all Members to avoid

situations in which even an inference might be drawn suggesting improper action” (“Historical summary of,” 2004, p.21; Tolchin & Tolchin, 2008).

In his boldest move, Gingrich unleashed forces that helped topple Democratic Speaker of the House James Wright, Jr., who ended up resigning from the House (Tolchin & Tolchin, 2008). Many observers would remark that Gingrich’s “relentless crusade” against Wright was entirely political in nature (Thompson, 1995, p.47) Wright resigned in 1989 primarily as a result of the scandal, and following ethics committee investigation, which resulted from Wright’s selling of his book *Reflections of a Public Man* at speaking engagements to avoid honoraria limits, acceptance of improper gifts, and inadequate financial disclosure (“Historical summary of,” 2004; Jackson, 1989). Some of the particulars in Speaker Wright’s ethics case result in an obvious déjà vu moment considering what would happen to Speaker of the House Gingrich in coming years, and the controversy around the release of his book and questions about his personal finances.

It is not much of a stretch to see a connection between Gingrich’s career, and his part in transforming the ethics process, in relation to the fact that he appeared more than any other Representative in the historical summary and his eventual resignation from the House. However, the simple fact is that the ethics process has always been a political process irrespective of Gingrich’s influences. The problem resulting from politicizing the ethics process, as Thompson (1995) stated is that it reinforces “what may be called the cycle of accusation. Ethics charges on one side are countered by charges on the other, and a new round begins. Making charges develops its own momentum independent of their substance” (p.48). Thus, a vicious circular cycle continues. As an institution, the House has realized how politically charged the ethics process has become and changed some of the House rules to reflect this. For example, the Ethics

Committee will not accept any ethics charges “within 60 days before a Federal, State, or local election in which the subject of the referral is a candidate”, and can postpone any reporting requirements within this 60 day window also (Rules, 2013, p.27). The independent Office of Congressional Ethics (OCE) was formed as a non-partisan entity to investigate ethical violations ("Office of Congressional," n.d.). Similarly, subcommittees may be established to investigate ethics violations so those who investigate do not also have to make decisions on whether to punish or exonerate offenders (Rules, 2013; Thompson, 1995). These are just three major examples of some the changes the House has made to make the ethics process more impartial.

Conclusions

When the totality of the circumstances is considered, there should be little doubt that the ethical standards and processes in the House are more robust than ever. Behaviors that were tolerated, ignored, or simply swept under the rug in the past are now prohibited and often cause for formal sanctions against Members of the House, or even criminal proceedings. It is also clear that the turning point for ethical processes in the House can be pinned down to 1967 and the formation of the ethics committee and the Congressional reform movement that followed. Keeping in mind it does not show absolute causation; the data draws a clear correlation between the formation of the Ethics Committee and the massive increase of ethics cases being brought forth in the House after 1967. The refinement of formal codes of conduct and rules governing the behaviors of Congressmen can also be tied to 1967 and the events that flowed forth afterwards.

Even though it has been established by others, the data in this study supports that Members of the House continue to be squeamish to punish Members of their own institution in many instances, especially in the modern era. Instead, they prefer the courts, public opinion, reelections, and a Member’s own voluntarily resignation to help in disposing of ethics cases.

Another well-known trend, also observed in this study, is that ethical charges adversely affect the careers of politicians.

The confounding factors contributing to increases in ethics cases after 1967 also seem clear. The media has a direct hand in the exposure and transparency of ethical misconduct in Congress. The counterproductive part of this is that the media's fixation on the gaudy aspects of political life greatly undermines the esteem of the House as a whole. Also, this accounts for a false sense by the general public about how ethical the House is. This phenomenon should prompt the House to improve public understanding of House ethics processes as the Director for the Center on Congress at Indiana University suggests (Hamilton, 1998). In the same vein, the use of the ethics process for political gain is also quite obvious as a partial contributor to increases in ethics cases after 1967. Although, the House has made attempts to change its rules to lessen this. However, the House should continue its drive to depoliticize the process and ensure its only purpose is to protect the integrity of the institution as it is intended.

In closing, it is hoped this study lays the foundation for further exploration in this area. In the future, it will be of interest to know if the trend of more ethics violations being investigated and punished continues. There have also been several changes after the end of this study (2004) that should have dramatic effects on ethics cases in the House. First, the Office of Congressional Ethics (OCE) was not initially authorized until March 11, 2008 ("Office of Congressional," n.d.). The OCE plays a new and essential role in:

Reviewing allegations of misconduct against Members, officers, and staff of the United States House of Representatives and, when appropriate, referring matters to the House Committee on Ethics. In all but one set of circumstances, the report and findings of the OCE Board must be publicly released. ("Office of Congressional," n.d., p.1)

Additionally, just like in other areas of the Government, the current fiscal crisis has affected the budget of the Ethics Committee. However, unlike most other Committees, they “cannot set the bulk of its own workload, but rather exists to react to the needs of the House community” (2011 annual, 2012. p.4). Finally, there continues to be many additions, revisions, and changes to the House rules and ethical standards of the House. All of these changes have a chance to significantly affect the conclusions of this study. These changes must be further examined to see if the House is keeping with Henry Clay’s proclamation of “public office is public trust” (“House ethics manual,” 2008). Only time and further study will tell.

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