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Why congressmen stay, govs resign

By JOSHUA SPIVAK

Facing national ridicule, Rep. Anthony Weiner (D-N.Y.) has so far stood fast in his pledge to retain his seat in Congress. Despite polls showing that he maintains the support of his constituents, it seems highly unlikely that Weiner, facing the scorn of his party and a potentially devastating redistricting, stands much of a chance to retain his seat.

But if recent history is any guide, Weiner should not be counted out. Sure, the odds are slim. But if he can hold on, he would be following a strong precedent set by his fellow federally elected scandal-tarred officials. Being a representative or a senator gives him a far greater chance at survival than if he were a governor.

The problem for governors is they are subject to impeachment proceedings, held by their own state legislature. If they commit a serious crime or a seriously embarrassing indiscretion, the state legislature can vote on impeachment.

In many cases, there is little question that the opposition party is ready to bring an impeachment charge — if only to force the governor's supporters to go on record with their votes. New York, New Jersey and Connecticut all had governors resign because of this.

New York Gov. Elliot Spitzer's case is a perfect example. Spitzer reportedly reached out to the leader of the state's Democratic-controlled Assembly, to see if he could survive the scandal. Presumably, he was told that the Democratic Assembly members would not put their seats on the line for him.

New Jersey Gov. Jim McGreevy was another example of this phenomenon. Coming out of the closet should not have forced McGreevy to resign. However, he was also facing embarrassing questions about why he appointed an unqualified paramour to a critical state home security position. McGreevy's coming out speech successfully moved the spotlight off these swirling corruption charges to his own personal struggles.

But if McGreevy had remained in office, there would undoubtedly have been a plethora of stories and questions from his political opponents about his dubious appointment policies.

Not every governor gets kicked out — witness South Carolina's Mark Sanford, caught "hiking the Appalachian trail" in Argentina with his "soul mate" girlfriend. But Sanford was protected by an even more unpopular lieutenant governor, waiting in the wings. Or consider Nevada's Jim Gibbons, who survived numerous corruption and sex allegations. But governors are still vulnerable.

Senators and congressmen do not face that same pressure. They can only be removed by an expulsion vote of their fellow senators and House members. Historically, the two houses have been loath to kick out a member of the "club," without an actual felony guilty plea.

Sen. David Vitter (R-La.), whose name appeared in connection with the D.C. madam prostitution ring, is the most prominent example of an elected official surviving a sensational scandal.

Despite the contrast between his social conservative politics and his sexual peccadilloes, Vitter not only weathered the scandal, he was easily reelected. He wasn't the only one. Former

House Ways & Means Chair Charles Rangel received a House censure for his behavior — but overwhelmingly won reelection,

The Senate has only kicked out 15 members in its history, 14 for supporting the Confederacy during the Civil War. Sen. John Ensign (R-Nev.) resigned under a massive ethical cloud — but he might have survived an expulsion vote.

The only other recent notable potential expulsion was former Sen. Bob Packwood from Oregon, who resigned in 1995 before facing an expulsion vote for multiple sexual harassment charges.

In the House, there are even fewer expulsions. The chamber did kick out Rep. James Traficant, in 2002, though only after he was convicted of racketeering and bribery charges. Rep. William Jefferson (D-La.) staved off leadership pressure and even managed to win his primary — despite charges of storing almost \$100,000 in cash in his freezer, which would lead to a 13-year prison term.

But for Weiner, there is little likelihood of an expulsion for misconduct – without an actual felony conviction little that can be done legally to remove a wayward senator or congressman. Even the recall, which 19 states possess for governors, is useless against senators and representatives.

So far, courts have ruled that a federal official is not subject to the recall. They are effectively immune from public pressure to resign.

But there are other factors at play with Weiner, which may make his survival particularly unlikely. One is his apparent lack of friends in the House Democratic Caucus.

Another is that the Republicans have recently pushed out a senator and congressman for their own embarrassing sexual scandals. So the Democrats do not want to be seen as defenders of the sleazy elected officials.

Technology has also helped nationalize political decisions — making votes on previously obscure issues tomorrow's negative ad. This would allow Republicans to portray any defense of Weiner as a party-wide policy.

In addition, the Democratic leadership will be using whatever power it has at its disposal — primarily arm-twisting donors to stop giving to Weiner, and instead backing some of his noted potential primary rivals.

Perhaps most important, Weiner chose a bad year for his scandal. Thanks to the latest Census numbers, New York State has to remove two congressional seats. If he doesn't resign, Weiner would most likely become his party's No. 1 target for sacrificial lamb status.

So Weiner is still hanging on to his shredded political life. Due to many factors, many beyond his control, he will most likely be forced out soon.

But if he isn't, he would be the latest in a line of federally elected officials to survive crushingly embarrassing scandal.

Joshua Spivak is a senior fellow at the Hugh L. Carey Institute for Government Reform at Wagner College. He also blogs. (goto <http://recallelections.blogspot.com/>)