

Charles Rangel, on Dec. 2. (The Speaker Pro Tempore was John Salazar [D-Colo.] and the Chair was Zoe Lofgren [D-Calif.].)

As a member of the committee, I rise today to oppose the pending motion. There is no question that Mr. Rangel violated House rules. For more than a year he has admitted his misconduct and has apologized for it. But it must be clear, Mr. Speaker, there is nothing in this record to suggest that Congressman Rangel engaged in dishonest or corrupt conduct. Nor is there evidence suggesting that he sought to enrich himself while violating his oath.

The record shows that Mr. Rangel was approached by City College of New York to seek assistance in obtaining funds to establish an inner city school for disadvantaged youth, and he did so. My colleagues, you must know that it is not unethical or improper for Members to raise funds for a charitable purpose. Many of you do this every year, and it's a good thing. Our rules simply require any Member desiring to raise funds for a 501(c)3 charitable purpose to refrain from using official resources.

In this case, Congressman Rangel improperly used official resources to make the solicitation. Yes, that was a mistake. But it was not corruption. Had he written his solicitation letters on other than official stationery and mailed them with 44-cent stamps, that would not be a problem.

The other observation I make, Mr. Speaker, concerns the appropriate sanction for a Member who has been found to have violated House rules not involving dishonesty or corruption. The punishment in this case, in my humble opinion, should be reprimand or less. Censure has always been reserved for extreme and outrageous conduct, touching upon corruption and intent to gain a financial benefit.

As many of you perhaps know, I spent much of my former life as a superior court judge. For nearly 15 years, I made difficult sentencing decisions every day. In making difficult decisions, the judge must first decide a baseline punishment and then adjust that punishment by weighing aggravating and mitigating circumstances. As applied to this case, the baseline punishment was of-



Rep. G.K. Butterfield

Rep. G.K. Butterfield

No Evidence of Corrupt Conduct

Here is the statement of Rep. G.K. Butterfield (D-N.C.), a member of the Ethics Committee, opposing the censure by the House of Representatives, of Rep.

ferred by our committee counsel. He stated that the proper punishment, in his opinion, was between reprimand and censure.

If that be so, Mr. Speaker, it seems to me that aggravating and mitigating circumstances become important. There are mitigating circumstances, my colleagues, that you should consider that substantially outweigh any aggravating factors that you may find. In deciding whether to round up to censure or round down to reprimand, I ask you to consider a dozen factors: his age, 80 years of age; combat military service of 3 years as a volunteer; Bronze Star; Purple Heart; left on the battlefield for dead; length of legislative service here is 40 years; he requested our committee to investigate these matters; he acknowledged mistakes at an early stage, and was willing, he was willing to settle this matter without a trial; he did not participate in the evidentiary hearing.

Some of you may see that as a negative. But failing to participate in the hearing essentially admitted the essential facts of this case, precluding a long trial. He could not afford counsel after spending \$2 million, and we refused to waive the rule to allow for pro bono counsel. Over the years, he has mentored Democratic and Republican members on this floor. And he has been a person of good moral character.

These, my colleagues, are mitigating factors that support reprimand. I urge my colleagues to vote to reprimand our dear colleague. Let him know that he must be sanctioned for his carelessness, but let him know that this House understands fairness and justice and legal precedent. A censure is not justified in this case.

I thank you, Madam Chair, for the time.