

DAYTON DAILY NEWS THE CONVICTION OF REP. JAMES A. TRAFICANT JR. FRIDAY, APRIL 12, 2002

Traficant conviction prompts concern for constituents

Democratic leader: Lawmaker should quit

BY AMELIA ROBINSON AND KELLY WYNN
Dayton Daily News

Ohio delegation members expressed sadness about Thursday's conviction of Rep. James A. Traficant Jr. as well as concern for his constituents.

Traficant, 60, was convicted of all charges he faced, including racketeering, bribery, kickbacks and fraud. The nine-term Democrat, who remains free in lieu of \$60,000 bond, did not say immediately if he planned to appeal. Sentencing was set for June 27.

"It's a really unfortunate situation," said U.S. Rep. David Hobson, R-Springfield. "No one takes pleasure in his problems. Nothing is going to be decided until the appeals process is up."

Tot Strickland, D-Portsmouth, called the entire situation sad.

"I think it's especially sad for people across the years who have given him his vote," Strickland said. "I have been absolutely amazed at the significant number of people that like him. This is a difficult day for them. We should be concerned that Mr. Traficant's rights are protected and equally concerned about the needs of his constituents."

U.S. Rep. Tony Hall, D-Dayton, declined comment.

Reps. John Boehner, R-West Chester, and Pat Tiberi, R-Columbus, were traveling from Washington to Ohio on Thursday evening and could not be reached for comment.

Traficant faced up to 63 years in prison if convicted of all 10 charges he faced, though he probably would receive a much shorter term under federal guidelines. He could be fined hundreds of thousands of dollars.

He also could be expelled from the House by his colleagues, something that has happened only once since the Civil War. The House ethics committee said it will consider discipline, which includes expulsion, censure, reprimand or fines.

Under U.S. House rules, a felony conviction triggers an automatic investigation by the Committee on Standards of Official Conduct, commonly known as the ethics committee. The investigation could start anytime after a guilty verdict, even if an appeal is pending.

House Democratic Leader Richard A. Gephardt said Traficant should resign.

"At the heart of all public service is personal integrity. A member of Congress who breaks the law betrays the public trust and brings discredit to the House of Representatives," Gephardt said.

Gary Huskin, head of the watchdog group Congressional Accountability Project, said, "Congressman Traficant is no longer fit to serve in the U.S. House of Representatives. The House should expel him immediately."

This story contains information from The Associated Press. Contact Amelia Robinson at 225-2384 or amelia_robinson@coohio.com. Contact Kelly Wynn at 374-0549 or kelly_wynn@coohio.com.

Panel will search for violations

Ethics committee could urge expulsion

ASSOCIATED PRESS

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The timing in Rep. James A. Traficant Jr.'s case was unclear immediately after the verdicts. The committee said in a statement only that it will consider discipline against him.

The investigation starts with a bipartisan four-member panel charged with reviewing transcripts and evidence to see if House rules were violated. Their work is done in private and could include testimony from the convicted member.

If violations are found, a separate eight-member bipartisan panel would hold public hearings to determine whether to recommend expulsion, censure, reprimand, fines or committee removal.

Expulsion from Congress is the most severe punishment and would require the approval of two-thirds of the 435-member House.

Separate from the committee process, a member of Congress could at any time introduce a resolution calling for immediate disciplinary action, such as expulsion. Such a request must be debated and either voted on or sent to the ethics committee within two days.

Although unlikely, this request could be made even if a trial ends with an acquittal or split jury.

Members of Congress convicted of crimes

ASSOCIATED PRESS

Since the 1970s, more than a dozen congressmen have been convicted of charges ranging from tax evasion to sexual misconduct. A glimpse of some of the most high-profile cases:

- Rep. Andrew J. Hinshaw, R-Calif., was convicted in February 1976 of accepting bribes when he was Orange County tax assessor. He resigned at the end of his term.
- Rep. Charles Diggs Jr., D-Mich., was convicted in 1979 of operating a payroll kickback scheme in his congressional office. He was re-elected while awaiting sentencing and resigned in 1980.
- Rep. Michael Myers, D-Pa., was convicted in 1980 of accepting bribes from FBI agents impersonating Arab businessmen. He was expelled from the House two months later.
- Five other congressional members were convicted in the Arab businessmen scandal: Reps. John Jenrette, Jr., D-N.J.; Frank Thompson, Jr., D-N.J.; John M. Murphy, D-N.Y.; Raymond Lederer, D-S.C.; and Sen. Harrison A. Williams, Jr., D-N.J. Williams resigned from Congress as the Senate prepared to vote on his expulsion.
- Rep. Mario Biaggi, D-N.Y., was convicted in 1987 of letting a Brooklyn Democratic leader treat him to a Florida vacation. In 1988, he was convicted of extorting nearly \$2 million in the Medtech defense contractor case and resigned from Congress. He was defeated for re-election in 1992.
- Del. Felo J.F. Sunia, D-American Samoa, in 1988 pleaded guilty to defrauding the government in a "ghost" employee case. He resigned as the House ethics committee was preparing to hold a disciplinary hearing on his case.
- Rep. Mel Reynolds, D-Ill., was convicted in 1995 of sexual misconduct with an underage campaign volunteer. He resigned from the House before later being convicted of lying to obtain loans and of illegally siphoning campaign money for personal use. President Clinton commuted his sentence on the latter conviction.
- Rep. Walter Tucker III, D-Calif., was convicted in 1995 of accepting and demanding bribes while mayor of a Los Angeles suburb. He resigned from Congress a week later.

TRAFICANT: Convicted of bribery

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Traficant, 60, could also be expelled from the House by his colleagues, something that has happened only once since the Civil War.

He indicated he would represent himself if he did appeal.

"I'm not going to spend half a million dollars for the same decision," he said.

Traficant contended the government came after him because he beat the FBI in a racketeering case 19 years ago, when he was a Mahoning County sheriff accused of taking mob money. He was elected the next year to the House, where he quickly became known for his unruly hair, loud wardrobe and tempestuous floor speeches in which he railed against federal agencies, from the Justice Department to the IRS. The rants often ended with an exasperated "Beam me up!"

During the trial, Traficant roared at the judge, crudely questioned the prosecutor's manhood and used barnyard epithets to describe what he thought of the government's case.

Among the charges against Traficant were filing false tax returns, receiving gifts and free labor from businessmen for his political help and taking cash kickbacks and free labor from staff.

Prosecutors argued that several Youngstown businessmen provided free work on the congressman's household and horse farm, and Traficant, in exchange, lobbied state and federal regulators on their behalf.

They also said he required some staff members to pay him a portion of their salaries and others to work at his farm on government time.

Traficant represented himself, though he is not an attorney and often was chastised by the judge for not following procedure. Throughout the 10-week trial, he shouted at witnesses, government attorneys and the judge. At one point, he stormed out of the courtroom to retrieve a witness.

"Goodbye, congressman," U.S. District Judge U.S. District Judge Lesley Wells said to his empty chair.

By Traficant's own admission, the trial was no "walk in the park." His cross-examinations were random and frequently self-destructive. He promised to haul a 600-pound welding machine into court and insisted it was never offered to him as a bribe. It never showed up and Traficant later said the government had stolen it.

Prosecutors, meanwhile, called 55 witnesses to testify against Traficant and submitted as evidence bank records showing large cash deposits to his accounts and a briefcase full of cash that one witness said the congressman asked him to hide.

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jerwilliamsauthor
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