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A Legacy of Ethics from the “Conscience of the Senate”

Founding fathers and authors, for example, of The Federalist Papers, spent little time on the issue of ethics. Integrity in a century of recognition of “natural law” was something seemingly inborn. Thus began the long and distinguished history of the United States’ upper and lower legislative chambers.

Ethics have always been an important part of assuring the integrity and honor of the our houses of Congress. But the conflicts of the 20th century brought attention to government dealings that were more focused in two distinct ways. First, stakes became higher in the economic sense. Second, the media became a more ferocious watchdog for impropriety. The notoriety of the investigation and censure of Senator Joseph McCarthy is a keen example of the attention brought to ethical behavior by the media. Senator Stennis served on the ad hoc committee investigating, and ultimately, calling for the censure of Senator McCarthy. As the ethical conflicts of the 20th century increased in number and volubility, the chamber itself began to believe that an unwritten ethical formulation was not sufficient.

For most of the Senate’s history, the ethics code had been an unspoken tradition. In 1964, ethics became a more highly regulated affair. A leading force behind the ethics reform in Congress was the man known as the Conscience of the Senate, Senator John C. Stennis, then junior Senator from Mississippi. Senator Stennis penned the first version of the Senate’s Code of Ethics and served as Chair of the Senate Ethics Committee and the first Ethics Code were established in the 1960s. The focus of this brief centers on Stennis’ contribution to the Senate’s Code of Ethics.

The Senate’s first official committee on ethics was formed by Senate Resolution 338 in July 1964. Prior to that, ethics violations were handled on an ad hoc basis which required the formation of special committees charged with specific problems. With the formation of a new ethics committee, officially named the Senate Select Committee on Standards and Conduct, ethics in the Senate had a permanent oversight body. According to John Stennis, “[a]s soon as [the select committee] organized in late 1965, at our own initiative we set about writing some rules...” The committee was soon side tracked by “...a massive investigation that resulted in the censure of a Senator a year and a half later...” and then “...numerous allegations against a second Senator.”

After handling the investigations thrust upon it in 1965, the select committee resumed work on the issue of rules of conduct. By 1968, the Committee on Standards and Conduct presented “...to the Senate a resolution containing four new rules of conduct”, offered Stennis. After debate that lasted five days, the Senate adopted the resolution which became the Senate’s first Code of Ethics. As Chairman, Stennis is credited with writing the Senate’s ethics code; while he had available input from members of the select committee and others, the result is “pure Stennis”. Introducing the code is a preamble that was later printed in the Senate Manual. This preamble captures Stennis’ personal ideals:

“The ideal concept of public, office, expressed by the words, ‘A public office is a public trust’, signifies that the officer has been entrusted with public power by the people; that the officer holds this power in trust to be used only for their benefit and never for the benefit of himself or of a few; and that the officer must never conduct his own affairs so as to infringe on the public interest. All official conduct of Members of the Senate should be guided by this paramount concept of public.”



The first major investigation undertaken by the Committee on Standards and Conduct reviewed the finances of Democratic Senator Thomas Dodd.

(Thomas Dodd is the father of current US Senator of Connecticut and former Democratic Presidential Candidate Christopher Dodd.) Dodd had gained initial media attention as a member of the American prosecution team of Nazi war criminals at the Nuremberg trials. In 1952, Dodd was first elected to the House of Representatives serving two terms. In 1956 he ran unsuccessfully for Senate against Prescott Bush, grandfather of the President. In 1958, Senator Dodd was elected to serve along side Senator Bush as the Junior Senator from Connecticut. He was subsequently reelected in 1964. In 1967, following accusations of impropriety, a 16 month long investigation into these allegations began. According to a article in Time Magazine, "the committee selected just four stones to hurl at [Dodd]...[i]t accused him of accepting \$8,000 from the International Latex Corp., of taking Senate travel funds for 13 trips also paid for by private organizations and his own campaign kitty, of accepting free use of automobiles supplied by a constituent for 21 months, and of diverting campaign funds to his personal use..." The report handed down by the Standards and Conduct Committee would result in the introduction of Senate Resolution 112 calling for the censure of Senator Dodd. The Resolution stated that "...for having engaged in a course of conduct over a period of five years from 1961 to 1965 of exercising the influence and power of his office as a United States Senator...to obtain, and use for his personal benefit, funds from the public through political testimonials and a political campaign, deserves the censure of the Senate." On June 23 of 1967 following 9 days of debate, the Resolution passed by a vote of 92 to 5. Thomas Dodd became only the seventh Senator, at the time, to be censured. Dodd ran as an Independent in 1970, losing to Republican Lowell Weicker. The Dodd Censure was the first censure of a colleague resulting from actions of the Committee on Standards and Conduct.



Senator Thomas Dodd

According to Stennis, in writing the first ethics code the committee relied on four general guidelines: 1) "to deal with practical and actual situations, not with theoretical or imagined ones, and to provide workable procedures to head off trouble"; 2) "not...to interfere with a Senator's constitutional and legal duties, nor... to displace the electorate in judging his performance"; 3) "to heed the lessons of the two major investigations...just handled as well as another major investigation conducted by the Rules committee just before [the Committee on Standards and Conduct] came into existence"; and 4) "to measure what we thought the Senate would accept". Examining these guidelines today, we admit of their simplicity, breadth and judiciousness; the Senator was, from his years as a judicial officer in the State of Mississippi, a most judicious man, careful to respect the rights of individuals and to pair them with care and sophistication to the rights necessary to protect the democracy which we all should serve.

Stennis was Chairman of the Select Committee on Standards and Conduct from its creation until 1974. Senator Howard Cannon of Nevada took over as chair, serving until 1977, when the Select Committee on Standards and Conduct was replaced by the Senate Select Committee on Ethics, a standing committee which exists to this day.

The Senate Code of Conduct is the ethical rules imposed on all Senators and their staffs by the Senate Ethics Committee.

The Senate Select Committee on Ethics, like its predecessor, is made up of six members, three from each party with the Chairman coming from the majority party and the Vice Chairman coming from the minority party. In 1977, a Senate Special Committee on Official Conduct was formed to write a new ethics code for the Senate. In his statements before that committee, John Stennis provided the advice for the committee that "the public disclosure of personal financial interests is an idea whose time has come but we must be extremely zealous in our efforts to insure that we strike the right kind of balance between public duty and private right." He, also, cautioned "...[the committee] not...[to] believe that you can come up with a code that will be the panacea of all ethical evils...[n]o matter how perceptive and foresighted [the committee is], unforeseen situations will arise in the future."

In April 1977, the Senate adopted a new ethics code. Amendments to the proposed ethics code concerning the financial disclosure rules were jointly offered by Democrats Edmund Muskie and Birch Bayh and Republicans Bob Dole and Bob Packwood. With the passing of Senate Resolution 110, the new Senate Code of Official Conduct was accepted by the upper house of Congress. Several changes have been made since, the most recent being the Honest Leadership and Open Government Act of 2007. With the formation of the Select Committee on Standards and Conduct, Senate ethics became an obvious priority for Congressional leadership.

Currently the Senate Code of Conduct and the Select Committee on Standards and Conduct guide Senators and their staffs on the standards of appropriate and legal behavior associated with their offices. The financial disclosure rules adopted initially in the mid 70s require everyone employed by the Senate to provide annual financial reports. However, prior to the disclosure rules for-



Senator Pete Williams

mulated by Senators Muskie, Bayh, Dole and Packwood, Stennis had issued a memo (1969) to all Senators instructing them of the responsibilities of financial disclosure which included two reports on personal financial interests. One report, submitted to the Comptroller General, required the submission of income tax returns as well as a statement of income, holdings, and debts, which was confidential. A second report, due to the Secretary of the Senate, contained a statement of contributions accepted and honorariums received; this information was available to the public. The details of these reports were outlined in Senate Rules 41, 42, and 44.



Senator Herman Talmadge

Currently, the Senate's rules ban, among other things, payment of fees for speeches or appearance made by members of the Senate or their employees. Senate travel limitations restrict private sources from paying for official trips. Senate staffers are restricted from having outside employment or receiving money from private sources that may conflict with the interests of their positions with the Senate. Staff can not participate in any campaign activities except on a voluntary basis. Mail franking can only be used for official purposes. (Franking is similar

to metered mail, and is provided to all Senators for official business.) Senators and their staff are also limited in the manner in which they may intervene in the regular operations of government agencies. Due to the complicated and extensive nature of the ethics rules, the Senate Ethics Committee provides seminars on proper procedure.

Currently, gifts are limited to under \$50 with a maximum of \$100 per year from a single source, with some exceptions as prescribed in Rule 35 of the Senate Rules. In 1984, Rule 35 limited gifts to under \$100 while the Foreign Gifts and Decorations Act limited gifts from foreign governments to under \$165.

The Dodd investigation was the only major investigation resulting in formal action by the Senate during Stennis' tenure as Standards and Conduct Chair. During his four decades on the hill two additional Senators were censured:: Pete Williams of New Jersey and Herman Talmadge of Georgia.

Senator Stennis was not directly involved in the investigations of Senators Williams or Talmadge; however, his congressional papers on file with the Mississippi State University Libraries' Congressional and Political Research Center are replete with newspapers clippings, correspondence and other memoranda indicative of his personal interest in the outcomes.

Ethics in the Senate have evolved in numerous ways from their beginnings and remain an integral part of Senate conduct. The violations of Senate ethics by some members are as much a part of the ethical history of the Senate as the upstanding ethical reputation of other members. By serving as the first chairman of the Senate Committee on Standards and Conduct and being chief author of the Senate's first ethics code, John Stennis left a definite mark on professional conduct and ethics in Congress. This contribution is just another way in which John Stennis contributed to Mississippi and the nation.

Other Notable Censures

Senator Pete Williams was elected to the senate in 1958. He stood successfully for reelection three subsequent times.. In the late 1970s, as a result of the FBI's ABSCAM operation, five U. S. Representatives, members of the Philadelphia City Council, an inspector with the Immigration and Naturalization Service and Senator Williams were indicted. Senator Williams entered into a plot with the undercover FBI agents who posed as representatives of an Arab Sheik. The bargain struck between the Senator and the operatives revolved around a mining operation: the Senator would steer government contracts toward the venture; the Senator's lawyer would receive stock in the mining operation. Indicted in October 1980, Williams was convicted in May 1981 on nine counts of bribery and conspiracy to use his office to aid business ventures. In response to the allegations, the Senate Ethics Committee investigated and recommended to the Senate that Williams be censured and expelled for the Senate for 'ethically repugnant behavior'. The Senate voted to censure Williams; before the vote on expulsion came up, Williams resigned his position. He served two years of a three year sentence, becoming the first Senator in 80 years to serve time in prison. He was later denied a Presidential Pardon from President Bill Clinton before his death in November 2001. In 1956, Herman Talmadge was elected as a Democratic Senator of Georgia. He was reelected to four consecutive terms.. In the early 1970s, he served on the Senate Watergate Committee that investigated President Richard Nixon, insuring that his name and face was known by American households. Unfortunately, the notoriety he gained in the Watergate Committee hearings turned to ignominy when, in the late 1970s following accusations of financial misconduct, the Senate Ethics Committee began an investigation into his financial dealings. In October 1979, the Senate voted 81-15 to censure Talmadge on the grounds that between 1973 and 1978 he received over \$43,000 in reimbursements of official expenses that he never incurred. Talmadge became the eighth Senator in U. S. history to be censured -- the

third during Stennis' Senate career. Senator Talmadge ran for reelection in 1980, narrowly defeating Zell Miller in the Democratic primary and eventually losing to Mack Mattingly in the general election.

About the Author

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Luke Fowler is a Graduate Assistant at the Mississippi State University Library and the John C. Stennis Institute of Government. As a Graduate Assistant, Luke conducts primary research into the congressional papers and political papers located at the Congressional and Political Research Center of the Mississippi State University Library and produces scholarly papers on specific topics related to the extensive career of Mississippi political figures. Luke holds a B.A. in Political Science from the University of Southern Mississippi, and is currently working on his M.A. in Political Science at Mississippi State University. He finished his undergraduate degree in two and one-half years, graduating from Southern Miss at 19 years old. At Mississippi State, he is receiving training in Geographical Information Systems in complement to his political education. As a member of the Stennis-Montgomery Association, Luke worked as a volunteer at the 2007 debates for both the Governor and the Commissioner of Agriculture. In addition to his scholastic activities, Luke is an alumnus of Pi Kappa Phi fraternity, a certified SCUBA diver, and an avid participant in outdoor activities. Following graduation, Luke plans to continue his education at the doctoral level.

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Quarles remains active in bar work, and currently chairs the Women in the Profession Committee, a standing committee of the Mississippi Bar. She also serves as co-chair of the Mississippi Supreme Court's "Gender Fairness Implementation Study Committee" and acts as the Chief Operating Officer of the Workers' Compensation Section of the Mississippi Bar. She is a fellow of the Mississippi Bar Foundation, a recipient of the Mississippi Bar's Distinguished Service Award, a member of the Mississippi School for Math and Science Foundation Board and a member of the MUW Alumni Board. Quarles was recently honored by the American Bar Association's Administrative Law and Regulatory Practice Section, receiving the Mary C. Lawton Award for lasting contributions to the Mississippi Workers' Compensation Commission in the areas of alternative dispute resolution and access for Hispanic workers. In 2004, Quarles was named one of Mississippi's 50 Leading Business Women by the Mississippi Business Journal; the Journal recognized her service to the State as a Commissioner as well as entrepreneurial skills developed in her property management business in Starkville, Spruill Property Management, LLC.

About the Institute



Elected to the United States Senate in 1947 with the promise to "plow a straight furrow to the end of the row," John C. Stennis recognized the need for an organization to assist governments with a wide range of issues and to better equip citizens to participate in the political process. In 1976, Senator Stennis set the mission parameters and ushered in the development of a policy research and assistance institute which was to bear his name as an acknowledgment of his service to the people of Mississippi.

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