

Vote to expel fails by 10 votes

By Robert Whereatt
Staff Writer

The House of Representatives censured Rep. Randy Staten Thursday, after an attempt to expel him failed by 10 votes.

The censure also carries sanctions that require the Minneapolis DFLer to contribute 18 percent of his legislative salary for the rest of the year — about \$3,000 — to a nonprofit chemical dependency program and to donate 100 hours of community service in a chemical dependency program.

It is believed to be the first time in the state's 128 years that a legislator has been publicly censured by his colleagues.

The censure is an expression of rebuke. It questions Staten's judgment, and it states that his actions were inappropriate to his office and hurt public confidence in the Legislature. It does not affect his ability to vote or continue his term.

The unique proceeding caused the rhythm of the Capitol to change yesterday. House-Senate conference committees stopped as House members stayed in the chamber. Lobbyists drifted to the Senate side of the Capitol, where the Senate remained in session but interested onlookers and friends and supporters of Staten

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crowded outside the House chamber and jammed the gallery.

The attempt to expel Staten, the only black member of the Legislature, failed 80-52. Ninety votes — two-thirds of the House — were required to expel him. Staten was not permitted to vote on the proceedings, which lasted more than five hours.

"It's a badge of courage to be the first person in the history of Minnesota to allow the House to establish standards by which to judge its members," Staten told reporters after the proceedings.

One attempt to censure Staten failed earlier yesterday. But when the vote to expel him fell short, the House reconsidered and finally voted 99-31 to censure.

Several members protested the second censure vote. "This body has spoken," said Rep. Terry Dempsey, IR-New Ulm, after the expulsion and first censure votes had failed. Dempsey had favored expulsion.

Staten, too, said the second vote on censure should not have been taken. "I feel somewhat disappointed in the call for the second vote when they already voted once."

In a plea for compassion before the voting began, Staten apologized to his colleagues. "If I have caused you pain, I'm sorry," he told the House.

Staten, serving his third term, told

his colleagues in a dramatic speech, that he went to his family, asked and received forgiveness. Next he went to his north Minneapolis community and asked to be forgiven.

"Then I came to the House of Representatives," he said, plainly seeking reprieve from expulsion.

There can be few times when the House chamber, its galleries filled, was so orderly, so attentive, so hushed. Most male members wore their suit coats, a departure from the shirt-sleeves so common during long floor debates.

Staten had pleaded guilty earlier in the year to writing checks on a closed account. Seventy-six checks for more than \$8,200 were passed before criminal charges were brought.

Staten said the checks were written during a period of about two months last year when he suffered a relapse in chemically dependency, for which he was being treated. He began making restitution for the checks before criminal charges were brought against him by the Hennepin County Attorney's Office.

In addition, the Minnesota Ethical Practices Board alleged that Staten over several years had filed incomplete and late campaign expense reports, depriving citizens of knowing where he received his contributions or how they were spent.

Advocates of expulsion contended that Staten had violated standards of conduct expected of House members and that the extreme punishment was appropriate.

"Legislators are different," said Rep. Gerald Knickerbocker, IR-Hopkins. "You ran for office. You're here. You have a public trust. . . . It may not be fair, but we're different. . . . We have to hold our members accountable."

Knickerbocker said failure to expel Staten "will make us less of an institution than we were yesterday. I don't think we have a choice."

Enough members disagreed to prevent expulsion. Nineteen DFLers joined 61 Independent-Republicans to vote for expulsion. Eight Indepen-

dent-Republicans and 44 DFLers voted against it.

Of Staten's 12 DFL colleagues representing districts in Minneapolis, five voted to expel him.

At one point in the emotional discussion, Rep. John Burger, IR-Long Lake, asked Staten to resign to save him and other members the agony of acting as judge and jury.

"If you do that, we won't have to go through this trial and tribulation," Burger said. "You're the biggest man in the House if you'll resign and get me off the hook."

While those who favored expulsion spoke of setting standards for House members, those who favored censure contended that it was more ap-

propriate to Staten's actions.

"The kind of felonies that one ought to lose his office for are infamous crimes, crimes of treason, capital crimes, abuse of his office," said Rep. Charles Halberg, IR-Burnsville.

Rep. John Brandl, a fellow Minneapolis DFLer, favored expulsion. He disagreed that Staten should contribute part of his salary. That amounts to a fine "and suggests that dishonor can be paid for with money," he said.

Besides withholding salary and donating community service, the censure requires Staten to continue chemical dependency treatment. It also requires him to return public financing if he fails to file disclosure reports on time.

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