

The House slows its roll on punishing members — for now

Analysis by [Aaron Blake](#)
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There is no question that a confluence of circumstances has recently rendered our political system — especially the Republican Party — much more punitive.

Impeachment resolutions are at historic highs. Formal censure is wielded in ways it rarely has been. Members of Congress are increasingly being removed from committees.

Perhaps recognizing where this is headed, the House on Wednesday night took at least a momentary step to lower the temperature.

Measures to expel indicted Rep. George Santos (R-N.Y.) for his various exploits and to censure Rep. Rashida Tlaib (D-Mich.) for her comments about Israel failed. And in each case, a surprising number of members from the other party helped defeat them.

In total, 46 House Democrats voted either against expelling Santos (31) or “present” (15). That left the vote well shy not only of the two-thirds needed to expel him, but even of a majority of the House. (Twenty-four Republicans voted to expel Santos.)

On the Tlaib censure resolution, 23 Republicans crossed party lines in voting to table it. That effectively killed the measure, despite Republicans controlling the chamber and the vote needing only a bare majority.

Both votes suggest a more cautious approach to these matters than we’ve seen lately.

Democrats tried to expel Santos in May, before House GOP leadership moved to instead refer the expulsion resolution to the House Ethics Committee. All but seven Democrats rejected that move — what the party labeled an attempt to protect Santos (the seven voted “present”).

But on Wednesday, several Democrats who had voted against referring the matter to the Ethics Committee nonetheless voted against expelling Santos — while citing the need to allow that same ethics process and/or Santos’s criminal case to run its course.

(The committee said this week that it would make some kind of announcement by Nov. 17.)

- “I’m a Constitution guy,” Rep. Jamie Raskin (D-Md.) said. “The House has expelled five people in our history, three for joining the Confederacy as traitors to the Union and two after they were

convicted of serious criminal offenses. ... This would be a terrible precedent to set, expelling people who have not been convicted of a crime and without internal due process.”

- “I first and foremost recognize the importance of due process and believe that it is essential to uphold the rights of all individuals, including those serving in public office,” Rep. Gwen Moore (D-Wis.) said.
- “The House would set a dangerous precedent if we expelled a member without allowing one of these processes to conclude,” said Rep. Katie Porter (D-Calif.), who said that she otherwise supports censuring Santos and that he should resign.
- “Neither the Ethics Committee nor the courts have finished adjudicating this. In this country, one is presumed innocent until PROVEN guilty. No exceptions,” Rep. Jim Himes (D-Conn.) added on X, while acknowledging that his vote would be “unpopular.”

The vote on Tlaib, who recently accused Israel of “genocide” and blamed it for a hospital blast in the Gaza Strip that the U.S. government says Israel wasn’t responsible for, appeared to present a similar pulling back by the House.

It was just a few months ago that nearly all House Republicans voted to censure Rep. Adam B. Schiff (D-Calif.) for his comments about Donald Trump and the investigation into Russian interference in the 2016 election. No Republicans voted against it, and just six voted “present.”

When a Democratic-controlled House in 2021 censured Rep. Paul A. Gosar (R-Ariz.) for posting a video depicting violence against Democrats, all Democrats voted for it (as did two Republicans).

Several of the 23 Republicans who voted to kill the Tlaib resolution expressed reservations about punishing her speech, even as they emphasized they found it abhorrent.

“Censure is a tool that the House must use with caution,” Rep. John Duarte (R-Calif.) said. “I fear this may be weaponized in the future to silence those who have divergent views.”

“As much as I disagree with previous comments made by Rep. Tlaib, First Amendment liberties are for every American,” Rep. Tim Walberg (R-Mich.) said. He added, “I will support this constitutional right whether the speaker is on the political left or right and whether they are speaking heinous lies or harsh truths.”

“Free speech means protecting even the speech you don’t like,” Rep. Thomas Massie (R-Ky.) said.

Some of the concerns with Tlaib’s potential censure went beyond mere free speech. Massie, Rep. Richard McCormick (R-Ga.) and Rep. Chip Roy (R-Tex.) each also took issue with the text of the resolution, which was drafted by Rep. Marjorie Taylor Greene (R-Ga.). It included both heavily loaded language and the claim that Tlaib was “leading an insurrection” by demonstrating with pro-Palestinian protesters at the U.S. Capitol complex last month.

(This is false. Roy called it a “feckless resolution” that was “deeply flawed and made legally and factually unverified claims.”)

But on the whole, the concerns seemed largely to revolve around not wanting to punish a member's speech. This despite Republicans voting almost in unison in June to censure Schiff for his speech about the Russia probe.

The situations aren't completely analogous; Republicans also accused Schiff of abusing his post as then-chairman of the House Intelligence Committee in making those comments about the Russia probe.

But if the standard for these members is truly "we shouldn't censure people for speech," the House has raised the bar — it was significantly lower for recent censures, including Gosar's.

Combined with the Santos vote — and perhaps because votes against a member of each party came at the same time — Wednesday's outcome suggests that a significant number of House members are queasy about where the chamber has been headed in these matters. Schiff became the first member in modern history to be censured on a purely party-line vote, and it resulted in a raucous scene on the House floor.

That doesn't mean the fever has broken. Nor does it mean Santos won't ultimately be expelled; Democrats and even some Republicans who voted "no" could still vote to expel him after the Ethics Committee weighs in — while emphasizing that they at least waited for more due process. But he might be safer today than he appeared last week.

For now, the House took a noticeable bipartisan step back in its desire to police its own.

We'll see if it lasts.