

## B. Resignation of a Member From the House

### § 3. Procedures and Forms

A Member customarily resigns from the House by transmitting a letter of resignation directly to the executive authority of the Member's State and customarily informs the House that he has done so by letter to the Speaker, the latter communication being satisfactory evidence of the Member's resignation.<sup>(1)</sup>

1. 2 Hinds' Precedents §§ 1167–1176; 1 Hinds' Precedents § 567. When the executive authority of the State concerned takes cognizance of a resignation, that executive declares a vacancy and issues a writ of election to fill it. U.S. Const. art. I, § 2, clause 4; Ch. 8, § 9, *supra*.

The House in the 108th Congress changed Rule XX clause 5 to codify the longstanding practice that the whole number of the House is reduced when a vacancy arises. The change also provided that the Speaker announce such reduction (without appeal) and lay before the House any documentation he might deem pertinent. See 149 CONG. REC. 9, 10, 108th Cong. 1st Sess., Jan. 7, 2003. The House also adopted changes to Rule I clause 8(b), *House Rules and Manual* § 632 (2007) for the event of a vacancy in the Office of Speaker. See Ch. 38, §§ 1, 2.2, *infra*.

### *Resignations Submitted to the Executive Authority of a State; Procedure*

**§ 3.1 A Member properly submits his resignation from the House to an official designated by State law and simply informs the House of his doing so, the latter communication being satisfactory evidence of the resignation,<sup>(1)</sup> and the Speaker lays before the House a letter from a Member transmitting a copy of his resignation by letter to the executive authority of his State.**

On Jan. 20, 2004,<sup>(2)</sup> the following proceedings occurred:

#### RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 14, 2004.*

Hon. DENNIS HASTERT,  
*Speaker, House of Representatives,*  
*Capitol Building, Washington, DC.*

DEAR MR. SPEAKER: Enclosed is a copy of my official resignation letter that was sent to the Governor of South Dakota and the SD Secretary of State.

1. 1 Hinds' Precedents § 567.
2. 150 CONG. REC. 65, 108th Cong. 2d Sess.

I will be resigning from the House of Representatives effective 11:59 p.m. on January 20, 2004.

Please let me know if there are any further formalities which I must perform or accomplish to effectuate this resignation.

Thank you for all the courtesies you have extended to me and the people of South Dakota.

Sincerely,  
WILLIAM J. JANKLOW.

Enclosure.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, January 14, 2004.*

Hon. MIKE ROUNDS,  
*Governor of South Dakota,  
Pierre, SD.*  
Hon. CHRIS NELSON,  
*Secretary of State,  
Pierre, SD.*

DEAR GOVERNOR ROUNDS AND SECRETARY OF STATE NELSON: I wish to inform you that because of present circumstances, I am and will be unable to perform the duties incumbent upon me in representing the people of South Dakota as their US Representative.

Therefore, I wish to inform you that I will resign from the House of Representatives effective 11:59 p.m. on January 20, 2004.

Representing the people of South Dakota in all the capacities that I have over the years has brought a treasure of memories and friends. This includes the year I have spent in the US House.

I am thankful to the people of South Dakota for the courtesies they have shown me.

Sincerely,  
WILLIAM J. JANKLOW.

On Sept. 11, 1991,<sup>(3)</sup> the Speaker laid before the House a commu-

3. 137 CONG. REC. 22616, 102d Cong. 1st Sess.

nication from a Member resigning his seat in the House.

WASHINGTON, DC,  
*September 11, 1991.*

Hon. THOMAS S. FOLEY,  
*Speaker, U.S. Capitol, Washington,  
DC.*

DEAR MR. SPEAKER: By the attached letter to Governor Robert P. Casey, I have tendered my resignation as a Representative in Congress for the 2nd Congressional District of Pennsylvania effective at the close of business September 11, 1991.

Sincerely,  
WILLIAM H. GRAY, III  
*Member of Congress.*

On Sept. 8, 1982,<sup>(4)</sup> Speaker pro tempore Melvin Price, of Illinois, laid before the House a communication from a Member resigning his seat in the House.

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., August 25, 1982.*

Hon. THOMAS P. O'NEILL, Jr.  
*Speaker of the House of Representatives,  
Washington, D.C.*

DEAR MR. SPEAKER: It is with considerable and understandable regret and deep sadness that I submit my resignation as a Representative of the 14th Congressional District of New York. Copy of my statement is enclosed.

All good wishes.

Yours sincerely,  
FRED RICHMOND.

4. 128 CONG. REC. 22856, 97th Cong. 2d Sess.

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., August 25, 1982.*

Hon. HUGH CAREY,  
*Governor, State of New York,  
New York, N.Y.*

DEAR MR. GOVERNOR: It is with considerable and understandable regret and deep sadness that I submit my resignation as a Representative of the 14th Congressional District of New York. Copy of my statement is enclosed.

All good wishes.

Yours sincerely,

FRED RICHMOND.

On June 3, 1980,<sup>(5)</sup> the Speaker laid before the House a communication from a Member resigning his seat in the House.

JUNE 3, 1980.

Hon THOMAS P. O'NEILL, JR.  
*Speaker of the House,  
House of Representatives.*

DEAR MR. SPEAKER: I hereby resign from the Office of the Representative for the 13th Congressional District of Michigan, effective immediately.

In further compliance with applicable statutes, I have also sent the same letter of resignation to the Honorable William Milliken, Governor of the State of Michigan.

Sincerely,

CHARLES C. DIGGS, Jr.

On Sept. 3, 1975,<sup>(6)</sup> the Speaker laid before the House a commu-

5. 126 CONG. REC. 13005, 96th Cong. 2d Sess.

6. 121 CONG. REC. 27201, 94th Cong. 1st Sess.

nication from a Member resigning his seat in the House, as follows:

WASHINGTON, D.C., *August 14, 1975.*

Hon. RAY BLANTON,  
*Governor, State of Tennessee,  
Nashville, Tenn.*

DEAR GOVERNOR BLANTON: This is to respectfully inform you that I am hereby resigning my seat as Tennessee's Fifth District Representative to the United States House of Representatives effective this date.

Sincerely,

RICHARD H. FULTON.

SEPTEMBER 3, 1975.

Hon CARL ALBERT,  
*Speaker, U.S. House of Representatives  
2205 Rayburn Building  
Washington, D.C. 20515*

DEAR MR. SPEAKER: On August 14, 1975, I transmitted my letter of resignation from the U.S. House of Representatives, Fifth Congressional District of Tennessee to Honorable Ray Blanton, Governor, State of Tennessee.

Respectfully,

RICHARD H. FULTON.

On Jan. 23, 1969,<sup>(7)</sup> Speaker John W. McCormack, of Massachusetts, laid before the House the following resignations:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., January 21, 1969.*

Hon. JOHN W. MCCORMACK,

7. 115 CONG. REC. 1571, 91st Cong. 1st Sess.

*Speaker of the House of Representatives.*

SIR: I beg leave to inform you that I have this day transmitted to the governor of Wisconsin my resignation as a Representative in the Congress of the United States from the 7th district of Wisconsin.

MELVIN R. LAIRD.<sup>(8)</sup>

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RESIGNATION OF A MEMBER  
FROM THE HOUSE

The SPEAKER laid before the House the following communication:

HOUSE OF REPRESENTATIVES,  
*Washington, D.C., January 21, 1969.*

Hon. JOHN W. McCORMACK,  
*House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: Please consider this my formal resignation from the House of Representatives of the Congress of the United States in which I have served for the past four years as the Member from California's 27th District. This resignation is to be effective at the close of business, January 21, 1969. As you know, the reason for this resignation is that I have accepted the position of the Lieutenant Governor of California.

At this time, I would like to take this opportunity to thank you and all

8. *Parliamentarian's Note:* Rep. Laird's nomination to be Secretary of Defense had been approved by the Senate on Jan 20, 1969 (Senate Legislative Day of Jan. 10, 1969). See § 5.11, *infra*, for further information regarding the timing of Mr. Laird's resignation.

of my colleagues for your kindnesses, for your cooperation, and above all for the privilege of knowing and working in this, the greatest legislative body in the world.

Kindest personal regards.

Sincerely,

ED REINECKE,  
*Member of Congress.*

On May 4, 1964,<sup>(9)</sup> the Chair laid before the House communications which the Clerk read as follows:

MAY 1, 1964.

Hon. JOHN McCORMACK,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I hereby resign my office as Representative in the Congress of the United States from the Fifth District of South Carolina.

I beg leave to inform you that I have this day transmitted to the Governor of South Carolina my resignation as Representative in the Congress of the United States from the Fifth District of South Carolina.

With great respect, I remain, your obedient servant,

ROBERT W. HEMPHILL.

MAY 1, 1964.

His Excellency DONALD S. RUSSELL,  
*Governor of South Carolina.*

SIR: I hereby tender my resignation as a Member of the House of Representatives in the Congress of the United States from the Fifth District of South Carolina.

ROBERT W. HEMPHILL.

9. 110 CONG. REC. 9946, 88th Cong. 2d Sess.

On June 19, 1952,<sup>(10)</sup> the Speaker laid before the House the following communications, which were read by the Clerk:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES  
*Washington, D. C., June 18, 1952.*

HON. SAM RAYBURN,  
*Speaker of the House of Representatives, Washington, D. C.*

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the Governor of Texas my resignation as a Representative in the Congress of the United States from the Seventh District of Texas, effective midnight June 30, 1952.

A copy of my letter to the Governor is enclosed herewith.

Respectfully yours,  
TOM PICKETT,  
*Member of Congress.*

[Enclosure.]

HOUSE OF REPRESENTATIVES,  
*Washington, D. C., June 18, 1952.*

HON. ALLAN SHIVERS,  
*Governor of Texas, Austin, Tex.*

DEAR GOVERNOR: I hereby tender to you my resignation as a Member of the House of Representatives in the Congress of the United States from the Seventh District of Texas, effective midnight, June 30, 1952.

Respectfully yours,  
TOM PICKETT,  
*Member of Congress.*

10. 98 CONG. REC. 7661, 82d Cong. 2d Sess.

On May 12, 1938,<sup>(11)</sup> the Speaker laid before the House the following notice of resignation:

WASHINGTON, D. C., *May 11, 1938.*

Hon. WILLIAM B. BANKHEAD,  
*Speaker, House of Representatives, Washington, D. C.*

MY DEAR MR. SPEAKER: I beg to inform you that I have this day transmitted to the Governor of Kentucky my resignation as a Representative in the Congress of the United States from the Eighth District of Kentucky, effective May 12, at 10 o'clock a. m. eastern standard time.

With kindest regards,

I am truly,  
FRED M. VINSON.

**Resignations Submitted to House; Procedure**

**§ 3.2 A resignation submitted in the first instance to the Speaker is laid before the House and spread upon the Journal, and the executive authority of the State is notified of the vacancy if this has not already been done by the Member.**

On Apr. 22, 1991,<sup>(1)</sup> Speaker pro tempore Dale E. Kildee, of Michigan, laid before the House a resignation submitted by a Member

11. 83 CONG. REC. 6775, 75th Cong. 3d Sess.

1. 137 CONG. REC. 8742, 102d Cong. 1st Sess.

to the Speaker rather than to the executive authority of his State, a copy of the letter to the Speaker having been transmitted to the Governor.

HOUSE OF REPRESENTATIVES  
*Washington, DC, April 19, 1991.*

Hon. THOMAS S. FOLEY,  
*Speaker of the House, The Capitol,  
Washington, DC.*

DEAR MR. SPEAKER: I hereby resign the office of Representative for the Second Congressional District of Arizona, effective May 4, 1991.

Sincerely,  
MORRIS K. UDALL.

cc: Gov. Fife Symington.

On Aug. 8, 1988,<sup>(2)</sup> Speaker pro tempore Paul E. Kanjorski, of Pennsylvania, laid before the House a telefacsimile of a letter from a Member informing the House of his resignation.

HOUSE OF REPRESENTATIVES  
*Washington, DC, August 5, 1988.*

Hon. JIM WRIGHT,  
*Speaker of the House of Representatives,  
H204, The Capitol, Washington, DC.*

DEAR MR. SPEAKER: I hereby resign as the Representative from the 19th Congressional District, effective immediately.

Sincerely,  
MARIO BIAGGI,  
*Member of Congress.*

2. 134 CONG. REC. 21026, 100th Cong. 2d Sess.

HOUSE OF REPRESENTATIVES  
*Washington, DC, August 5, 1988.*

Hon. MARIO CUOMO,  
*Governor of the State of New York,  
Executive Chambers, Albany,  
NY.*

DEAR GOVERNOR CUOMO: I hereby resign as the Representative from the 19th Congressional District, effective immediately.

Sincerely,  
MARIO BIAGGI,  
*Member of Congress.*

On Mar. 9, 1982,<sup>(3)</sup> Speaker pro tempore Dale E. Kildee, of Michigan, laid before the House a resignation submitted by a Member to the Speaker rather than to the executive authority of his State.

WASHINGTON, D.C.,  
*March 5, 1982.*

Hon. THOMAS P. O'NEILL, Jr.,  
*The Speaker,  
House of Representatives,  
Washington, D.C.*

DEAR MR. SPEAKER: I hereby resign my office as a Representative in Congress from the 30th Congressional District of California effective at 12 o'clock Noon on Tuesday, March 9, 1982.

Very truly yours,  
GEORGE E. DANIELSON,  
*Member of Congress.*

On Apr. 29, 1981,<sup>(4)</sup> the Speaker laid before the House a resignation submitted by a Member to

3. 128 CONG. REC. 3557, 97th Cong. 2d Sess.

4. 127 CONG. REC. 7815, 97th Cong. 1st Sess.

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the Speaker rather than to the executive authority of his State.

WASHINGTON, D.C., *Apr. 29, 1981.*

Hon. THOMAS P. O'NEILL, JR.,  
*Speaker of the House,*  
*The Capitol, Washington, D.C.*

DEAR MR. SPEAKER: Effective at the adjournment of the House on Tuesday, May 5, 1981, I hereby resign as a Member of the House of Representatives. I have also today notified the Governor of the Commonwealth of Pennsylvania of my action.

It has been an honor for me to serve the people of Pennsylvania's Third Congressional District as a Member of this body. I leave with nothing but the highest respect for this House and with great appreciation to all of its members for the advice and support that has been given me during my tenure here.

It is my prayer that each Member will be granted special insight as they deal with the difficulties facing our nation.

Respectfully yours,  
RAYMOND F. LEDERER,  
*Member of Congress.*

The SPEAKER. The Chair will notify the Governor of the Commonwealth of Pennsylvania of the resignation.

On Sept. 1, 1976,<sup>(5)</sup> the Speaker laid before the House a resignation submitted by a Member to the Speaker, who secured an order of the House to notify the Governor.

SEPTEMBER 1, 1976.

5. 122 CONG. REC. 28887, 94th Cong. 2d Sess.

Hon. CARL L. ALBERT,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR SIR: I hereby resign my office as Representative in Congress of the United States from the 18th district of Ohio, effective immediately.

With great respect,  
WAYNE L. HAYS.

The SPEAKER. Without objection, the Speaker will notify the Governor of the State of Ohio of the resignation of the gentleman from Ohio.

There was no objection.

On July 12, 1957,<sup>(6)</sup> a Member submitted his letter of resignation to the House, whereupon the Speaker was authorized to inform the Governor of the State concerned.<sup>(7)</sup>

The SPEAKER. The Chair lays before the House the following resignation:

JULY 12, 1957.

Hon. SAM RAYBURN,  
*Speaker of the House of Representatives,*  
*The Capitol, Washington, D. C.*

DEAR MR. SPEAKER: I hereby resign my office as Representative in the Congress of the United States from the 13th District of Pennsylvania, effective September 1, 1957.

6. 103 CONG. REC. 11536, 85th Cong. 1st Sess.

7. See §5.7, *infra*, where a Member resigned directly to the House, the Governor not having acted on the Member's previous letter of resignation.

It would be remiss of me if I did not state how much I have appreciated your many courtesies to me during the past years.

With great respect, I am,

Very sincerely yours,  
SAMUEL K. MCCONNELL, Jr.,  
*Member of Congress,*  
*13th District of Pennsylvania.*

The SPEAKER. Without objection, the Speaker will notify the Governor of the State of Pennsylvania of the resignation of the gentleman from Pennsylvania [Mr. MCCONNELL].

There was no objection.

The Speaker's letter notifying the Governor of the resignation was as follows:

JULY 12, 1957.

*His Excellency* GEORGE M. LEADER,  
*Governor of Pennsylvania,*  
*Harrisburg, Pennsylvania.*

SIR: Honorable Samuel K. McConnell, Jr. on Friday July 12, 1957, submitted his resignation as a Representative in the Congress of the United States from the Thirteenth District of Pennsylvania, effective September 1, 1957, and pursuant to the order of the House of Representatives of Friday July 12, 1957, I have been directed to so inform you.

Very truly yours,  
SPEAKER SAM RAYBURN.

**§ 3.3 The Speaker has laid before the House a copy of a letter of resignation from a Member to the executive authority of his State or a communication from an execu-**

**tive authority attaching a copy of such a letter.**

On Dec. 12, 1995,<sup>(1)</sup> Speaker pro tempore Ray LaHood, of Illinois, laid before the House a copy of a communication from a Member resigning his seat in the House.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, DC, December 12, 1995.*

Hon PETE WILSON,  
*Governor, State Capitol,*  
*Sacramento, CA.*

DEAR MR. GOVERNOR: Obviously, you are aware of the recent turn of events in my life. While I finally received my day in court, I, unfortunately, was not judged by a jury of my peers and in my opinion, did not receive a just verdict. Nevertheless, that verdict is a reality pending appeal.

As I stated to the media immediately after my verdict, it was never my intention to put the Congress through a vote on expulsion if I were convicted. Therefore, I am hereby tending my resignation as representative of the 37th Congressional district effective December 15, 1995.

Contrary to what anyone has ever said or intimated, I have never sold out my constituency or my oath of office. I am fully persuaded that in the near future God will vindicate my name.

Sincerely,  
WALTER R. TUCKER III.

On Sept. 27, 1995,<sup>(2)</sup> the Speaker laid before the House a communication from the Governor of a

1. 141 CONG. REC. 36224, 104th Cong. 1st Sess.
2. *Id.* at p. 26567.

State, including the attachment thereto of a copy of a communication from a Member of the House to that Governor by which the Member resigned his seat as a Member of the House.

OFFICE OF THE GOVERNOR  
*Springfield, IL, September 8, 1995.*

Hon. NEWT GINGRICH,  
*Speaker of the House of Representatives, U.S. Congress, Washington, DC.*

DEAR SPEAKER GINGRICH: Attached please find the official letter of resignation from Congressman Mel Reynolds of Illinois' Second Congressional District.

Pursuant to state law, I will take the appropriate steps to fill the vacancy created by Congressman Reynolds' resignation. Please do not hesitate to let me know if you have any questions regarding this or any other matter.

Sincerely,

JIM EDGAR,  
*Governor.*

Attachment.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES  
*Washington, DC,  
September 1, 1995.*

Hon. JIM EDGAR,  
*Governor, State of Illinois,  
Springfield, IL.*

DEAR GOVERNOR: Tonight I shall be announcing my resignation from the 104th Congress. Please receive this letter as formal notice to you of my offi-

cial resignation effective October 1, 1995.

It has been both an honor and a privilege to serve the people of the Second Congressional District of Illinois.

Sincerely,

MEL REYNOLDS.

### ***Receipt During Adjournment Sine Die***

**§ 3.4 When the Speaker, during a period of adjournment, receives notice of the resignation of a Member from the House, he informs the House when it reconvenes.**

On Aug. 16, 1960,<sup>(1)</sup> following the adjournment of the 86th Congress, the resignation of a Member was laid before the House as follows:

AUGUST 8, 1960.

Hon. SAM RAYBURN,  
*Speaker, House of Representatives,  
Washington, D.C.*

DEAR SIR: I hereby resign my office as Representative in the Congress of the United States from North Dakota.

Respectfully,

QUENTIN N. BURDICK.

*Parliamentarian's Note:* On this occasion, the Speaker announced to the House that, pursuant to a previous order of the House authorizing the Speaker to accept resignations during the August recess of the House, he had, on Aug.

1. 106 CONG. REC. 16535, 86th Cong. 2d Sess.

8, 1960, accepted the resignation of Mr. Burdick as a Representative and had informed the Governor of North Dakota of the receipt of said resignation. However, in this case the Speaker misspoke, with respect to acceptance of the resignation, as the Speaker's authority to accept resignations during a recess is applicable to House officers and employees and other positions as to which the Speaker makes appointments, and not to Members, as to whose resignations no acceptance is necessary.

On Jan. 7, 1959,<sup>(2)</sup> the resignations of certain Members, submitted after *sine die* adjournment of the 85th Congress, were laid before the House by the Speaker following the organization of the 86th Congress.

HOUSE OF REPRESENTATIVES  
Washington, D.C., November 12, 1958.

Hon. SAM RAYBURN,  
Speaker of the House,  
House of Representatives,  
Washington, D.C.

SIR: I beg leave to inform you that I have this day transmitted to the Governor of Massachusetts my resignation as Representative in the Congress of the United States from the 13th District of Massachusetts, effective November 13, 1958.

Sincerely yours,  
RICHARD B. WIGGLESWORTH.

2. 105 CONG. REC. 15, 86th Cong. 1st Sess.

DECEMBER 29, 1958.

Hon. SAM RAYBURN,  
Speaker of the House,  
The Capitol,  
Washington, D.C.

DEAR MR. SPEAKER: I hereby resign as a Member of the House of Representatives of the United States, effective at 12 o'clock midnight, December 31, 1958.

Very truly yours,  
HENRY J. LATHAM.

**§ 3.5 The Speaker lays before the House, or, in case the House has adjourned *sine die*, submits for the *Congressional Record* following such adjournment, a letter from a Member advising of his resignation (usually accompanied by a copy of the actual letter of resignation that the Member submitted to the State official concerned).<sup>(1)</sup>**

On Dec. 15, 2003,<sup>(2)</sup> the following proceedings occurred:

1. *Parliamentarian's Note*: Although the letter was dated Dec. 8 (the last day of the first session), the original was not received that day. Thus, the Speaker was not able to lay the letter down and make an announcement of the reduced whole number of the House under Rule XX clause 5(c) (now 5(d)), *House Rules and Manual* § 1024b (2007). He did make that announcement before the call of the roll at the start of the second session.
2. 149 CONG. REC. 32411, 108th Cong. 1st Sess.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*December 8, 2003.*

THE SPEAKER,  
*House of Representatives,  
The Capitol, Washington, DC.*

DEAR MR. SPEAKER: It has been a privilege to work with you. I am grateful for the support, guidance and opportunities you have provided during my years in the House—especially by allowing me to play a leadership role in so many important healthcare initiatives. As I begin a new path in Kentucky, I will appreciate even more the trials of leadership and the courage of conviction you have exemplified. Thank you for your friendship, and know that I have come to admire the gracious and professional manner in which you lead the House.

During the past 5 years, I have had the great honor to serve as the Representative for the people of the Sixth Congressional District of Kentucky. My service in the U.S. Congress has been a rewarding professional experience. I thank every one of my constituents who put their trust and faith in my leadership.

Having recently been selected by the people of Kentucky to serve as the next Governor of that great Commonwealth, I will resign my seat representing the Sixth Congressional District of Kentucky effective, upon taking the gubernatorial oath of office at midnight on Tuesday, December 9, 2003.

I look forward to working with the distinguished Members of the House in my new position, and have appreciated their friendship, support, and collegiality during my years in Congress.

Sincerely,

ERNIE FLETCHER,  
*Member of Congress.*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*December 8, 2003.*

Hon. PAUL PATTON,  
*Governor, Commonwealth of Kentucky,  
Frankfort, KY.*

DEAR GOVERNOR PATTON: For the past five years, it has been my honor and privilege to serve the people of Central Kentucky in the U.S. House of Representatives. This past November, I was offered another opportunity to serve the Commonwealth of Kentucky as the next Governor.

I hereby wish to tender my resignation as Kentucky's Sixth Congressional District Representative effective upon taking the gubernatorial oath of office on Tuesday, December 9, 2003.

Sincerely,

ERNIE FLETCHER,  
*Member of Congress.*

On Jan. 20, 2004,<sup>(3)</sup> at the convening of the House on the day set for commencement of the second session, the Speaker called the House to order and, following the opening prayer and without motion from the floor, ordered a call of the House to establish a quorum.

Where a resignation letter had been received by the Speaker and printed in the *Congressional Record* following *sine die* adjournment of the first session, the

3. 150 CONG. REC. 64–66, 108th Cong. 2d Sess.

Speaker announced a reduction in the whole number of the House pursuant to Rule XX clause 5(c)<sup>(4)</sup> before the call of the House to establish a quorum.

*Parliamentarian's Note:* Because Rep. Fletcher's resignation was effective before the instant day and because his letter was printed in the interim *Congressional Record* between sessions, his name was removed from the Clerk's roll before its call. Contrast this with the case on the roll of Rep. Janklow, whose letter was laid down this day (See § 3.1, *supra*), but whose resignation was not effective until midnight: his name was included on the roll, and the Speaker announced the adjustment to the whole number of the House on the next day.<sup>(5)</sup>

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(c) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Kentucky (Mr. FLETCHER), as indicated in the RECORD of December 15, 2003, the whole number of the House is adjusted to 434.

### § 3.6 At the beginning of a new session, the Speaker calls the

4. *House Rules and Manual* § 1024b (2007). Rule XX clause 5(c) was redesignated Rule XX clause 5(d) in the 109th Congress.
5. See 150 CONG. REC. 137, 108th Cong. 2d Sess., Jan. 21, 2004.

**House to order and, after the opening prayer, lays before the House any letters notifying the Speaker of resignations from the House since the last meeting of the House.**

On Jan. 15, 1968,<sup>(1)</sup> the Speaker laid before the House communications from two Congressmen<sup>(2)</sup> tendering their resignations.

#### RESIGNATION AS MEMBER OF THE HOUSE OF REPRESENTA- TIVES

Th SPEAKER laid before the House the following communications, which were read:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., December 15, 1967.*

Hon. JOHN W. McCORMACK,  
*Speaker of the U.S. House of Rep-  
resentatives, Washington, D.C.*

DEAR MR. SPEAKER: Herewith please find copy of my resignation submitted to the Secretary of State, State of New York, as required by law, effective January 1, 1968.

It has been my privilege to have been able to serve with you these many years under your great leadership. I will always remember your wise counsel and guidance, as well as, the many courtesies extended to me. I will treasure forever your friendship and that of our colleagues with whom I have served.

1. 114 CONG. REC. 7, 90th Cong. 2d Sess.
2. See § 5.10, *infra*.

**Ch. 37 §3**      DESCHLER-BROWN-JOHNSON PRECEDENTS

With warmest personal regards and very best wishes, I am,

Most Sincerely,  
ABRAHAM J. MULTER.

Enclosure.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES  
*December 19, 1967.*

Hon JOHN W. McCORMACK,  
*Speaker of the House of Representatives,  
Washington, D.C.*

DEAR MR. SPEAKER: This is to clarify the effective date of my resignation from the House of Representatives. It is intended that my resignation be effective as of midnight, December 31, 1967, since my new post as Justice of the New York State Supreme Court begins on January 1, 1968.

With warm personal regards and best wishes, I am,

Sincerely,  
ABRAHAM J. MULTER.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES  
*Washington, D.C., December 15, 1967.*

Hon JOHN P. LOMENZO,  
*Secretary of State,  
State of New York,  
Albany, N.Y.*

DEAR MR. SECRETARY: Pursuant to the requirements of law, I hereby give you notice that I am resigning as a Member of the United States House of Representatives for the 13th District of New York effective the first day of January 1968 on which date, I will assume the office of Justice of the Supreme Court of the State of New York to

which position I was elected on November 7, 1967.

Sincerely yours,  
ABRAHAM J. MULTER.

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RESIGNATION AS MEMBER OF  
THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication, which was read:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., January 1, 1968.*

Hon. JOHN W. McCORMACK,  
*Speaker of the House of Representatives,  
U.S. Congress, Washington, D.C.*

DEAR MR. SPEAKER: Attached is a copy of a letter this day forwarded to Honorable Paul B. Johnson, Governor of the State of Mississippi, tendering my resignation as a Member of the United States House of Representatives effective on my taking the oath of office as Governor of Mississippi on January 16, 1968.

Mr. Speaker, I came to the Congress believing it to be the greatest deliberative body on earth. After twenty-one years, I will leave the Congress even more secure in that belief.

I cherish the many friendships I have made here; and I take this means through you to express profound appreciation to my colleagues for their friendships and courtesies throughout the years.

My service in this body has brought satisfaction in accomplishment, disappointment in defeat, heartache in frustration, and joy in triumph. In all,

Mr. Speaker, these have been the most interesting and rewarding years of my life. I will always be thankful for the privilege of having been a part of this great institution.

As I leave the Congress to assume a public position of greater responsibility, I seek the prayers and good will of you and my colleagues as we strive in common purpose to build a greater and finer Republic.

With sincere best wishes, I am,

Respectfully,

JOHN BELL WILLIAMS.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D.C., January 1, 1968.*

Hon. PAUL B. JOHNSON,  
*Governor,  
State of Mississippi,  
Jackson, Miss.*

DEAR GOVERNOR JOHNSON: I hereby tender to you my resignation as a Member of the House of Representatives in the Congress of the United States from the Third District of Mississippi, to become effective on January 16, 1968, on my taking the oath of office as Governor of the State Of Mississippi.

Respectfully yours,

JOHN BELL WILLIAMS.

**§ 3.7 Election of a new Speaker being the first order of business when a new Congress convenes (or when the Office of Speaker is otherwise vacant), the resignation of a Member received during an adjournment *sine die* is not**

**laid down before the election of a Speaker (although the names of resigned Members are stricken from the roll and are not called to establish a quorum or to elect the Speaker).**

On Jan. 10, 1962,<sup>(1)</sup> at the convening of the second session of the 87th Congress, the Clerk, Ralph R. Roberts, called for nominations for the Office of Speaker. Nominations were made, a vote taken, and a Speaker elected. The newly elected Speaker<sup>(2)</sup> then laid before the House resignations of Members from the House received during the adjournment *sine die* between the first and second sessions of the 87th Congress:

DECEMBER 11, 1961.

OFFICE OF THE SPEAKER OF THE  
HOUSE,  
*House of Representatives,  
Washington, D.C.*

DEAR SIR: On November 8, 1961, I submitted to Gov. Price Daniels, of Texas, my resignation as Representative from the 13th Congressional District in the Congress of the United States, effective December 15, 1961.

1. 108 CONG. REC. 7, 87th Cong. 2d Sess. The Office of Speaker was vacant due to the death of Speaker Sam Rayburn (TX) on Nov. 16, 1961, after the adjournment *sine die* of the first session of the 87th Congress.
2. John W. McCormack (MA).

Sincerely yours,  
FRANK IKARD,  
Member of Congress.

DECEMBER 4, 1961.

Hon. JOHN W. McCORMACK,  
Speaker pro tempore,  
House of Representatives,  
Washington, D.C.

MY DEAR MR. SPEAKER: Please be advised that I have today transmitted to the Governor of the State of New York, Nelson A. Rockefeller, my resignation as Representative in the Congress of the United States from the Sixth Congressional District of New York, which said resignation is to take effect as of midnight, December 31, 1961.

With every good wish and kindest and warmest regards, I am,

Sincerely,  
LESTER HOLTZMAN.

**§ 3.8 When the Resident Commissioner from Puerto Rico resigns from the House, the resulting vacancy is filled, pursuant to Federal law, by appointment by the Governor of the Commonwealth of Puerto Rico, subject to confirmation by the Senate of the Commonwealth of Puerto Rico.**

On Mar. 4, 1992,<sup>(1)</sup> the Speaker laid before the House a letter from the Resident Commissioner to the United States from Puerto Rico,

1. 138 CONG. REC. 4386, 102d Cong. 2d Sess.

giving notice of his resignation, and a letter from the Governor announcing the appointment by the Governor of a new Resident Commissioner.<sup>(2)</sup>

Members representing the New York City areas of Harlem and the Bronx were invited by the Speaker to escort the newly appointed Resident Commissioner to the well to be sworn in.

The letter from the Governor of Puerto Rico and the swearing in of the new Resident Commissioner were as follows:

COMMONWEALTH OF PUERTO RICO,  
OFFICE OF THE GOVERNOR,  
San Juan, PR, February 21, 1992.

Hon. THOMAS S. FOLEY,  
Speaker, U.S. House of Representatives,  
the Capitol, Washington,  
DC.

DEAR MR. SPEAKER: I have officially appointed Mr. Antonio J. Colorado to fill the vacancy that will ensue on March 4, 1992, from the resignation of Jaime B. Fuster as Resident Commissioner of the Commonwealth of Puerto Rico in the United States House of Representatives. The Senate of the Commonwealth of Puerto Rico has confirmed Mr. Colorado's appointment, as required by Section 36 of the 1950 Puerto Rican Federal Relations Act, 48 USC § 745.

With my best personal regards, I am

2. Appointment (rather than special election) to fill a vacancy in the position of Resident Commissioner is provided for by law (§36 of Act of Mar. 2, 1917; 48 USC § 892).

Sincerely yours,  
*Rafael Hernández Colón.*

SWEARING IN OF THE HONORABLE ANTONIO J. COLORADO OF PUERTO RICO AS A MEMBER OF THE HOUSE

The SPEAKER. Will the gentleman from New York [Mr. RANGEL] and the gentleman from New York [Mr. SERRANO] come forward to escort the Resident Commissioner of Puerto Rico elect, the Honorable ANTONIO J. COLORADO, to the well to receive the oath of office?

Mr. COLORADO appeared at the bar of the House and took the oath of office administered by the Speaker as follows:

Do you solemnly swear to support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations, you are a Member of the House of Representatives.

**§ 3.9 State law may require that the State executive authority to whom a Member's resignation is to be submitted is the State secretary of State rather than the Governor.**

By letter to the Secretary of State of New York dated Nov. 7,

1997,<sup>(1)</sup> Rep. Floyd H. Flake resigned as a Member effective Nov. 16, 1997. (On Oct. 9, 1997,<sup>(2)</sup> Mr. Flake had withdrawn an earlier putative resignation by letter to the Governor of New York dated Aug. 1, 1997, which proposed to be effective on Oct. 15, 1997, and which had been laid before the House on Sept. 3, 1997.<sup>(3)</sup> State law required that a resignation be submitted to the State secretary of State, not the Governor.)

The letters appear in the *Congressional Record* as follows:

HOUSE OF REPRESENTATIVES,  
*Washington, DC, August 4, 1997.*

Hon. NEWT GINGRICH,  
*Speaker of the House, The Capitol,  
 H-232,  
 Washington, DC.*

DEAR MR. SPEAKER: This missive comes as an official announcement of my resignation from the U.S. House of Representatives, effective October 15, 1997.

My duties and responsibilities as pastor of the Allen A.M.E. Church in Jamaica, New York, has grown to such a level that I am needed there on a more consistent basis. I have enjoyed the opportunities that you have given me to converse with you regarding my ideas for community, education, and economic development. I hope that my leaving does not preclude our ability

1. See 143 CONG. REC. 26709, 105th Cong. 1st Sess. See § 5.1, *infra*.

2. *Id.* at p. 22020.

3. *Id.* at p. 17526.

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to, in some way, continue these discussions in the future.

With warmest regards, I am

Sincerely,

FLOYD H. FLAKE,  
*Member of Congress.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC, August 1, 1997.*

Hon. GEORGE E. PATAKI,  
*State of New York,*  
*Office of the Governor, Albany, NY*

DEAR GOVERNOR PATAKI. This mis-  
sive comes as an official announcement  
of my resignation from the U.S. House  
of Representatives, effective October  
15, 1997.

My duties and responsibilities as  
pastor of Allen A.M.E. Church have  
grown to a level which necessitates my  
presence on a more consistent basis.

I have called your office, and hope to  
be able to speak with you in the near  
future.

With warmest regards, I am

Sincerely,

FLOYD H. FLAKE,  
*Member of Congress. . . .*

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES  
*Washington, DC, October 8, 1997.*

Hon. ALEXANDER TREADWELL,  
*Secretary of State,*  
*Albany, NY.*

DEAR SECRETARY TREADWELL: After  
considering the needs of my constitu-  
ents and the short time remaining in  
this session, I intend to remain in Con-  
gress at least until our legislative busi-  
ness is completed.

I have reviewed section 31 of the  
Public Officers law, and I understand

that my retirement announcement to  
the Governor on August 4, 1997 was  
an erroneous interpretation of the sta-  
tutory requirements for resignations.  
Therefore, it is also my belief that, ac-  
cording to section 31, any record of my  
resignation is not effective since I have  
never directly notified your office of my  
plans. I will, however, inform you of  
my plans at the appropriate time,  
which in this case will be no more than  
thirty days prior to my resignation.

If there are any questions regarding  
my plans, please feel free to contact  
me, or Sean Peterson, my Chief of  
Staff.

With warmest regards, I am

Sincerely,

FLOYD H. FLAKE,  
*Member of Congress.*

HOUSE OF REPRESENTATIVES,  
*Washington, DC, November 7, 1997.*  
HON. ALEXANDER TREADWELL,  
*Secretary of State,*  
*Albany, NY.*

DEAR SECRETARY TREADWELL: Pur-  
suant to section 31 of the Public Offi-  
cers law, I hereby inform you that I  
am resigning from the United States  
House of Representatives. My resigna-  
tion will become effective at midnight  
on November 16, 1997.

As you and the citizens of New York  
are well aware, I am returning to my  
pastorate at the Allen A.M.E. church  
in Jamaica, Queens. Although I have  
been called back to Allen to devote my  
energy and full-time attention to its  
congregation, I am proud of my service  
in Congress. It has been my distinct  
privilege to represent the people of the  
6th Congressional District of New  
York, and an honor to serve the people  
of the United States of America.

With warmest regards, I am

Sincerely,

FLOYD H. FLAKE,  
*Member of Congress.*

On Jan. 6, 1960,<sup>(4)</sup> the resignation of a Member, indicating that the Secretary of State of the State of New York had been notified, was laid before the House:

DECEMBER 31, 1959.

Hon. SAM RAYBURN,  
*Speaker of the House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the secretary of state, State of New York, my resignation as Representative in the Congress of the United States from the 23d District of New York.

Sincerely yours,

ISIDORE DOLLINGER.

Mr. Louis B. Heller, of New York, submitted his resignation to the Governor of New York on July 21, 1954; at the same time he tendered his resignation to the House, and these resignations were laid before the House on July 23, 1954, as follows:<sup>(5)</sup>

BROOKLYN, N. Y., *July 21, 1954.*

Hon. JOSEPH W. MARTIN, JR.,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

4. 106 CONG. REC. 5, 86th Cong. 2d Sess.

5. 100 CONG. REC. 11756, 83d Cong. 2d Sess.

DEAR MR. SPEAKER: I herewith submit my resignation as a Representative of the 83d Congress from the Eighth Congressional District of New York to take effect on the 21st day of July 1954.

I have the honor to enclose a copy of a letter addressed to the Hon. Thomas E. Dewey, Governor of New York, notifying him of said resignation.

I have the honor to be, respectfully,

LOUIS B. HELLER,  
*Member of Congress,*  
*Eighth District, New York.*

Subsequently, Mr. Heller submitted to the Speaker another letter which, on July 29, 1954,<sup>(6)</sup> was laid before the House. In it, Mr. Heller explained that he had been advised that his resignation was required to be transmitted to the Secretary of State of the State of New York instead of the Governor.

JULY 28, 1954.

Hon. JOSEPH W. MARTIN, JR.,  
*Speaker, House of Representatives,*  
*Washington, D.C.*

DEAR MR. SPEAKER: I enclose herewith copy of a letter which I have this day addressed to the Honorable Thomas J. Curran, Secretary of the State of New York, notifying him of my resignation as a Member of Congress from the Eighth Congressional District, New York, which took effect on July 21, 1954.

In my communication to you of July 21, 1954, I enclosed a copy of a letter

6. *Id.* at p. 12628.

addressed to Governor Dewey. Apparently, notice of my resignation is required to be transmitted to the Secretary of the State of New York (election law, State of New York, sec. 297), hence the enclosed.

With kindest regards, I am

Sincerely,

LOUIS B. HELLER.<sup>(7)</sup>

**§ 3.10 There have been instances in which a Member's resignation from the House has been accepted by the Governor of the Member's State even though State law contemplated submission of such a resignation to the State Secretary of State.**

On Jan. 3, 1956,<sup>(1)</sup> the Speaker laid before the House a copy of a communication from a Member from the State of New York that the Member had submitted to the Governor of that State and in which the Member tendered to the Governor (and not to the State Secretary of State, as specified in State law) his resignation as a Member of the House.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
*Washington, D. C., December 21, 1955.*

7. See also § 5.10, *infra*, noting that the resignation of Mr. James F. Battin (MT), was tendered to both the Governor and the Secretary of State.

1. 102 CONG. REC. 4, 84th Cong. 2d Sess.

His Excellency AVERELL HARRIMAN,  
*Governor of the State of New York,*  
*The Executive Chamber, Capitol,*  
*Albany, N. Y.*

SIR: I hereby tender to you my resignation as a Member of the House of Representatives in the Congress of the United States from the 22d District of New York, effective midnight, Monday, January 2, 1956.

Respectfully yours,

SIDNEY A. FINE,  
*Member of Congress.*

Similarly, on Jan 5, 1955,<sup>(2)</sup> sundry resignations were laid before the House. Among them was a letter from a Member from the State of New York stating that he had transmitted to the Governor of New York his resignation as a Member of the House.

NEW YORK, N. Y., *December 31, 1954.*

Hon. JOSEPH W. MARTIN, JR.,  
*Speaker of the House of Representatives,*  
*Washington, D.C.*

SIR: I beg leave to inform you that I have this day transmitted to His Excellency Thomas E. Dewey, Governor of the State of New York, my resignation as a Representative in the Congress of the United States from the 21st Congressional District of New York.

Respectfully,

J. K. JAVITS.

*Parliamentarian's Note:* Mr. Javits also submitted his resignation to the Secretary of State of

2. 101 CONG. REC. 11, 84th Cong. 1st Sess.

the State of New York, as required by State law.<sup>(3)</sup>

#### § 4. Reason for Resignation; Inclusion in Letter of Resignation

When a Member resigns as a Representative, the basis of, or reasons for, the Member's resignation may or may not be included in the Member's letter of resignation. In recent years, the general practice has been for a Member resigning from the House to include in the Member's letter of resignation the reasons for the Member's termination of service in the House.

Among the reasons for which Members have resigned have been to serve in the Armed Forces,<sup>(1)</sup> to accept an appointment as a cabinet secretary or in another Executive branch position,<sup>(2)</sup> to assume office as a Member of the Senate,<sup>(3)</sup> to accept an appointment as a member of the United States delegation to the United Nations,<sup>(4)</sup> or as an ambassador to another nation,<sup>(5)</sup> to assume office

3. See § 3.9, *supra*.

1. See § 4.1, *infra*.

2. See § 4.2, *infra*.

3. See §§ 4.3, 4.4, *infra*.

4. See § 4.5, *infra*.

5. See § 4.6, *infra*.

as a State Governor or city Mayor,<sup>(6)</sup> to accept an appointment as a Federal<sup>(7)</sup> or State<sup>(8)</sup> judge, to create a vacancy and run for the vacant seat, in the case of a change in party affiliation<sup>(9)</sup> or a contested election,<sup>(10)</sup> to serve a jail sentence on conviction of a crime,<sup>(11)</sup> and, in the case of a Senator, to create a vacancy to be filled by appointment by a State Governor.<sup>(12)</sup>

#### *Service in the Armed Forces*

##### § 4.1 A Member resigned, stating in his letter to the Speaker his intention to serve in the Armed Forces.

On Nov. 14, 1944,<sup>(1)</sup> Speaker Sam Rayburn, of Texas, laid before the House a letter from a Member stating that he had submitted to the Governor of his State his resignation as a Member of the House and that the reason for the resignation was to serve in the Armed Forces.

OCTOBER 19, 1944.

6. See § 4.7, *infra*.

7. See § 4.8, *infra*.

8. See § 4.9, *infra*.

9. See § 4.10, *infra*.

10. See § 4.11, *infra*.

11. See § 4.12, *infra*.

12. See §§ 4.13, 4.14, *infra*.

1. 90 CONG. REC. 8163, 78th Cong. 2d Sess.