

Very sincerely,
JAMES E. VAN ZANDT.

Mr. VAN ZANDT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it, is so ordered.

There was no objection.

Mr. VAN ZANDT. Mr. Speaker, I have submitted my resignation as a Member of Congress effective 6 p.m., tomorrow, September 24. My resignation is the result of my intense desire to serve my country in the armed forces as a member of the United States Navy.

I am grateful to you, Mr. Speaker, and to my colleagues for the many courtesies shown me during the past five years. I shall think often of you and the multitude of important issues you will be called upon to decide. Believe me when I tell you it has been a distinct honor to serve in this distinguished body, the Congress of the United States; yet I feel it is an equal honor to be blessed with good health and able to serve in the armed forces.

Naturally it shall be my ambition, when the war clouds have been dispersed, to return to Congress, richer in experience and with a broader outlook.

Until we meet again, good luck and godspeed to all of you.

§ 5. Conditional Resignations; Timing

One may resign as a Member of the House at any time, even before taking the oath.⁽¹⁾ A resigna-

1. 2 Hinds' Precedents §§ 1230 *et seq.*

tion may be made contingent on another factor⁽²⁾ and may designate a future date on which it is to become effective.⁽³⁾

In some instances of the resignation of a Member in order for the Member to accept a position in the Executive branch, the Member's resignation was not laid before the House until after the Member's being sworn as an official of the Executive branch, although the resignation was submitted before the swearing.⁽⁴⁾

Effective on Future Date

§ 5.1 It has been possible for a Representative to resign a seat in the House prospectively, specifying an effective date in the future.⁽¹⁾

A prospective resignation might enable the State concerned prospectively to take cognizance of the vacancy as a constitutional predicate for the issuance by the executive authority of the State of a writ of election to fill the vacancy.⁽²⁾

2. See §§ 5.4 *et seq.*

3. See §§ 5.1, 5.7, *infra*.

4. See § 5.11, *infra*.

1. It has been possible even to resign effective on the election of a successor. See, for example, § 5.6, *infra*.

2. For an instance in which the executive authority of a State declined to

A resignation stating a future effective date (but worded irrevocably) has enabled a special election based on a prospective (but definite) vacancy.⁽³⁾

On July 22, 2004,⁽⁴⁾ the following occurred:⁽⁵⁾

RESIGNATION FROM THE
HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore⁽⁶⁾ laid before the House the following resigna-

take cognizance of a contingent resignation, see the case of Rep. T. Vincent Quinn (NY) on Dec. 30, 1951 (§ 5.12, *infra*).

3. A finding of vacancy presumably must logically eclipse any avenue of withdrawal and, presumably, as goes the power of withdrawal so also goes the power of modification. The House has allowed withdrawal in the case of defective resignation, that is, where the Member had not actually transmitted the letter of resignation (6 Cannon's Precedents § 229) or had transmitted it to an improper State official (the case of Floyd Flake [N.Y.], *infra*, this section and § 3.9, *supra*, reflecting withdrawal of an initial, misdirected resignation).
4. 150 CONG. REC. 17328, 108th Cong. 2d Sess.
5. *Parliamentarian's Note*: Because Rep. Bereuter's resignation would take effect during the August recess, the Chair did not announce an adjustment to the whole number of the House under Rule XX clause 5(c) until after the recess (Sept. 7, 2004). See *House Rules and Manual* § 1024b (2007). Clause 5(c) was changed to clause 5(d) in the 109th Congress.
6. Michael Simpson (ID).

tion from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 20, 2004.

Hon. J. DENNIS HASTERT,
Speaker, House Of Representatives,
Room H-232, The Capitol, Wash-
ington, DC.

DEAR MR. SPEAKER: It has been my great privilege and honor to have represented the citizens of Nebraska's 1st Congressional District in the U.S. House of Representatives for 13 terms. During that time I have served with an extraordinary number of talented and dedicated representatives from both sides of the aisle, and with similarly dedicated and effective congressional staff, who of course make possible the work of Congress.

As a Member, I have been particularly aided by an especially talented, loyal, unusually long-serving, and hard-working congressional office staff and subcommittee staff of high integrity who epitomize the best qualities of my Nebraska constituents and of those Americans who make our country the finest in the world.

However, there comes a time in many a representative's life when that Member of Congress is ready to focus on other priorities and objectives, and I am at that point in my life. Therefore, Mr. Speaker, the purpose of this letter is to communicate to you and the House, that effective at the end of the day on August 31, 2004, I am resigning my seat as the Representative of the 1st District of Nebraska in the U.S. House of Representatives. I also have written to the Governor of Nebraska to advise him of my decision.

Best wishes,

DOUG BEREUTER,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 20, 2004.

Hon. MIKE JOHANNNS,
*Governor, State of Nebraska, State
Capitol, P.O. Box 94848, Lin-
coln, Nebraska.*

DEAR GOVERNOR JOHANNNS: It has been my great privilege and honor to have represented the citizens of Nebraska's 1st Congressional District in the U.S. House of Representatives for 13 terms. During that time I have served with an extraordinary number of talented and dedicated representatives from both sides of the aisle, and with similarly dedicated and effective congressional staff, who of course make possible the work of Congress.

As a Member, I have been particularly aided by an especially talented, loyal, unusually long-serving, and hard-working congressional office staff and subcommittee staff of high integrity who epitomize the best qualities of my Nebraska constituents and of those Americans who make our country the finest in the world.

However, there comes a time in many a representative's life when that Member of Congress is ready to focus on other priorities and objectives, and I am at that point in my life. Therefore, the purpose of this letter is to communicate to you that effective at the end of the day on August 31, 2004, I am resigning my seat as the Representative of the 1st District of Nebraska in the U.S. House of Representatives. I also have written to the Speaker of the U.S. House of Representatives to advise him of my decision.

Best wishes,

DOUG BEREUTER,
Member of Congress.

On Jan. 27, 2003,⁽⁷⁾ Speaker pro tempore John Abney Culberson, of Texas, laid before the House a communication dated Jan. 7, 2003, from Rep. Larry Combest, of Texas, resigning his seat in the House effective at the close of business May 31, 2003.⁽⁸⁾

HOUSE OF REPRESENTATIVES,
Washington, DC, January 7, 2003.

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

DEAR MR. SPEAKER: I have had the great privilege and honor to have been selected as the representative of the people of the 19th District of Texas through ten elections. My service in the U.S. Congress has been the most rewarding professional experience of my life, and I thank every one of my constituents who were kind enough to put their trust and faith in my leadership.

However, there comes a time in everyone's life when the focus needs to be

7. 149 CONG. REC. 1750, 1751, 108th Cong. 1st Sess.
8. Texas provided for Rep. Combest's successor to be elected before the effective date of his resignation. The ostensibly irrevocable character of Rep. Combest's resignation (reading both letters together) presumably justified the Governor's finding of a vacancy for the period from June 1, 2003, through the end of Rep. Combest's term on Jan. 3, 2005—the predicate for his issuance of a writ of election under clause 4, § 2, art. I of the Constitution.

more on family than other things, and I am at that point in my life.

At close of business on May 31, 2003, I will resign my seat as the Representative of the 19th district of Texas in the U.S. House of Representatives. I have written to the Governor of Texas to advise him of my decision so that he can set a date to schedule an election so the people of the 19th District can choose my successor.

Sincerely,

LARRY COMBEST

HOUSE OF REPRESENTATIVES,
Washington, DC, January 7, 2003.

Hon. RICK PERRY,
*Governor of Texas, State Capitol,
Austin, TX.*

DEAR RICK: I have had the great privilege and honor to have been selected as the representative of the people of the 19th District of Texas through ten elections. My service in the U.S. Congress has been the most rewarding professional experience of my life, and I thank every one of my constituents who were kind enough to put their trust and faith in my leadership.

However, there comes a time in everyone's life when the focus needs to be more on family than other things, and I am at that point in my life.

Please accept this letter as my resignation from the office of Representative of the 19th District of Texas in the U.S. House of Representatives to be effective close of business May 31, 2003. As I continue to serve the great people of the 19th district until such date, this written resignation should allow you sufficient opportunity to set a date

to schedule an election so the people of the 19th District can choose my successor.

Sincerely,

LARRY COMBEST.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS

Whereas, a vacancy for election purposes now exists in the membership of the United States House of Representatives from the 19th Congressional District of Texas, which consists of Andrews, Bailey, Cochran, Crane, Ector, Gaines, Hockley, Howard, part of Lamb, Loving, Lubbock, Lynn, Martin, Midland, Parmer, Terry, Ward, Winkler, and Yoakum Counties; and

Whereas, the United States Constitution, art. I, § 2, requires the executive authority of the state to issue writs of election to fill such vacancies, and 2 USC § 8, requires that the date of such election be as prescribed by state law, and Texas Election Code § 204.021, requires that such a vacancy be filled by special election; and

Whereas, Tex. Elec. Code § 203.004, requires that, absent a finding of an emergency, the special election be held on the next eligible uniform election date occurring on or after the 36th day after the date the election is ordered, which would be May 3, 2003; and

Whereas, Tex. Elec. Code § 3.003, requires the election to be offered by proclamation of the Governor;

Now, therefore, I Rick Perry, Governor of Texas, under the authority vested in me by the Constitution and Statutes of the State of Texas, do hereby order by this proclamation a special election to be held in District 19 on

Saturday, May 3, 2003, for the purpose of electing a U.S. Representative for Dist. 19 to serve out the unexpired term of the Hon. Larry Combest.

Candidates who wish to have their names placed on the special election ballot must file their applications with the Secretary of State no later than 5:00 p.m. on Wednesday, April 2, 2003.

Early voting by personal appearance shall begin on Wednesday, April 16, 2003, in accordance with Tex. Elect. Code § 85.001(a).

On Nov. 27, 2001,⁽⁹⁾ Speaker pro tempore Judy Biggert, of Illinois, laid before the House a communication dated Nov. 15, 2001, from Rep. Steve Largent, of Oklahoma, resigning his seat in the House effective Feb. 15, 2002:⁽¹⁰⁾

HOUSE OF REPRESENTATIVES,
Washington, DC, November 15, 2001.

Hon. J. DENNIS HASTERT,
*The Office of the Speaker,
Capitol, Washington, DC.*

DEAR DENNY: I am writing to inform you that February 15, 2002 has been

9. 147 CONG. REC. 23006, 107th Cong. 1st Sess.
10. Oklahoma enrolled Senate Bill Number 7X, enacted and signed by the Governor of Oklahoma in Oct. 2001, during the first extraordinary session of the 48th Legislature, contemplated that Rep. Largent's tender of an irrevocable resignation effective Feb. 15, 2002, would enable a gubernatorial writ of election. Thus, a successor was elected on Jan. 8, 2002, to fill the seat that Rep. Largent did not actually vacate until Feb. 15, 2002.

set in Oklahoma as the date for my resignation from Congress. I am pleased to report that the Oklahoma legislature recently passed a law that will ensure that Oklahoma's 1st Congressional District will not go unrepresented as I make the transition to a full-time campaign for governor. The law required that I make my intent to resign irrevocable, which I have communicated to Oklahoma's Secretary of State.

Serving in the House of Representatives has been one of the greatest honors and challenges of my life. I want to thank you for your leadership, your steadfastness in the pursuit of our ideals, and for your friendship during the past few years. While I will miss working alongside my colleagues in Congress, I am eager to fight for the principles our party stands for as the next governor of Oklahoma.

Please do not hesitate to contact me or my chief of staff, Mike Willis, if you have any questions regarding this transition.

Sincerely,

STEVE LARGENT,
Member of Congress.

Enclosure.

HOUSE OF REPRESENTATIVES,
Washington, DC, October 26, 2001.

Hon. MIKE HUNTER,
*Oklahoma Secretary of State,
Oklahoma City, OK.*

DEAR SECRETARY HUNTER: Pursuant to enrolled Senate Bill Number 7X, enacted and signed by the Governor this week during the first extraordinary session of the 48th Legislature, please accept this letter as official notice of

my resignation as Congressman of the First District of Oklahoma. This resignation is irrevocable and shall become effective on February 15, 2002.

My decision to leave was made after much prayer and consideration for the constituents I now serve. It has been an honor and a privilege to have served as the Representative for the people of the First District.

Sincerely,

STEVE LARGENT,
Member of Congress.

On June 5, 2001,⁽¹¹⁾ Speaker pro tempore Biggert laid before the House a communication dated May 25, 2001, from a Member resigning his seat in the House effective Sept. 6, 2001:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 25, 2001.

Hon. DENNIS HASTERT,
Speaker of the House,
The Capitol, Washington, DC.

DEAR MR. SPEAKER: I am writing to formally notify you that I will be retiring from my position as the United States Representative for Florida's First Congressional district, effective September 6, 2001. A similar letter has been sent to the Honorable Jeb Bush, Governor of the State of Florida.

Sincerely,

JOE SCARBOROUGH,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 25, 2001.

11. 147 CONG. REC. 9882, 107th Cong. 1st Sess.

Hon. JEB BUSH,
The Capitol,
Tallahassee, FL.

DEAR GOVERNOR BUSH: I am writing to inform you that I am irrevocably resigning my position as United States Representative for the First District of Florida, effective September 6, 2001. A similar letter has been sent to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives.

I appreciate your friendship and the support you have shown Northwest Florida.

Sincerely,

JOE SCARBOROUGH,
Member of Congress.

On Jan. 31, 2001,⁽¹²⁾ Speaker pro tempore Michael K. Simpson, of Idaho, laid before the House a communication dated Jan. 29, 2001, from a Member resigning his seat in the House effective Feb. 2, 2001:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 29, 2001.

Speaker J. DENNIS HASTERT,
The U.S. House of Representatives,
The Capitol, Washington, D.C.

DEAR MR. SPEAKER: Attached herewith is a copy of my letter to Governor Tom Ridge of the Commonwealth of Pennsylvania stating that my retirement and resignation from the United States Congress shall be effective at 2400 hours, Friday, February 2, 2001.

Sincerely,

BUD SHUSTER,
Member of Congress.

12. *Id.* at p. 1056.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 29, 2001.

Gov. TOM RIDGE,
*Commonwealth of Pennsylvania,
Office of the Governor, Harrisburg,
PA.*

DEAR GOVERNOR RIDGE, I hereby submit my letter of retirement and resignation from the United States Congress, effective at 2400 hours, Friday, February 2, 2001.

Sincerely,

BUD SHUSTER,
Member of Congress.

On Feb. 25, 1999,⁽¹³⁾ Speaker pro tempore Ray LaHood, of Illinois, laid before the House a communication dated Jan. 27, 1999, from a Member resigning his seat in the House effective Feb. 28, 1999:

HOUSE OF REPRESENTATIVES
Washington, DC, January 27, 1999.

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

DEAR MR. SPEAKER: Enclosed please find a copy of a letter to the Louisiana Secretary of State announcing my intention to resign from the U.S. House of Representatives on February 28, 1999. Upon receipt of this letter, I expect the Governor to notice and call an election to fill my vacancy. My hope is that it will occur as quickly as possible so as to result in as little inconvenience as possible to the Republican Conference.

13. 145 CONG. REC. 3117, 106th Cong. 1st Sess.

Sincerely,

ROBERT L. LIVINGSTON,
Member of Congress.

On Feb. 3, 1998,⁽¹⁴⁾ the Speaker laid before the House a communication dated Jan. 15, 1998, from a Member resigning his seat in the House effective Feb. 6, 1998:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 15, 1998.

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

DEAR MR. SPEAKER: It is with very mixed feelings that I write to you to tender my resignation from the House of Representatives, effective at the close of business on Friday, February 6, 1998. After so many years of watching my family's sacrifice, in the interests of public service, I find that the requirements of being more available to them now press very hard upon me. Therefore, I will leave the House and turn my attention to these pressing matters.

Serving in the House has been a profound honor, both because it has allowed me to share in the traditions and history of the House and because of the incredible district that I was honored to represent in the House chamber. I will miss my many colleagues and the opportunity to contribute so directly to the governance of our nation. I leave with a sense of significant accomplishment, as well as with the optimism with which I entered the chamber for the first time in

14. 144 CONG. REC. 515, 105th Cong. 2d Sess.

1971. I will value our friendship and the challenging debate that we have engaged in over these many years.

Mr. Speaker, I wish you well and extend through you my very best wishes to all of our colleagues.

Sincerely yours,
RONALD V. DELLUMS,
Member of Congress.

HOUSE OF REPRESENTATIVES,
January 27, 1998.

Gov. PETE WILSON,
*State Capitol,
Sacramento, CA.*

DEAR GOVERNOR WILSON: I write to you pursuant to California law to advise you that I will resign my office, Representative in Congress, 9th California District, effective at the close of business on February 6, 1998. I have similarly advised the Speaker of the House of Representatives.

I appreciate and have been honored by the opportunity to have served the people of the State of California in the United States Congress.

Sincerely yours,
RONALD V. DELLUMS,
Member of Congress.

On Dec. 15, 1997,⁽¹⁵⁾ following a recess, the Speaker, Newt Gingrich, of Georgia, inserted in the *Congressional Record* a communication from Rep. Floyd Flake, of New York, to the Secretary of State of New York dated Nov. 7, 1997, resigning his seat in the

15. 143 CONG. REC. 26709, 105th Cong. 1st Sess.

House effective one week after the date of the communication, on Nov. 16, 1997:⁽¹⁶⁾

HOUSE OF REPRESENTATIVES,
Washington, DC, November 7, 1997.

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

DEAR SECRETARY TREADWELL: Pursuant to section 31 of the Public Officers law, I hereby inform you that I am resigning from the United States House of Representatives. My resignation 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.

16. Rep. Flake previously had withdrawn on Oct. 9, 1997, an earlier putative resignation by letter to the Governor of New York dated Aug. 4, 1997, which proposed to be effective on the date of Oct. 15, 1997, and which had been laid before the House on Sept. 3, 1997. The law of the State of New York required that a resignation be submitted to its Secretary of State. See also § 3.9, *supra*.

On Jan. 21, 1993,⁽¹⁷⁾ Speaker Thomas S. Foley, of Washington, laid before the House a communication from a Member resigning his seat in the House effective at the end of the current month, on Jan. 31, 1993:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 12, 1993.
Hon. GEORGE V. VOINOVICH,
Governor, State of Ohio, Columbus, OH.

DEAR GEORGE: I am writing to inform you that I will be resigning my seat in the U.S. House of Representatives effective at the close of business January 31, 1993.

Sincerely,
BILL GRADISON.

On Mar. 17, 1981,⁽¹⁸⁾ the Speaker laid before the House a communication from a Member resigning his seat in the House effective four weeks later, on Apr. 13, 1981:

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 13, 1981.
Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
2231 Rayburn House Office Building,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed is a copy of the letter I have sent this day to The Honorable William Winter, Gov-

17. 139 CONG. REC. 423, 103d Cong. 1st Sess.

18. 127 CONG. REC. 4423, 97th Cong. 1st Sess.

ernor of the State of Mississippi, advising him of my resignation from the United States House of Representatives effective at the close of business on Monday, April 13, 1981.

Sincerely,
JON HINSON,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 13, 1981.
Hon. WILLIAM WINTER,
Governor of Mississippi,
Jackson, Miss.

DEAR GOVERNOR WINTER: This is to advise you that I resign from the United States House of Representatives effective at the close of business on Monday, April 13, 1981.

Sincerely,
JON HINSON,
Member of Congress.

On Dec. 30, 1980,⁽¹⁹⁾ the Speaker, Thomas P. O'Neill, Jr., of Massachusetts, inserted in the *Congressional Record* a communication from a Member dated Dec. 18, 1980, in which the Member resigned his seat in the House effective Dec. 29, 1980:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C. December 18, 1980.
The Honorable BRENDAN T. BYRNE,
Office of the Governor,
Executive State House,
Trenton, N.J.

19. 126 CONG. REC. 34415, 96th Cong. 2d Sess.

GOVERNOR BYRNE: In accordance with the law, I hereby resign as the Representative of the Fourth District of New Jersey effective midnight, December 29, 1980.

Sincerely yours,
FRANK THOMPSON, Jr.

Copies: Hon. Edmund L. Henshaw, Jr., Clerk of the U.S. House of Representatives; Hon. Benjamin J. Guthrie, Sergeant at Arms; Hon. Thomas P. O'Neill, Jr., Speaker of the House.

On Nov. 7, 1979,⁽²⁰⁾ the Speaker laid before the House a communication from a Member resigning his seat in the House effective at the end of the second month following (Jan. 31, 1980):

WASHINGTON, D.C.,
November 7, 1979.

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

DEAR MR. SPEAKER: Because my state of health no longer permits me to discharge fully my responsibilities as a Member of the U.S. House of Representatives, representing the Eleventh Congressional District of Pennsylvania, I hereby resign my Office effective January 31, 1980.

Sincerely yours,
DANIEL J. FLOOD,
Member of Congress.

WASHINGTON, D.C.,
November 7, 1979.

20. 125 CONG. REC. 31327, 31328, 96th Cong. 1st Sess.

Hon. RICHARD THORNBURGH,
Governor of Pennsylvania,
Harrisburg, Pa.

DEAR GOVERNOR: Because my state of health no longer permits me to discharge fully my responsibilities as a Member of the U.S. House of Representatives, representing the Eleventh Congressional District of Pennsylvania, I hereby resign my Office effective January 31, 1980.

Sincerely yours,
DANIEL J. FLOOD,
Member of Congress.

The Speaker, on Oct. 2, 1963,⁽²¹⁾ laid before the House the following communication:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., September 26,
1963.

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

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the Honorable John B. Connally, Governor of Texas, my resignation as a Representative in the Congress of the United States from the 10th District of Texas, the resignation to become effective the 20th day of December, 1963. A copy of my letter to the Governor is attached.

Warm personal regards.

Sincerely yours,
HOMER THORNBERRY.

SEPTEMBER 26, 1963.

21. 109 CONG. REC. 18583, 88th Cong. 1st Sess.

Hon. JOHN B. CONNALLY,
Governor of Texas,
Austin, Tex.

DEAR GOVERNOR CONNALLY: I hereby tender to you my resignation as a Member of the House of Representatives in the Congress of the United States from the 10th District of Texas, the resignation to become effective the 20th day of December 1963.

Warm personal regards.

Sincerely yours,
 HOMER THORNBERRY.

Parliamentarian's Note: On July 9, 1963, President Kennedy nominated Mr. Thornberry to be a Federal district judge. The Senate confirmed the nomination on July 15 (although Mr. Thornberry was not sworn in as U.S. district judge until Dec. 21, 1963). Mr. Thornberry delayed the effective date of his resignation from the House until Dec. 20 because of the press of business in the Committee on Rules during the remainder of the first session of the 88th Congress, and also because a special election (for another purpose) had previously been scheduled for Dec. 9 in Texas, and that was considered an opportune time to conduct a special election to fill the vacancy in the House caused by Mr. Thornberry's resignation.

Resignation of Member Elected to Next Congress

§ 5.2 The resignation of an incumbent Member was ten-

dered after his election to the next Congress but before the adjournment of the current Congress.

On Dec. 7, 1944,⁽¹⁾ the Speaker laid before the House the resignation of Rep. John E. Fogarty, of Rhode Island.

Mr. Fogarty resigned his seat in the 78th Congress less than one month before his term expired in order to join the Armed Forces, although he had been elected to the 79th Congress.

DECEMBER 7, 1944.

Hon. SAM RAYBURN,
The Speaker, 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 Rhode Island my resignation as a Representative in the Seventy-eighth Congress of the United States from the Second District of Rhode Island.

With assurance of my high esteem, I am,

Respectfully yours,
 JOHN E. FOGARTY.

§ 5.3 An incumbent Member (the Speaker) resigned as a Representative-elect to the next Congress.

1. 90 CONG. REC. 8990, 78th Cong. 2d Sess.

On Jan. 6, 1999,⁽¹⁾ the Clerk of the House, Jeffrey J. Trandahl, laid before the House a letter from Rep. Newt Gingrich, of Georgia, transmitting a copy of his letter of resignation as a Member-elect for the 106th Congress (in the language of the pertinent Georgia statute, a “withdrawal”) that he had submitted to the Governor of his State in conjunction with his decision not to seek the renomination of his party caucus for the Office of Speaker in the 106th Congress.⁽²⁾

WASHINGTON, DC, *December 17, 1998.*

Hon. ROBIN H. CARLE,
*Clerk of the House, the Capitol,
Washington, D.C.*

DEAR ROBIN: As you are no doubt aware, I have decided that I will not

1. 145 CONG. REC. 42, 106th Cong. 1st Sess.
2. On Dec. 17, 1998, in the closing days of the 105th Congress, Speaker Gingrich, having been reelected as a Representative from the Sixth District of Georgia for the 106th Congress, announced that, while he would continue to serve in the Office of Speaker and as the Representative from Georgia’s Sixth District through the end of the 105th Congress, he would create a vacancy for the 106th Congress by “withdrawing” (the term used in Georgia law) as Representative-elect from that district. It was not unprecedented for a Member to resign without ever having taken his seat. See 2 Hinds’ Precedents § 1231.

seek re-election in the 106th Congress as Speaker of the United States House of Representatives. In conjunction with that decision, I have notified the Governor of Georgia that I have withdrawn pursuant to Section 21-2-503 of the Official Code of Georgia Annotated and will not take the seat of congressman for the Sixth District of Georgia for the 106th Congress.

I will, however, complete my term as congressman from the Sixth District of Georgia for the entirety of the 105th Congress. I will also continue to serve as Speaker until the completion of the 105th Congress.

Please contact me if you have any questions.

Sincerely,

NEWT GINGRICH,
Speaker.

NOVEMBER 22, 1998.

Governor Zell Miller,
Atlanta, Georgia.

DEAR GOVERNOR MILLER: As you are no doubt aware, I have decided that I will not seek re-election in the 106th Congress as Speaker of the House of Representatives. In conjunction with this decision, I hereby notify you that I have withdrawn pursuant to Section 21-2-504 of the Official Code of Georgia Annotated and will not take the seat of congressman for the Sixth District of Georgia for the 106th Congress.

I will, however, complete my term as congressman for the Sixth District of Georgia for the entirety of the 105th Congress. I will also continue to serve as Speaker until the completion of the 105th Congress.

Please contact me if you have any questions.

Very truly yours,
NEWT GINGRICH.

Resignation Based on a Contingency

§ 5.4 A Member, in resigning from the House, may make his resignation effective at such time as his appointment to an Executive office is confirmed.

On Dec. 6, 1973,⁽¹⁾ a copy of the letter of resignation of Rep. Gerald R. Ford, of Michigan, was laid before the House by the Speaker, following the completion of the joint meeting for the swearing in of Mr. Ford as Vice President.

WASHINGTON, D.C., *December 3, 1973.*

Hon. CARL ALBERT,
The Speaker, Washington, D.C.

DEAR MR. SPEAKER: I enclose a copy of my letter of resignation as a Representative of the Fifth District of the State of Michigan in the House of Representatives, effective upon my becoming Vice President of the United States. As required by Michigan law, this has been submitted to the Governor and the Secretary of State of the State of Michigan.

Because it is impossible, I shall not attempt to express my thanks for your many courtesies or my regret at leaving the House of Representatives after nearly 25 years.

1. 119 CONG. REC. 39927, 93d Cong. 1st Sess.

Warm personal regards,
GERALD R. FORD,
Member of Congress.

WASHINGTON, D.C.,
November 30, 1973.

Hon. WILLIAM G. MILLIKEN,
Governor, State of Michigan,
Lansing, Mich.

DEAR GOVERNOR MILLIKEN: I am advised by the Speaker of the U.S. House of Representatives that the final vote on my confirmation as Vice President of the United States under the provisions of the 25th Amendment to the United States Constitution has been scheduled for Thursday, December 6, 1973.

Since the precise date and hour cannot be specified in advance, I am hereby submitting my resignation as a Representative from the Fifth District of Michigan to be effective upon my becoming Vice President of the United States.

It has been a great honor and privilege to serve the people of Michigan for nearly 25 years in the House of Representatives and I will continue to serve them, together with all the people of the United States, when I am confirmed in the Vice Presidency.

Warm personal regards,
GERALD R. FORD,
Member of Congress.

Resignation Immediately After Being Sworn-in

§ 5.5 When a Senator had been reelected to the Senate and also had been elected Vice President of the United

States, he submitted his resignation from the Senate to take effect immediately after his being re-sworn as a Senator.

On Jan. 3, 1961,⁽¹⁾ Lyndon B. Johnson, of Texas, Senator-elect and Vice President-elect, took the oath as Senator to begin his third term in the Senate.

Immediately after administering the oath to Senator Johnson, outgoing Vice President Richard M. Nixon laid before the Senate a communication from Senator Johnson advising that he had submitted his resignation as a Senator to the Governor of Texas effective immediately after his swearing in as a Senator.⁽²⁾

The VICE PRESIDENT. The Chair will now read communications from Senator JOHNSON of Texas which were sent to the Senate and Governor of Texas:

U.S. SENATE,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, D.C., December 31, 1960.

The Honorable the VICE PRESIDENT
OF THE UNITED STATES,
*U.S. Senate,
Washington, D.C.*

DEAR MR. VICE PRESIDENT: I enclose a copy of a letter addressed by me to

1. 107 CONG. REC. 7, 87th Cong. 1st Sess.
2. Mr. Johnson was sworn in as Vice President of the United States on Jan. 20, 1961. See *Id.* at p. 1010.

the Governor of Texas tendering my resignation as U.S. Senator from that State for the term beginning at noon January 3, 1961, effective immediately after I have taken and subscribed to the required oath in open Senate.

Sincerely yours,
LYNDON B. JOHNSON.

DECEMBER 31, 1960.

The Honorable PRICE DANIEL,
*Governor of Texas,
Austin, Tex.*

DEAR GOVERNOR DANIEL: I hereby tender my resignation as U.S. Senator from the State of Texas for the term beginning at noon January 3, 1961, effective immediately after the oath required by the Constitution and prescribed by law has been taken and subscribed by me in open Senate as provided by rule II of its standing rules.

Sincerely yours,
LYNDON B. JOHNSON.

The VICE PRESIDENT. The Chair lays before the Senate a communication and telegram from the Governor of Texas.

The communications are as follows:

THE STATE OF TEXAS,
EXECUTIVE DEPARTMENT,
Austin, Tex., December 31, 1960.

Honorable RICHARD M. NIXON,
*Vice President of the United States
and President of the U.S. Senate,
Washington, D.C.*

DEAR SIR: Having received notice of resignation from Senator LYNDON B. JOHNSON effective after his taking the oath of office on January 3, 1961, I hereby appoint WILLIAM A. BLAKLEY, of Dallas, Tex., to the office of U.S.

Senator to succeed Senator JOHNSON upon his resignation January 3, 1961.

Sincerely yours,

PRICE DANIEL
Governor.

AUSTIN, TEX., *January 3, 1961.*

FELTON M. JOHNSTON,
*Secretary of the U.S. Senate,
Washington, D.C.:*

Confirming my letter of December 31, I hereby appoint WILLIAM A. BLAKLEY, of Dallas, Tex., to the office of U.S. Senator to succeed Senator JOHNSON upon his resignation effective after his taking the oath of office today. Certificate of appointment being mailed.

PRICE DANIEL,
Governor.

§ 5.6 A Member resigned his seat in the House effective as soon as his successor could be elected.

On Dec. 1, 1944,⁽¹⁾ the Speaker laid before the House the following communication:

WASHINGTON, D. C.,
November 28, 1944.

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 Virginia my resignation as a Representative in the

1. 90 CONG. REC. 8689, 78th Cong. 2d Sess.

Congress of the United States from the Third District of Virginia, to become effective as soon as my successor can be elected.

Yours sincerely,

DAVE E. SATTERFIELD, Jr.

§ 5.7 A Member initially submitted his resignation contingent on the Governor of his State calling a special election to fill the vacancy created thereby, proposing that such resignation become effective on the day of that special election but, when the Governor took no action in response, again submitted his resignation without condition.

On Jan. 18, 1965,⁽¹⁾ a Member submitted his resignation to his Governor "to become effective upon such date as the Governor may set for a special election to fill the vacancy." The Speaker laid the letter before the House.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 13, 1965.

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

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the Honorable Donald S.

1. 111 CONG. REC. 805, 806, 89th Cong. 1st Sess.

Russell, Governor of South Carolina, my resignation as a Representative in the Congress of the United States from the Second District of South Carolina, the resignation to become effective upon such date as the Governor may set for a special election to fill the vacancy. A copy of my letter to the Governor is attached.

Sincerely yours,

ALBERT WATSON.

JANUARY 13, 1965.

Hon. DONALD S. RUSSELL
*Governor of South Carolina,
Columbia, S.C.*

DEAR GOVERNOR RUSSELL: I hereby tender to you my resignation as a Member of the House of Representatives in the Congress of the United States from the Second Congressional District of South Carolina, the resignation to become effective upon such date as you may set for a special election to fill the vacancy.

I have also informed the Speaker of the House of Representatives of this action.

Sincerely yours,

ALBERT WATSON.

Parliamentarian's Note: During the 1964 Presidential campaign, Mr. Watson, elected to the 89th Congress as a Democrat, actively supported the Republican candidate, Senator Barry M. Goldwater, of Arizona.

Mr. Watson declared his change of party affiliation and announced his decision to resign so that his constituents could, by their votes

in a special election, indicate their approval or disapproval of his action. However, the Governor did not call the special election anticipated by Mr. Watson.

When the Governor declined to act on the resignation (*i.e.*, to call a special election), Mr. Watson again resigned, this time unconditionally. On Jan. 28, 1965,⁽²⁾ the Speaker laid Mr. Watson's second letter of resignation before the House.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., January 27, 1965.

The Honorable JOHN W. MCCORMACK,
*Speaker, House of Representatives,
Washington, D.C.*

DEAR MR. SPEAKER: By letter dated January 13, 1965, I submitted to the Honorable Donald S. Russell, Governor of South Carolina, my resignation as a Representative in the Congress of the United States from the Second District of South Carolina, the resignation to become effective upon such date as the Governor might set for a special election to fill the vacancy. You were advised of this action by letter of the same date.

It now clearly appears that the Governor intends no affirmative action on this matter. Therefore, I beg leave to inform you that I have this day transmitted to him my resignation effective upon the adjournment of the House on Monday, February 1, 1965.

A copy of my letter to the Governor is attached.

2. *Id.* at p. 1452.

Sincerely yours,

ALBERT WATSON,
Member of Congress.

JANUARY 27, 1965.

Hon. DONALD S. RUSSELL,
*Governor of South Carolina,
Columbia, S.C.*

DEAR GOVERNOR RUSSELL: I hereby tender to you my resignation as a Member of the House of Representatives in the Congress of the United States from the Second Congressional District of South Carolina, the resignation to become effective upon the adjournment of the House on Monday, February 1, 1965.

I have also informed the Speaker of the House of Representatives of this action.

Sincerely yours,

ALBERT WATSON,
Member of Congress.⁽³⁾

§ 5.8 A Senator submitted his resignation effective on a certain date or “at such earlier date as my successor has been elected and qualified.”

On Jan. 3, 1957,⁽¹⁾ Vice President Richard M. Nixon, of California, laid before the Senate a

3. Following Mr. Watson's resignation, a special election was held in South Carolina, and Mr. Watson, earlier a Democrat, was reelected to the House as a Republican. See 111 CONG. REC. 13774, 89th Cong. 1st Sess., June 16, 1965.

1. 103 CONG. REC. 3, 85th Cong. 1st Sess.

copy of a letter dated Sept. 26, 1956, in which a Senator had submitted a resignation to the Governor of Texas, effective “January 15, 1957, or at such earlier date as my successor has been elected and qualified.”

The VICE PRESIDENT. The Chair lays before the Senate a letter from the junior Senator from Texas [Mr. DANIEL] enclosing a copy of a letter to the Governor of Texas, tendering his resignation as a Senator, effective as of January 15, 1957. Without objection, the letter will be printed in the RECORD and placed on file.

The letter is ordered to be printed in the RECORD and placed on file, as follows:

UNITED STATES SENATE,
Washington, D.C., September 26, 1956.

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

DEAR GOVERNOR: Acting under the provisions of section 4 of article 4.09 of the Texas Election Code, I hereby resign the office of United States Senator effective January 15, 1957, or at such earlier date as my successor has been elected and qualified.

From this date forward I shall not draw any salary, but I shall continue my services in completing pending matters in my Senate committees and shall be available in the event of a special session, thereby assuring that Texas has the full representation of two United States Senators while my successor is being elected.

Although the date of the election, within the time limits specified in section 1 of article 4.09, is a matter within your discretion, please permit me to express the hope that it will be held in time for my successor to take office not later than January 3, the first day of the next Congress.

Sincerely yours,

PRICE DANIEL.

Parliamentarian's Note: The Governor of Texas, taking the view that no vacancy would be created by the qualified resignation until Jan. 15, 1957, did not call a special election. (Mr. Daniel became Governor of Texas on Jan. 15, 1957.)

Resignations from House Anticipating Appointments to Fill Vacancies in Senate

§ 5.9 There have been several instances in which the resignation of a Member of the House was timed to coincide with the resignation of a Member of the Senate, thereby permitting the executive authority of the State concerned to appoint the former Representative to fill the vacant Senate seat.

On Jan. 2, 1971,⁽¹⁾ the Speaker laid before the House a letter of resignation from a Member who

1. 117 CONG. REC. 44617, 92d Cong. 1st Sess.

had been appointed to the Senate to fill a vacancy caused by the resignation of Senator George L. Murphy, of California, whose term of office was about to expire.

1:25 p.m., JANUARY 2, 1971.

Hon. JOHN MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Effective immediately I hereby resign from the House of Representatives.

Sincerely,

JOHN V. TUNNEY.

In the Senate, on that same day,⁽²⁾ Senator Michael J. Mansfield, of Montana, rose to present the certificate of appointment of former Representative Tunney as a Senator from California.

Presiding Officer Adlai E. Stevenson III, of Illinois, asked that the clerk first read the letter of resignation of former Senator Murphy.

Mr. MANSFIELD. Mr. President, I present the certificate of appointment of the Honorable JOHN V. TUNNEY as a Senator from the State of California.

The PRESIDING OFFICER. First, the clerk will read a letter from the former Senator from California.

The legislative clerk read as follows:

JANUARY 2, 1971.

THE VICE PRESIDENT,
Executive Office Building,

2. *Id.* at p. 44568.

Washington, D.C.

DEAR MR. VICE PRESIDENT: I herewith submit to you my resignation as a member of the United States Senate effective as of 1:31 p.m. today.

Sincerely,

GEORGE MURPHY.

The Presiding Officer then had the certificate of appointment read, after which Mr. Tunney was escorted to the desk and the oath prescribed by law was administered to him by the Presiding Officer.⁽³⁾

Parliamentarian's Note: Mr. Tunney's resignation from the House was effective upon submission to the Governor of California. His letter to the Speaker, resigning from the House "effective immediately" was laid before the House at 1:25 p.m., and he was sworn into the Senate shortly thereafter.

3. See § 4.3, *supra*, where a Senator's resignation was submitted three days before the expiration of his term so that the Governor of his State could appoint his successor to fill the three-day vacancy thereby created, thus providing the successor with an advantage in seniority over other newly elected Senators. In that case, the departing Senator's successor was an incumbent Member of the House who, in order to accept the appointment to fill the three-day vacancy, resigned as a Representative on the same day that the Senator resigned.

Effect of Constitutional or Statutory Provisions

§ 5.10 A Member's resignation should be timed to avoid any conflict with constitutional or statutory provisions.

On Feb. 27, 1969,⁽¹⁾ the Speaker laid before the House a letter from a Member notifying the Speaker that he had submitted his resignation as a Member of the House to the Governor and Secretary of State of his State, to be effective on the day of transmittal.

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 27, 1969.

Hon. JOHN W. MCCORMACK,
Speaker of the House of Representatives.

SIR: I beg leave to inform you that I have this day transmitted to the Governor of Montana and the Secretary of State of Montana, my resignation as a Representative in the Congress of the United States from the Second District of Montana, to be effective at 3:30 p.m., eastern standard time, on the above-mentioned date.

JAMES F. BATTIN,
Member of Congress.

Parliamentarian's Note: Mr. Battin's nomination as a U.S. District Judge (Second District of Montana) was reported to the Senate on Feb. 25, 1969,⁽²⁾ and

1. 115 CONG. REC. 4734, 91st Cong. 1st Sess.
2. *Id.* at p. 4468.

was confirmed by the Senate on that day. His letter of resignation from the House specified an effective time of 3:30 p.m., Feb. 27; and he was sworn in as judge at that precise hour, thus assuming office before Mar. 1, which would have been the effective date of the pay raise for Federal judges enacted as a result of Public Law No. 90-206. By resigning from the House and taking the oath as a district judge before the salary increase for that position became effective, Mr. Battin avoided an apparent conflict with the following constitutional provision: "No . . . Representative shall, during the Time for which he was elected, be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time."⁽³⁾

In another instance, on Jan. 15, 1968, upon the reconvening of the 90th Congress,⁽⁴⁾ three communications pertaining to the resignation of Mr. Abraham J. Multer, of New York, were laid before the House.

In his first letter of resignation submitted to the Speaker, dated Dec. 15, 1967, Mr. Multer had in-

3. U.S. Const. art. I §6.

4. 114 CONG. REC. 7, 90th Cong. 2d Sess.

dicated he would resign effective Jan. 1, 1968, to assume the office of Justice of the Supreme Court of New York. He had been appointed to this post effective Jan. 1, 1968.

The 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 Representatives,
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.

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

Most sincerely,

ABRAHAM J. MULTER.

Enclosure.

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.

Mr. Multer's second letter to the Speaker, dated Dec. 19, 1967, served as a clarification of his effective date of resignation. To avoid being placed in the position of holding conflicting offices, he made his resignation from the House effective midnight, Dec. 31, 1967.

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

Hon. JOHN W. McCORMACK,
Speaker of the U.S. 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.

Effect of Confirmation of Appointment to Executive Office

§ 5.11 A Member's resignation has been laid down after the

Member's appointment to another office.

On Jan. 17, 1969,⁽¹⁾ John Stennis, of Mississippi, Chairman of the Senate Committee on Armed Services, announced to the Senate that that committee had voted unanimously in favor of confirmation of the nominee-designate for Secretary of Defense. This was done before Inauguration Day (continuing the practice followed in 1953 and 1961), despite the fact that the nomination was not yet officially before the committee since it could not be made by President-elect Richard M. Nixon before Jan. 20. The nominee-designate was a Member of the House, Melvin R. Laird, of Wisconsin, who had taken the oath of office as a Member of the House on Jan. 3.

After the inauguration of the President on Jan. 20, 1969,⁽²⁾ the Senate met to receive executive nominations, among which was that of Mr. Laird to be Secretary of Defense. Mr. Laird's nomination was confirmed, and Mr. Laird was sworn in as Secretary of Defense on Jan. 21, 1969, at 8 o'clock a.m.

The resignation of Mr. Laird from the House was dated Jan.

1. 115 CONG. REC. 1261, 91st Cong. 1st Sess.
2. *Id.* at p. 1289.

21, 1969, the date on which he was sworn in as Secretary of Defense, and was laid before the House on Jan. 23, 1969,⁽³⁾ the date of the reconvening of the House following the inauguration. Mr. Laird's communication to the Speaker was as follows:

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

Hon. JOHN W. McCORMACK,
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.

Similarly, on May 26, 1969,⁽⁴⁾ the resignation of Rep. Donald Rumsfeld was laid before the House after he had been sworn in as an official of the Executive Branch. Although the resignation was laid down after the swearing in, the effective time of his resignation was earlier than that at which he took the oath.

The Honorable the SPEAKER,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: It is my duty to inform you that I have transmitted to the

3. *Id.* at p. 1571.

4. *Id.* at p. 13719.

Governor of Illinois my resignation as a Representative in Congress from the 13th Congressional District of the State of Illinois, to be effective as of midnight, Sunday, May 25, 1969.

As you know, my resignation is caused by my having accepted the positions of an Assistant to the President and Director of the Office of Economic Opportunity.

I very much appreciate the privilege of having served with you and my colleagues in the House, and I thank you for your cooperation, fairness, assistance, and good will.

Respectfully,

DONALD RUMSFELD,
Representative in Congress.

Parliamentarian's Note: Mr. Rumsfeld was administered the oath of office as Director of the Office of Economic Opportunity and Assistant to the President at 10 o'clock a.m., May 26, 1969. His letter of resignation was laid before the House when it convened at noon on the 26th but stated that the resignation was effective as of "midnight, Sunday, May 25, 1969."

Numerous persons have resigned as Representative to take a cabinet post (see, *e.g.* § 4.2, *supra*). However, the following strike a higher profile.

After having been elected both as Vice President and as a Representative in the succeeding Congress, then-Speaker John Nance Garner transmitted to the Governor of Texas his resignation as a Member-elect.⁽⁵⁾

5. 6 Cannon's Precedents §§ 230, 453.

After having been nominated and confirmed as Vice President pursuant to the 25th Amendment, Rep. Gerald R. Ford submitted to the Governor of Michigan a letter of resignation as a Representative, and a copy of his letter of resignation was laid before the House by the Speaker following the completion of a joint meeting for his swearing in as Vice President.⁽⁶⁾

After having been confirmed as Secretary of Defense, Rep. Richard B. Cheney submitted a letter of resignation to the Governor of Wyoming, which was laid before the House before he took the oath of office as Secretary of Defense.⁽⁷⁾

HOUSE OF REPRESENTATIVES,
Washington, DC.

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

DEAR MR. SPEAKER: Since January 3, 1979, I have had the honor and privilege of representing the people of Wyoming in the United States House of Representatives.

On March 10, 1989, President Bush asked me to become his nominee for Secretary of Defense. The Senate has now confirmed my nomination, and I will assume this office later today.

I must therefore resign my office as the At-large Representative from the

6. 119 CONG. REC. 39927, 93d Cong. 1st Sess., Dec. 6, 1973. See § 5.4, *supra*.
7. 135 CONG. REC. 4976, 101st Cong. 1st Sess., Mar. 20, 1989.

State of Wyoming effective immediately.

Sincerely,

DICK CHENEY.

Done at Washington, DC, this seventeenth day of March, in the year of our Lord, nineteen hundred and eighty-nine, at 1:01 p.m.

The SPEAKER.⁽⁸⁾ A similar letter drafted and addressed to the Governor of the State of Wyoming will be inserted in the RECORD at this point.

HOUSE OF REPRESENTATIVES,
Washington, DC.

Hon. MIKE SULLIVAN,
Governor of Wyoming, State Capitol
Building, Cheyenne, WY.

DEAR GOVERNOR SULLIVAN: Since January 3, 1979, I have had the honor and privilege of representing the people of Wyoming in the United States House of Representatives.

On March 10, 1989, President Bush asked me to become his nominee for Secretary of Defense. The Senate has now confirmed my nomination, and I will assume this office later today.

I must therefore resign my office as the At-large Representative from the State of Wyoming effective immediately.

Best regards,

DICK CHENEY.

After having been reelected as Representative from the Sixth District of Georgia for the 106th Congress, Speaker Newt Gingrich held the office of Speaker and his seat in the Sixth District of Georgia through the expiration of the

8. James C. Wright, Jr. (TX).

105th Congress but created a vacancy for the 106th Congress by “withdrawing” (the term used in Georgia law) as Representative-elect from that district.⁽⁹⁾

State Law as Affecting Time of Resignation

§ 5.12 Whether a resignation may specify a future effective date is a question of State law.

On Nov. 26, 1951, Rep. T. Vincent Quinn, of New York, submitted his resignation to take effect as of a future date, a procedure that was not permissible under the applicable State statute. On Jan. 8, 1952,⁽¹⁾ the Speaker laid Mr. Quinn’s resignation before the House in a form permitted under New York law.

DECEMBER 30, 1951.

9. 145 CONG. REC. 42, 106th Cong. 1st Sess., Dec. 17, 1958. See § 5.3, *supra*.

1. 98 CONG. REC. 14, 15, 82d Cong. 2d Sess.

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

MY DEAR MR. SPEAKER: I wrote you on November 26, 1951, advising you that I had transmitted my resignation as a Member of Congress to the Governor of the State of New York to take effect on December 31, 1951.

I have since been informed by the secretary to the Governor that the laws of the State of New York do not permit a resignation by a Member of the House of Representatives to take effect at a future date. The resignation must be effective immediately. For this reason I have requested that my former resignation be considered a nullity and have transmitted another resignation today. A copy of this resignation is enclosed.

May I again thank you for all your kindness to me and wish you a happy and blessed New Year.

Sincerely yours,

VINCENT,
T. VINCENT QUINN,
Member of Congress.