

Albert, of Oklahoma, promising to refrain from voting on the floor or in committee and from participating in committee business pending an appeal of his conviction.<sup>(6)</sup>

### § 16. Censure; Reprimand

In the House, the underlying concept governing the censure of a Member for misconduct is that of breach of the rights and privileges of the House.<sup>(7)</sup> As indicated in a report of a select committee of the House,<sup>(8)</sup> the power of each House to censure its Members “for disorderly behavior” is found in article I section 5 clause 2 of the U.S. Constitution. It is discretionary in character, and upon a resolution for censure of a Member for misconduct each individual Member

considering the matter is at liberty to act on his sound discretion and vote according to the dictates of his own judgment and conscience.

The conduct for which censure may be imposed is not limited to acts relating to the Member’s official duties. See *In re Chapman* (166 U.S. 661 [1897]). The committee considering censure of Senator Joseph McCarthy stated (S. Rept. No. 2508, 83d Cong., p. 22): “It seems clear that if a Senator should be guilty of reprehensible conduct unconnected with his official duties and position, but which conduct brings the Senate into disrepute, the Senate has the power to censure.”

During its history, through the 94th Congress, the House of Representatives has censured 17 Members and one Delegate and has reprimanded one Member in the 94th Congress. All but one of the instances of censure occurred during the 19th century, 13 Members being censured between 1864 and 1875. The last censure in the House was imposed in 1921. In the Senate, there are four instances of censure, including the censure of Senator Joseph McCarthy in 1954.

Most cases of censure have involved the use of unparliamentary language, assaults upon a Mem-

6. See Congressional Quarterly Weekly Report, July 8, 1972, p. 1167.

See also 6 Cannon’s Precedents §§ 402, 403, wherein a select committee assumed that a Member indicted under federal law would take no part whatever in any of the business of the House or its committees until final disposition of the case was made.

7. 2 Hinds’ Precedents § 1644.

8. H. REPT. NO. 90-27, 90th Cong. 1st Sess., Feb. 23, 1967, “In Re Adam Clayton Powell, Report of the Select Committee Pursuant to H. Res. 1,” pp. 24-30.

ber or insults to the House by introduction of offensive resolutions,<sup>(9)</sup> but in five cases in the House and one in the Senate censure was based on corrupt acts by a Member, and in another Senate case censure was based upon non-cooperation with and abuse of Senate committees.<sup>(10)</sup>

9. See 2 Hinds' Precedents §§1246–1249, 1251, 1256, 1305, 1621, 1656; 6 Cannon's Precedents §236.

10. See 2 Hinds' Precedents §§1239, 1273, 1274, 1286; 6 Cannon's Precedents §239; "Senate Election, Expulsion and Censure Cases," S. Doc. No. 71, 87th Cong., pp. 125–27, 152–54.

In 1870, during the 41st Congress, the House censured John T. DeWeese, B. F. Whittemore, and Roderick R. Butler for the sale of appointments to the U. S. Military and Naval Academies. In Butler's case, the Member had appointed to the Military Academy a person not a resident of his district and subsequently received a political contribution from the cadet's father. Censure of DeWeese and Whittemore was voted notwithstanding that each had previously resigned. A resolution to expel Butler was defeated upon failure to obtain a two-thirds vote, whereupon a resolution of censure was voted in which the House "declare[d] its condemnation" of his conduct, which it characterized as "an unauthorized and dangerous practice" (2 Hinds' Precedents §§1239, 1273, 1274).

In 1929 Senator Hiram Bingham (Conn.) was censured for having

In 1873, during the 42d Congress, a special investigating committee was appointed to inquire into charges that Representatives Oakes Ames and James Brooks had been bribed in connection with the Credit Mobilier Co. and the Union Pacific Railroad.<sup>(11)</sup> Al-

placed on the Senate payroll, and used as a consultant on a pending tariff bill, one Charles L. Eyanson, who was simultaneously in the employ of the Manufacturers Association of Connecticut. The Senate adopted a resolution of censure providing that Senator Bingham's conduct regarding Eyanson "while not the result of corrupt motives on the part of the Senator from Connecticut, is contrary to good morals and senatorial ethics and tends to bring the Senate into dishonor and disrepute, and such conduct is hereby condemned." 6 Cannon's Precedents §239.

11. The committee reported that Representative Oakes Ames "has been guilty of selling to Members of Congress shares of stock in the Credit Mobilier of America for prices much below the true value of such stock, with intent thereby to influence the votes and decisions of such Members in matters to be brought before Congress for action." With regard to Representative James Brooks, the committee found that he "did procure the Credit Mobilier Co. to issue and deliver to Charles H. Neilson, for the use and benefit of said Brooks, 50 shares of the stock of said company at a price much below its real value, well knowing that the

though the committee recommended that both Members be expelled, the House adopted substitute censure resolutions in which it “absolutely condemn[ed]” the conduct of Ames and Brooks (2 Hinds’ Precedents § 1286).

Although there has been a divergence of views concerning the power of a House to expel a Member for acts committed during a preceding Congress, the right of a House to censure a Member for such prior acts is supported by clear precedent in both Houses of Congress—namely, the case of Ames and Brooks in the House of Representatives and the case of Senator McCarthy in the Senate. In Ames and Brooks the acts for which censure was voted occurred more than five years prior to censure and two congressional elections had intervened.

Thus, the broad power of the House to censure Members extends to acts occurring during a prior Congress. Whether such powers should be invoked in such circumstances is a matter committed to the discretion and judgment of the House upon consideration of the nature of the prior acts, whether they were known to

same was so issued and delivered with intent to influence the votes and decisions of said Brooks as a Member of the House.”

the electorate at the previous election and to the prior House, and the extent to which they directly involve the authority, integrity, dignity, or reputation of the House.<sup>(12)</sup>

Censure, like other forms of discipline except expulsion, is by a majority of those voting, a quorum being present. (6 Cannon’s Precedents § 236.) The House itself must order the censure. The Speaker cannot, of his own authority, censure a Member.<sup>(13)</sup>

A censure resolution may call for direct and immediate action by the House;<sup>(14)</sup> or it may recommend that a committee be appointed to investigate and report to the House.<sup>15</sup> A House select committee may recommend censure of a Member along with other forms of punishment in response to a resolution to investigate and recommend as to the initial and final right to a seat.<sup>(16)</sup>

12. H. REPT. No. 90–27, 90th Cong. 1st Sess., Feb. 23, 1967. See also § 8.4, *supra*.

13. 2 Hinds’ Precedents §§ 1344, 1345; 6 Cannon’s Precedents § 237.

14. 2 Hinds’ Precedents §§ 1246–1251, 1254–1258; 6 Cannon’s Precedents §§ 236, 239.

15. 2 Hinds’ Precedents §§ 1649–1651, 1655 1656.

16. 113 CONG. REC. 4997, 90th Cong. 1st Sess., Mar. 1, 1967; see 113 CONG. REC. 24, 26, 27, 90th Cong. 1st Sess., Jan. 10, 1967.

Floor debate on a resolution of censure is under the hour rule.<sup>(17)</sup> The House has permitted the Member to be heard in debate as a matter of course without permission being asked or given,<sup>(18)</sup> or by unanimous consent.<sup>(19)</sup> And the Member controlling debate under the hour rule can yield time to the Member being censured. In one instance, after a Member had explained, the House reconsidered its vote of censure and reversed it.<sup>(20)</sup> In some situations where Members have apologized following the initiation of censure proceedings, the House has accepted the apology and terminated the proceedings.<sup>(21)</sup>

After the House has ordered censure, it is normally administered by the Speaker to the Member at the bar of the House.<sup>(22)</sup>

The House has on occasion made a distinction between censure and reprimand, the latter being a somewhat lesser punitive measure than censure. A censure is administered by the Speaker to the Member at the bar of the

House, whereas a reprimand is administered to the Member "standing in his place"<sup>(23)</sup> or merely by way of the adoption of a committee report. Thus in 1976,<sup>(24)</sup> the House administered a reprimand to Mr. Robert L. F. Sikes, of Florida, by adopting by a vote of 381 yeas to 3 nays a resolution (H. Res. 1421) which provided that the House adopt the report of the Committee on Standards of Official Conduct on the investigation of a complaint against Mr. Sikes. The Speaker administered no oral reprimand. The report<sup>(1)</sup> declared that (a) failure of Mr. Sikes to report certain stockholdings as required by House Rule XLIV was deserving of a reprimand, and (b) that the investment by him in the stock of a bank at a naval base in Florida and activities in promoting its establishment was deserving of a reprimand. The report provided that in each instance, "the adoption of this report by the House shall constitute such reprimand."<sup>(2)</sup>

17. See 5 Hinds' Precedents § 4990.

18. 2 Hinds' Precedents §§ 1246, 1253.

19. 2 Hinds' Precedents § 1656.

20. 2 Hinds' Precedents § 1653.

21. See, for instance, 2 Hinds' Precedents §§ 1250, 1257, 1258, 1652; 6 Cannon's Precedents § 7006.

22. See 2 Hinds' Precedents §§ 1251, 1259; 6 Cannon's Precedents § 236.

23. Luther Sterns Cushing, *Elements of the Law and Practice of Legislative Assemblies in the United States of America*, 2d ed. (1866), § 682.

24. CONG. REC. (daily ed.), 94th Cong. 2d Sess., July 29, 1976.

1. H. REPT. NO. 94-1364, 94th Cong. 2d Sess., July 23, 1976.

2. *Id.* at p. 4.

***Censure of Adam Clayton Powell***

**§ 16.1 A House select committee recommended censure, along with other penalties, against a Member-elect.**

On Mar. 1, 1967,<sup>(3)</sup> the House considered a resolution censuring Adam Clayton Powell, of New York, for, INTER ALIA, ignoring the processes and authority of the New York state courts and for improper use of government funds. The resolution provided:

Whereas,

The Select Committee appointed pursuant to H. Res. 1 (90th Congress) has reached the following conclusions:

First, Adam Clayton Powell possesses the requisite qualifications of age, citizenship and inhabitancy for membership in the House of Representatives and holds a Certificate of Election from the State of New York.

Second, Adam Clayton Powell has repeatedly ignored the processes and authority of the courts in the State of New York in legal proceedings pending therein to which he is a party, and his contumacious conduct towards the court of that State has caused him on several occasions to be adjudicated in contempt thereof, thereby reflecting discredit upon and bringing into disrepute the House of Representatives and its Members.

Third, as a Member of this House, Adam Clayton Powell improperly

**3.** H. Res. 278, 113 CONG. REC. 4997, 90th Cong. 1st Sess.

maintained on his clerk-hire payroll Y. Marjorie Flores (Mrs. Adam C. Powell) from August 14, 1964, to December 31, 1966, during which period either she performed no official duties whatever or such duties were not performed in Washington, D. C. or the State of New York as required by law.

Fourth, as Chairman of the Committee on Education and Labor, Adam Clayton Powell permitted and participated in improper expenditures of government funds for private purposes.

Fifth, the refusal of Adam Clayton Powell to cooperate with the Select Committee and the Special Subcommittee on Contracts of the House Administration Committee in their lawful inquiries authorized by the House of Representatives was contemptuous and was conduct unworthy of a Member; Now, therefore be it

*Resolved,*

1. That the Speaker administer the oath of office to the said Adam Clayton Powell, Member-elect from the Eighteenth District of the State of New York.

2. That upon taking the oath as a Member of the 90th Congress the said Adam Clayton Powell be brought to the bar of the House in the custody of the Sergeant-at-Arms of the House and be there publicly censured by the Speaker in the name of the House.

3. That Adam Clayton Powell, as punishment, pay to the Clerk of the House to be disposed of by him according to law, Forty Thousand Dollars (\$40,000.00). The Sergeant-at Arms of the House is directed to deduct One Thousand Dollars (\$1,000.00) per month from the salary otherwise due the said Adam Clayton Powell and pay

the same to said Clerk, said deductions to continue while any salary is due the said Adam Clayton Powell as a Member of the House of Representatives until said Forty Thousand Dollars (\$40,000.00) is fully paid. Said sums received by the Clerk shall offset to the extent thereof any liability of the said Adam Clayton Powell to the United States of America with respect to the matters referred to in the above paragraphs Third and Fourth of the preamble to this Resolution.

4. That the seniority of the said Adam Clayton Powell in the House of Representatives commence as of the date he takes the oath as a Member of the 90th Congress.

5. That if the said Adam Clayton Powell does not present himself to take the oath of office on or before March 13, 1967, the seat of the Eighteenth District of the State of New York shall be deemed vacant and the Speaker shall notify the Governor of the State of New York of the existing vacancy.

The House voted down the motion for the previous question on the resolution and substituted an amendment to exclude, which was adopted.<sup>(4)</sup>

### ***Censure of Joseph R. McCarthy***

#### **§ 16.2 The Senate, by resolution reported by a select committee, censured a Senator for his noncooperation with and abuse of certain**

4. 113 CONG. REC. 5020, 5037, 90th Cong. 1st Sess., Mar. 1, 1967. See also § 14.1, supra.

#### **Senate committees during an investigation of his conduct as a Senator.**

In 1951, during the 82d Congress, a resolution had been introduced calling for an investigation to determine whether expulsion proceedings should be instituted against Senator Joseph McCarthy, of Wisconsin, by reason, *inter alia*, of his activities in the 1950 Maryland senatorial election; the resolution was referred to the Subcommittee on Privileges and Elections, whose Chairman was Senator Guy M. Gillette, of Iowa. Senator McCarthy rejected invitations to attend the hearings of the Gillette subcommittee, termed the charges against him a Communist smear, and stated that the hearings were designed to expel him "for having exposed Communists in Government." In 1954, during the succeeding 83d Congress, a censure resolution against Senator McCarthy was introduced and referred to a select committee headed by Senator Arthur V. Watkins, of Utah. The Watkins committee recommended censure in part on the ground that Senator McCarthy's conduct toward the Gillette subcommittee, its members and the Senate "was contemptuous, contumacious, and denunciatory, without reason, or justification, and was obstructive to

legislative processes.”<sup>(5)</sup> After debate, the Senate adopted a resolution (S. Res. 301, as amended) censuring Senator McCarthy on two counts:

*Resolved*, That the Senator from Wisconsin, Mr. McCarthy, failed to cooperate with the Subcommittee on Privileges and Elections of the Senate Committee on Rules and Administration in clearing up matters referred to that subcommittee which concerned his conduct as a Senator and affected the honor of the Senate and, instead, repeatedly abused the subcommittee and its members who were trying to carry out assigned duties, thereby obstructing the constitutional processes of the Senate, and that this conduct of the Senator from Wisconsin, Mr. McCarthy, is contrary to senatorial traditions and is hereby condemned.

Sec. 2. The Senator from Wisconsin, Mr. McCarthy, in writing to the chairman of the Select Committee To Study Censure Charges (Mr. Watkins) after the select committee had issued its report and before the report was presented to the Senate charging three members of the select committee with “deliberate deception” and “fraud” for failure to disqualify themselves; in stating to the press on November 4, 1954, that the special Senate session that was to begin November 8, 1954, was a “lynch party”; in repeatedly describing this special Senate session as a “lynch bee” in a nationwide television and radio show on November 7, 1954; in stating to the public press on No-

vember 13, 1954, that the chairman of the select committee (Mr. Watkins) was guilty of “the most unusual, most cowardly thing I’ve heard of” and stating further: “I expected he would be afraid to answer the questions, but didn’t think he’d be stupid enough to make a public statement”; and in characterizing the said committee as the “unwitting handmaiden,” “involuntary agent,” and “attorneys in fact” of the Communist Party and in charging that the said committee in writing its report “imitated Communist methods—that it distorted, misrepresented, and omitted in its effort to manufacture a plausible rationalization” in support of its recommendations to the Senate, which characterizations and charges were contained in a statement released to the press and inserted in the Congressional Record of November 10, 1954, acted contrary to senatorial ethics and tended to bring the Senate into dishonor and disrepute, to obstruct the constitutional processes of the Senate, and to impair its dignity; and such conduct is hereby condemned.

As noted above, one of the counts on which censure was voted in 1954 concerned his conduct toward the Gillette subcommittee in 1952 during the preceding Congress. The report of the select committee discussed at length the contention by Senator McCarthy that since he was re-elected in 1952, the committee lacked power to consider, as a basis for censure, any conduct on his part occurring prior to Jan. 3, 1953, when he took his seat for a

5. 100 CONG. REC. 16392, 83d Cong. 2d Sess., Dec. 2, 1954 [S. Res. 301, amended], S. REPT. No. 83-2508.

new term (S. REPT. NO. 2508, 83d Cong., pp. 20–23, 30, 31). The committee stated (p. 22):

While it may be the law that one who is not a Member of the Senate may not be punished for contempt of the Senate at a preceding session, this is no basis for declaring that the Senate may not censure one of its own Members for conduct antedating that session, and no controlling authority or precedent has been cited for such position.

The particular charges against Senator McCarthy, which are the basis of this category, involve his conduct toward an official committee and official committee members of the Senate.

The reelection of Senator McCarthy in 1952 was considered by the select committee as a fact bearing on this proposition. This reelection is not deemed controlling because only the Senate itself can pass judgment upon conduct which is injurious to its processes, dignity, and official committees.

Elaborating on its view that only the Senate can pass judgment upon conduct adverse to its processes and committees, the select committee added (pp. 30–31):

Nor do we believe that the reelection of Senator McCarthy by the people of Wisconsin in the fall of 1952 pardons his conduct toward the Subcommittee on Privileges and Elections. The charge is that Senator McCarthy was guilty of contempt of the Senate or a senatorial committee. Necessarily, this is a matter for the Senate and the Senate alone. The people of Wisconsin can only pass upon issues before them;

they cannot forgive an attack by a Senator upon the integrity of the Senate's processes and its committees. That is the business of the Senate.

### *Censure of Thomas J. Dodd*

**§ 16.3 The Senate, by resolution reported by its Select Committee on Standards and Conduct, censured a Senator for exercising the power and influence of his office to obtain and use for his personal benefit funds from the public raised through political testimonials and a political campaign.**

The Senate, by resolution reported by its Select Committee on Standards and Conduct,<sup>(6)</sup> censured Senator Thomas J. Dodd, of Connecticut, for exercising the power and influence of his office to obtain and use for his personal benefit funds from the public raised through political testimonials and campaigns.

The committee conducted hearings from June, 1966 through March, 1967 on allegations that the Senator had misused campaign funds for personal purposes.<sup>(7)</sup> From its investigations the committee concluded in its re-

6. 113 CONG. REC. 17073, 90th Cong. 1st Sess., June 23, 1967 [S. Res. 112], S. REPT. NO. 90–193.

7. S. REPT. NO. 90–193, p. 9.

port that seven fund-raising events were held for the Senator for the period 1961 through 1965, and that the receipts from these totaled some \$203,983. All but one of the events was represented as being held for political campaign purposes, either to raise funds for the Senator's 1964 campaign or to pay off debts from his 1958 and 1964 campaigns for a seat in the Senate.<sup>(8)</sup> The report stated:

From the circumstances of all the fund-raising events, including the exclusive control of the funds by members of Senator Dodd's staff, the extensive participation by members of Senator Dodd's staff, the close political relationship between Senator Dodd and the sponsors of the fund-raising events, the preoccupation of the organizers with Senator Dodd's apparently political indebtedness, and the partisan political nature of the printed programs, Senator Dodd's knowledge of the political character of these events must be presumed.<sup>(9)</sup>

In addition to the \$203,983, Senator Dodd and the political committees supporting his re-election to the Senate in 1964 received campaign contributions of at least \$246,290. The expenditure of these funds was summarized by the committee, as follows:<sup>(10)</sup>

From the proceeds of the seven fund-raising events from 1961 through 1965

8. *Id.* at p. 24
9. *Id.* at p. 24.
10. *Id.* at p. 25.

and the contributions to the 1964 political campaign, Senator Dodd or his representatives received funds totaling at least \$450,273. From these funds, Senator Dodd authorized the payment of at least \$116,083 for his personal purposes. The payments included Federal income tax, improvements to his Connecticut home, club expenses, transfers to a member of his family, and certain other transportation, hotel, restaurant and other expenses incurred by Senator Dodd outside of Connecticut or by members of his family or his representatives outside of the political campaign period. Senator Dodd further authorized the payment of an additional amount of at least \$45,233 from these proceeds for purposes which are neither clearly personal nor political. These payments were for repayment of his loans in the sum of \$41,500 classified by Senator Dodd as "political-personal" and \$3,733 for bills for food and beverages.

In addition, after the 1964 campaign, Senator Dodd received a campaign contribution of \$8,000 from the International Latex Corp., and, for a period of 21 months, he accepted as gifts the loans of three automobiles in succession from a constituent and used them for personal transportation.<sup>(11)</sup>

11. On seven trips from 1961 through 1965, Senator Dodd requested and accepted reimbursement from both the Senate and private organizations for the same travel. *Id.* at p. 25. This was a charge which the committee included in its censure resolution,

The committee found Senator Dodd's conduct censurable, as follows:<sup>(12)</sup>

Senator Dodd exercised the influence and power of his office as a United States Senator to directly or indirectly obtain funds from the public through testimonials which were political in character, over a period of five years from 1961 to 1965. The notices of these fund-raising events received by the public either stated that the funds were for campaign expenses or deficits or failed to state for what purposes the funds were to be used. Not one solicitation letter, invitation, ticket, program, or other written communication informed the public that the funds were to be used for personal purposes. Senator Dodd used part of the proceeds from these political testimonials and part of the contributions from his political campaign of 1964 for his personal benefit. These acts, together with his requesting and accepting reimbursements from 1961 through 1965 for expenses from both the Senate and private organizations for the same travel, comprise a course of conduct which deserves the censure of the Senate, is contrary to accepted morals, derogates from the public trust expected of a Senator, and tends to bring the Senate into dishonor and disrepute

The committee reported a resolution of censure, as follows:

but which was deleted by an amendment offered by Senator Allen J. Ellender (La.). See 113 CONG. REC. 17020, 90th Cong. 1st Sess., June 23, 1967.

12. S. REPT. NO. 90-193, p. 25.

*Resolved*, That it is the judgment of the Senate that the Senator from Connecticut, Thomas J. Dodd, for having engaged in a course of conduct over a period of five years from 1961 to 1965 of exercising the influence and power of his office as a United States Senator, as shown by the conclusions in the investigation by the Select Committee on Standards and Conduct

(a) to obtain and use for his personal benefit, funds from the public through political testimonials and a political campaign, and

(b) to request and accept reimbursements for expenses from both the Senate and private organizations for the same travel<sup>(13)</sup> deserved the censure of the Senate; and he is so censured for his conduct, which is contrary to accepted morals, derogates from the public trust expected of a Senator, and tends to bring the Senate into dishonor and disrepute.<sup>(14)</sup>

Debate on the resolution<sup>(15)</sup> began on June 13, 1967.<sup>(16)</sup> Senator John Stennis, of Mississippi, chairman of the committee, stated to the Senate that the censure resolution was not bottomed upon any one specific action or violation, nor on one expenditure or a few expenditures and not on one matter which could have been an error. He said:

. . . It is based on the fact that the practice happened over and over and

13. See footnote 11, *supra*.

14. S. Res. 112, 90th Cong. 1st Sess.

15. The resolution, S. Res. 112, was introduced Apr. 27, 1967; see 113 CONG. REC. 10977.

16. 113 CONG. REC. 15663, 90th Cong. 1st Sess.

over again, so much so, and over a long period of time, as to become a pattern of operation.

The words used in the charge itself are “course of conduct.” It amounted to a course of conduct that was wrong on its face, and therefore brought the Senate into disrepute.<sup>(17)</sup>

On June 22, Senator John Tower, of Texas, offered an amendment to delete “censure” and substitute therefor “reprimand.” He declared that:<sup>(18)</sup>

This proposal would give us the opportunity to express our displeasure, our disapproval, and our disassociation, but at the same time avoid the severity of censure . . . inasmuch as there is no precedent for censure on the basis of means of raising funds for private political use, in the absence of an existing rule or code on the subject.

The amendment was defeated, 9 to 87.<sup>(19)</sup>

After debate, which continued until June 23, 1967, the Senate adopted the resolution, by a vote of yeas 92, nays 5, after first striking the second charge relating to double-billing for several trips.<sup>(20)</sup>

## § 17. Imposition of Fine

A fine may be levied by the House against a Member pursu-

17. *Id.* at p. 15664.

18. *Id.* at p. 16979.

19. *Id.* at p. 16986.

20. *Id.* at p. 17020.

ant to its constitutional authority to punish its Members (Art. I, § 5, clause 2).<sup>(1)</sup>

### *Fine of Member For Acts Committed in Prior Congress*

**§ 17.1 The House agreed to a resolution providing for the imposition of a fine against a Member-elect charged with misuse of appropriated funds in a prior Congress.**

In 1967, the recommendation of a House committee that Member-elect Adam Clayton Powell, of New York, be fined was considered and rejected in favor of a resolution that he be excluded.<sup>(2)</sup> Two

1. See H. REPT. NO. 90-27, 90th Cong. 1st Sess. (1967), “In Re Adam Clayton Powell, Report of Select Committee Pursuant to H. Res. 1,” pp. 28, 29.

See also, 2 Hinds’ Precedents 1665, p. 1142, for the Senate censure case of McLaurin and Tillman, both Senators from South Carolina, 57th Cong.; see also remarks of Senator Mills (Tex.) in debate on charges against Senator Roach (N.D.), 25 CONG. REC. 162, 53d Cong. 1st Sess., Apr. 15, 1893.

2. See H. REPT. NO. 90-27, 90th Cong. 1st Sess. (1967), “In Re Adam Clayton Powell, Report of Select Committee Pursuant to H. Res. 1,” p. 33. The committee recommended that “(3) Adam Clayton Powell, as pun-