

was referred on motion to a select committee which investigated the charges and subsequently reported to the House that no impropriety had been found in the Vice President's former conduct as a civil officer under the United States. The report of the select committee was ordered to lie on the table and the House took no further action thereon. The Vice President's letter did not cite the Committee on the Judiciary's recommendation to the House (discussed in 3 Hinds' Precedents §2510) that conduct of Vice President Colfax allegedly occurring prior to his term as Vice President was not grounds for impeachment, since not "an act done or omitted while the officer was in office." (See §5.14, *infra*).

§ 4. Effect of Adjournment

Under parliamentary law, as stated in Jefferson's Manual, "an impeachment is not discontinued by the dissolution of Parliament, but may be resumed by the new Parliament."⁽⁸⁾ Both Judge John Pickering and Judge Harold Louderback were impeached by the House in one Congress and tried by the Senate in the next.⁽⁹⁾

8. *House Rules and Manual* §620 (Jefferson's Manual) (1973).

9. See 3 Hinds' Precedents §§2319, 2320, for the presentation of the res-

The practice at the time of the Pickering impeachment was to present a resolution of impeachment to the Senate and then to prepare and adopt articles of impeachment for presentation to the Senate. In that case, impeachment proceedings begun in the 7th Congress were resumed by the House in the 8th Congress.⁽¹⁰⁾

The question arose in the 73d Congress whether the appointment in the 72d Congress of House managers to conduct impeachment proceedings against Judge Louderback was such as to permit them to act in that function in the 73d Congress without a further grant of authority. The House adopted in the 73d Congress a resolution filling vacancies, making reappointments, and vesting the managers with powers and granting them funds.⁽¹¹⁾

In the case of Judge Halsted L. Ritter, the House authorized and the Committee on the Judiciary conducted an impeachment investigation in the 73d Congress, with

olution impeaching Judge Pickering, and §4.1, *infra*, for the presentation to the Senate of the resolution impeaching Judge Louderback.

10. See 3 Hinds' Precedents §2321. For the later practice of presenting to the Senate a resolution together with articles of impeachment, see §8.1, *infra*.

11. See §4.2, *infra*.

the resolution and articles of impeachment being reported and adopted in the 74th Congress. Charges of impeachment were offered and referred anew to the Committee on the Judiciary in the 74th Congress, but the resolution reported and adopted by the House specifically referred to the evidence gathered during the 73d Congress as the basis for impeachment.⁽¹²⁾

Cross References

- Adjournments generally and their effect on business, see Ch. 40, *infra*.
 Resumption of business in a new Congress, see Ch. 1, *supra*.
 Resumption of committee investigation into conduct of Judge Ritter, see §18, *infra*.
 Resumption of proceedings against Judge Louderback in succeeding Congress, see §17, *infra*.

Impeachment in One Congress and Trial in the Next

§ 4.1 The managers on the part of the House presented articles of impeachment against Judge Harold Louderback on the final day of the 72d Congress, and the Senate organized for and conducted the trial in the 73d Congress.

On Mar. 3, 1933, the last day of the 72d Congress, the managers

^{12.} See §§ 4.3, 4.4, *infra*.

on the part of the House in the Louderback impeachment proceeding appeared before the Senate and read the resolution and articles of impeachment. The Senate adopted a motion that the proceedings be made a special order of business on the first day of the first session of the 73d Congress.⁽¹³⁾

The only other occasion where impeachment proceedings continued into a new Congress occurred in 1803–04, the resolution of impeachment of Judge John Pickering being carried to the Senate by a House committee of two members on Mar. 3, 1803, the final day of the 7th Congress. The Senate organized for and conducted the trial in the 8th Congress.⁽¹⁴⁾

It should be noted that in neither the Louderback nor Pickering impeachments did the trial in the Senate begin before the adjournment *sine die* of the Congress. The issue whether the Senate could conduct a bifurcated trial, part in one Congress and part in the next, has not been presented.⁽¹⁵⁾

^{13.} 6 Cannon's Precedents § 515.

^{14.} 3 Hinds' Precedents §§ 2319, 2320. Managers had not been appointed nor articles considered in the House by the end of the 7th Congress.

^{15.} For a memorandum as to whether an impeachment trial begun in one Con-

Authority of Managers Following Expiration of Congress

§ 4.2 Where the House had impeached Judge Louderback in the 72d Congress but the Senate did not organize for or conduct the trial until the 73d Congress, the House in the 73d Congress adopted resolutions (1) appointing Members to fill vacancies for managers not re-elected and reappointing managers elected in the 72d Congress and (2) granting the managers powers and funds.

On Mar. 9, 1933, the first day of the 73d Congress, the Senate sitting as a Court of Impeachment for the trial of Judge Harold Louderback met at 2 p.m., articles of impeachment having been presented in the Senate on the last day of the 72d Congress. On Mar. 13, the managers on the part of

gress could be continued into the next, see 120 CONG. REC. 31346-48, 93d Cong. 2d Sess., Sept. 17, 1974 (insertion by Michael J. Mansfield [Mont.], Majority Leader of the Senate).

Under parliamentary law, an impeachment is not discontinued by the dissolution of Parliament but may be resumed by the new Parliament. See *House Rules and Manual* § 620 (Jefferson's Manual) (1973).

the House, being those Members appointed in the 72d Congress to conduct the inquiry and re-elected to the 73d Congress, appeared for the proceedings of the Senate sitting as a Court of Impeachment.⁽¹⁶⁾

On Mar. 22, the House adopted a resolution electing successors for those managers elected in the 72d Congress who were no longer Members of the House, and reappointing the former managers. The House discussed the power of the House to appoint managers to continue in office in that capacity after the expiration of the term to which elected to the House.⁽¹⁷⁾

Investigation in One Congress and Impeachment in the Next

§ 4.3 The Committee on the Judiciary determined in the 74th Congress that its authority to report out a resolution impeaching a federal judge expired with the termination of the Congress in which the resolution containing charges was introduced and referred to the committee.

On Mar. 2, 1936, in the 74th Congress, the House was considering a resolution and articles of

^{16.} 6 Cannon's Precedents § 516.

^{17.} 6 Cannon's Precedents § 517.

impeachment, reported by the Committee on the Judiciary, against Judge Halsted L. Ritter, an investigation of his conduct having been made in the 73d Congress. Mr. William V. Gregory, of Kentucky, a member of the committee, remarked on the effect, in the 74th Congress, of an authorizing resolution passed in the 73d Congress:⁽¹⁸⁾

MR. GREGORY: Mr. Speaker, in view of the statement made by the gentleman from Florida [Mr. Wilcox], and more recently by the gentleman from New York [Mr. Hancock], with reference to what happened in committee, I think it proper I should make a statement at this time.

The first proceedings in this matter were instituted in the Seventy-third Congress. A simple resolution of investigation was introduced by the gentleman from Florida [Mr. Wilcox]. No one during that session of Congress attempted by resolution or upon his own authority on the floor of the House to prefer impeachment charges against the judge. The Seventy-third Congress died, and the gentleman from Florida [Mr. Green] came before the Seventy-fourth Congress and wanted some action taken upon the resolution which had been introduced in the Seventy-third Congress. I took the position before the Committee—and I think others agreed with me—that with the passing of the Seventy-third Congress it had no power over the resolution of investigation which had been intro-

duced any more than it did in connection with any other bill or resolution that might have been introduced in a previous Congress. Therefore, when the question came up as to voting impeachment charges upon a resolution which was introduced in the Seventy-third Congress, I voted against such action, and I think other Members voted the same way. But when the matter was properly presented at this session of Congress and impeachment charges were made on this floor on the responsibility of the gentleman from Florida [Mr. Green], the matter came before the committee again in regular and proper form, and I then voted to report out this resolution of impeachment.

I want the Members of the House to understand that the Committee on the Judiciary has not changed its position on this proposition at any time. These are the facts.

§ 4.4 Where the Committee on the Judiciary investigated charges of impeachable offenses against a federal judge in one Congress and reported to the House a resolution of impeachment in the next, the resolution indicated that impeachment was warranted by the evidence gathered in the investigation conducted in the preceding Congress.

On Feb. 20, 1936, the Committee on the Judiciary submitted a privileged report (H. Rept. No. 74-2025) on the impeachment of

18. 80 CONG. REC. 3089, 74th Cong. 2d Sess.

District Judge Halsted L. Ritter to the House. The report and the accompanying resolution recited that the evidence taken by the Committee on the Judiciary in the prior Congress, the 73d Congress, pursuant to authorizing resolution, sustained articles of impeachment (the charges of impeachable offenses had been presented anew in the 74th Congress and referred to the committee):

The Committee on the Judiciary, having had under consideration charges of official misconduct against Halsted L. Ritter, a district judge of the United States for the Southern District of Florida, and having taken testimony with regard to the official conduct of said judge under the authority of House Resolution 163 of the Seventy-third Congress, report the accompanying resolution of impeachment and articles of impeachment against Halsted L. Ritter to the House of Representatives with the recommendation that the same be adopted by the House and presented to the Senate.

[H. Res. 422, 74th Cong., 2d sess.
(Rept. No. 2025)]

RESOLUTION

Resolved, That Halsted L. Ritter, who is a United States district judge

for the southern district of Florida, be impeached for misbehavior, and for high crimes and misdemeanors; and that the evidence heretofore taken by the subcommittee of the Committee on the Judiciary of the House of Representatives under House Resolution 163 of the Seventy-third Congress sustains articles of impeachment, which are hereinafter set out; and that the said articles be, and they are hereby, adopted by the House of Representatives, and that the same shall be exhibited to the Senate in the following words and figures, to wit: . . .⁽¹⁹⁾

Parliamentarian's Note: No resolution was adopted in the 74th Congress to specifically authorize an investigation in that Congress by the Committee on the Judiciary of charges of impeachment against Judge Ritter, the investigation apparently having been completed in the 73d Congress but not reported on to the House. Charges were introduced in the 74th Congress against Judge Ritter and referred to the committee, since the committee could not report resolutions and charges referred in the 73d Congress, all business expiring in the House with a Congress.⁽²⁰⁾

19. 80 CONG. REC. 2528, 74th Cong. 2d Sess. (report submitted); 80 CONG. REC. 3066, 74th Cong. 2d Sess., Mar. 2, 1936 (report considered in the House).

For detailed discussion of committee consideration and report in

the Ritter impeachment proceedings, see §§ 18.1–18.4, *infra*.

20. For introduction of charges and a resolution impeaching Judge Ritter in the 74th Congress, see §§ 18.2, 18.3, *infra*.