

years later, however, on Jan. 3, 1969,⁽³⁾ the House agreed to a resolution which included a provision

ishment (for improper expenditure of House funds for private purposes, and for maintaining a person on his clerk-hire payroll who performed no official duties whatever or did not perform them in Washington, D.C., or in the Member's district), pay the Clerk of the House, to be disposed of by him according to law, \$40,000; that the Sergeant at Arms of the House be directed to deduct \$1,000 per month from the salary otherwise due Mr. Powell and pay the same to the Clerk, said deductions to continue until said sum of \$40,000 is fully paid; and that said sums received by the Clerk shall offset any civil liability of Mr. Powell to the United States of America with respect to the matters referred to in paragraphs second and third above (matter in parentheses)."

See also H. Res. 278, 90th Cong. 1st Sess. The motion for the previous question on this resolution containing the select committee recommendation was defeated (113 CONG. REC. 5020, Mar. 1, 1967), and a substitute amendment excluding the Member-elect was proposed and adopted (113 CONG. REC. 5037, 5038, Mar. 1, 1967). See also § 14.1, *supra*.

3. 115 CONG. REC. 29, 34, 91st Cong. 1st Sess., Jan. 3, 1969 [H. Res. 2]. After having been excluded from the 90th Congress (see 14, *supra*), Mr. Powell won re-election to the 91st Congress, but was required to pay a fine for improper expenditures made prior to the 90th Congress.

for a fine of \$25,000 to be deducted on a monthly basis from Mr. Powell's salary.

§ 18. Deprivation of Seniority Status

Under the U.S. Constitution, the House is authorized to deprive a Member of his seniority status as a form of disciplinary action.⁽⁴⁾

Procedure

§ 18.1 A Member may be reduced in committee seniority as a result of party discipline enforced through the machinery of his party—the caucus and the Committee on Committees.

Parliamentarian's Note: In 1965, two Democratic Members who had refused to support the Presidential candidate of their party were reduced in committee seniority as the result of party discipline enforced through the machinery of the party—the caucus and the Committee on Committees.⁽⁵⁾

4. See § 18.2, *infra*.

5. One Member (Albert Watson [S.C.]) resigned from the House, 111 CONG. REC. 805, 806, 89th Cong. 1st Sess., Jan. 15, 1965, and was then re-elect-

As a matter of party disciplinary policy, the Democratic Caucus instructed the Committee on Committees to assign the “last position” on a committee to a particular Member. But other Members subsequently elected to the same committee were junior to him in committee seniority.⁽⁶⁾

In 1967, the Democratic Committee on Committees reported to the House a resolution leaving vacancies on certain standing committees pending further consideration by the caucus of committee assignments and seniority thereon of a Member who had, in the preceding Congress, been stripped of his committee seniority (at the direction of the caucus) and assigned to the last position on the committees, and who had asked that he not be assigned to any committee pending a final determination by the caucus.⁽⁷⁾

ed as a member of the other political party in a special election called to fill the vacancy. The other (John B. Williams [Miss.]) was voted to the bottom of two committees, 111 CONG. REC. 809, 89th Cong. 1st Sess., Jan. 15, 1965.

6. See 112 CONG. REC. 27486, 89th Cong. 2d Sess., Oct. 18, 1966, wherein committee member John Bell Williams (Miss.) was advised that a newly elected Member would rank below Mr. Williams in seniority.
7. 113 CONG. REC. 1086, 90th Cong. 1st Sess., Jan. 23, 1967, relating to the

Deprivation of Seniority Status For Acts Committed in Prior Congress

§ 18.2 Deprivation of seniority status is a form of disciplinary action that may be invoked by the House against a Member, pursuant to a committee's recommendation, under article I, section 5, clause 2 of the U.S. Constitution, for acts committed in a prior Congress.

In the 90th Congress, a committee of the House recommended that a Member-elect, Adam Clayton Powell, of New York, be deprived of his seniority status and subjected to certain other penalties for his conduct in a prior Congress.⁽⁸⁾

assignment of committee positions of John Bell Williams (Miss.).

8. 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; see also H. Res. 278, 90th Cong. 1st Sess., 113 CONG. REC. 4997, Mar. 1, 1967. The motion for the previous question on this resolution containing the select committee recommendation was defeated (113 CONG. REC. 5020, Mar. 1, 1967), and a substitute amendment excluding the Member-elect was proposed and adopted (113 CONG. REC. 5037, 5038, Mar. 1, 1967). See § 14.1, *supra*.

The recommendation of the select committee was characterized by a

In the 91st Congress, the House agreed to a resolution which, among other things, reduced the seniority of Mr. Powell to that of first-term Congressman (thus eliminating consideration of any

Member: "Never before has any Member of the Congress been stripped of his seniority in the course of (punishment) proceedings." 113 CONG. REC. 5006, Mar. 1, 1967, remarks by Representative John Conyers, Jr. (Mich.).

prior service in the computation of seniority).⁽⁹⁾

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9. 9. 115 CONG. REC. 29, 34, 91st Cong. 1st Sess., Jan. 3, 1969 [H. Res. 2]. r. Powell had been excluded by the House in the 90th Congress, but had been reelected to the 91st Congress. The resolution [H. Res. 2] also provided for a fine of \$25,000 against Mr. Powell to be deducted on a monthly basis from his salary, and specified that Mr. Powell had to take the oath before Jan. 15, 1969, or his seat would be declared vacant.