

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.⁽¹⁷⁾

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

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.⁽¹⁹⁾

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.⁽²⁰⁾

§ 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).⁽¹⁾

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.⁽²⁾ 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-

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-