

## CENSURE

The Senate since 1789 has censured only a very few of its members. Such action is taken by the use of an order or Senate resolution after the consideration of evidence by a committee of the Senate.

### Cases of Censure:

The cases of censure of Senators include: Timothy Pickering, of Massachusetts; <sup>1</sup> Benjamin Tappan, of Ohio; <sup>2</sup> conflict between Senators Benjamin R. Tillman, of South Carolina, and John L. McLaurin of that State in 1902; <sup>3</sup> Hiram Bingham of Connecticut, 1929; <sup>4</sup> Joseph R. McCarthy, of Wisconsin, in 1954; <sup>5</sup> Thomas Dodd, of Connecticut, in 1967; <sup>6</sup> Herman Talmadge of Georgia, in 1979; <sup>7</sup> and David Durenberger of Minnesota, in 1990.<sup>8</sup>

In 1982, during the consideration of a resolution to expel him from the Senate, Senator Harrison A. Williams, Jr., of New Jersey, submitted his letter of resignation from the Senate.<sup>9</sup>

<sup>1</sup> The Senator from Massachusetts (Mr. Pickering) was censured for reading from confidential documents in the Senate in open session before the injunction of secrecy had been removed. (Dec. 31, 1810, 11-3, *Journal*, p. 535; Jan. 2, 1811, 11-3, *Journal*, p. 536.)

<sup>2</sup> On May 10, 1844, the Senate adopted the following resolution by a vote of 35-7: *RESOLVED*, That Benjamin Tappan, a Senator from the State of Ohio, in furnishing for publication in a newspaper documents directed by an order of the Senate to be printed in confidence for its use, has been guilty of a flagrant violation of the rules of the Senate and disregard of its authority.

Then, by a vote of 39-3, they adopted a further resolution that in consideration of the acknowledgment and apology tendered by the said Benjamin Tappan for his said offense, no further censure be inflicted on him. See May 10, 1844, 28-1, *Journal*, p. 442.

The episode between Senators Thomas H. Benton, of Missouri, and Harry S. Foote, of Mississippi, in 1850, should be noted in a study of the censure cases. This occurred on April 17, 1850, 31st Congress, first session and is found on pages 290 and 490 of the *Journal* for that year.

<sup>3</sup> Feb. 22, 24, 27, and 28, 1902, 57-1, *Journal*, pp. 179-81, 185, *Record*, pp. 2081-90, 2103, 2124-30, 2195, 2203-07.

<sup>4</sup> Sept. 30, 1929, 71-1, *Journal*, p. 149; Nov. 1 and 4, 1929, 71-1, *Record*, pp. 5063, 5113.

<sup>5</sup> July 30, 1954, 83-2, *Journal*, p. 582, *Record*, pp. 12729-42; Aug. 2, 1954, 83-2, *Journal*, p. 593; Nov. 8-Dec. 2, 1954, 83-2, *Record*, pp. 15845-16392; see also proceedings for Apr. 8, 1952, 82-2, *Record*, pp. 3701-08.

<sup>6</sup> June 23, 1967, 90-1, *Journal*, p. 464.

<sup>7</sup> Oct. 3 and 14, 1979, 96-1, *Journal*, p. 599, 615.

<sup>8</sup> July 25, 1990, 101-2, *Record*, pp. S 10557-74.

<sup>9</sup> Mar. 11, 1982, 97-2, *Journal*, p. 109.

### Consideration of:

On one occasion, a resolution to condemn a Senator was submitted, a motion to proceed to its consideration was debated,<sup>10</sup> and that motion adopted on the following day.<sup>11</sup> Thereafter, the resolution was debated at length,<sup>12</sup> during which time a motion was adopted to refer the resolution to a select committee.<sup>13</sup>

On an earlier occasion, after a resolution to condemn a Senator was submitted, its sponsor asserted that it was privileged, and the President *pro tempore* concurred in that characterization. However, it was held over with the consent of the sponsor,<sup>14</sup> and on the second day of session thereafter, the resolution was laid before the Senate by the Presiding Officer.<sup>15</sup>

### Debate by Senators Censured:

In the Bingham, McCarthy, and Dodd cases, all three Senators, against whom the resolutions of censure were directed, addressed the Senate without permission being asked or given.<sup>16</sup> In the Talmadge case, he did not seek recognition until the resolution had been adopted.<sup>17</sup> In the Durenberger case, he was recognized at the outset of the consideration of the resolution to indicate that he would not contest the resolution and would seek recognition after its adoption.<sup>18</sup> In the Tillman-McLaurin case the Senators involved were prohibited from speaking until after permission had been granted by the Senate.<sup>19</sup>

### Reference to Committees:

It has been the practice of the Senate, since and including the episode between Senators Thomas H. Benton, of Missouri, and Henry S. Foote, of Mississippi, in 1850, to

<sup>10</sup> See July 30, 1954, 83-2, *Record*, pp. 12729-42.

<sup>11</sup> July 31, 1954, 83-2, *Record*, p. 12893.

<sup>12</sup> See July 31, and Aug. 2, 1954, 83-2, *Record*, pp. 12893-927, 12938-89.

<sup>13</sup> Aug. 2, 1954, 83-2, *Record*, p. 12943.

<sup>14</sup> See Nov. 1, 1929, 71-1, *Record*, p. 5063.

<sup>15</sup> See Nov. 4, 1929, 71-1, *Record*, p. 5113.

<sup>16</sup> Nov. 1 and 4, 1929, 71-1, *Record*, pp. 5063, 5113; Nov. 8-Dec. 2, 1954, 83-2, *Record*, pp. 15845-16392.

<sup>17</sup> See proceedings on resolution during its consideration on Oct. 11, 1979.

<sup>18</sup> July 25, 1990, 101-2, *Record*, pp. S 10557, 10574-75.

<sup>19</sup> Feb. 22, 1902, 57-1, *Journal*, pp. 179-180, *Record*, pp. 2081-90.

refer all censure resolutions, in which the charges were specified, to a committee for hearing evidence.<sup>20</sup>

During the consideration of a resolution to condemn a Senator (which had been submitted and proceeded to by debatable motion), a motion was made to refer the resolution to a select committee of three Republicans and three Democrats, to be named by the Vice President, with instructions that the committee report to the Senate "as expeditiously as equity and justice will permit."<sup>21</sup> The motion to refer was amended to authorize the committee to hold hearings, take testimony, issue subpoenas and report its findings before the end of that Congress, and as so amended was adopted that day.<sup>22</sup>

### Reported by Committees:

The censure resolution against Senator Thomas J. Dodd, of Connecticut, was reported by the Select Committee on Standards and Conduct,<sup>23</sup> the resolution against Herman E. Talmadge, of Georgia, was reported by the Select Committee on Ethics,<sup>24</sup> and the resolution for the expulsion of Harrison A. Williams, Jr., of New Jersey, was an original resolution reported by the Select Committee on Ethics.<sup>25</sup> The resolution to denounce Senator David Durenberger, of Minnesota, was an original resolution reported from the Select Committee on Ethics.<sup>26</sup>

The censure resolution against Senator Joseph R. McCarthy, of Wisconsin, which had been considered and then referred to a select committee<sup>27</sup> was reported therefrom with amendments.<sup>28</sup>

### Vote Denied:

The names of the two Senators, in the Tillman-McLaurin case, by direction of the President pro tempore, not having been called on a yea and nay vote, the question

<sup>20</sup> Apr. 17, 1850, 31-1, *Journal*, p. 290; Feb. 24, 1902, 57-1, *Journal*, p. 181, *Record*, p. 2103; Feb. 28, 1902, 57-1, *Journal*, p. 185, *Record*, pp. 2203-07; Sept. 30, 1929, 71-1, *Journal*, p. 149; Aug. 2, 1954, 83-2, *Journal*, p. 593.

<sup>21</sup> Aug. 2, 1954, 83-2, *Record*, p. 12943.

<sup>22</sup> Aug. 2, 1954, 83-2, *Record*, pp. 12943-89.

<sup>23</sup> Apr. 27, 1967, 90-1, *Record*, p. 10977.

<sup>24</sup> See S. Res. 249 of the 96th Congress, Senate Report No. 96-337, filed with the Senate on Oct. 3, 1979. See Oct. 3 and 11, 1979, 96-1, *Journal*, pp. 598 and 615.

<sup>25</sup> Sept. 3, 1981, 97-1, *Journal*, p. 435.

<sup>26</sup> S. Res. 311, July 20, 1990, 101-2, *Record*, p. S 10252.

<sup>27</sup> Aug. 2, 1954, 83-2, *Record*, pp. 12943-89.

<sup>28</sup> Nov. 9, 1954, 83-2, *Journal*, pp. 792-93.

was raised that they were thus deprived of their constitutional rights, as was also the State of South Carolina, but it was not decided by the Senate.<sup>29</sup>

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## CERTIFICATE OF ELECTIONS

See "Credentials and Oath of Office," pp. 695-710.

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## CHAIR

See "President Pro Tempore," pp. 1019-1024; "Presiding Officer," pp. 1025-1033; "Vice President," pp. 1390-1396.

### Presiding Officer Takes Initiative To Enforce Rules

See "Chair Takes Initiative," pp. 49-50, 286-287; "Amendments Agreed to Not Amendable," p. 31; "Cloture, Dilatory Procedure," pp. 310-319.

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## CHAIRMEN OF COMMITTEES

See "Committee Memberships and Their Selections," pp. 395-398.

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## CHARTS ALLOWED ON SENATE FLOOR

There is no Standing Rule that regulates the display of charts, exhibits, etc., on the Senate floor. Rule XVII of the Rules for the Regulation of the Senate Wing of the United States Capitol sets out the guidelines for such displays.<sup>1</sup> Prior to its promulgation, regulation of such displays was

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<sup>29</sup> Feb. 24, 1902, 57-1, *Journal*, p. 179, *Record*, pp. 2124-30; Feb. 27, 1902, 57-1, *Record*, p. 2195.

<sup>1</sup> See *Rules and Manual United States Senate*, Sen. Doc. 100-1, 100th Cong., section 98.