

## SENATORS

### Absent:

See "Attendance of Senators," pp. 214-224.

### Blind Senator:

In 1928, Senator Schall, a blind Senator was authorized, by resolution, to appoint a messenger to act as personal attendant in lieu of a page previously appointed.<sup>1</sup>

### Certificates of Election:

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

### Classification of:

The legislature of a State has no authority to designate the particular class to which Senators first elected shall be assigned.<sup>2</sup>

The procedure used for classification of the Senators from New Mexico and Arizona is set forth in the following resolution adopted on April 2, 1912:<sup>3</sup>

*Resolved*, That the Senate proceed to ascertain the classes to which the Senators from the States of Arizona and New Mexico shall be assigned, in conformity with the resolution of the Senate of the 14th of May 1789, and as the Constitution requires.

*Resolved*, That the Secretary put two papers of equal size in each of two separate ballot boxes, and in each instance *one* of such papers shall be numbered *one* and the other shall be a blank. The Senators from the State of Arizona shall proceed to draw the papers from one of such ballot boxes, and the Senators from the State of New Mexico shall proceed to draw the papers from the other ballot box, proceeding to draw in the alphabetical order of their names. The Senators who draw papers numbered *one* shall be assigned to the class of Senators whose terms of service will expire on the 3d day of March 1917. That the Secretary then put into one ballot box two papers of equal size, one of which shall be numbered *two* and the other shall be

<sup>1</sup> May 21 and 25, 1928, 70-1, *Journal*, pp. 495, 542, *Record*, pp. 9322, 9860.

<sup>2</sup> Dec. 4, 1889, 51-1, *Record*, p. 92.

<sup>3</sup> Found at p. 244 of *Journal* for 2d sess. of the 62d Cong.; see also Aug. 24, 1959, 86-1, *Record*, p. 16740; Jan. 7, 1959, 86-1, *Record*, pp. 7-8, for like resolutions used for classifying Senators from Alaska and Hawaii.

numbered *three*. The two Senators who in the first instance drew blank ballots shall, in the alphabetical order of their names, each draw one paper from said ballot box, and the Senator who shall draw the paper numbered *two* shall be assigned to the class of Senators whose terms of service will expire on the 3d day of March 1913, and the Senator who shall draw the paper numbered *three* shall be assigned to the class of Senators whose terms of service will expire on the 3d day of March 1915.

The procedure used for classification of the first Senators from Alaska and Hawaii is set forth in the following two resolutions adopted in 1959, which through the years has remained the same established procedure: <sup>4</sup>

#### Classification of Senators From Alaska

Mr. JOHNSON of Texas submitted the following resolution (S. Res. 1), which was considered by unanimous consent and agreed to:

*Resolved*, That the Senate proceed to ascertain the classes to which the Senators from the State of Alaska shall be assigned in conformity with the resolution of the 14th of May 1789, and as the Constitution requires.

*Resolved*, That the Secretary put into the ballot box 3 papers of equal size, numbered, respectively, 1, 2, 3. Each of the Senators from the State of Alaska shall draw out one paper. The paper numbered 1, if drawn, shall entitle the Senator to be placed in the class of Senators whose terms of service will expire the 2d day of January 1965. The paper numbered 2, if drawn, shall entitle the Senator to be placed in the class of Senators whose terms of service will expire the 2d day of January 1961. And the paper numbered 3, if drawn, shall entitle the Senator to be placed in the class of Senators whose terms of service will expire the 2d day of January 1963.

Whereupon

The Secretary having put into the ballot box three papers, numbered 1, 2, and 3, respectively, Mr. Gruening drew the paper numbered 3, and is accordingly in the class of Senators whose terms of service will expire on the 3d day of January 1963; Mr. Bartlett drew the paper numbered 2, and is accordingly in the class of Senators whose terms of service will expire on the 3d day of January 1961.

#### Classification of Senators From Hawaii

Mr. JOHNSON of Texas submitted the following resolution (S. Res. 172), which was considered by unanimous consent and agreed to:

*Resolved*, That the Senate proceed to ascertain the classes to which the Senators from the State of Hawaii shall be assigned, in conformity with the resolution of the 14th of May 1789, and as the Constitution requires.

*Resolved*, That the Secretary put into a ballot box two papers of equal size, one of which shall be numbered 1 and the other shall be a blank. Each of the Senators from the State of Hawaii shall draw out one paper, and the Senator who shall draw the paper numbered 1

<sup>4</sup> Jan. 7 and Aug. 24, 1959, 86-1, *Journal*, pp. 4, 610.

shall be assigned to the class of Senators whose terms of service will expire the 2d day of January 1965. That the Secretary then put into a second ballot box two papers of equal size, one of which shall be numbered 2 and the other shall be numbered 3. The other Senator shall draw out one paper. If the paper drawn be numbered 2, the Senator shall be assigned to the class of Senators whose terms of service will expire the 2d day of January 1961; and if the paper drawn be numbered 3, the Senator shall be assigned to the class of Senators whose terms of service will expire the 2d day of January 1963.

**Conflict of Interest:**

*See* "Excused from Voting," pp. 1409-1411.

**Credentials of Senators-Elect:**

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

**Deaths and Funerals of Senators and Representatives:**

*See* "Memorial Services," pp. 913-916.

**Debate, Floor Cannot Be Taken Away From:**

*See* "Interruption of Senator Who Has the Floor Is Not Allowed—Except by His Consent," pp. 749-753.

**Debate, Senators Address Each Other in Third Person:**

*See* "Senator Addresses Another in Third Person," p. 775.

**Debate, Senators May Not Use Disorderly Language:**

*See* "Disorderly Language, Use of, in Debate, and Restrictions on," pp. 738-742.

**Ethics—Leasing Automobiles:**

The Committee on Standards and Conduct in 1970 made a report guiding Senators not to participate after the current model year in agreements of leasing automobiles granting favorable terms to Senators not available to anybody else.<sup>5</sup>

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<sup>5</sup> Aug. 24, 1970, 91-2, *Record*, p. 29880.

**Excused From Voting:**

*See* "Excused from Voting," pp. 1409–1411.

**Expulsion of Senators:**

*See* "Expulsion of Senators," pp. 842–843.

**Funerals:**

*See* "Memorial Services," pp. 913–916.

**List of Senators Who Have Lain in State in the Rotunda:**

The following persons who died while Members of the Senate lay in state in the Rotunda:

Henry Clay of Kentucky (July 1, 1852)

Charles Sumner of Massachusetts (Mar. 13, 1874)

John A. Logan of Illinois (Dec. 30–31, 1886)

Robert Taft of Ohio (August 3, 1953)

Everett McKinley Dirksen of Illinois (Sept. 9–10, 1969)

Hubert H. Humphrey (Jan. 14–15, 1978)

**Mail on Desks:**

There is nothing in the rules regulating the amount of mail Senators may have on or around their desks.<sup>6</sup>

**Mileage Pay for Senators:**

*See* "Mileage Pay for Travel of Senators," p. 916.

**Modification of a Senator's Amendment:**

*See* "Modification of," pp. 64–70.

**Nomination of Senators to Administrative Posts:**

*See* "Nominations," pp. 938–953.

**Oath of Office:**

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

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<sup>6</sup> Oct. 4, 1965. 89–1. *Record*, p. 25911.

**Reading of Papers by:**

See "Reading by a Senator," pp. 972-973.

**Recognition:**

See "Recognition," pp. 1091-1105.

**Required to Vote:**

See "Excused from Voting," pp. 1409-1411.

**Resignation of Senators:**

The right of a Senator to resign his seat is unquestionable, but the procedure thereon has varied at different times. As a rule, resignations have been made by letters, setting forth the date of said resignations. These letters have been addressed to the President of the Senate in the earlier instances, but in no case does any record show the acceptance of such resignations by the Senate. The letters have been read or placed on file, and in the earlier years the Senate adopted orders directing its President to notify the executive of the State from which the Senator came of said resignation.<sup>7</sup> Today, it is the common practice for the Senator who is resigning to direct a letter not only to the President of the Senate but also to the governor of the State from which that Senator was elected or appointed, specifying the date of his resignation.<sup>8</sup>

**Salaries, Commencement of Salary of Senators  
Elected or Appointed To Fill Unexpired Terms:**

The salaries of Senators elected or appointed to fill unexpired terms are regulated by Section 36 of Title 2, U.S. Code, which provides:

Salaries of Senators appointed to fill vacancies in the Senate shall commence on the day of their appointment and continue until their successors are elected and qualified: *Provided*, That when Senators have been elected during a sine die adjournment of the Senate to succeed appointees, the salaries of Senators so elected shall commence on the day following their election.

<sup>7</sup> See proceedings on Mar. 4, 1791, 2-Special Session, *Ex. Journal*, p. 84; Dec. 2, 1793, 3-1, *Journal*, p. 3; Mar. 8 and 9, 1796, 4-1, *Journal*, pp. 219-20; Apr. 16, 1798; 5-2, *Journal*, p. 472; Jan. 16, 1804, 8-1, *Journal*, p. 339; Mar. 7, 1861, 37-Special Session, *Journal*, p. 411.

<sup>8</sup> See Jan. 3, 1969, 91-1, *Journal*, p. 1, for following example:

Salaries of Senators elected during a session to succeed appointees shall commence on the day they qualify: *Provided*, That when Senators have been elected during a session to succeed appointees, but have not qualified, the salaries of Senators so elected shall commence on the day following the sine die adjournment of the Senate.

When no appointments have been made the salaries of Senators elected to fill such vacancies shall commence on the day following their election. (Feb. 10, 1923, ch. 68, 42 Stat. 1225; Feb. 6, 1931, ch. 111, 46 Stat. 1065; June 19, 1934, ch. 648, title I, § 1, 48 Stat. 1022; Feb. 13, 1935, ch. 6, § 1, 49 Stat. 22, 23.)<sup>9</sup>

Pursuant to the above law, the Senate in 1957, adopted the following resolution to eliminate any confusion which might have arisen because of the contention by the Governor of South Carolina that the term of service of Senator Thomas A. Wofford, whom he had appointed to fill a vacancy, terminated on November 6, 1956, the day of the general election, and not on January 2, 1957. The renewed service of Senator Strom Thurmond began on November 7, 1956, the day after the election and not on January 2, 1957:

*Resolved*, That in accordance with the provisions of title 2, United States Code, section 36 (49 Stat. 22), and under the precedents of the Senate, the term of service of Thomas A. Wofford, appointed a Senator by the Governor of the State of South Carolina, to fill the vacancy

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RESIGNATION OF SENATOR FROM KENTUCKY

The VICE PRESIDENT laid before the Senate the following communications, which were read and ordered to be placed on file:

U.S. SENATE,  
*Washington, D. C., December 3, 1968.*  
 Hon. HUBERT H. HUMPHREY,  
*President of the U.S. Senate,*  
*U.S. Capitol,*  
*Washington, D.C.*

MY DEAR MR. PRESIDENT: I herewith tender my resignation as a Member of the United States Senate from Kentucky to become effective at the close of business on Monday, December, 16.

Respectfully yours,

THRUSTON B. MORTON.

U.S. SENATE,  
*Washington, D.C., December 3, 1968.*  
 Hon. LOUIE B. NUNN,  
*Governor of the Commonwealth of*  
*Kentucky, Frankfort, Ky.*

MY DEAR GOVERNOR: I herewith tender my resignation as a Member of the United States Senate from Kentucky to become effective at the close of business on Monday, December 16.

Respectfully yours,

THRUSTON B. MORTON.

For an example of a resignation submitted to the President of the Senate and the Governor of the State being notified, see Mar. 6, 1861, 36-2, *Record*, p. 1439.

<sup>9</sup> See also Jan. 28, 1935, 74-1, *Record*, p. 1057.

in the term ending January 2, 1961, caused by the resignation of Strom Thurmond, expired on election day, November 6, 1956; and be it further

*Resolved*, That the term of service of Strom Thurmond, duly elected a Senator on said day to fill the vacancy in the said unexpired term ending January 2, 1961, commenced, under said statute and precedents, on November 7, 1956, the day following the election.<sup>10</sup>

### Speeches, Two in Same Legislative Day:

See "Speeches Allowed in Same Legislative Day," pp. 781-785.

### Subpoena for:

In 1913, a subpoena *duces tecum* issued by a United States District Court and served upon a member of a Senate Committee was referred, after the authority of the court had been challenged, to the Committee on the Judiciary for a report; the records of the Senate do not show that the matter was reported back to the Senate.<sup>11</sup>

In 1929, a Senator having declined to heed a summons to appear and testify before a Federal grand jury, the court held that if he failed to obey the subpoena voluntarily the court was without power to compel his attendance.<sup>12</sup>

In one instance in 1957 there was quite a discussion concerning a request of a member of the Senate, who was subpoenaed to appear as a witness before the District Court of the United States for the District of Columbia, for permission to testify.

A resolution was subsequently submitted giving the consent of the Senate for him to appear at a time when the Senate was not in session.

After the matter was debated at some length, considerable opposition having developed as to certain phases of the matter, the resolution was finally postponed indefinitely.

It later appeared that the Court did not have before it the question of quashing the subpoena, did not rule upon it, but recognized the privilege of a Senator not to testify if he chose not to do so.<sup>13</sup>

<sup>10</sup> Jan. 9, 1957, 85-1, *Record*, pp. 3-4.

<sup>11</sup> Mar. 13, 1913, *Journal*, 62-3, p. 308, *Record*, 63-Special Session, p. 7.

<sup>12</sup> Cannon's Precedents of the House of Representatives, VI, 588.

<sup>13</sup> Mar. 21, 1957, 85-1, *Record*, pp. 4135-36; Mar. 21, 1957, 85-1, *Record*, pp. 4140-47; see also the proceedings of the Senate for Mar. 22, 1957, 85-1.

**Testify in Courts:**

Senate has adopted resolutions at different times to permit Senators to testify in the courts pursuant to subpoenas or on their own.<sup>14</sup>

**Voting by Senators:**

See "Voting," pp. 1397-1437.

**Widows of Late Senators:**

It is the uniform practice of the Senate to pay 1 year's salary to the widow of a deceased Senator.<sup>15</sup>

**Yielding by Senators in Debate:**

See under "Debate," pp. 788-797.

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## SENATORS-ELECT

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

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<sup>14</sup> See Oct. 10, 1973, 93-1, *Record*, pp. 33570-71; Apr. 10, 1974, 93-2, *Record*, pp. 10509, 10565; July 11, 1974, 93-2, *Record*, p. 22864.

<sup>15</sup> July 18, 1892, 52-1, *Record*, p. 6330.