

CENTER FORESEES SEAT FOR POWELL

Expects House Acceptance in Event of Re-Election

By WILL LISSNER

The head of the Congressional committee that recommended punishment but not exclusion of Adam Clayton Powell predicted yesterday that the House of Representatives would seat Mr. Powell if he was re-elected. A special election will be held in Harlem's 18th Congressional District on April 11.

Representative Emanuel Celler, Democrat of Brooklyn, chairman of the House Select Committee, he based his prediction on private statements by members of the House.

Mr. Celler said in an interview that many representatives who rejected the committee's recommendations and had told him they had reversed their stand.

The committee had recommended that Mr. Powell be formally censured, assessed \$40,000 and stripped of the seniority he had accumulated in more than 22 years of service.

G.O.P. View Differs

Representative Gerald R. Ford of Michigan, the Republican leader of the House, said at a newsconference on Thursday that he believed the House was just as insistent on barring Mr. Powell as it ever has been.

A member of his staff said later that Mr. Ford had also found that some members had had second thoughts about having voted to reject the committee's recommendations and exclude Mr. Powell. But that doesn't mean they will vote the other way, he added.

Told about this, Representative Celler observed:

"You can never be sure about a vote until it's taken but they [the Republican leaders] know that most of the members who voted against our recommendations and for the ouster now say if they had another chance they'd vote for seating him with the punishments we recommended."

Asked about this, Mrs. Lucille Pickett Williams, who is Mr. Powell's Republican opponent in the special election called by Governor Rockefeller, said: "That's O.K. by me."

To Give Voter a Choice

She added: "When I accepted the nomination I said that I'm only in the race to give the people of the 18th Congressional District a choice if they want it."

"If the people of Harlem want to keep Powell out of Congress they should vote for me or for my other opponent, the Conservative party candidate, the Rev. Ervin Yearling."

Mrs. Williams said that a change in the position of Congress made it incumbent on the candidates to wage a vigorous campaign and let the voters decide the issue.

"If the people want to send Powell back as their Representative, good," she declared. "If they don't, they can register their decision at the ballot box."

"I'm opening my campaign headquarters on the ninth floor of 103 East 125th Street at 9 A.M. Monday. I have some early morning campaign engagements and then I'm going to be there for a conference with my legal adviser, Robert Rawlins, and my campaign manager, Joseph Bailey."

"We're going to map out the campaign. We've a hard campaign to fight and not too much time. We'll do whatever we can to give the people a free choice. Then it's up to the voters."

Conservative Opens Office

Mr. Yearling has opened campaign headquarters at 2483 Broadway.

Mr. Powell has said that he doesn't believe it is necessary to campaign to win re-election, and Mrs. Williams has indicated she thinks he is right.

Mr. Powell began a suit before Federal District Judge George Hart in Washington on March 8 to recover his seat in Congress, charging that he and 13 constituents had suffered a "gross violation" of their constitutional rights by his exclusion.

Mr. Celler's committee found Mr. Powell guilty of "contumacious conduct" toward New York courts, illegal and improper use of his clerk-hire payroll and other public funds, and refusal to cooperate with an authorized investigating committee.

Mr. Celler said that editorial opinion around the country had been strongly in favor of the committee's recommendations and of the view that the exclusion was a mistake. This, he said, had been the prevailing opinion of the House members.

What Has LBJ to Hide?

Ford Seeks Facts on Viet Cong Atrocities

Poverty Fighters Spend Millions to See What's Wrong—And Still Blind

By Robert S. Allen
Hall Syndicate Columnist

ANTI-POVERTY director Sargent Shriver and his lieutenants are spending millions trying to find out what is wrong with the widely controversial program — apparently with few tangible results.

According to the latest available official figures, as of June 30, 1966, the Office of Economic Opportunity, which administers the anti-poverty program, spent \$7,788,365 on scores of studies, analyses, assessments, inquiries and various other surveys—none of which appear to get at the real problems of poverty, such as training the unemployed and providing jobs for them.

This \$7,788,365 expenditure was out of approximately \$2.3 billion voted by Congress for OEO up to that date.

Unofficial and incomplete compilations for the current fiscal year indicate the rate of spending for this costly self-examination is running even greater. OEO's budget for this fiscal year is \$1.612 billion—making a total of more than \$3.9 billion since 1964 when this Great Society program was launched.

Very little is known publicly about this multi-million dollar aspect of OEO operations. OEO officials have said nothing about it, and the reports of these studies are not published.

Congressional authorities in charge of anti-poverty legislation only recently have begun digging into this matter. They are uncov-

(Continued on Page 4)



Crockett—Washington Star
LBJ's 6% Surtax

Byrnes Says Johnson's Budget Gimmickry Has Led to Current 'Mess'

THE SENIOR REPUBLICAN on the House Ways and Means Committee last week said the Administration's current attempt to get both tax cuts and a tax increase is simply the result of relying on "fiscal gimmickry."

Rep. John W. Byrnes of Wisconsin asserted: "Whenever you rely on gimmicks, you're in trouble. What we have now is a mixed up mess."

Despite all the gimmickry, Byrnes said, the prospect of huge deficits ahead had not changed. He noted that President Johnson now wants Congress to restore the seven per cent investment tax credit for firms which buy machinery or expand their plants plus reactivate accelerated tax depreciation plans for industrial and commercial structures. At the same time, he pointed out, Secretary of the Treasury Fowler said the Administration will ask Congress to boost income taxes by a six per cent surcharge in the "Spring or early Summer."

Restoration of the investment
(Continued on Page 5)

HOUSE REPUBLICAN Leader Gerald R. Ford last week called upon the Johnson-Humphrey Administration to make public the facts and figures about Communist atrocities against civilians in South Vietnam.

He said this must be done to give the public "a proper perspective" with which to judge the outcries of the "peaceniks" against what they call the "brutal" bombings of civilians in North Vietnam (see Newsletter, March 13). The Administration had earlier classified the figures, making them available only after the persistent pressing of Rep. E. Ross Adair (R. of Ind.) and other members of Congress.

Senate and House Republicans joined in Ford's demands that the Administration publish statistics on Viet Cong atrocities. Sen. John G. Tower of Texas, a member of the Armed Services Committee who had visited Vietnam earlier this year, declared:

"While many members of Congress have attempted to publicize this terrorism, I think the Administration should take further steps to make this material available so that Americans can understand the nature of this Communist campaign of terror against civilians."

REP. PAUL FINDLEY of Illinois, a member of the House Foreign Affairs Committee, put it this way:

"It is hard to understand why the Administration has not used this obvious and legitimate weapon of truth against those misguided or simple persons who cry out against accidental civilian casualties in the North, but say nothing about deliberate killings, torture and kidnaping of South Vietnam civilians by the Communists. Certainly these facts and figures are

(Continued on Page 5)

REPUBLICAN CONGRESSIONAL COMMITTEE
NEWSLETTER
CONGRESSIONAL HOTEL • WASHINGTON, D. C. 20003

The Newsletter is published each week while Congress is in session by the Public Relations Division of the National Republican Congressional Committee, 312 Congressional Hotel, Washington, D. C. 20003.

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The People's House

Following the decision of the House of Representatives to exclude him from his seat, Adam Clayton Powell challenged the action in court, thereby raising the basic Constitutional question of separation of powers. In the following article, House Republican Leader Gerald R. Ford discusses this vital question.

By Rep. Gerald R. Ford

IN GOVERNMENT as well as in engineering, the most solid and steady structure rests upon three equal bases. The framers of our Constitution, having behind them the experience of the Roman Republic and of the British parliamentary evolution, as well as their colonial governments and the Articles of Confederation, wisely wrote into the Constitution the permanent and inviolable separation of Federal power among the co-equal legislative, executive and judicial branches.

It is worth passing note that the Congress was established in the first Article.

While, in general, legislative power is shared by the House and the Senate and limits are placed upon it both by executive powers and judicial precedents, the two legislative bodies have internal organizational powers that are separate and specific and are not, in my judgment, subject to any superior power. Among these is Article I, section 5, which provides for the censure, punishment and, by a two-thirds vote, expulsion of a member, and also states that "each house shall be the judge of the elections, returns, and qualifications of its own members."

In short, if this body is the judge in these matters, there cannot be any other judge nor any

higher appeal. We did not legislate in H. Res. 1 nor in H. Res. 278—we rendered a judgment. That judgment is, in my view, *final* unless it is changed in the future by this House of Representatives. Neither the Senate, within the legislative branch, nor any court created by the Constitution or by the Congress in the judicial branch, nor any office of the executive branch, has any jurisdiction here. . . .

AFTER THE ACTION of the House on March 1, our present Chief Executive was asked by the press for comment on the exclusion of Mr. Powell. His reply was exemplary and I commend it to the attention of every member.

"No, I would have no comment on that matter," President Johnson said, "other than what you have been given before—that it is a matter for the members of the House that is reserved for them by the Constitution."

What the chief spokesman of the executive branch said is, I submit, precisely and absolutely correct. I would hope that substantially the same statement would be made by the judicial branch in this matter. But we cannot rely on hope when faced with such a historic challenge. The integrity of the House and of the legislative branch of this government can only be defended in this instance by the House itself, step by step, as the circumstances require.

When I urge that the House face up squarely to its duty and responsibility, to the oath each of us has taken to support the Constitution of the United States and its fundamental doctrine of divided powers, I do not speak selfishly or out of a narrow desire to prove ourselves in the right. Obviously, the House is not always right any more than the decisions of a democratic people are always right. They are merely, as Sir Winston Churchill observed, the least often wrong of any system yet devised.

If it is not quite true that Congress is the people, it is the closest thing to the people that we have—particularly here in the House of Representatives. So when we defend this House, we defend the people's House. We have heard and doubtless will continue to hear much argument as to whether we have the right to exclude a member-elect from this body. I submit that this question already has been pleaded before the only court of competent jurisdiction under the Constitution—the House of Representatives; and judgment has been passed by substantial majorities, on two roll calls, that we do have that exclusive right and power. I believe this accords with the intent of the Founding Fathers and the rules and precedents of the House. This judgment has been challenged and must be vigorously and ably defended. This is our simple duty to the past and to the future.

THE INTEGRITY of the House must be preserved, protected and defended from without as well as from within. And only we, who have the honor to serve here, can do this.

Powell file

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What the Columnists Say

The Powell Affair: The House Blew It, Baby

Common Sense Was Overrun not Once, but Twice



White

By WILLIAM S. WHITE

WASHINGTON — Rarely in political history has so many made so absurd and so hopeless a hash over so essentially little a matter as has now been made in the celebrated affair of Adam Clayton Powell. The House of Representatives twice overruled both its own wisest leaders and plain common sense.

First, it votes to refuse a reseating to Mr. Powell on the extraordinary theory that having reached this verdict without trial or hearing it will then "investigate" his conduct, when it has, of course, already condemned. In asking for a moment's reflection—and in the final action there was neither time for reflection nor real debate—it then sets up a special committee supposedly to inquire into what Mr. Powell has done but actually to employ some belated means to get the whole case off the hook from a spasm of non-thought.

THIS SPECIAL committee comes in with an influence which would completely have destroyed the influence as Mr. Powell might once have had in office—in the meantime he had already been thrown out of the chairmanship of the Special Committee—by simply censuring him and finishing him as a disturber of the peace and peace of the House of Representatives.

Again, however, the House instantly rejects the rational solution by now proclaiming not only that Mr. Powell cannot sit in the current session of Congress, but that he cannot sit in the next session, either, no matter if he should again be re-elected in a special election in Harlem set for April 11.

Here is, of course, the plainest doubt that the Constitution the House can thus do to Mr. Powell both retrospectively and prospectively. And, of course, his lawyers are going to court and almost certainly will win. Now, as though this ham-handed thing was



"THANKS, BABY. THIS IS A BETTER CHAIR, ANYWAY."

not already out of hand enough, the Republican leaders of New York decide to run another widely publicized professional Negro, James Meredith, against Powell in the special election in April. This amounts to a public proclamation that this congressional seat must be openly considered to be strictly racist—in theory as well as in fact.

MOREOVER, Mr. Powell, whose arrogant and irresponsible and demagogic conduct has never been in doubt, is almost certain to overwhelm Mr. Meredith and then return to Washington and say to the House: "Now, baby, what are you going to do about it?"

(Editor's Note: Mr. Meredith has announced he is withdrawing from the April 11 election.)

The awkward fact for the GOP is that the entire Republican membership of the House did indeed unanimously vote against Mr. Powell's right to sit, even in advance of inquiry or hearing. But in their desperate anxiety to remove this alleged blot of racist GOP motives, by running Mr. Meredith they are, in effect, dignifying a false charge and asking for a suspended sentence.

The start of this whole business has by this point been lost in a ball of wax. The initial agitation for Mr. Powell's ouster was begun neither by Republicans nor Southern Democrats, though both sets later collaborated in it, but rather by ultra-liberal Democrats whose outrage at Mr. Powell's so-called "free wheeling" caused them to overlook the elementary fact that simply being a bad fellow or even a totally irresponsible fellow, as Mr. Powell has been, is not really grounds for the exclusion of a man duly elected to Congress.

It is plain, to those few who have been able to maintain some poise in this business, that the proper way to take care of the Powell case, both as in simple justice and in sane politics, has twice been rejected by a general House membership which has acted through-out in mass hysteria.

OBVIOUSLY, he should have initially been seated provisionally, pending proper inquiry, and if and when evidence justifying his expulsion had been found, he should then have been expelled. This manifestly sensible course having been refused, the House should then have taken the alternative proposed by the special committee—to retain Mr. Powell nominally in the House but cut him down to zero in influence or power.

This would have meant his end for all practical purposes; but the way matters now stand, Mr. Powell is only at the beginning, and this episode will have repercussion for years to come.

COMMENT :

REPUBLICAN NATIONAL COMMITTEE
RADIO NEWS

1625 EYE STREET, N.W.

WASHINGTON, D. C. 20006

AREA CODE 202 628-6800

MAR 3 1967

Powell

FOR RELEASE
MONDAY AM 1's
March 6, 1967

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Editors, Party Publications: The following is the commentary by Felix Cotten, Republican National Committee, Public Relations Division, which is part of the COMMENT, weekly radio news program. The transcript of this commentary is being sent to you, for whatever use you care to make of it with or without our credit.

The charges of official misconduct directed at Representative Adam Clayton Powell, New York Democrat, and aired so widely throughout the nation, have given rise to demands for some standard procedure to deal with this problem, and to make sure that there is equality of treatment for all elected representatives of the people in Congress.

Freshman Republicans who came to the House of Representatives as a result of the November elections have taken the lead in trying to do something about this matter, and to make sure that there is a uniform code of conduct and equal treatment for all members.

The tack that they have taken is to propose the creation of a special Ethics Committee, which would undertake to enforce set standards of conduct. In addition, they are proposing that all members be subject to full disclosure of assets and liabilities, their sources of income outside their official salaries, their relationships with businesses subject to Government regulation, if any, and various other relationships.

In other words, under this proposal, all members would be subject equally to a thorough disclosure of their connections and interests, and their relationships.

The effect of these proposals would be to take measures to prevent wrongful action on the part of members, and to provide for uniform treatment, through application of standard procedures, whenever charges of misconduct against a member were made.

The freshmen Republicans took their case to the House floor recently in a series of speeches. For most of them, it was their maiden speech. A great many of them participated, despite the time limitation under which they spoke.

Their activity in this matter is an example of the new influence which a revived Republican Party is exerting in the present Congress.

This is Felix Cotten, Republican National Committee News, in Washington.

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The Powell Case and the Constitution

By FRED P. GRAHAM

Special to The New York Times

WASHINGTON, March 11.—When the House of Representatives voted last week to exclude Adam Clayton Powell from his seat in Congress, it was the sixth time since the Civil War that the House had taken such an action.

But when Mr. Powell brought suit here Tuesday, asking the Federal District Court to reverse the House's move, he became the first excluded member to take the issue to court.

The reason why the earlier members did not bother to sue is obvious—the Federal courts had given no indication that they would entertain such a suit.

The various reasons for excluding the other Congressmen were polygamy, pro-Confederate activity, the sale of official favors and seditious statements during World War I.

A good argument could have been made that these were unconstitutional reasons.

The only requirements set by the Constitution are that a member must be at least 25 years old, must have been an American citizen for at least seven years, and must be an inhabitant of the state from which he was elected.

Constitutional Limitations

At the time the Constitution was drafted the framers rejected a provision that would have given Congress the power to set its own membership qualifications. "A republic may be converted into an aristocracy or oligarchy," James Madison said, if Congress were permitted to fix its own qualifications.

So although the Constitution says "each House shall be the judge of the qualifications of its own members," a good case can be made that this refers to the qualifications specified in the Constitution.

Yet the earlier excluded members did not sue, apparently because American courts had traditionally followed the principle that legislative bodies are the sole judges of their own members' qualifications.

To intervene in such matters would violate the

principle of separation of power, the courts held.

Mr. Powell's decision to sue is a measure of the vast changes in the courts' attitude on this point in recent years.

The Supreme Court broke the ice in the reapportionment decisions, ordering state legislatures to change their districting practices and to elect members on a one-man, one-vote basis.

Julian Bond Case

Then last December, the Supreme Court broke with the custom against judicial intervention in legislative bodies' affairs and ruled unanimously that the Georgia Legislature had acted unconstitutionally in refusing to seat Negro pacifist Julian Bond.

Dealing with a situation closely akin to the Powell case, the high Court ruled that Mr. Bond could be excluded only for a failure to meet the qualifications specified in the state constitution. And if he were excluded for other reasons, such as his antiwar statements, the courts have jurisdiction to give him relief, the high Court held.

In a footnote, Chief Justice Earl Warren observed that the Federal Constitution withheld from Congress the "improper and dangerous power" to fix its own members' qualifications. Unless these are set by the Constitution, Congress "can by degrees subvert the Constitution," the Chief Justice said, quoting James Madison.

There were hints of a changed judicial attitude abroad, this week when Mr. Powell and 15 of his Harlem constituents asked that a three-judge Federal District Court be convened, and that it enjoin the House from enforcing its exclusion resolution.

They charged that the House cannot exclude Mr. Powell for playing fast and loose with Congressional funds or for running afoul of the courts of New York, since he meets the age, citizenship and residence requirements for a House member.

For good measure, the Harlem plaintiffs also claimed that the action was racially

inspired and subjected them, as Negroes, to "vestiges of slavery and involuntary servitude" in violation of the 13th amendment.

In all, the Powell suit contends that the House action violated seven Constitutional provisions, eight Constitutional amendments, and two Federal statutes.

One of these allegations—the charge that the denial of Mr. Powell's seat deprives Harlem of the benefit of his 22 years of Congressional seniority—suggested the basic conflict that the Powell suit raises.

Even assuming that the House acted unconstitutionally, should the courts get into the business of second-guessing Congress's conduct of its own internal affairs?

Might Open Floodgates

For if the courts can consider whether or not Mr. Powell can be stripped of his seniority, they could also presumably decide whether he could be made to repay \$40,000 in misappropriated funds, as a special panel recommended. And if the courts can decide these questions, there is no reason why Congressmen could not sue over committee assignments, censure proceedings, expulsion (which the Constitution permits, upon a two-thirds vote) and the multitude of other matters that Congress has traditionally handled in its own way.

Aside from the question of the wisdom of judicial intervention in the Powell case,

there is considerable doubt as to whether Congress would stand for it.

Although the reapportionment cases and the Julian Bond decision provide superficial precedents on Mr. Powell's side, there is a crucial difference.

Federal-State Conflict

In those cases the Federal courts were controlling the internal affairs of state legislatures. If any had resisted, a Federal-state clash would have ensued, and in these matters the Federal Government always wins.

But a conflict between the Federal courts and Congress offers quite different prospects.

Congress has the power to strip the lower Federal courts of their jurisdiction to hear certain types of cases, as well as the power of the purse over the entire judiciary.

In the event of a direct conflict, Congress could simply ignore the Supreme Court's decision.

The House did vote this week to retain counsel (this is not unusual in such situations, since the Justice Department is responsible ultimately to the President, not Congress), but not in a spirit of submission to the court's will.

"As a practical matter," said House Minority Leader Gerald R. Ford, "there has to be someone to go down there and tell them it's none of their business."

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Stratton, King and Button Explain Votes on Powell

WASHINGTON—Two Albany area congressmen, Samuel S. Stratton, Amsterdam Democrat, and Carlton J. King, Saratoga Springs Republican, have explained they voted to oust Adam Clayton Powell because he refused to face the music.

Representative Daniel E. Button, Albany Republican who didn't oppose Powell's seating said: "I voted to uphold the recommendations of the special committee as did the leadership of both parties . . . a large share of the negative vote against the committee report came from Southern congressmen."

Mr. Stratton explained: "I supported the House action because I strongly believe that Mr. Powell does not possess the constitutional qualifications for membership. I believe his deliberate flight from New York State to avoid compliance with the orders of our courts has wiped out his inhabitancy in our state," Mr. Stratton added:

"As one who has consistently voted for every civil rights bill in eight years in Congress, my decision reflected no prejudice against the Negro representatives."

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Powell

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4 Area House Members Split on Powell Votes

The Capital District's four representatives split on the three major votes which led yesterday to the expulsion of Adam Clayton Powell from Congress.

The first vote was on whether the recommendations of the special House committee should be considered without amendment and without debate. The 222 against and 202 for vote was an indication that a majority of the legislators were interested at least in bringing the expulsion move to a vote.

Voting against were Representative Samuel S. Stratton of Amsterdam, a Democrat, and Representative Carleton J. King of Saratoga Springs, a Republican. Voting for were Representatives Joseph Y. Resnick of

Ellenville, a Democrat, and Daniel E. Button, a Republican. Mr. Stratton and Mr. King again voted for the second major proposal, to adopt an amendment by Representative Thomas Curtis, Missouri Republican, to expel Mr. Powell. Mr. Resnick again voted no. The amendment passed, 248 to 176. Finally, representatives voted on whether to exclude Mr. Powell or to do nothing. The vote to exclude was 307 to 116. Again, Mr. King and Mr. Stratton voted for the expulsion, while Mr. Resnick and Mr. Button voted against.

Mr. Button's vote on the second major question — to adopt the amendment to expel Mr. Powell — was not immediately available.

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Confusion Over Powell

The Court of Appeals decision in one basic phase of the Adam Clayton Powell case highlights the error that the House of Representatives made in its hasty decision to exclude him.

By disallowing the punitive damages that lower courts had assessed against Mr. Powell, New York's highest court presumably put the ousted Harlem Congressman in a position where he could—if he were so minded—clear himself fairly quickly of the judgments he has been evading for civil and criminal contempt of court.

Had the House merely ordered Mr. Powell to stand aside until he satisfied his debt to the law, it would have left itself in a position to take account of alterations in his legal status. Instead, it has declared his seat vacant, and that decision is beyond recall or reconsideration.

Mr. Powell's attorneys now are expected to file suit challenging his exclusion as unconstitutional. It is probable that the courts will order a delay in the holding of the special election to fill the Powell seat, pending the outcome of that suit. But, when and if the election is held, the excluded man will almost certainly be returned for another go-around at being seated.

The potential litigation is almost limitless, especially since the Justice Department is charged with the responsibility of examining Mr. Powell's free and easy habits with public funds to determine whether he merits prosecution as a violator of Federal statutes. The select committee of the House, after looking into that aspect of the Powell record, recommended a \$40,000 fine; but it is up to the Justice Department and the courts to determine whether criminal penalties are also in order.

For the moment, the House has disposed of its part in the Powell case, but it has most certainly not disposed of the underlying ethical malady of which that case is only a symptom. The House imperatively needs a permanent committee on ethics and an enforceable code, including a provision for regular public disclosure of financial activities by all members.

The same need exists in the Senate where the case of Senator Thomas J. Dodd of Connecticut has replaced the case of Bobby Baker as the focus of official attention. The decision to begin public hearings on the Dodd case on March 13 is a welcome development, but an investigation might never have been necessary if a clear code of conduct had been adopted long ago.

FROM BECOMING
A NEUROTIC ADULT

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Precedent May Prove Vital in Powell Case

By LESLIE H. WHITTEN
Hearst Headline Service Exclusive to The Times-Union

WASHINGTON—The Supreme Court cannot order the House to seat Adam Clayton Powell without flying squarely into the face of its own ruling 38 years ago on a Pennsylvania Senator-elect.

The case is recognized as crucial by both Powell's supporters and opponents; talks with them showed Sunday. The Harlem Democrat's friends see it as a high wall they must scale to get the federal courts to reverse the House.

His opponents cite it as the only judicial precedent for the Powell situation. They claim that while the House itself already has the right to bar him time and time again the old Supreme Court case firmly backs them up in the exclusion.

The case sprung from the Pennsylvania senatorial elections of 1926 in which William S. Vare, a Republican building contractor and congressman, was elected and presented himself to the Senate for the oath of office. But there was a dispute over the enormous sums of money spent by Vare to get elected, and he was obliged to stand aside.

The Senate began an investigation. A clerk of court in Pennsylvania, one Thomas W. Cunningham, testified he gave \$50,000 in cash to a pro-Vare organization. Then Cunningham refused to go again before the Senate investigating body and he was arrested. The case went to the federal courts when Cunningham sought a writ of habeas corpus to get his freedom.

The Supreme Court might have limited itself to the Senate's right to call Cunningham, but Justice George Sutherland, writing for himself and his colleagues, saw the issue as much broader.

"Generally, the Senate is a legislative body, exercising in connection with the House only the power to make laws," wrote the justice on May 27, 1929. "But it has conferred upon it by the constitution certain powers which are not legislative, but judicial in character. Among these is the power to judge on the . . . qualifications of its own members."

Sutherland said this had always applied to the House as well "and we perceive no reason why we should reach a different conclusion." The court went on to cite the case of Brigham H. Roberts (D-Utah) — Sutherland's home state by coincidence — who was barred from a seat in the House because he had three wives and had been convicted in federal court of polygamy.

Like Powell, who, however,

is not convicted of any crime, Roberts had "credentials unimpeachable in form" when he went to take the oath. Like Powell, he qualified as to age, citizenship and other constitutional requirements for the House.

But the House turned him back by a 268 to 50 vote, with the minority — just as in the Powell case — claiming that the House could not go outside the constitutional requirements in determining qualifications. The majority view prevailed — that it was up to the House to set its own qualifications for seating.

The Vare case has an almost ghostly resemblance to arguments now raised against the exclusion of Powell. To the complaint that his barring robs Harlem voters of their constitutional right to "equal suffrage," the Vare case says, "not so," no more than vacating of the seat by death, expulsion or other reasons.

Some Powell advocates have said the Congress had to swear him in before it could legally kick him out. To expel him then would have required a two-thirds majority instead of the simple majority that applied. But the old Vare case echoed back from almost four decades: "a matter within the discretion of Congress."

Powell

How House Members Voted in Excluding Powell

Vote on Substitution of Motion

Vote on Exclusion of Powell

WASHINGTON, March 1 (AP)—Following is the roll-call vote by which the House today substituted an exclusion resolution for an original proposal to censure and fine Representative Adam Clayton Powell:

WASHINGTON, March 1 (AP)—Following is the roll-call vote by which the House today excluded Representative Adam Clayton Powell from the House and declared his seat vacant:

FOR SUBSTITUTION—248

- Democrats—123**
- Abbott (Va.)
 - Abernethy (Miss.)
 - Anderson (Tenn.)
 - Andrews (Ala.)
 - Ashmore (S.C.)
 - Aspinall (Colo.)
 - Baring (Nev.)
 - Barnett (Pa.)
 - Beall (Ala.)
 - Blanton (Tenn.)
 - Brinkley (Ga.)
 - Burleson (Tex.)
 - Cabell (Tex.)
 - Casey (Tex.)
 - Clark (Pa.)
 - Colmer (Miss.)
 - Davis (Ga.)
 - De la Garza (Tex.)
 - Dorn (S.C.)
 - Dowdy (Tex.)
 - Downing (Va.)
 - Edmondson (Okla.)
 - Filbert (Pa.)
 - Everett (Tenn.)
 - Evins (Tenn.)
 - Fallon (Md.)
 - Fascell (Fla.)
 - Fisher (Tex.)
 - Flood (Pa.)
 - Flynt (Ga.)
 - Fountain (N.C.)
 - Fulton (Tenn.)
 - Fuqua (Fla.)
 - Gallagher (N.C.)
 - Garmatz (Md.)
 - Gathings (Ark.)
 - Gettys (S.C.)
 - Gibbons (Fla.)
 - Hagan (Ga.)
 - Haley (Fla.)
 - Hamilton (Ind.)
 - Hanna (Calif.)
 - Hardy (Va.)
 - Hebert (La.)
 - Hechler (W.Va.)
 - Henderson (N.C.)
 - Herlong (Fla.)
 - Hull (Mo.)
 - Hungate (Mo.)
 - Ichord (Mo.)
 - Jarman (Okla.)
 - Johnson (Calif.)
 - Jones (Ala.)
 - Jones (Mo.)
 - Jones (N.C.)
 - Karsh (Minn.)
 - Kazen (Tex.)
 - Lee (W.Va.)
 - Kornegay (N.C.)
 - Kyros (Me.)
 - Landrum (Ga.)
 - Leggett (Calif.)
- Republicans—125**
- Adair (Ind.)
 - Andrews (N.D.)
 - Ashbrook (Ohio)
 - Ayres (Ohio)
 - Baffin (Mont.)
 - Belcher (Okla.)
 - Bell (Calif.)
 - Berry (S.D.)
 - Betts (Ohio)
 - Blackburn (Ga.)
 - Bolton (Ohio)
 - Bray (Ind.)
 - Brock (Tenn.)
 - Brotzman (Colo.)
 - Brown (Ohio)
 - Broyhill (N.C.)
 - Brownhill (Va.)
 - Burke (Fla.)
 - Burton (Utah)
 - Bush (Tex.)
 - Carier (Ky.)
 - Cederberg (Mich.)
 - Chamberlain (Mich.)
 - Clancy (Ohio)
 - Clausen (Calif.)
 - Collier (Ill.)
 - Corbett (Pa.)
 - Cowger (Ky.)
 - Cramer (Fla.)
 - Cunningham (Neb.)
 - Curtis (Mo.)
 - Denney (Neb.)
 - Devine (Ohio)
 - Dickinson (Ala.)
 - Doie (Kan.)
 - Duncan (Tenn.)
 - Edwards (Ala.)
 - Eschman (Pa.)
 - Fine (N.Y.)
 - Fulton (Pa.)
 - Gardner (N.C.)
 - Goodling (Pa.)
- Horon (N.Y.)**
- Hosmer (Calif.)
 - Hunt (N.J.)
 - Hutchinson (Mich.)
 - Johnson (Pa.)
 - Jonas (N.C.)
 - Kling (N.Y.)
 - Kuykendall (Tenn.)
 - Kiv (Iowa)
 - Larpen (Minn.)
 - Latta (Ohio)
 - Lippcomb (Calif.)
 - Lloyd (Utah)
 - Lukens (Ohio)
 - McCleure (Idaho)
 - McCulloch (Ohio)
 - McBride (Pa.)
 - McDonald (Mich.)
 - Marlin (Neb.)
 - Mathias (Md.)
 - Jay (Wash.)
 - Mayne (Iowa)
 - Miller (Ohio)
 - Minshall (Ohio)
 - Mize (Kan.)
 - Myers (Ind.)
 - Neisen (Minn.)
 - O'Konski (Wis.)
 - Pelly (Wash.)
 - Pettis (Calif.)
 - Poff (Va.)
 - Pollock (Alaska)
 - Price (Tex.)
 - Quie (Minn.)
 - Quillen (Tenn.)
 - Reid (Ill.)
 - Reifel (S.D.)
 - Reinecke (Calif.)
 - Roth (Del.)
 - Roudebush (Ind.)
 - Saylor (Pa.)
 - Schadeberg (Wis.)

- Uff (Calif.)**
- Vander Jagt (Mich.)
 - Wampler (Va.)
 - Watkins (Pa.)
 - Watson (S.C.)
 - Whalley (Pa.)
 - Williams (Pa.)
 - Winn (Kan.)

- AGAINST SUBSTITUTION—176**
- Democrats—117**
- Adams (Wash.)
 - Addabbo (N.Y.)
 - Albert (Okla.)
 - Annunzio (Ill.)
 - Ashley (Ohio)
 - Barrett (Pa.)
 - Bingham (Ind.)
 - Blatnik (Minn.)
 - Boggs (La.)
 - Boland (Mass.)
 - Bolling (Mo.)
 - Brademas (Ind.)
 - Brasco (N.Y.)
 - Brooks (Tex.)
 - Brown (Calif.)
 - Burke (Mass.)
 - Burton (Calif.)
 - Byrne (Pa.)
 - Carey (N.Y.)
 - Celler (N.Y.)
 - Cohelan (Calif.)
 - Conyers (Mich.)
 - Corman (Calif.)
 - Culver (Iowa)
 - Daddario (Conn.)
 - Danielis (S.C.)
 - Delaney (N.Y.)
 - Dent (Pa.)
 - Diggs (Mich.)
 - Dingell (Mich.)
 - Donohue (Mass.)
 - Dow (N.Y.)
 - Dulski (N.Y.)
 - Eckhardt (Tex.)
 - Edward (Calif.)
 - Evans (Colo.)
 - Farbstein (N.Y.)
 - Feighan (Ohio)
 - Foley (Wash.)
 - Ford (Mich.)
 - Fraser (Minn.)
 - Gallagher (N.J.)
 - Gialimo (Conn.)
 - Gilbert (N.Y.)
 - Gonzalez (Tex.)
 - Gray (Ill.)
 - Green (Ore.)
 - Green (Pa.)
 - Giffiths (Mich.)
 - Hanley (N.Y.)
 - Hansen (Wash.)
 - Hathaway (Me.)
 - Hawkins (Calif.)
 - Hays (Ore.)
 - Helstoski (N.J.)
 - Hicks (Wash.)
 - Hollifield (Calif.)
 - Holland (Pa.)
- Wyatt (Ore.)**
- Wygler (N.Y.)
 - Wylie (Ohio)
 - Wyman (N.H.)
 - Younger (Calif.)
 - Zion (Ind.)
 - Zwach (Minn.)

- Republicans—59**
- Adair (Ind.)
 - Anderson (Ill.)
 - Arends (Ill.)
 - Bates (Mass.)
 - Biester (Pa.)
 - Broomfield (Mich.)
 - Brown (Mich.)
 - Burton (N.Y.)
 - Byrnes (Wis.)
 - Clawson (Calif.)
 - Cleveland (N.H.)
 - Conable (N.Y.)
 - Conte (Mass.)
 - Dellenback (Ore.)
 - Derwinski (Ill.)
 - Dwyer (N.J.)
 - Ederborn (Ill.)
 - Findley (Ill.)
 - For (Mich.)
 - Frelinghuysen (N.J.)
 - Goodell (N.Y.)
 - Grover (N.Y.)
 - Halleck (Ind.)
 - Harvey (Mich.)
 - Keith (Mass.)
 - Kupferman (N.Y.)
 - Laiford (Wis.)
 - McClory (Ill.)
 - McGrew (N.Y.)
 - MacGregor (Minn.)
- Mailliard (Calif.)**
- Mathias (Calif.)
 - Meskill (Conn.)
 - Michel (Ill.)
 - Moore (W. Va.)
 - Morton (Md.)
 - Moshier (Ohio)
 - Prine (N.Y.)
 - Raisback (Ill.)
 - Reid (N.Y.)
 - Rhodes (Ariz.)
 - Riegler (Mich.)
 - Robison (N.Y.)
 - Rumsfeld (Ill.)
 - Ruppe (Mich.)
 - Sandman (N.J.)
 - Schmeebell (Pa.)
 - Smith (N.Y.)
 - Springer (Ill.)
 - Stafford (Va.)
 - Stanton (Ohio)
 - Steiger (Wis.)
 - Taff (Ohio)
 - Teague (Calif.)
 - Thomson (Wis.)
 - Whalen (Ohio)
 - Widnall (N.J.)
 - Wiggins (Calif.)
 - Wilson (Calif.)

Kennedy Birthplace Cited
WASHINGTON, March 1

FOR EXCLUSION—307

- Democrats—134**
- Abbott (Va.)
 - Abernethy (Miss.)
 - Albert (Okla.)
 - Anderson (Tenn.)
 - Andrews (Ala.)
 - Ashmore (S.C.)
 - Aspinall (Colo.)
 - Bennett (Fla.)
 - Bevil (Ala.)
 - Blanton (Tenn.)
 - Boggs (La.)
 - Brinkley (Ga.)
 - Burleson (Tex.)
 - Cabell (Tex.)
 - Casey (Tex.)
 - Clark (Pa.)
 - Colmer (Miss.)
 - Davis (Ga.)
 - De la Garza (Tex.)
 - Dingell (Mich.)
 - Dorn (S.C.)
 - Haley (Fla.)
 - Downing (Va.)
 - Edmondson (Okla.)
 - Eilberg (Pa.)
 - Everett (Tenn.)
 - Evins (Tenn.)
 - Fallon (Md.)
 - Fascell (Fla.)
 - Fisher (Tex.)
 - Flood (Pa.)
 - Flynt (Ga.)
 - Fountain (N.C.)
 - Fulton (Tenn.)
 - Fuqua (Fla.)
 - Gallagher (N.C.)
 - Garmatz (Md.)
 - Gathings (Ark.)
 - Gettys (S.C.)
 - Gibbons (Fla.)
 - Green (Ore.)
 - Hagan (Ga.)
 - Haley (Fla.)
 - Hamilton (Ind.)
 - Hanley (N.Y.)
 - Hanna (Calif.)
 - Hardy (Va.)
 - Hays (Ohio)
 - Hebert (La.)
 - Hechler (W.Va.)
 - Henderson (N.C.)
 - Herlong (Fla.)
 - Hull (Mo.)
 - Hungate (Mo.)
 - Jarman (Okla.)
 - Johnson (Calif.)
 - Jones (Ala.)
 - Jones (Mo.)
 - Jones (N.C.)
 - Karsh (Minn.)
 - Kazen (Tex.)
 - Kee (W.Va.)
 - Kluczynski (Ill.)
 - Kornegay (N.C.)
 - Kyros (Me.)
 - Landrum (Ga.)
 - Leggett (Calif.)
- Wyatt (Ore.)**
- Wygler (N.Y.)
 - Wylie (Ohio)
 - Wyman (N.H.)
 - Younger (Calif.)
 - Zion (Ind.)
 - Zwach (Minn.)

- Republicans—173**
- Adair (Ind.)
 - Anderson (Ill.)
 - Andrews (N. D.)
 - Arends (Ill.)
 - Ashbrook (Ohio)
 - Ayres (Ohio)
 - Bates (Mass.)
 - Baffin (Mont.)
 - Belcher (Okla.)
 - Bell (Calif.)
 - Berry (S. D.)
 - Betts (Ohio)
 - Bisby (Pa.)
 - Blackburn (Ga.)
 - Bolton (Ohio)
 - Bray (Ind.)
 - Brock (Tenn.)
 - Broomfield (Mich.)
 - Brotzman (Colo.)
 - Brown (Mich.)
 - Brown (Ohio)
 - Broyhill (N. C.)
 - Broyhill (Va.)
 - Buchanan (Ala.)
 - Burke (Fla.)
 - Burton (Utah)
 - Bush (Tex.)
 - Byrnes (Wis.)
 - Carier (Ky.)
 - Cederberg (Mich.)
 - Chamberlain (Mich.)
 - Clancy (Ohio)
 - Del Clausen (Calif.)
 - Don Clauson (Calif.)
 - Cleveland (N. H.)
 - Collier (Ill.)
- Dwyer (N. J.)**
- Edwards (Ala.)
 - Erlenborn (Ill.)
 - Esch (Mich.)
 - Eschleman (Pa.)
 - Findley (Ill.)
 - Fino (N. Y.)
 - Gerold R. Ford (Mich.)
 - Frelinghuysen (N. J.)
 - Fulton (Pa.)
 - Goodell (N. Y.)
 - Goodling (Pa.)
 - Gross (Iowa)
 - Grover (N. Y.)
 - Gubser (Calif.)
 - Gude (Md.)
 - Gurney (Fla.)
 - Hall (Mo.)
 - Halleck (Ind.)
 - Hansen (N. Y.)
 - Hammerschmidt (Ark.)
 - Hansen (Idaho)
 - Harrison (Wyo.)
 - Harsha (Ohio)
 - Harvey (Mich.)
 - Heckler (Mass.)
 - Horton (N. Y.)
 - Hosmer (Calif.)
 - Hunt (N. J.)
 - Hutchinson (Mich.)
 - Johnson (Pa.)
 - Jonas (N. C.)
 - Keith (Mass.)
 - Kim (N. Y.)
 - Kleppe (N. D.)
 - Kuykendall (Tenn.)

- Mailliard (Calif.)**
- Martin (Neb.)
 - Mathias (Calif.)
 - Mathias (Md.)
 - May (Wash.)
 - Mayne (Iowa)
 - Meskill (Conn.)
 - Michel (Ill.)
 - Miller (Ohio)
 - Minshall (Ohio)
 - Mize (Kan.)
 - Moore (W. Va.)
 - Morton (Md.)
 - Moshier (Ohio)
 - Myers (Ind.)
 - Nelsen (Winn.)
 - O'Konski (Wis.)
 - Pelly (Wash.)
 - Pettis (Calif.)
 - Pirnie (N.Y.)
 - Poff (Va.)
 - Pollock (Alaska)
 - Price (Tex.)
 - Quie (Minn.)
 - Quillen (Tenn.)
 - Raisback (Ill.)
 - Reid (Ill.)
 - Reifel (S.D.)
 - Reinecke (Calif.)
 - Rhodes (Ariz.)
 - Riegler (Mich.)
 - Robison (N.Y.)
 - Roth (Del.)
 - Roudebush (Ind.)
 - Rumsfeld (Ill.)
 - Ruppe (Mich.)
 - Saylor (Pa.)
- Schadeberg (Wis.)**
- Scherle (Iowa)
 - Schmeebell (Pa.)
 - Schwelker (Pa.)
 - Schwengel (Iowa)
 - Scott (Va.)
 - Shriver (Kan.)
 - Stukutz (Kan.)
 - Smith (Calif.)
 - Smith (Okla.)
 - Snyder (Ky.)
 - Springer (Ill.)
 - Stafford (Va.)
 - Stanton (Ohio)
 - Steiger (Wis.)
 - Steiger (Wis.)
 - Talcoff (Calif.)
 - Thompson (Ga.)
 - Thomson (Wis.)
 - Uff (Calif.)
 - Vander Jagt (Mich.)
 - Wampler (Va.)
 - Watkins (Pa.)
 - Watson (S.C.)
 - Whalen (Ohio)
 - Whalley (Pa.)
 - Whitall (N.J.)
 - Williams (Pa.)
 - Wilson (Calif.)
 - Winn (Kan.)
 - Wyatt (Ore.)
 - Wygler (N.Y.)
 - Wylie (Ohio)
 - Wyman (N.H.)
 - Younger (Calif.)
 - Zion (Ind.)
 - Zwach (Minn.)

- AGAINST EXCLUSION—116**
- Democrats—105**
- Adams (Wash.)
 - Addabbo (N.Y.)
 - Annunzio (Ill.)
 - Ashley (Ohio)
 - Barrett (Pa.)
 - Bingham (N. Y.)
 - Blatnik (Minn.)
 - Boland (Mass.)
 - Bolling (Mo.)
 - Brademas (Ind.)
 - Brasco (N. Y.)
 - Brooks (Tex.)
 - Brom (Calif.)
 - Burke (Mass.)
 - Burton (Calif.)
 - Byrne (Pa.)
 - Carey (N. Y.)
 - Celler (N. Y.)
 - Cohelan (Calif.)
 - Conyers (Mich.)
 - Corman (Calif.)
 - Culver (Iowa)
 - Daddario (Conn.)
 - Danielis (N. J.)
 - Delaney (N. Y.)
 - Dent (Pa.)
 - Diggs (Mich.)
 - Donohue (Mass.)
 - Dow (N. Y.)
 - Dulski (N. Y.)
 - Eckhardt (Tex.)
 - Edwards (Calif.)
 - Evans (Colo.)
 - Feighan (N. Y.)
 - Feighan (Ohio)
 - Fey (Wash.)
 - Ford (Mich.)
 - Fraser (Minn.)
 - Gallagher (N. J.)
 - Gialimo (Conn.)
 - Gilbert (N. Y.)
 - Gonzalez (Tex.)
 - Gray (Ill.)
 - Green (Pa.)
 - Griffiths (Mich.)
 - Hansen (Wash.)
 - Hathaway (Me.)
 - Hawkins (Calif.)
 - Helstoski (N.J.)
 - Hicks (Wash.)
 - Hollifield (Calif.)
 - Holland (Pa.)
 - Howard (N. J.)
- Irwin (Conn.)**
- Jacobs (Ind.)
 - Joelson (M. J.)
 - Karsten (Mo.)
 - Kastner (Wis.)
 - Kelly (N. Y.)
 - Kirwan (Ohio)
 - McCarthy (N. Y.)
 - McFall (Calif.)
 - Madden (Ind.)
 - Marsh (Va.)
 - Matsunaga (Hawaii)
 - Miller (Calif.)
 - Minish (N. J.)
 - Monagan (Conn.)
 - Moorhead (Pa.)
 - Mink (Hawaii)
 - Moss (Calif.)
 - Multer (N. Y.)
 - Murphy (Ill.)
 - Murphy (N. Y.)
 - Nezdi (Mich.)
 - Nix (Pa.)
 - O'Hara (Ill.)
 - O'Hara (Mich.)
 - O'Neill (Mass.)
 - Ottinger (N.Y.)
 - Patten (N.J.)
 - Perkins (Ky.)
 - Philbin (Mass.)
 - Pike (N.Y.)
 - Price (Ill.)
 - Rees (Calif.)
 - Resnick (N.Y.)
 - Reuss (Wis.)
 - Rodino (N.J.)
 - Ronan (Ill.)
 - Rooney (N.Y.)
 - Rosenthal (N.Y.)
 - Rostenkowski (Ill.)
 - Royal (Calif.)
 - Ryan (N.Y.)
 - St. Onge (Conn.)
 - Scheuer (N.Y.)
 - Smith (Iowa)
 - Sullivan (Mo.)
 - Taffer (N.Y.)
 - Thompson (N.J.)
 - Udall (Ariz.)
 - Vanik (Ohio)
 - Wolf (N.Y.)
 - Yates (Ill.)

- Republicans—11**
- Buffon (N.Y.)
 - Conte (Mass.)
 - Dellenback (Ore.)
 - Kupferman (N.Y.)
 - McEwen (N.Y.)
 - Reid (N.Y.)
 - Sandman (N.J.)
 - Smith (N.Y.)
 - Taff (Ohio)
 - Teague (Calif.)
 - Wiggins (Calif.)

Two on L. I. Killed by Train
BRENTWOOD, L. I., March 1 (UPI)—Two bricklayers were killed today when their car was

Comment on the National Scene:

The Powell Fiasco

Adam Clayton Powell, to the surprise of literally nobody, has won reelection to the seat in Congress from which he was barred as unfit by fellow members of the House. Harlem kept the faith, baby, with its bad boy congressman—even though it did so with no great outpouring of enthusiasm. Only about 33,000 of the area's 126,000 registered voters went to the polls.

So now what? There would seem to be only one sensible course of action for Congress to take, and that is the course which should have been taken in the first place. The special committee on the case, headed by Representative Emanuel Celler, originally recommended that Powell

be seated and censured. This was rejected by House hotheads who rashly demanded and got his exclusion.

The House now has been overruled by the voters of Harlem. They obviously can be depended on to do so time and again. Powell is the man they want and their wishes must no longer be denied. Any further negation of their ballots would be a far greater evil than the wrongdoing of which Powell stands accused.

Adam Clayton Powell should be seated, and formally censured. And if he has done anything criminal in his past and loose handling of public funds, the proper law enforcement agency should seek to punish him, not Congress.

ACP

'One of the Gravest Errors'

Disclosures regarding the Apollo spacecraft fire have an unreal quality. It is inconceivable that no plans were made to deal with (1) a fire in the spacecraft on the ground; and (2) an escape system for the astronauts if such a fire broke out.

But this is what happened, with the ghastly result of the deaths of astronauts Virgil Grissom, Edward White and Roger Chaffee.

Before a House investigation committee, executives of North American Aviation Company—one of the nation's outstanding aviation engineering firms—conceded that they did not design the capsule for a ground fire contingency and that this was "one of the gravest errors we have ever made."

This lack of foresight is incredible. Equally incredible is a similar lack on the part of officials and experts of the National Aeronautical and Space Agency (NASA) in not insisting that such design — and an escape system — be incorporated in the capsule. An additional unbelievable aspect of the episode is the fact that the astronauts themselves apparently did not challenge the deficiencies.

The blame for the disaster, which has thrown the American space program into vast delay, as well as casting over it a pall of tragedy, cannot be placed on any one group, organization or person. The fire was the result of a monumental, incomprehensible and inexcusable foul-up all around.

Powell: Albany Negro Leaders' Reactions Mixed

By BILL KENNEDY
Times-Union Staff Writer

The Adam Clayton Powell decision—a rare moment in history, an even rarer moment in the course of the civil rights movement. What does it mean to Negroes to see the most renowned Negro politician in the United States stripped of his power and refused a seat in the House of Representatives?

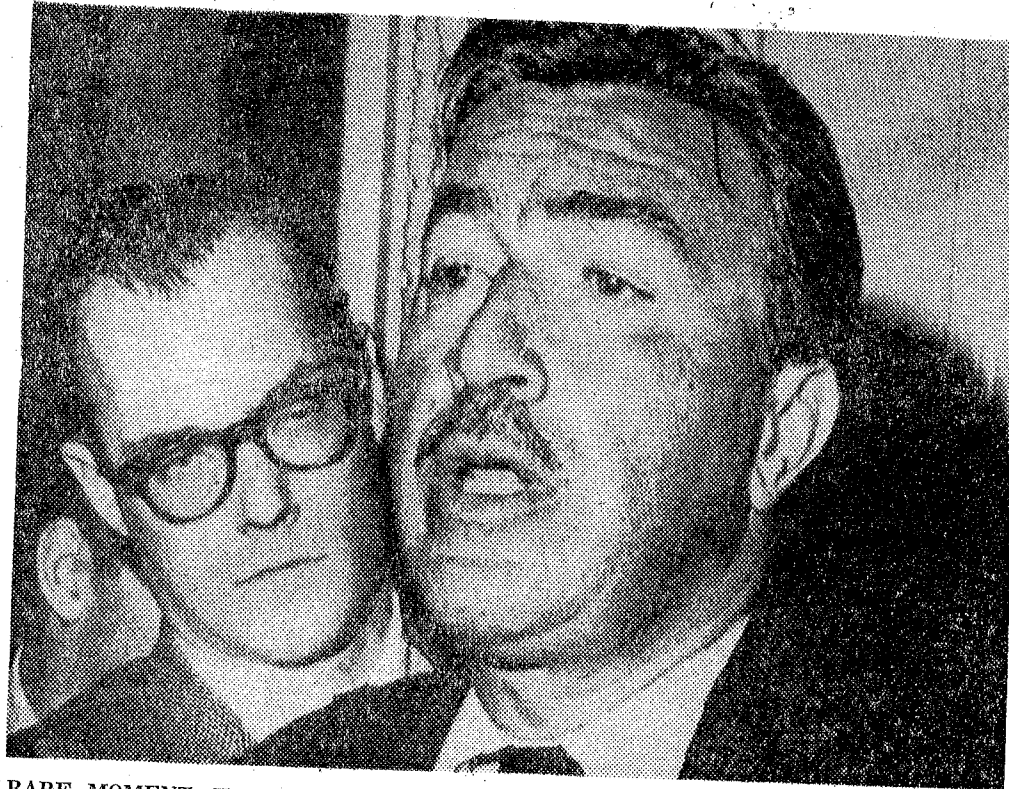
Probably on this subject more than any other in recent history there seems to be a consensus among Negroes on at least two points:

1—That Powell was the elected representative of the people in Harlem and they, not other congressmen, should decide whether he be seated or not:

2—That Powell is not the only sinner in Congress. Why Adam? Why not anybody else?

The conclusion of some is that the humiliation of Powell by his peers is more a manifestation of the white backlash in the United States than it is any overwhelming surge of morality by legislators.

Negro clergy, civil rights lead-



A RARE MOMENT—Harlem Congressman Adam Clayton Powell as he appeared last week after losing his committee and House seats.

Reaction to the controversy among Negro leaders in Albany is mixed. (AP Wirephoto)

ers, and others in the Negro community who have often spoken publicly on pressing issues in Albany, were interviewed this week for their reaction. Here is their comment:

Rev. Warren Brown, pastor, Walls Temple: "I think Powell has done a remarkable job. Having misused his chairmanship—this is a moral issue. If he were the only man who had done this then he should not have been seated. But he's not the only man, and for that reason I would seat him. Why hasn't Congress raised the issue about other committee chairmen? Also, I think the kind of effect the decision will have won't be realized for a year or so. First, if Adam is able to form a third party, this will be detrimental to both Republicans and Democrats. Also, I think the advocates of Black Power have been given a weapon to use by Congress, and I'm not sure it will be used to constructive advantage of all persons concerned."

Rev. William Roland, pastor,

See POWELL, Page B-8

Some Albanians See Blow at Negroes in Powell Punishment

Were Adam Clayton Powell's colleagues in the House of Representatives punishing all Negroes last week when they stripped Powell of his committee chairmanship and forbade him to take his House seat until they investigated his "qualifications?"

Powell said the answer is yes — the Congress was striking at all Negroes when it struck at him.

Some Negroes interviewed by the Times Union along South Pearl Street Saturday agreed with him; others did not. And there were those who said they had never heard of Powell.

Those who knew him had this to say:

Cheryl Douglas, 153 Knox Street — "I think that he's just beautiful and I think the only reason they took his seat away



C. Douglas J. Williams J. Warner T. Ford E. Harper J. Rollins J. Washington H. Cockfield R. Carrington J. Babbitt J. Mackey W. Walker

is because he's Negro . . . every time a colored person gets to be somebody, they find a way to take it away from him."

James Williams, 48 Ten Broeck Place — "Well I haven't been reading the papers that much, so I can't be sure . . . but I think a lot of the stuff he says sounds radical and maybe they

were right in kicking him out." **Judge Warner**, 18 Myrtle Avenue — "Well you never can tell about those things (Powell's eviction) . . . but I don't think that they did it because he was a Negro."

Tyrone Ford of 234 North Pearl Street — "I'm disgusted . . . I feel the same way Senator

Edward Harper, 59 Green Street — "I really don't have any opinion on Powell . . . I imagine his congregation is upset about all this but I don't think we Negroes around here care."

John Rollins of 100 Kerkimer Street — "I think the action they took against Powell was strictly a matter of a backlash from his fellow colleagues . . . they made an example out of him."

Julius Washington, Arch Street — "I think this was probably a two-way thing . . . Adam

Herman Cockfield, Three Star Barber Shop, South Pearl Street — "I definitely think Adam Clayton Powell was wrong, but I also think they went about this

thing the wrong way . . . if should have been done right there in the House with the members of the House and not like it was done."

John Mackey, 61 Delaware Street — "I couldn't really give you my report on Adam Clayton Powell until I read his report of what happened." **Willie Walker**, 169 South Pearl Street — "I really don't know nothing about that (Powell) but I guess maybe they were right when they did it to him."

seat away like that . . . he did a lot of good for Negroes and white and I don't think it's right"

Joseph Babbitt, 53 Clinton Street — "They did it to Adam Clayton Powell because he was Negro . . . can't be nothing else . . . there's a whole lot of them in Congress who did worse than he did . . . but they just picked him out because he's Negro."



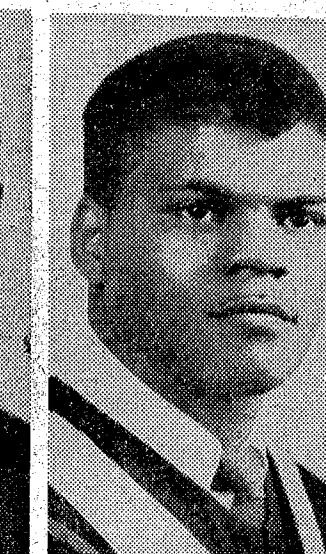
GEORGE BUNCH



REV. JAMES SMYTHE



JOHN HAITH



JAMES LOCKHART

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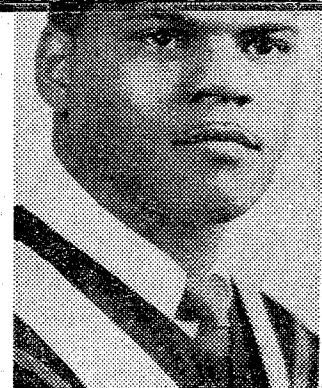
GEORGE BUNCH



REV. JAMES SMYTHE



JOHN HAITH



JAMES LOCKHART

Powell: Mixed Reaction From Negro Leaders

Continued from Page B-1

Pilgrim Baptist Church: "I expected that it would happen to him. But I do think they should have investigated first before pulling the block out from under him as a Congressman. As to his status as a clergyman, his way of thinking was too tall for the average Negro minister. The impression that 90 per cent of us received was we were not able to touch him as a minister. In the past ten years I haven't seen him participate in any way in the State Baptist Convention." (Powell is pastor of the Abyssinian Baptist Church in Harlem.)

Rev. Louis C. Brewer, pastor, Union Missionary Baptist Church: "The failure of Congress to seat Powell is a denial of the people of the district which elected him to represent them in Congress. Of course this will not be taken lightly by his constituents or by the Negro across the country. I believe a thorough investigation by a Congressional committee should have gathered all the facts and presented them before denying him his seat as a representative."

Rev. James U. Smythe, pastor, Mt. Zion Baptist Church: "I think it's going to have a backlash behind it. I think it's going to have a great effect on Negro and white relationships. Here are your lawmakers—the highest in the U.S.—and people look at them and ask why would they do something like this. I think a lot of them were on the spot and had to react, and I think Powell was a victim of pressure—the white backlash. I don't agree with some things Powell has done. He was wrong. But to first strip him of his chairmanship and then his seat, this severe a punishment wasn't right. He represents a lot of people. Some felt that Congress was punishing the race through the individual."

John Haith, Park Lane West, Menands: "I don't think he should have been removed. The people who elected him knew what he did and they should have been the judge of whether he was seated. It's a sad thing, for on many issues he's been the standard bearer for what we've all been fighting for. His overall image as a playboy was not a good thing, but there are many people who would like to be just like him. I don't believe he's through. I don't believe he's going to give up. I think he's going to come out fighting."

George Bunch, professor, Al-

bany Junior College: "They're making a martyr out of Powell for urban Negro communities. He's a very creative person and I think he's in a position to take over the leadership of the whole civil rights movement as it relates to urban Negro communities, and what I'm afraid of is that the more traditional leadership will lose out in the end. My hope is that he will not lose that seat. The Negro community can't afford to have its most powerful symbol taken away at this time. It's like Lumumba all over again, and I don't think we need that. I think that we can sanction without being destructive. Sanctions can be as destructive as deviants."

James Lockhart, McKownville: "I think it's unfortunate, but I think Powell brought this on through defiance of the courts and I feel he got no more than he deserved. I think Congressmen should set an example for youth, not an image of a man who flaunts all morality. But in terms of his actions as a Congressman he's done no more than others in Congress."

Ron Daniels, member of The Brothers civil rights group: "I was in Washington for the rally called on Powell's behalf by A. Philip Randolph and I also worked at a Newark rally in support of him. The Brothers are 100 per cent behind Mr. Powell. He has had an outstanding record, dating back to the 1930s, on labor, education and has constantly stood up for black people. We feel Adam is ours, and any accountability is to the constituency in Harlem, and at the national level as a black leader, his accountability is to us. We don't feel morality was at the center of the Powell issue, but rather that it was the vehicle by which they attacked the man. Why not other chairmen? Why Powell first?"

Joseph Cohen, president, Albany NAACP branch: "We discussed the issue at a membership meeting and no resolution was adopted because of the variance of opinion. But one thing that seemed to have a consensus was that Powell, having been elected by his constituents, should have been allowed to remain as their representative rather than be unseated. Now these people are left without a representative in Congress, which I'm sure is not the intent of the democratic process. I pass no judgment on Powell's guilt. That the province of individual interpretation."

Clarence Parker, Albany architect: "For the people who

overlooked the fact that he has shown disrespect for the law. We have looked only at the things he's done for race relations, housing and the like."

Larry Burwell, executive director, Clinton Square Neighborhood House: "I can't condone wrongness on anybody's part but I'm suspicious of his being the only one who violates these principles, despite the fact that his violations are more blatant. But it's awkward to defend a man you think is wrong. I can't reconcile my thinking to believe in the seating of senators and congressmen who defy the Supreme Court decisions, or those who come from districts where people are systematically denied the right to vote. This is a dilemma."

Anonymous: "My wife admires a fighter. She doesn't read the papers too much, but to her Adam is the only Negro she knows who talks up the the white establishment. She enjoys his arrogance."

Paul Richardson, executive director, Arbor Hill Community Center: "The man has shrouded all the good he's done by some wrong things and even though he has done a great deal in the civil rights movement, two wrongs won't make a right. He's also claiming that many other congressmen are in the same boat. That doesn't give him license to do the same thing. I think there will be repercussions on the part of Negroes. They

The Case for Powell . . .

Liberals' Action 'Too Drastic'

By William S. White

THE LONG-HERALDED attempt by angry fellow-liberals to bar Rep. Adam Clayton Powell from the House of Representatives is not going anywhere when the show-down falls in the new Congress.

This is exactly as it should be. For when this thing is stripped of an emotionalism that is clearly excessive and of a finger-pointing humanly justified but not relevant, one central truth remains unalterable. This is that the voters deserve precisely the kind of representation they get and it is apparent that in his case Powell's Harlem constituency is perfectly satisfied with him.

Moreover, constitutional practice and tradition demand for every member a fair deal. This is easy enough to grant when the man under attack is widely seen as a good fellow. It is not so easy, however, when he is reckoned to be a bad fellow. And bad fellow describes Powell's current "image," especially among the very ultra-liberal types who are now his principal accusers where so long beforehand they had been happy to have him as a demagogic chairman of the House Committee on Education and Labor.

His sins — including his contempt for the civil courts in his highly confused financial affairs—are doubtless legion. That he is something of a rogue as well, using this to denote irresponsibility as distinct from guilt—may be strongly argued. But to proceed from this to contend that he has no right to sit in the House, as Rep. Lionel Van Deerlin of California and some others have been doing, is to go altogether too far.

FOR POWELL sits in the House under the repeated choice of his voters and however unwise that choice may be it cannot fairly be overturned by excitable colleagues simply because he has for years undoubtedly behaved with a marked lack of decorum—also a considerable arrogance.

To oust him justly would require his conviction of crime in a court of law and not in some pseudo-court of



White

head-wagging at his undeniably imperious and embarrassing conduct. His more violent critics, indeed, would have done well to have done their homework before they set out to expunge Adam Clayton Powell.

For while the Constitution does say that Congress alone may, if it wishes, determine who shall be allowed to sit among it, honorable custom also says that a man duly elected is not to be thrown out in the absence of legal proof of wrongdoing of a far more serious sort than has ever been charged to this man.

The truth is that those who have come so late to their conviction of Powell's unworthiness have gone about their job in the wrong way as, unfortunately, ultra-liberals always do. The way to "get Powell" is the hard but just way of exposing his official actions inside the House and not, for illustration, his private sportiveness outside the House.

Many years of observance of politics, indeed, long since have convinced this columnist that two matters can never be trusted to ultra-liberals. One of these, so totally applicable to Powell's case, is even justice. The ultra-liberal mind simply cannot dispense justice to those it regards as nasty or wrong-headed; a curious secular puritanism quite submerges the requirement to be just even to people one "can't stand."

THE OTHER AREA of the ultra-liberal's muddle-headedness is foreign policy. For his obsession with social reform—and currently for "peace" where there can be no peace with honor—blinds any dispassionate judgment under great, shiny clouds of good intentions in a world where these are sometimes far from enough.

An illustration of the first point is that Senate ultra-liberals long ago sought to condemn Sen. Joseph R. McCarthy, the professional anti-Communist, without so much as a hearing until cooler heads demanded first a proper trial. An illustration of the second point, apart from its visible proof today in the matter of the Vietnam war, was in the 30s when Hitler was rising. The most famous liberals of that era were isolationist, don't-mix-in-foreign-war types, right up until the bombs fell on Pearl Harbor.

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EIGHTY-NINTH CONGRESS

Committee on Education and Labor
HOUSE OF REPRESENTATIVES
Congress of the United States

Washington, D.C.

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SPECIAL EDUCATION COUNSEL FOR
MINORITY
EXTENSION 3725

January 5, 1967

Dear Colleague:

I thought you might be interested in the attached statement which I am releasing to the press this week.

With every good wish.

Very truly yours,


ADAM C. POWELL

PRESS RELEASE

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
ADAM C. POWELL, N.Y., CHAIRMAN

FOR RELEASE
P.M. NEWSPAPERS

THURSDAY, JANUARY 5, 1967
PLEASE OBSERVE RELEASE TIME

A Statement by

Rep. Adam Clayton Powell,
Chairman of the Education and Labor Committee

" 15 FACTS "

Silence gives consent.

Until now, my decision not to speak out against any attempt to unseat me in January or have me step aside (as is under discussion now in the Democratic Study Group) to deprive me of my Chairmanship has fostered a public misrepresentation of my strong feelings on these matters.

But I have been deeply moved by the unexpected outpouring of support from thousands of Negroes and Negro organizations all over the country.

Not only am I indebted to one of my oldest and most dearly beloved friends, A. Philip Randolph, I am particularly grateful to the Committee of 100 in Washington, D.C.; the Baptist Ministers Conference of Greater New York; the Negro Baptist ministerial organizations in Baltimore, Chicago and Detroit; the Puerto Rican community leadership of New York City; the Negro political and civil rights leadership of San Diego; the California president of the Mexican American Political Association; and that always loyal and important source of support, the Negro press.

Their combined voices raised in my behalf has made it clear to me that the fight to retain my Chairmanship--and this is really the only issue in this struggle--must be militantly pressed. This we owe to coming generations of black children who will one day decide the future of this country.

In the undercover conspiracy to take away my Chairmanship, five facts -- a matter of public record -- have been deliberately ignored.

1. A few of the Members of the House including my esteemed colleague, the Chairman of the Judiciary Committee, Rep. Emanuel Celler, would appear to authorize two standards of conduct -- one for white Congressmen and one for Negro Congressmen -- on compliance with subpoenas when Congress is in session.

In 1941, the House ruled that one of its Members, Congressman Hamilton Fish of New York, should not comply with a Grand Jury summons prior to the completion of a report by the Judiciary Committee.

The Judiciary Committee reported that the service of the Grand Jury summons -- while Congress is in session -- invaded the rights and privileges of the House of Representatives, but recommended that the House waive its privilege on such terms and conditions it might determine.

The Chairman of the Judiciary Committee at that time, the esteemed Rep. Celler, stated that even if the House gave consent or authority for a Member to testify and Rep. Fish thereafter refused to testify, the Court would lack authority to punish him, that an arrest for disobedience of the subpoena would be in the nature of a civil arrest and the Member could then claim his personal privilege from arrest.

I did not appear in court for an examination in a civil action on May 1, 1964 -- while Congress was in session. For that action, I have been adjudged to be in criminal contempt, even though I acted under Chairman Celler's rulling for Congressman Fish in 1941. No Grand Jury sought me as it did Congressman Fish. Rather, a private person instituted a suit against me. Yet, Chairman Celler willingly defended Congressman Fish in 1941. (A fuller account of this matter is reported in the Congressional Record, November 17, 1941, beginning on page 8933.)

2. I have committed no crime. I have not tarnished the name of the House through any violation of Federal laws, particularly the U.S. Civil Code governing conflicts of interest for Congressmen. Nor have I misused my position to obtain Federal contracts for corporations represented by me or by my law firm. Nor have I derived any income from such contracts. Nor have I bilked the United States government out of \$1,000,000 by selling it inferior merchandise which affects the conduct of the war in Vietnam.
3. My case is still in litigation in the Appellate Courts of New York State and I have not exhausted all remedies available to me. There are two appeals before the highest New York State court, the Court of Appeals and two appeals before the Appellate Division.

Consequently, I am not a "fugitive from justice" which has been so loosely and irresponsibly bandied about in editorials.

4. Although the courts have historically been clear and consistent on a Congressman's immunity from arrest while Congress is in session (except for treason, felony or breach of the peace), a New York Court nonetheless summarily abrogated that privilege, contending the law was not clear. It is important to reaffirm the fact that this "criminal contempt" charge against me -- still under appeal -- arises out of a civil action between two people, not a criminal action against the state.
5. I was elected by the voters of the 18th Congressional District to my 12th term by 74.1% of the vote.

The voters were fully aware of the circumstances in my personal life when they cast their votes this past November.

This vote of confidence by my 431,330 constituents is, by definition, a vote of confidence in my seniority, my legislative record and my unchallengeable right to be Chairman of the Education and Labor Committee.

This vote of confidence is determinedly shared by the vast majority of Negroes in America.

How Much Is My Race
An Issue In This Effort? (10 Facts)

How much is race -- the fact of my being a Negro -- the singularly most important issue in the efforts within the House of

Representatives and editorials against me?

To what extent are they motivated by the desire to politically castrate one of America's most powerful Negro politicians of his power?

How much does all of this represent the convulsion of change -- the beginning of the new era of the rejected Negro, an organized turning of white America's back on its black brothers?

The following 10 facts speak for themselves:

1. In the past 50 years, not a single Congressman has ever been denied his seat by the House of Representatives or deprived of his Chairmanship after he had held that Chairmanship.
2. Of the present 20 House Committee Chairmanships, only two are held by Negroes. I am one of the two. Thus, Negroes would lose both their second highest ranking Negro Congressman as well as one of the only two Committee Chairmanships we now hold.
3. Of the present 435 Congressmen, only 6 -- or 1% -- are Negroes. To consider unseating even one of these Negro Congressmen, particularly the second highest ranking one in terms of years of service, is to scissor a full one-sixth of the political power of the already miserably under-represented and wretchedly powerless black people.
4. There are more Negroes on my Congressional staff than on any of the 535 Congressmen and Senator's staffs -- and that includes those who are most loudly committed verbally to civil rights.
5. There are more Negro employees on my Committee -- the Education and Labor Committee -- than on any of the 36 Committees in both the House and the Senate. In fact, half of the 24 full Committee staff members are Negro. The move to unseat me or have me step aside is also a move to fire 12 well-paid Negro staff members. Racial bigotry in employment in the House of Representatives is one of the most critical problems confronting America today.
6. Of the five top professional and highest paying jobs on my Committee staff, three -- the Special Assistant to the Chairman, the Chief Clerk, and the Education Chief -- are held by Negroes.
7. The only person Rep. Sam Gibbons publicly declared he wanted dismissed three months ago was a Negro. There are several Congressmen who were witnesses to this statement.
8. When the Mississippi Congressional delegation was challenged on January 4, 1965 at the beginning of the 89th Congress because they were all elected by an electoral process allegedly in violation of the 14th and 15th Amendments to the U. S. Constitution and where the right to vote had been denied and abridged for thousands of Mississippi Negroes, the House still voted to seat Mississippi's 5-man delegation by a vote of 276 to 149. None of the facts in the depositions were disproved and nobody but a few persons raised any outcry. Certainly the editorials of America were silent on this issue.
9. Again, the Mississippi Congressional delegation was challenged on September 17, 1965 by Mississippi Negro Congressional candidates contesting the election of the

five Mississippi Congressmen. The challenge was thoroughly documented with sworn affidavits, legal briefs and court-approved hearings as well as support from 49 major national organizations including the American Jewish Committee, Catholic Interracial Council, NAACP, National Council of Catholic Women, National Urban League and the United Automobile Workers. Again, the Mississippi delegation was seated 228 to 143 and leading the fight on behalf of the Mississippi Congressmen was the Chairman of the Democratic Study Group, Rep. Frank Thompson, also one of the leaders in the move to unseat Adam Clayton Powell.

Prior to the two attempts to unseat the Mississippi delegation, there were no comments by Congressmen calling them a "bone in the throat of Congress" or that they "smelled like crocodiles" or that they were "fugitives from the justice never accorded Negroes in Mississippi." Nor was there a spate of hysterical editorials angrily demanding the Mississippi delegation's unseating.

10. I have been unfairly subjected to one of the most abusive cases of "trial and conviction by editorials" in the history of this country. Next week the cover story on me in one of the country's major weekly magazines will be one more editorial milestone in the journalistic vendetta against me. Even before the conclusions of the Hays Subcommittee have been published, pre-judgments of my guilt have been wildly circulated and one Congressman, without authorization from the Subcommittee members or the chairman, called for my criminal prosecution without any conclusive evidence that such prosecution was warranted or could be sustained.

As Congressman Hays himself declared on October 19, 1966:

"The minute charges are made against a Member...in the minds of a great many people that Member has already been tried and convicted.

It is just like an indictment court. The minute a man is indicted, two-thirds of the people feel he is automatically guilty...."

The above 15 facts, taken in concert, unequivocally permit the conclusion that a political conspiracy of enormous dimensions involving certain influential members of the press and I deeply regret, a number of my colleagues in Congress, has not only been mounted against Adam Clayton Powell, but against black political leadership, black people and black progress.

The Statement by Representative Powell

Special to The New York Times
 WASHINGTON, Jan. 5—
 Following is the text of a
 statement by Representative
 Adam Clayton Powell, chair-
 man of the House Education
 and Labor Committee, on
 plans to discipline him:

"15 Facts"

Silence gives consent.

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The New York Times
 Adam Clayton Powell

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MCCORMACK TAKES A NEUTRAL STAND IN POWELL'S CASE

Decision at Meeting With
Liberal Democrats Adds
to Their Confusion

GROUP DIVIDED ON ISSUE

Harlem Representative Calls
His Critics in the House
Foes of 'Black Progress'

*Text of Powell's statement
is printed on Page 38.*

By JOSEPH A. LOFTUS

Special to The New York Times

WASHINGTON, Jan. 5 —

Speaker John W. McCormack told a group of liberal Democrats today that he would not support a move to discipline Representative Adam Clayton Powell in any way.

"I don't think he has any particular strategy up his sleeve to prevent it," an informed source said. "I think he is going to let nature take its course."

While the Speaker was checking the political crosscurrents of the Powell case, the Manhattan Democrat loosed a fresh attack against his critics, calling them foes of "black progress."

The Speaker, in his first day back at the Capitol, also conferred with Representative Lionel Van Deerlin, Democrat of California, who proposes that the House deny Mr. Powell the oath next Tuesday pending an investigation of his qualifications.

No Commitments Made

Mr. Van Deerlin said he "neither asked for nor received any commitments" from the Speaker about getting recognition for his motion on the House floor. The grounds for his motion are the criminal contempt of court citation against Mr. Powell in a defamation case in New York.

The Speaker received a group of members who propose denying Mr. Powell his chairmanship of the Education and Labor Committee, apparently as a way of heading off the sterner move of keeping him from his House seat until a select committee makes its report.

A move to deny him the chairmanship would come in the Democratic caucus on Monday, the day before Congress convenes.

The members who called on the Speaker belong to the Democratic Study Group, although they did not speak for the group as a whole. The group is divided on the Powell issue and is taking no official position.

It was reported that some harsh words were exchanged when the Speaker refused to take a position. One consequence

Continued on Page 38, Column 5

FRIDAY, JANUARY 6.

M'CORMACK SHUNS STAND ON POWELL

Continued From Page 1, Col. 1

was to throw the liberal Democratic position into greater confusion. The group that met with the Speaker planned to confer among themselves tomorrow.

For the moment they consoled themselves with the comments that the Speaker "can't prevent motions and can't prevent votes being taken."

The Representatives who visited the speaker included Frank Thompson Jr. of New York, James G. O'Hara of Michigan, Henry S. Reuss of Wisconsin, Chet Hollifield of California, and possibly others.

Mr. Van Deerlin, who saw the Speaker separately, said that his 20-minute meeting was "cordial" and that he had explained the reasons for his proposed action. He said the Speaker had told him that the "traditional right to ask a colleague to stand aside [when the house rises to take the oath] would be respected."

A member-elect traditionally stands aside on request without prejudicing his case. After the others are sworn, the House then takes up the challenge, which Mr. Van Deerlin proposes to make if he is recognized.

Powell Accuses Colleagues

Mr. Powell's statement was a compound of accusation against members and others, innuendo directed at unidentified colleagues, and an assertion that "a political conspiracy of enormous dimensions involving certain influential members of the press and deeply regret a number of my colleagues in Congress has not only been mounted against Adam Clayton Powell, but against black political leadership, black people and black progress."

"To what extent," he asked, "are they motivated by the desire to politically castrate one of America's most powerful Negro politicians of his power?"

Representative Wayne L. Hays, Democrat of Ohio, whose subcommittee found that Mr. Powell had made many personal trips with public funds under assumed names, said on a Bellaire, Ohio, radio program that "I suspect if Powell were white he would have been investigated earlier."

"If there are any racial overtones the Negroes ought to sort it out," he said. He remarked that some of Mr. Powell's difficulties came from a slander suit filed in New York by a Negro woman, Mrs. Esther James.

Representative Alphonzo Bell, Republican of California, a member of Chairman Powell's Education and Labor Committee, issued a statement rejecting the New Yorker's charge of a conspiracy against the Negro people.

He said the point of the action against Mr. Powell was to require him to recognize "the same standard of ethical behavior that covers all other members."

Mr. Powell's statement, issued by his office here, said without explanation that the fight to retain his chairmanship "is really the only issue in this struggle." He gave only passing mention to the move to deprive him of his seat, at least until an investigating committee reported.

GOP Move On Powell Is Predicted

**Demand for 'Firm'
Disciplining Will
Be Made, Ford Says**

By George Lardner Jr.
Washington Post Staff Writer

House Republicans will demand "firm" disciplining of Rep. Adam Clayton Powell, Minority Leader Gerald R. Ford (R-Mich.) predicted yesterday.

"There's great public concern about this," Ford said of the Harlem Democrat's trouble with the courts and his controversial spending as chairman of the House Education and Labor Committee.

"It involves the reputation and the image of Congress."

House Republican leaders returned to the Capitol yesterday after a 2-day meeting in Warrenton, Va., with newly elected GOP Congressmen.

The leaders were plainly dissatisfied with the reported opposition of Speaker John W. McCormack (D-Mass.) to denying Powell either his seat in Congress or his chairmanship of the House Education and Labor Committee.

Delivering a lecture on the sanctity of the seniority system and the right of Harlem's voters to elect whom they please, McCormack privately argued against disciplining Powell in a meeting Thursday with liberal House Democratic leaders, according to several sources.

The Speaker's stand, however, apparently reflects only individual sentiments so far and does not necessarily mean he will actively side with Powell. McCormack has made it clear only that he will not support the moves against the flamboyant Congressman.

"I think the Speaker has misjudged the mood of the House and of the country," one high-ranking Republican said.

Caucuses on Monday

Republicans, strengthened to 187 members by the fall elections, will caucus Monday afternoon, at least partly to keep an upper hand over the Democrats on the Powell issue. House Democrats will caucus Monday morning.

The Democrats remain widely divided. Yesterday the liberal House Democratic Study Group announced that it would make "no recommendation" on Powell to its members.

A number of Study Group leaders favored stripping Powell of his chairmanship at the caucus Monday, but seating him when the House convenes Tuesday. The liberals, however, are not united.

"We've got enough headaches," said one liberal strategist, in explaining the announcement. The Study Group is committed to several other

See POWELL, A4, Col. 1

POWELL—From A1

GOP Move on Powell Is Predicted by Ford

projects such as keeping Rep. William M. Colmer (D-Miss.) from becoming Chairman of the House Rules Committee.

"They (the Democrats) know it's primarily their responsibility," said Ford, "but the Republican Party is not going to duck its responsibility."

Ford is believed to feel that stripping Powell of his chairmanship would not be enough to satisfy the GOP anyway, but he declined to commit himself. He said he wanted to keep his "options."

The Republican stand on Powell, Ford said, will be "firm, and nearly unanimous."

Rep. John J. Rhodes (R-Ariz.), chairman of the House Republican Policy Committee, said he felt Powell should be kept from taking his seat in Congress, rather than his chairmanship.

"If he's entitled to be in Congress, he's entitled to his chairmanship," Rhodes said.

When the House convenes Tuesday, Rep. Lionel Van Deerlin (D-Calif.) plans to move for Powell's "exclusion"

—denying him his vote in the House—while a select committee investigates his qualifications.

Rep. Charles E. Bennett (D-Fla.) is expected to suggest that the Powell issue be turned over to his fledgling House Ethics Committee instead.

Clarence Mitchell, Washington director of the NAACP, said he is circulating a letter urging "fair-minded members of Congress to send the issue to Bennett's Committee."

Mitchell said, "I don't see how Congressman Powell could appropriately be penalized for anything he's been accused of doing in the press." The House, Mitchell argued, has no code of ethics under which Powell could be penalized.

Bennett disputed his view sharply. Without commenting on Powell's conduct, he said, "there's no reason to wait for a code of ethics. The House has had one since 1958." Bennett said he considers the code applicable to Powell and every other member of Congress elected since then.

Powell has yet to return from the Bahamas to make his fight. In Puerto Rico, his estranged wife, Yvette, who was fired from the Education and Labor Committee payroll Tuesday, was reported as contending that her dismissal must still be authorized by Congress.

Mrs. Powell was also reported by the New York Daily News as saying that her paychecks were cashed by her husband and deposited in his personal bank account "by a previous agreement."

The Secret Service, which interviewed her on congressional request last fall, reported her as saying then that she "at no time had given her husband, Representative Adam Clayton Powell, express or implied authority to negotiate (cash) the checks."

Fauntroy Makes Clear His Position on Powell

A prominent Washington minister who is leading efforts to preserve Rep. Adam Clayton Powell's power in Congress yesterday issued a statement clarifying his position.

The Rev. Walter E. Fauntroy, pastor of the New Bethel Baptist Church, a leader of the Committee of 100 ministers and coordinator of the Pilgrimage to Preserve Powell's Chairmanship, said:

"I am not defending Mr. Powell's alleged acts, but I think the same standards should be applied to all congressmen if they are guilty."

Fauntroy said that while he disapproves of some of the things Powell is said to have done, he does not believe "mere accusations" should be used against the Harlem Democrat.

If Powell is tried and convicted of the "misuse of public funds" he "should be censured and unseated, if necessary," Fauntroy said.

"I want people to know I am not defending immorality, but we still consider a man innocent until he has been proven guilty," the minister said.

The Pilgrimage committee has scheduled an assembly in defense of Powell at the Metropolitan Baptist Church today and a meeting with House

Speaker John W. McCormack D-Mass. tomorrow to discuss the issue.

Hundreds of supporters will attempt to line the Capital corridors and take gallery seats on the opening day of Congress Tuesday to express their support for Powell, Fauntroy said.

In another development 70 constituents of the Harlem Congressman, said in New York yesterday that they will ask a federal court to set aside his criminal contempt citation so that he can visit his district without fear of arrest.

They said they will file suit tomorrow, on a new legal theory based on "the right of constituents to have access to their congressman."

Attorney William Kunstler who announced the plan at a news conference, identified only two of his clients, A. Philip Randolph and Livingston Wingate. He said the lengthy complaint would name several defendants, including the sheriff of New York City, who holds the warrant for Powell's arrest.

Wingate is former director of Haryou-Act, an antipoverty program in Harlem. Randolph, longtime leader in the Negro labor movement, is president of the Sleeping Car Porters and a vice-president of the AFL-CIO.

Disciplining Drive Focuses On Powell's Chairmanship

By ROBERT K. WALSH
Star Staff Writer

A movement built up at the Capitol yesterday to drop Rep. Adam Clayton Powell as Education and Labor Committee chairman rather than expel or temporarily exclude him from the House.

Rep. Morris K. Udall, D-Ariz., disclosed that he would make such a motion against the beleaguered New York Democrat when the 248 House Democrats caucus tomorrow on the eve of the opening of the 90th Congress.

His announcement coincided with authoritative reports that Rep. Chet Holifield, D-Calif., will try at the same time to block the ultra-conservative Rep. William M. Colmer, D-Miss., from succeeding former Rep. Howard W. Smith, D-Va., as Rules Committee chairman.

Those scheduled assaults on the congressional seniority system held special significance because Holifield and Udall are officials of the Democratic Study Group, a liberal organization of about 145 House Democrats.

Udall emphasized that he would be acting on his own but expected considerable support from the DSG.

Practically all DSG members reportedly have indicated support for Holifield's attempt to have Rep. Ray Madden, D-Ind., rather than Colmer become Rules Committee chairman. Colmer was second-ranking Democrat and Madden third-ranking on the Rules Committee in the 89th Congress.

The DSG membership scheduled a meeting for late this afternoon to decide positions and plan strategy for the caucus tomorrow and the Tuesday convening of Congress.

The group is certain to discuss the Powell case as well as issues involving Colmer and Rep. John Bell Williams, D-Miss., and the DSG drive for assignment of "progressive Democrats" to vacancies on the Ways and Means and the Rules Committees.

Williams served notice that in the caucus tomorrow he will attempt to regain the seniority which the 1965 House Democratic caucus took from him because he opposed the Johnson-Humphrey ticket in 1964.

The DSG executive board has taken no stand on whether the House should seat Powell,

require him to stand aside pending an investigation of numerous complaints against him or strip him of his House seniority and committee chairmanship.

House Speaker John W. McCormack of Massachusetts has told DSG members and others that he does not favor taking away either Powell's House seat or his committee chairmanship.

Commenting on McCormack's opposition to drastic action against Powell, a DSG member said yesterday:

"It is not safe to assume that the speaker will fight against it. It is safe to assume only that the speaker certainly will not advocate it. The speaker was unhappy about the Democratic caucus move to take away seniority of John Bell Williams in 1965 but he did not fight it."

In any event there was a growing belief at the Capitol that Colmer will become Rules Committee chairman if only because the two existing vacancies on that committee will be filled by Democrats sympathetic to the leadership and the Johnson administration.

The Democratic caucus tomorrow will not directly designate committee chairmen or fill vacancies on House committees. The caucus would direct a committee on committees consisting of the 15 Democrats on the Ways and Means Committee to make such assignments in accordance with wishes of the caucus.

Udall said he would ask the caucus to direct the committee on committees to designate Rep. Carl D. Perkins, D-Ky., second-ranking committee Democrat, as chairman of the Education and Labor Committee. This would not necessarily drop Powell to the bottom of the Democratic list on the committee.

Similarly Holifield plans to ask the caucus to direct that Madden be named chairman of the Rules Committee.

"I will then vote to seat Powell on the grounds that his constituents knew all the circumstances about him when

they elected him and would undoubtedly continue to elect him," Udall said. "Powell probably won't agree with me but I think I would be doing him a favor. This is probably the only thing that could save his seat."

Other DSG members noted yesterday that motions will be made in the caucus both to unseat Powell or temporarily exclude him as a voting member of the House pending an investigation. Rep. Lionel Van Deerlin, D-Calif., has announced that he would make an exclusion motion.

DSG officials said they would oppose a move to unseat Powell because "this would be a dangerous thing to do in a democracy where people are entitled to a representative of their own choosing."

The DSG officials contended, however, that it would be perfectly proper for the Democratic House members and the House itself to decide whether Powell would be justified in continuing as chairman of one of the most important committees of Congress.

House Republicans, meanwhile, prepared for their pre-session caucus tomorrow afternoon. There were strong indications that they would vote for drastic disciplining of Powell.

Powell was not at the Capitol, yesterday. An office aide said only that he was expected to arrive in Washington late last night or early today.

House Republicans, meanwhile, prepared for their pre-session caucus Monday afternoon. There were strong indications that they would vote for drastic disciplining of Powell.

A Wrathful Force

PITTSBURGH (AP)—When residents of suburban Whitehall banded together to oppose plans for an expressway through their community, they called themselves "Whitehall Residents Against The Highway." Abbreviated, that spells WRATH.

**ACCOUNTANT
WANTED**

See Classified Pages

CORRECTION! The Muntz TV advertisement in today's "TELEVIEW" section inadvertently omitted the 267 and 282 sq. in. sizes as diagonal measurements.

BILL SLOCUM

Mr. Burton - Does he terrify you!

Powell Terrifies Congress

ADAM CLAYTON POWELL, the honorable gentleman from New York (generally about 1,092 miles from New York) is indeed a marvel of his time.

He is a gem of consistency, for one thing. He does everything wrong and gets away with everything, which is consistency squared. Now he has himself in so much trouble he has Congress terrified. As he laughs.

That's really what interests me about the "chutzpah" champion of American politics. He is not the first man of our time to make the color of his skin (any color) defense for indefensible acts. He is not the first people's choice to almost drown in a pork barrel and get caught.

But he carries two terrifying weapons. He couldn't lose an election if he joined George Lincoln Rockwell AND Robert Welch. And he talks. Those are the two things that terrify Congress. Or, more particularly, congressmen.

Other congressmen have outraged the populace. It has often taken some time for that sense of outrage to seep into the congressman's own district. But it always got there and out the boulder went. Powell, come what may, ain't going anywhere but right back to Congress.

Should Powell's peers in Congress work up the guts to put the heave ho on the right honorable gentleman said right honorable is going to talk his head off. Which is one reason I rather doubt that Congress will work up sufficient passion to risk the outrage of a fellow congressman spurned.

What Powell has done in hiring relatives and charging transportation and other expenses to committees is in no way unique. There seems no doubt that Powell is the champion relative hirer and expense account heister among congressmen.

But he ain't the only one. And therein lies the rub.

If it is proved that Powell is responsible say for the willy nilly use of \$10,000 worth of government financed transportation Powell's constituents will react predictably. They will say, "Good for him. Let's re-elect him and let him try for \$20,000."

Whereas and wherein if Powell accuses another congressman of similar light usage of government funds to the extent of say \$350 there will be all hell to pay in that congressman's district. And he may very well be defeated at the next election. And have to go to work for a living.

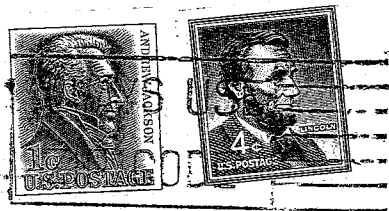
Politicians have a self protective code of mutual silence that can only, if sadly, be compared to a similar set of ethics among practising burglars. In essence, if you get caught in politics, you take the rap yourself. And quietly.

Whenever a pol gets belted out of office and takes his rap like a gentleman his friends in politics see to it that he doesn't starve. He might even become an ambassador.

But Powell is unique in politics. He doesn't want to be an ambassador and while he lives like a gentleman he has no reason to have a gentlemanly code that would lead him to protect others. He is a power unto himself, he cannot be pressured into resigning "for the good of the party," he cannot be persuaded in any way.

So, he has Congress terrified. He has congressmen hoist on twin petards—personal conscience and personal ambition. If Powell is chastised he will go down screaming "copper." A lot of his judges will be far more politically embarrassed by a vengeful Powell than Powell will be by any decision forthcoming from current or future deliberation on Powell's right to sit in the sacred halls of Congress.

I'd say Mr. Powell hasn't a thing to worry about.



Mr. Daniel Botton (R-N.Y.)
House Office Bldg
Washington, D.C.

Doug for file

MANIFESTO:

"THE CASE FOR ADAM CLAYTON POWELL"

A PETITION

To

THE PRESIDENT OF THE UNITED STATES

THE CONGRESS OF THE UNITED STATES

And

THE PEOPLE OF THE UNITED STATES

Endorsed this second day of January, 1967, by the Baptist Ministers Conference of Greater New York and Vicinity, representing 405 ministers and some 300,000 church members . . . at the Convent Avenue Baptist Church, 145th Street and Convent Avenue, in regular session; Rev. Ivor Moore, presiding. New York City.

Prepared By: JOHN H. YOUNG III. . .

(Based upon legal research and counsel supplied by Attorneys Henry R. Williams and William C. Chance, Jr., and consultation with the Hon. A. Philip Randolph.)

FOREWORD

"The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may come one day to be recognized that the number of the legs, the villosity of the skin, or the termination of the *os sacrum*, are reasons equally sufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason or perhaps the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose the case were otherwise, what would it avail? The question is not, can they reason? nor, can they talk? but, can they suffer?"

— From the philosopher, Jeremy Bentham, (1748-1832 in his "Introductions to the Principles of Morals and Legislation," referring to Louis XIV's Code Noir.

We, the people of Harlem, thoroughly incensed with the mushrooming and pompous McCarthy-like atmosphere abroad in the nation, in which whites are persecuting the black man in our political and civil rights arenas, and, particularly, the unwarranted persecution of Rep. Adam Clayton Powell, our Congressman and Chairman of the House Committee on Education and Labor, do hereby address ourselves to the President of the United States and do hereby petition the Congress and the nation in the following:

1. That those Members of the House of Representatives, who are adherents of efforts to unseat our Congressman and deprive him of his Chairmanship, and especially those who are members of the Democratic Party, cease from their announced intentions to unjustifiably deprive the people of Harlem of their constitutional right to be represented in the Congress by a citizen of their choice, and desist from what is, in effect, a "political lynching" based on race and directed wholly, and in part, against the 40 million black people of the United States and the entire non-white population of the world;

2. That the President of the United States, in the interest of justice, fair play and his own personal and public interest in the integrity of the Congress, both at home and abroad, publicly state his opposition to these unjust efforts to unseat one of the two Negro chairmen in the Congress - - the Chairman who has produced the most legislation for his Great Society;

3. That, failing in the above petitions, we petition all right-thinking citizens of the nation to censure with defeat at the polls all members of the Congress who have participated in this dastardly scheme, and we call upon the voters to consider, with us, the denial of our vote to the Democratic Party in the 1968 Presidential election.

First of all, we petition the Congress to understand the TRUE FACTS surrounding the criminal contempt proceedings against Rep. Adam Clayton Powell, where

unequal application of the law and justice has occurred in TWO MAIN INSTANCES, before proceeding with any further actions to unseat him in the Congress.

THE FIRST CRIMINAL CONTEMPT

On May 1, 1964, Mr. Powell did not appear to be examined in a civil suit. On that date, the Congress was in session and Mr. Powell, a member of the Congress, was perfectly and clearly within his Constitutional rights in exercising his Congressional immunity in failing to appear. Yet, for the first time in history, he, a Congressman, was found guilty of criminal contempt.

Mr. Powell's rights as a Member of Congress are guaranteed in this respect under Article I, Section 6 of the U. S. Constitution which provides:

"They (the Senators and Representatives) shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same . . ."

Yet, despite this clear language, the Courts of the State of New York not only found him guilty of contempt, but issued an order for his arrest as well. This amounts to a singular and cavalier treatment of a Negro Congressman by the Courts.

There is further evidence to demonstrate the unequal application of justice in the case of Adam Clayton Powell, a Negro.

In 1941, according to the Congressional Record, Hamilton Fish, a Member of the House from the State of New York, was subpoenaed to appear as a witness be-

fore the GRAND JURY OF A UNITED STATES COURT in the District of Columbia. Here, only a trip across town was involved.

But the Judiciary Committee of the Congress ruled that the SERVICE of the summons invaded "the rights and privileges of the House of Representatives" and Representative Fisher, as voted by the House, was advised to ignore the summons while the House was in session and appear afterward only if he wished to do so.

On this latter point, it is highly significant to take note of the actions of Rep. Emanuel Celler, the Brooklyn Democrat, who has joined the hysteria and announced intentions of his support for the move to unseat Rep. Adam Clayton Powell.

In 1941, Representative Celler was a member of the House judiciary Committee he now heads. He SUPPORTED the rights of Representative Fish, in the case cited above, and was quoted in the Congressional Record as saying in a speech on the floor of Congress:

"The privilege of a Member is the privilege of the House; if a Member waive it without leave, it is a ground for punishing him, but it cannot in effect waive the privilege of the House.

"It has always been held that the service of a subpoena or any other process by a court or a grand jury, purporting to command a Member of the House to appear and testify, invades the rights and privileges of the House of Representatives. Otherwise, if a Member could be compelled thus to absent himself from the House, his constituency could be deprived of his voice and his vote. The House has always held that it is the paramount duty of a Member to attend the sessions of the House; but the House can waive its privilege and authorize a Member to obey a subpoena or other process by a court or a grand jury purporting to command the Member to appear and to testify."

Mr. Celler then went on to say that the House had frequently waived its privilege but quoted the case of Williamson vs. U.S. (207 U.S. 425) in which the Court said:

"The term 'treason, felony, and breach of the peace' exempts from the operation of the privilege all criminal offenses. THE PRIVILEGE ONLY APPLIES IN CIVIL SUITS."

As a clincher in the Fish case, the same Representative Celler of 25 years ago, made the following argument:

"If the gentleman from New York (Mr. Fish) refuses to testify after the House gives its authority, the court lacks the authority to punish him. An arrest for disregarding the subpoena would be in the nature of a civil arrest, and the Member can then claim his personal constitutional privilege as aforesaid.

"Former Senator Blease of South Carolina, on December 5, 1929, was served a subpoena issued by the Supreme Court of the District of Columbia directing him to appear and testify before a session of the grand jury. Blease refused to testify. The foreman of the grand jury reported the deliberate absence of the Senator to the Chief Justice and associate justices of the Supreme Court of the District.

"Justice Peyton Gordon addressed the grand jury, and said that Article I, Section 6, of the Constitution gave immunity of arrest, but it did not say that a Member of Congress is privileged from subpoena.

"Justice Gordon continued and said that if a Member did not obey the subpoena, the only step would be to issue an attachment for the Member's arrest. Since the Constitution provided immunity from arrest, a Member is not subject to such action. The court thus admitted that it had no power to compel obedience to the subpoena."

Now, the question we place before the nation is this: If Representative Celler knew all this 25 years ago, and so stated on the floor of Congress, how can he, with a clear conscience, proceed against Rep. Adam Clayton Powell in an analogous case?

And we ask the same of Senator Jacob K. Javits, the Republican from New York. How can he know all this and publicly say he will support efforts to unseat Harlem's only Congressman, while remaining a liberal and a just man of integrity worthy of our support? Or has he, too, forsaken wisdom for blind hysteria.

CONSENT OF CONGRESS NECESSARY

Surprisingly, the same Fish case reveals that Rep. Adam Clayton Powell would have had to have the voted consent of the House to honor the New York Court's subpoena (such a consent was never sought or voted).

Representative Cox, speaking on the floor, said:

"Mr. Speaker, in my opinion, the Committee on the Judiciary made a proper report on the resolution referred to it. The House, in my judgement, has taken the proper action. I wish, however, in justice to the gentleman from New York (Mr. Fish) to make this explanation:

"It has been advertised to the country that the gentleman from New York has sought to evade responding to this subpoena. That is inaccurate. It was I who called the gentleman from New York (Mr. Fish), after conferring with important Democratic Members, and told him that it was not within his right to answer the summons without the consent of the House. It was because of that suggestion that the matter took the course which has resulted in the present action of the House."

We, the people of Harlem, must ask the Congress: Why was such a concern NOT shown by you for Rep. Adam Clayton Powell, and especially from those of you who are Democratic Members from New York?

THE SECOND CRIMINAL CONTEMPT

We call upon the Congress and the nation to fully examine what we believe to be the Court's obvious error in reaching a decision of a second criminal attempt against Rep. Adam Clayton Powell and the dangers to

the Congress inherent in that decision.

Mr. Powell was found guilty of criminal contempt in that he defaulted in a civil case where he was being sued for money. He did not appear for examination before trial on November 24, 1965. No defendant who has been being sued for money HAS EVER BEEN FOUND GUILTY OF CRIMINAL CONTEMPT BY FAILING TO APPEAR EITHER FOR A TRIAL OR A PRE-TRIAL EXAMINATION. WHY MUST ADAM CLAYTON POWELL BE THE FIRST?

The complainant sues for money only; the maximum relief that a Court can give is to grant a default judgement against the party who fails to appear. This was done. Default judgement was rendered against Mr. Powell. Mrs. James got what she was seeking, a judgement for money.

Certainly those Members of Congress who are lawyers, including Rep. Emanuel Celler who has forty-five years experience as a lawyer at the Bar, must know that when a defendant defaults in a case where he is being sued for money, that such a default can never be construed as a criminal contempt. It would be a ludicrous and non-sensical situation that in a case where one is being sued for money and after his own deliberation, has decided that he would not contest the suit, should then be found guilty of criminal contempt. But that is exactly what has happened to Mr. Powell.

In one case, he did not appear in a state court on May 1, 1964 and was found guilty of criminal contempt therefore.

In the other case, he defaulted and in effect, confessed the money judgement which was granted to Mrs. Esther James, and for that act, he has also been adjudged guilty of criminal contempt.

Men of the stature of Emanuel Celler and Jacob K. Javits, instead of making statements that they will support moves to unseat Rep. Adam Clayton Powell,

should look at the facts carefully, with a view towards blocking an apparent, and perhaps subconscious, effort by the Courts to knock down the constitutional safeguards against outside interference with the attendance of Senators and Members of the House of Representatives, at Congress.

We, the people of Harlem, call upon the Congress to consider the wisdom of Thomas Jefferson when he warned the still-young nation in Section III of his Manual, adopted by the House in 1857, as follows:

“When a Representative is withdrawn from his seat by summons, the 40,000 people whom he represents lose their voice in debate and vote, as they do in his voluntary absence; when a Senator is withdrawn by summons, his State loses half its voice in debate and vote, as it does in his voluntary absence. The enormous disparity of evil admits of no comparison.”

We call upon the Congress, further, to note that in 1870, the Assembly of the State of New York, acting in a case where one of its members had been arrested for failing to honor a grand jury summons which had been served when the Assembly was sitting, arraigned the offending Supreme Court Justice, Hon. Platt Potter, at its Bar and at the conclusion of the proceedings, resolved by a vote of 92 to 15, that the Justice had mistakenly violated the privileges of the Assembly by signing the warrant for the arrest of its member, Hon. Henry Ray.

In arriving at its conclusion, the Assembly, through the Committee which it had appointed to investigate, relied upon the report of that Committee, that the privileges of the members of the New York State Legislature were at least equal to those possessed by the Members of the United States Congress.

The privileges of Congress, the committee reported, included one, that where any body requested or desired the attendance of a member of Congress, as a witness, it must first ask permission of the House of

which he is a Member.

The committee stated, that it would be a novel doctrine, dangerous in itself, that a person availing himself of the privilege granted to him by the laws and constitution of the land, BECOMES GUILTY OF A CRIME AND IS LIABLE TO ARREST FOR THE EXERCISE OF THE PRIVILEGE THUS CONFERRED UPON HIM.

THE FALSE ISSUE OF ETHICS

We, the People of Harlem, decry the fact that Adam Clayton Powell has been singled out to be punished for "unethical" practices which, as everyone knows, are the common practices of practically all Congressmen.

We condemn the setting of a Double Standard of Morality: one for white Congressmen and another for the one black Congressman who has had the courage to fight in the open for those rights of his people, guaranteed to them under the Constitution, but denied to them by an arrogantly unjust nation of people. We hold this to be an unequal application of law which the Courts themselves have ruled to be legally wrong.

In support of this contention, we cite a recent case in Los Angeles, California, where an Appellate Court reversed the guilty decision of an alleged gambler on the grounds that the sheriff of the county had not EQUALLY prosecuted other known gambling establishments. We hold that the same should apply to Rep. Adam Clayton Powell. In his case, there must be no unequal application of the law of ethics by the Congress. What is fair for the goose, is fair for the gander.

We, the People of Harlem, fully support an all-out, full-scale investigation of the travel and hiring practices of ALL the Representatives and Senators in Congress; and, we fully support the establishment of a written "Code of Ethics" to govern ALL members. But, until such time as these two goals are established facts, we

call upon the Congress of the United States to cease and desist from its hypocritical, racial persecution of our Congressman, Adam Clayton Powell.

HYPOCRISY OF THE HAYS APPOINTMENT

The appointment of Rep. Wayne Hays, Democrat of Ohio, as Chairman of the House Administration subcommittee to investigate alleged abuses by the Committee on Education and Labor makes as much sense to us as the Rockefellers appointing an accused bank robber to audit the accounts of the Chase Manhattan Bank. (There would certainly be doubt as to whose "friend" the auditor would be.)

For it was the same Representative Hays who was in trouble in 1963 over a junket he took to Paris, France. The record shows, according to the N.Y. Daily News of December 27, 1966, that he took along the head waiter of the House restaurant and a constituent, one Parnell Anderson, owner of a greenhouse in Flushing, Ohio, both at government expense.

While none of us expected that Representative Hays would investigate his own ethical conduct, it WAS expected that his sub-committee would investigate the activities of ALL members of the Education and Labor Committee, the announced purpose for which his sub-committee was created. But Mr. Hays wound up his work by investigating and making public in the press, only the alleged abuses of Rep. Adam Clayton Powell.

Mr. Hays' appointment would have some bitter humor, if it were not laden with the disaster of hypocrisy in high places of the U.S. Government.

MOTIVES OF THE ATTACKERS

We, the People of Harlem, establish the following as the motives of those seeking to unseat our Congressman, Adam Clayton Powell:

1. To halt the forward progress of the Negro Rev-

olution by making an example of the most outspoken Negro leader in the United States, thus threatening the dignity and future of the entire population of black men, women and children of the United States and the future and dignity of the entire non-white population of Africa and Asia.

This motive, conceived in the principle of white supremacy, is designed to practice fear and to teach the lesson that no black man in the nation, or the world has a right to practice, openly, the same powers, rights and privileges accorded to white men. This motive is unquestionably racial.

2. To remove Chairman Powell as the roadblock standing in the way of Federal money for segregated schools. His blocking of this money has angered many Congressmen. The motive here is revenge, impinged with racial overtones and the undeniable result of racial discrimination.

3. To halt the forward progress of the Great Society by removing the Chairman who has initiated, and moved through the Congress, 57 bills benefiting education and labor for ALL citizens, regardless of race, creed or color, and who has been the one Congressman responsible for increasing Federal expenditures for education from a few million dollars when he became Chairman, to the billions now authorized by the Congress. The motive here is political but results in discrimination against Negroes whose children are in inferior and segregated schools.

4. To punish Rep. Adam Clayton Powell for revealing to the world the shameful and hypocritical practices of the highest legislative body in the United States. This motive holds that in the U.S. there is one law of morals for the poor and underprivileged and still another to be practiced, unseen, by the rich and privileged in high places. To reveal this Double Standard, is to hold our so-called Democracy up to the light of the world and reveal its naked mockery. This motive upholds the theory that the "right to cheat" belongs only to the rich and privileged in a democracy, but only so long as they

do it quietly and keep it hidden. We warn that this motive is perhaps the most damaging of all to the welfare of our nation, for it is based on an intention to practice class distinction and class prejudice; thus, the intent of those seeking to punish Rep. Adam Clayton Powell under this motive are really aiming their destructive guns at the great, great majority of Americans who are poor and not privileged.

In summary, we have shown that criminal contempt convictions against Adam Clayton Powell are unprecedented in the cases of analogous civil suits affecting members of Congress; that in answer to subpoenas, while Congress is in session, a Member must have the consent of the House before responding to the subpoena and that no such consent was sought or granted in Rep. Adam Clayton Powell's case; that no person, in the entire history of the courts of the U.S. has ever been held in criminal contempt for granting a judgement by default in a civil suit and, finally, that Courts have held that an unequal application of a law, whether it be legal law or one of ethics, is legally and morally wrong.

Now, therefore, do we, the People of Harlem, in pursuit of redress to our grievances, hereby,

(A) Petition President Lyndon B. Johnson to publicly support our views and conclusions, and,

(B) Petition the Congress to cease and desist from any further efforts to unseat our Congressman, Adam Clayton Powell.

We warn that failure to achieve the pleas of these two petitions will widen the breach between black and white in the United States; will have dire political consequences; and will make any further participation by this country in the United Nations a hollow mockery.

Further, we petition the Legal Defense Fund of the National Association for the Advancement of Colored People to make available its personnel, facilities and funds in what has now, obviously, become a 'cause

celebre' of the Negro people of the United States.

In conclusion, we the People of Harlem, cannot allow the high stakes for all black Americans, in the trumped-up case against Rep. Adam Clayton Powell, to pass unnoticed as a ship without a light in the night. Five hundred and forty-seven years ago, our forefathers and mothers were brought to these shores in chains. As slaves, we tilled the soil and wrought miracles of productive effort by the sweat of our brows, and through tears and songs of suffering seen and heard by the world, above the clanking of our chains.

In all the States there are today monuments to our bravery, our courage and our loyalty in all the wars that made this nation great. There is not a single economic, social, cultural, political or governmental achievement of the United States untouched by our hands. We have EARNED, OVER FIVE CENTURIES, our right to live as free and equal citizens in a democratic society. Therefore, we do not beg, but DEMAND that our stakes in this nation be further secured on January 10, 1967 in the seating of Rep. Adam Clayton Powell, the Congressman from Harlem.

We demand this not only in our own welfare, but in that of the nation, lest we are forced in our frustration to reply, in the words of Shakespeare:

“O, judgement! thou art fled to brutish beasts,

And men have lost their reason!”

As a final argument to our demand for a stay in any further Congressional procedure to deprive our Congressman of a seat, a seat for which he has been duly elected by us, we invoke the principle evoked by the authoritative Congressional Quarterly which expounds, in behalf of his case, that there exists a firm principle of precedent against the Congress taking any such drastic action, as unseating, prior to action pending disposition of charges against a Member “in the Court of last resort.”

As the Quarterly points out, “Powell probably has not got into even the court of middle resort.”

The Abyssinian Baptist Church, the largest Protestant Church in America, consisting of 12,500 members, Rev. Adam Clayton Powell, Jr., Minister, endorses the following petition.

AS tes Powell Foe Sets Terms For Dropping Challenge

By the Associated Press

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Rep. Lionel Van Deerlin says he will drop his opposition to seating Rep. Adam Clayton Powell in the new Congress if the Harlem Democrat "can return to his home state of New York without going to jail."

Van Deerlin's statement came after Powell disclosed through an aide that he intends to begin immediate payments of \$60 a week to a Harlem widow who holds a \$164,000 libel judgment against him.

Powell's chief aide, C. Sumner Stone, also said that after the first of the year Powell would make a statement "concerning a personal major financial effort toward the resolution of the existing judgment."

Van Deerlin had announced earlier he would challenge Powell's right to a seat in the 90th Congress when it convenes Jan. 10. The California Democrat said in San Diego last night that he didn't know whether clearing up the civil action would automatically lift four contempt findings facing Powell because of his failure to heed earlier court orders.

But he added: "If Powell can return to his home state of New York without going to jail, then I won't object to him being sworn in."

The four contempt counts carry total penalties of one year

and 60 days in jail and Powell is subject to arrest if he is found in New York state. He has been in the Bahama Islands for the past several weeks and was still there yesterday.

Powell was ordered to make the \$60 a week payments last Friday by New York State Supreme Court Justice Joseph A. Brust. Powell has claimed that his \$30,000 a year congressional salary is his only income, making payment of the \$164,000 judgment impossible.

At the rate of \$60 a week it would take Powell, who is now 58, about 53 years to pay the judgment in full. The widow, Esther James, would be 121 when the last payment was made.

In New York, Mrs. James' attorney said Powell's record would not be cleared if he begins making weekly payments. Attorney Raymond Rubin said previous court orders had directed him to make lump sum payments. "The other directives are unconditional," he said.

The attorney also said Powell has been ordered to appear in a New York court tomorrow for a financial examination. "If he ignores this court order, he'll be liable for another 30-day jail term," Rubin said.

LAST

Van Deerlin Vs. Powell

California Ex-Newsman Challenges Controversial Legislator

The possible challenge to seating of Rep. Adam Clayton Powell (D-NY) in the new Congress raises implications about the right of Congress to judge its Members.

Rep. Lionel Van Deerlin (D-Calif) has announced that he will oppose the seating of Powell when the 90th Congress first convenes on Jan. 10, unless Powell has by then "purged himself of court orders outstanding against him."

For Van Deerlin, the role of inquisitor has apparently been acquired by default. Few lawmakers savor the prospect of judging the fitness of a colleague.

But Van Deerlin, a veteran of 20 years in newspaper, radio and TV reporting before coming to Capitol Hill, has a newsman's sense of ethics—and the Powell saga has been more a press buildup of moral indignation than anything else. As a liberal with an unblemished civil rights voting record, he felt he could afford the political risks involved in opposing the most well-known Negro lawmaker.

"At a time when great criticism is being directed at young people for lax morals and unethical practices, it is more than ever the responsibility of Congress to set an example for moral and ethical conduct," Van Deerlin said at a news conference. "If on January 10 Congressman Powell is still subject to a court order committing him to jail at any time he enters his home State, no tradition of Congress would be hallowed enough to justify seating him."

Van Deerlin said his decision to act was prompted by the action of a New York State judge last week in signing an order for Powell's arrest. The arrest order stems from a three and one-half year legal battle that Powell has waged to avoid a defamation judgment won by a Harlem woman who had sued him for slander.

Yet Van Deerlin's move will not succeed easily. House leaders recognize a responsibility not to set a precedent for action against a Member who is availing himself of his legal rights.

The decisions against Powell have been appealed. It

could be argued that House action would be judging him guilty before he is so proven.

There is no question that the House has the right to move against Powell. Under Article I, Section 5, of the Constitution, "each House shall be the judge of the elections, returns, and qualifications of its own Members."

The House right was recognized last month by Federal judge Dudley B. Bonsall of New York, who dismissed a move by Republican Lassen L. Walsh, GOP foe of Powell in the last election, to stay the board of elections from certifying Powell's election to the New York Secretary of State. Walsh, now deceased, said Powell had not maintained a New York residence for months, thus violating the Constitutional clause that says a Congressman must be an inhabitant of the State in which he is elected.

Judge Bonsall dismissed the action, noting that the House is "the judge as to qualifications of its Members." He doubted that a district court has a right to challenge legislation or to pass on the intention of Congress of what is meant by an inhabitant.

"There has been no showing that a voter has been discriminated against or deprived of a vote," Bonsall declared.

Historically, the House, too, has considered that the electorate of a district is better qualified to pass judgment on the ethics of its Representative than other Congressmen. The House's attitude has been tolerant, for to deprive a district of the right to choose its own Member is a step which should not be taken lightly.

Usually, once a district has endowed a person with its mandate, its choice is accepted by the House—even if the Congressman is in jail. There have been plenty of controversies over election results, with Members not being seated until investigations have been conducted.

But no duly elected Member has been expelled from the House since 1861, though several faced with expulsion have resigned before it could take place. The last Representative barred from the House was Brigham Roberts, a Congressman-elect from Utah. He was ex-

cluded in 1900 because of his Mormon belief in polygamy.

Since Powell's actions have been rather heavily covered by the press, the assumption among Congressmen will probably be that the district was aware of all factors when it re-elected him. Under this theory, the legal battling is a matter between Powell, the courts, and other litigants.

Moreover, there is some sympathy with Powell over the nature of the legal actions. It all stemmed from a passing remark the Congressman made over a radio broadcast, calling the person who subsequently sued him a "bag woman."

This was not the most heinous of crimes. It was not, for example, equivalent to such unethical conduct as "selling" one's vote in the House. Powell availed himself of his constitutional right to fight the judgment in court, but in doing so got ever more deeply mired in legal entanglements.

Whether Powell has ever received "justice" in the courts involves a rather obtuse definition of the word. Under recent court rulings, public figures have become fair game for nearly any slander their detractors wish to make. Perhaps it is time for the courts to consider the other side of the coin, by giving public officials, at least, equal rights to discuss political issues in full without fear of capricious or politically-inspired libel actions.

If Rep. Van Deerlin makes his motion in January, Powell would be required under House rules to step aside when Members were sworn in. After oath-taking by other Members, the challenge to Powell and any others would be considered by the House.

Customarily, the leadership would offer a resolution directing that the challenged individual be seated, either without qualification or pending an investigation. Then it will be up to the conscience of each Member to decide whether other considerations override his right of a constituency to elect its chosen Representative.

Currently, the odds are that Rep. Powell will be seated.—Oscar Johnson

THE POWELL AFFAIR—A CRISIS OF MORALS AND FAITH

February 1967

Dear Friends:

We are pleased to provide you with the following statement of the urgent need for congressional reform at this point in the history of our nation. While the statement focuses on the action of Congress against Congressman-elect Adam Clayton Powell, the analysis is shaped throughout by a concern for congressional procedures that will help to insure justice both to individual congressmen and to the American people.

The statement is the result of individual and group reflection by clergymen of the National Committee of Negro Churchmen. This informal group of more than 200 churchmen from across the nation seeks to witness to their faith in Jesus Christ through study and action which relate the Christian faith to some of the crises of our day. As we see it, the action against Powell is a "crisis of faith."

We hope you will find this statement helpful as you reflect upon and respond to the political problems of our nation.

FOR THE NATIONAL COMMITTEE OF NEGRO CHURCHMEN,

Bishop G. Wayman Blakeley, African Meth. Episc. Church
The Rev. Dr. Edler Hawkins, United Presb. Church USA
The Rev. Dr. Sandy Ray, President,
Empire State Baptist State Convention
Bishop Herbert Bell Shaw, African Meth. Episc. Zion Church
The Rev. Joseph Coles, Jr., Christian Meth. Episc. Church
The Rev. Dr. Nathan Wright, The Protestant Episc. Church
The Rev. Dr. Sterling Cary, United Church of Christ
Bishop Charles F. Golden, The Methodist Church
The Rev. Dr. Benjamin F. Payton, National Council of the
Churches of Christ in the USA
(Coordinator of National Committee)

THE POWELL AFFAIR—A CRISIS OF MORALS AND FAITH

The manner in which Adam Powell was stripped of his chairmanship and refused his seat in Congress and the way the real issues in the case have been distorted, throw into bold relief the crisis at the heart of race relations in America. The action of Congress, in its precipitousness and harshness, is symptomatic and symbolic of the continuing and perhaps growing alienation between Negro and white Americans. The vigorous defense of Powell even by Negroes who frequently disagree with him, and the outpouring of verbal abuse by many white Americans who seem to reject him totally, suggest that the crisis may rapidly worsen unless some genuinely healing acts are performed quickly.

We, an informal group of Negro churchmen, are of the conviction that the resources of the Christian faith are relevant to both understanding the real nature of this crisis and to resolving it with justice. To that end, we wish to make the following observations.

First, we note that the leaders of the civil rights movement have not focused upon the spurious issue of Congressman Powell's personal conduct. We believe these Negro leaders have rightly seen that the real issue lies elsewhere. It simply is not possible for Congress to be *honestly* concerned about the personal conduct of *one* of its members without manifesting any real concern for developing a code of ethics by which *all* of its members can be judged. We wish to be absolutely clear on this point. Our argument is not that Powell or any other congressman should *not* be punished if involved in malfeasance. Our concern is that Congress needs an impartial moral code to determine precisely the nature of a malfeasance and the kind of punishment justified. We do *not* argue that Powell did no wrong, nor do we conclude that he should not be punished, *if found guilty by impartial rules and appropriate agencies*. We do argue that in the absence of a set of objective guidelines and given the peculiar circumstances of Powell's race and reputation, Congress was bound to respond arbitrarily and unjustly to his case.

Two examples should make this quite clear. How did Congress decide in 1956 to seat Rep. Thomas Lane of Massachusetts and to leave his seniority untouched, even though he had been convicted and jailed for income tax evasion? Why is it that Senator Dodd from Connecticut has not been asked to stand aside from his seat or have his seniority challenged, while he is investigated on charges of diverting hundreds of thousands of dollars of campaign funds to his personal use?

The fact that Congressman-elect Powell was unseated *prior* to the investigation of the Select Committee appointed to examine the charges against him, is already a prejudgment of the case against him. This is radically different from the way in which Congress handled Representative Lane or Senator Dodd. It is this discrepancy and arbitrariness which we protest. An impartial order of law is essential if the human spirit is to find its way to an order of freedom and justice which God wills for man's life on earth.

Moreover, as the lawyers of the American Civil Liberties Union argue in a *brief amici* to the Select Committee investigating Powell's status in the Congress, the Congress acted unconstitutionally in demanding that Powell stand aside from his seat. Congress only has the right to judge a person elected to Congress in terms of the three requirements that he be (1) no less than 25 years old; (2) a citizen of the United States no less than seven years; and (3) an inhabitant of the state in which he was elected at the time of the election. On the basis of this argument, Powell's troubles in the courts of New York are quite irrelevant to the matter of whether or not he should be seated, even as it was deemed irrelevant in the case of Representative Lane of Massachusetts.

There is also considerable evidence that in taking away from Powell the chairmanship of the House Committee on Education and Labor, the Democratic caucus might have been responding more to the desire of some white forces within labor circles to establish a separate committee on labor than to a concern for Powell's alleged misuse of his powers as chairman of that committee. It is a well-known fact that Powell slowed down some labor legislation in an effort to pressure some unions to end racial discrimination. From our point of view, the important moral issue is the opportunistic use of congressional power in the climate of a resurgent white racism to destroy an important symbol of the Negroes' reach for power in one of the key committees of the House.

This arbitrary and cynical use of power by white men over black men is the essential political meaning of racism. The fact that many "friends of the Negro" were involved in the act does not change its essential meaning. There are indications that this arbitrary act has fed the fires of racism, has given fresh courage to self-conscious bigots and new life to old political coalitions designed explicitly to oppress

Negro American citizens. This should be a matter of concern to all Americans, but certainly to all Christians who work for a society of impartial law and true morality.

Our protest, we insist, is not *only* in behalf of Mr. Powell but in behalf of the vision of a just social and political order which Christians share with all men of goodwill. It is a narrow moral perspective indeed which argues that Powell's deportment (not at all unique in the halls of government) is of such crucial importance to the achievement of that vision that he should be punished in such a way as to cancel out a much more fundamental moral concern. That concern is the possibility of *participating with power* in our society which the strategic position of a chairmanship of a key committee makes possible for both the white and black poor of this nation. It has taken many decades for a Negro with a constituency of strength behind him to achieve the position of chairman of such a key committee as the one in question. Many white Americans hypocritically ask if Negroes would be as concerned had a white congressman been treated in the manner in which Powell was handled. This merely shows the inability of groups with inordinate power either to understand or to appreciate the need for groups who are powerless to be concerned not just with single individuals, white or black, but with the social basis for gaining and wielding power.

We speak, therefore, in behalf of a much more basic and profound moral issue in America today than Powell's personal piety. That issue is the legitimate and necessary power of a racial minority to participate fully and effectively in political and economic decisions that affect the destiny of us all. That the Negro who has been the object of generations of social injustice and racial prejudice should be divested arbitrarily of an important symbol of this power because of the alleged imprudent behavior of the person who occupies the seat of that power, is a morally indefensible argument. Our situation in this nation, tottering as it does on the brink of social upheaval in festering black ghettos across the land, is much too critical to permit that *kind* of moral judgment to blunt our sense of reality and paralyze our keenest sensibilities.

The second observation is, we believe, even more important. The discrepancies involved in the treatment of Powell reveal a crisis in a realm deeper than that of law and morality. The concern of many white Americans that Powell is not a "model Negro" reveals that many white people expect from Negroes conduct so different from that expected of white men that it discloses what can only be called a crisis of faith. When Americans show such little faith in the real humanity of Negroes, they are at the same time exhibiting little confidence in their own humanity. To be a man means to have frailties as well as strengths. The tragic truth is that few white Americans are able to view Negroes other than as a contrast to themselves. American

politics and culture stereotype Negro leaders either as paragons of virtue or as totally depraved. This is a crisis in the realm of faith. It is a denial of the right to be a person to a creature of God and is thus a rejection of Him who created all men in His image.

The crisis of faith implicit in the response of many Americans to Adam Powell is also revealed by the manner in which many well-meaning Americans equate conventional respectability with the righteousness of God. This is one of the more damaging distortions of Christian faith which produces many idolatries in American culture. It involves both the avid worship of middle-class styles of morality and the total rejection of persons and beliefs which appear to be different. We would hope that *all Americans*, black and white, would view personal and social maturity in terms which capture more of the complexity of human nature and society than has thus far been exhibited in the Powell incident.

We certainly will not be intimidated by bigots who pretend to be distressed about Powell's "honor as a clergyman" and Negro "reverse-racism" while they do everything in their power to thwart justice for the Negroes. This nation's easy acceptance of segregationists as chairmen of the most powerful committees in Congress is abhorrent not merely because they defy the Constitution but because they worship the idol god of Race. In the process, they bring all of the evil consequences of that faithlessness upon our land. When white Americans express shocked indignation at Powell's affront to their conventional pieties but install racial bigotry in the nation's seats of power, that is not just a crisis of morality; that is a crisis of faith.

Our third observation is that the Powell who has been presented in the press is a caricature of the Powell to whom white churches and synagogues, labor unions and educational institutions, as well as Negro Americans, owe an unparalleled debt for an unexcelled legislative record in the House. As chairman of the Labor and Education Committee, it was Powell who steered through the Manpower Development and Training Act, the Anti-Poverty Bill, the Juvenile Delinquency Act, the Vocational Education Act and the National Defense Education Act. These bills have benefited all Americans, not just Powell's Harlem constituency.

Certainly Negro Americans cannot forget that Powell is disliked by many white Americans not only because of allegations regarding his personal conduct, but because it was Powell who desegregated congressional facilities for his staff and himself when he first came to Congress in 1945; because it was Powell who attached the "Powell Amendment," a desegregation rider to school, housing, and labor bills which Congress was considering passing and which did not outlaw discrimination. It was Powell who forced congressional recognition of discrimination in the Daughters of the American Revolution. It was Powell who brought to a vote the question of segregation in the

nation's capital. It was Powell who demanded that Negro journalists also be seated in the Senate and House press galleries. It was Powell who introduced a bill prohibiting segregation in the armed forces. It was this same man of whom President Lyndon B. Johnson said in observance of his fifth anniversary as chairman of the House Education and Labor Committee:

"The Fifth Anniversary of your chairmanship of the House Education and Labor Committee . . . represents the successful reporting to the Congress of 49 pieces of bedrock legislation. . . . The passage of every one of these bills attests to your ability to get things done. . . . Only with progressive leadership could so much have been accomplished by one committee in so short a time. I speak for the millions of Americans who benefit from these laws when I say that I am truly grateful."

Finally, it should be apparent that America stands in great peril today. No one can predict what anguish the year 1967 will bring in relations between black and white, separated by gross differences of wealth, status, and by the white noose of suburbia around every metropolitan area. We cannot afford to permit the Powell affair to be used as a political stratagem and a racist ploy to further exacerbate the difficulties we are now experiencing in the great cities of the nation.

We, therefore, call upon the Congress of the United States and the Democratic caucus to permit Mr. Powell to return to his seat as the Representative of the 18th Congressional District of New York and to the chairmanship of the House Education and Labor Committee. If, in the future, an impartial code of ethics is developed for judging the behavior of all congressmen, we would expect that Congressman Powell and all other congressmen would be held accountable to those guidelines. The actions taken against Mr. Powell in the absence of such guidelines have been arbitrary, cynical, and imply racial bias when compared with acts against other congressmen.

As Negro churchmen committed to a greater involvement of the church in the struggle for racial justice, we further call upon our white brothers, especially those of the clergy, who have a prophetic sense of justice, to join us now in exposing the crisis of faith which underlies the surface issues of this incident. We urge them to share with us in a ministry of healing to help America face the truth about herself and to turn her from the idolatrous worship of white skin to the worship of the true God.

By: **The National Committee of Negro Churchmen**
475 Riverside Drive, Room 552
New York, New York 10027

The Scandals on Capitol Hill

The nine members of the House who, under the chairmanship of Representative Emanuel Celler, have agreed to review the case of Adam Clayton Powell, have taken on a delicate and onerous assignment.

There are Federal statutes that forbid members of Congress to divert funds for their office payroll and their committee travel expenses to their personal use. If the Celler committee's inquiry into the charges against Mr. Powell lead into the area of possible criminal prosecution, the committee may have to refer the entire case to the Justice Department.

A Congressional committee is not the right forum for the airing of criminal charges, since its procedure does not provide the protection of a court of law. But the seriousness of the case will not be evident until it is known whether Mr. Powell is willing to testify freely to the committee. His refusal to testify to a House subcommittee last month seriously damaged his position in the eyes of his colleagues.

The Senate did a poor job of investigating its former Secretary, Bobby Baker. This was partly due to a conspicuous lack of zeal on the part of the Senators and partly to Mr. Baker's refusal to testify. He had reason to believe that he would have to stand trial in the case now pending in court.

There is a similar lack of enthusiasm for the current investigation into the affairs of Senator Thomas J. Dodd of Connecticut. Members of Congress are clearly reluctant to inquire into charges against a colleague, no matter how serious those charges may be.

Under these circumstances, a clear need exists for a code of ethics spelling out in unmistakable language what is and is not permissible conduct. Moreover, there is need to invent an institution to conduct the inquiries that the investigating committees of both houses are patently unwilling to conduct. Congress could perhaps create a panel of retired judges to which charges of misconduct against any member of the House or Senate would be automatically referred. Such a panel would be free from the temptation of headline hunting or sensation seeking. Its members would also have a sure sense of when a case was passing the bounds of mere impropriety and becoming a matter for criminal action.

A strict code defining the "gray areas" of conduct and some institution to enforce that code, free of partisanship or personal favor, are plainly essential. As matters now stand, these repeated scandals and half-hearted inquiries on Capitol Hill are seriously damaging public confidence in Congress.

2/6

Powell

Letters to the Editor

Negroes' Support of Powell

To the Editor:

There are those who insist that there is nothing racial in the treatment accorded Representative Adam Clayton Powell and who marvel that members of the Negro community, including those slandered so often in the past by Mr. Powell, have come to his aid.

As "proof" that race has not entered in, they cite the treatment of other Negro Congressmen. They tell of the censure of the late Senator Joseph McCarthy, forgetting that censure is something different from being deprived of one's seat twenty-four hours after being stripped of one's committee chairmanship. They forget that Senator McCarthy's activity affected his country's foreign relations, damaged the morale of tens of thousands of Government employees and smeared hundreds of lives and households.

Do the Negroes, they ask, want special treatment for Adam Clayton Powell? No, the Negroes want merely the same treatment for Adam Powell as is given other Congressmen.

Baseball and other games are played by rules which are adopted, publicized and enforced upon all participants. No one decides, midway the game, to give one team four outs and another three.

Absence of Code

The New York Times has written five editorials on Adam Powell in three weeks and thus cannot escape the suspicion that it is extremely anxious to accomplish the ouster of the Harlem Representative. The paper advances truly extraordinary reasoning in its latest offering on Jan. 15 ["No Double Standard"]:

"... Congress needs a strong, comprehensive and enforceable code of ethics, but the absence of such a code makes it doubly essential that individual instances of wrongdoing be evaluated and acted upon as they arise."

In the absence, then, of a code applying to everyone, punish whichever one is deemed, at one moment or another, to have violated the rules that the political and moral climate of opinion of the moment will uphold; and impose, under such cloudiness and subjectivity, not a rebuke, but a savage and sweeping punishment.

It is this type of action upon a man whose conduct is unacceptable to a gratifyingly increasing number of Negroes which has forced these very

people into reluctant support of Mr. Powell.

They are outraged and shamed by his conduct, but they are outraged also, and alarmed, at the mobilization of power to destroy him and at the sanctimonious outpourings of moral indignation with which it is hoped to gloss over the discriminatory, punitive action.

ROY WILKINS
Executive Director
National Association for the Advancement of Colored People
New York, Jan. 17, 1967

To F

Powell file

NEWS/SPORTS

Business

SUNDAY
TIMES UNION
SECTION C

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ALBANY, N.Y., SUNDAY, FEBRUARY 5, 1967

C-1

Gallup Poll: Opinion Runs Against Powell's Retaining Seat

By GEORGE GALLUP

PRINCETON, N.J.—A majority of Americans believe Rep. Adam Clayton Powell should not be permitted to keep his seat in the House of Representatives, according to a Gallup survey completed within the last few days.

Among members of Powell's own race, on the other hand, opinion is 2-to-1 that the 53-year-old Congressman should be allowed to retain his seat. Indictive of the impact of the



ADAM CLAYTON POWELL

controversy is the fact that 88 per cent of the American people have heard or read about the Powell case and among this aware group, opinion is more than 3-to-1 against the seating of the Harlem minister-congressman.

Powell is presently under investigation by a special nine-man committee, headed by Chairman Emanuel Celler. The investigation is focusing on Powell's alleged misuse of government funds for personal reason as well as the several contempt of court citations he has received in New York.

A 53 year-old executive said he does not believe that Powell should keep his seat:

"As a citizen, I feel the leaders should be more honest than I am. Since Powell is not, he doesn't belong in Congress in my opinion."

A teacher commented: "He has proved that he's not the type of man we need representing us in Congress."

On the other hand, a 40-year-old man thinks Powell should be allowed to keep his seat, offering this reason:

"He is the Negro's man in Congress and when you take that away, you're making it

harder than ever for Negroes to achieve civil rights."

Here are the questions asked: "A congressional committee is now investigating the question of whether Rep. Adam Clayton Powell should be allowed to keep his seat in Congress. Have you heard or read about this?"

Yes, have heard 88%
"How do you yourself, feel—do you think Powell should be allowed to keep his seat, or not?"

The results based on the 88 per cent:
Yes, should 20%
No, should not 63
No opinion 17

The American people are not under the impression that the Powell case is an isolated incident. A third question in this survey asked people whether or not they think the misuse of government funds by congressmen is fairly common. The results show a majority of Ameri-

cans answering in the affirmative, as seen in the results of the following question: "Representative Powell is charged with misusing government funds for personal reasons. Just your own feelings or impressions, do you think that the misuse of government funds

by congressmen is fairly common, or not?"
The results, based on the total sample:
Yes, fairly common 60%
No 21
No opinion 19

MEMORANDUM FROM
ELIZABETH B. PATTERSON

Yes

Dad went along
on this attached
Statement

File: POWELL
SEATING

JOHN R. DELLENBACK
FOURTH DISTRICT
OREGON

POST OFFICE BUILDING
EUGENE, OREGON 97401

ROOM 1020
LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

Congress of the United States
House of Representatives
Washington, D.C.

FEB 24 1967

February 24, 1967

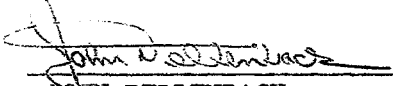
Dear Fellow 90th Club Member:

As part of the plans for this Monday, February 27th, and after talking the matter over with George Bush, Bill Steiger, Jim McClure, Bill Roth, Ed Biester and Don Riegler, it was agreed that it would be well for us to accompany our individual actions on Monday with a general statement on which hopefully we could all join.

Recognizing the fact that we would certainly express ourselves somewhat differently if we were each writing such a memorandum, and with apologies for failure to express the thoughts exactly as or even as well as each of you might have, and after incorporating a number of changes suggested by some of the above named, I submit the attached as a suggested general statement.

With no chance to make any changes and circulate again for approval, I am in hopes that it comes close enough to what each of us really feels that we can add our names thereto to be part of our presentation on Monday. If you are willing to have your name added as part of this group effort, I would very much appreciate your calling my office (extension 6416) as early as possible on Monday morning and so indicating so that we may have all the names added and ready for introduction when we take the Floor on Monday.

Thanks for your consideration.


JOHN DELLENBACK

We newly elected Republican Congressmen feel certain that the Congress of the United States - possibly with a few rare exceptions - is composed of men and women who are honest, dedicated and prepared both to preach and to practice adherence to a code of high personal morality and conduct.

We feel strongly that no duly elected individual member of Congress should be singled out from our midst to be judged against any special standard against which we are not all ready and willing to be judged.

In an effort to cause these feelings to take solid form, a number of us have earlier in this session introduced, or are today introducing or supporting, bills and resolutions looking to these goals.

In order to demonstrate to the people of the United States in a clear and convincing manner the fact that these feelings are not ours alone, but are also the feelings of the entire Congress, we urge the entire Congress, and particularly the Members thereof sitting in positions of leadership in this Congress as Members of the majority Democratic party, to insist upon immediate study of and action upon proposed changes in House Rules and in statutes that will incorporate these feelings as part of such rules and statutes. We intend to push as hard as we are able toward the earliest possible attainment of these goals.

Done this 27th day of February, 1967 in Washington, D. C. by:

Powell: Albany Negro Leaders' Reactions Mixed

Sunday, Jan 15, 1967

By BILL KENNEDY
Times-Union Staff Writer

The Adam Clayton Powell decision—a rare moment in his career, an even rarer moment in the course of the civil rights movement. What does it mean to Negroes to see the most renowned Negro politician in the United States stripped of his power, and refused a seat in the House of Representatives?

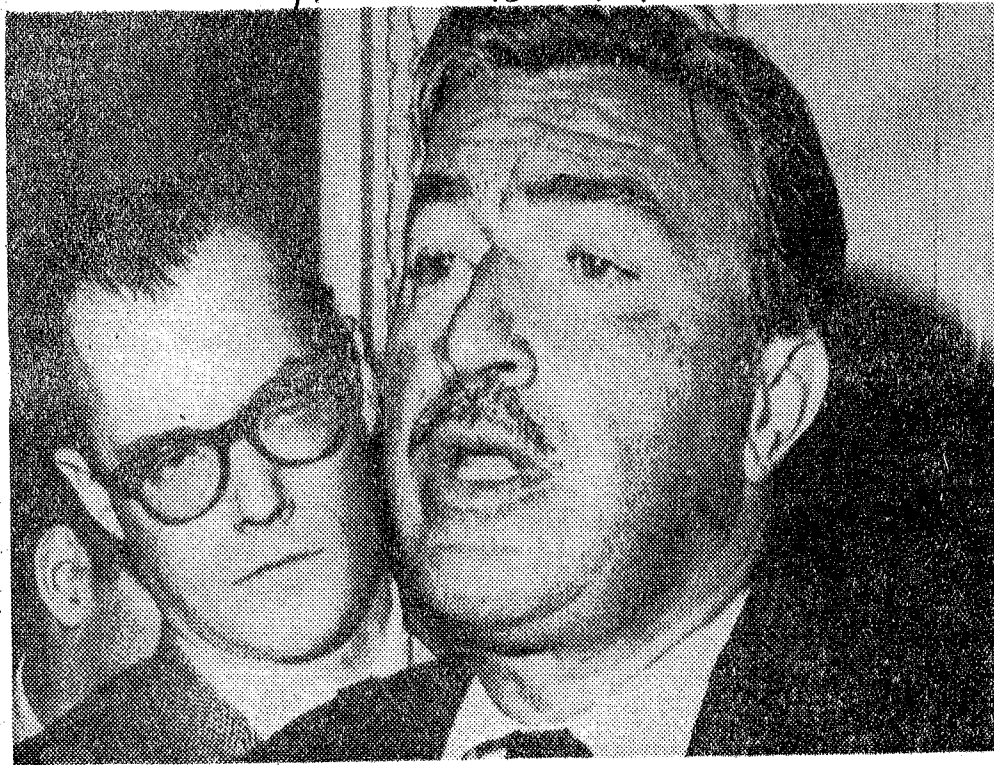
Probably on this subject more than any other in recent history there seems to be a consensus among Negroes on at least two points:

1—That Powell was the elected representative of the people in Harlem and they, not other congressmen, should decide whether he be seated or not;

2—That Powell is not the only sinner in Congress. Why Adam? Why not anybody else?

The conclusion of some is that the humiliation of Powell by his peers is more a manifestation of the white backlash in the United States than it is any overwhelming surge of morality by legislators.

Negro clergy, civil rights lead-



A RARE MOMENT—Harlem Congressman Adam Clayton Powell as he appeared last week after losing his committee and House seats.

Reaction to the controversy among Negro leaders in Albany is mixed. (AP Wirephoto)

ers, and others in the Negro community who have often spoken publicly on pressing issues in Albany, were interviewed this week for their reaction. Here is their comment:

Rev. Warren Brown, pastor, Walls Temple: "I think Powell has done a remarkable job. Having misused his chairmanship—this is a moral issue. If he were the only man who had done this then he should not have been seated. But he's not the only man, and for that reason I would seat him. Why hasn't Congress raised the issue about other committee chairmen? Also, I think the kind of effect the decision will have won't be realized for a year or so. First, if Adam is able to form a third party, this will be detrimental to both Republicans and Democrats. Also, I think the advocates of Black Power have been given a weapon to use by Congress, and I'm not sure it will be used to constructive advantage of all persons concerned."

Rev. William Roland, pastor,

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