

# NEWS

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FOR IMMEDIATE RELEASE

STATEMENT ON VOTE TO BAR CONGRESSMAN POWELL  
FROM THE 90th CONGRESS

March 2, 1967--While I have consistently favored discipline of Mr. Powell, I feel strongly that no duly elected individual Member of Congress should be singled out from our midst to be judged against any special standards which all Members are not ready and willing to be judged. I have urged adoption of specific standards of conduct, and establishment of a Committee with power to report to the Congress its findings in individual cases. So far, such a Committee has not been established, nor has a viable Code by which we can all be judged and which can be impartially and equitably administered by an appropriate committee been adopted. Without providing the rationale for disciplining Mr. Powell, or identical standards in the case of allegations against any other Member, will unmistakably leave many people of goodwill with the distinct impression that he was improperly and unfairly singled out for punishment, perhaps because of his race. I doubt that the action by the House of Representatives in excluding Mr. Powell was appropriate, and it is also of doubtful constitutionality.

Expulsion or exclusion of a duly elected Member is the most severe penalty that Congress can impose. Not in 46 years, and only twice before in this century, has the House refused to accept a duly elected candidate. I feel that such an act should not be reached hastily, but only after the most complete and exhaustive deliberation.

I voted to uphold the report of the Special Committee, headed by Chairman Emanuel Celler of New York, that had been appointed to investigate and recommend discipline of Mr. Powell. I thought the Committee did a good job and I voted to accept its report as did the leadership of both Republican and Democratic Parties. Since I had voted to establish the Committee in January, I felt the need to be consistent in supporting the Committee's recommendations.

I was disturbed to observe that a large share of the negative vote on the Committee's report came from Southern Congressmen, which certainly is no surprise. There is no question in my mind that some votes were motivated by racist attitudes.

Having voted to establish the Committee's report with its penalties against Mr. Powell I felt that I had to be equally consistent by voting against denying him his seat. I was in the company of the leadership of both parties on this.

I think that we may well be in for numerous court actions on this matter in the next few months. In fact, if Mr. Powell elects to take his day in court, the case could be a historic challenge of the House's decision before the Supreme Court. If the Supreme Court's decision would be in conflict with the House action, of denying Mr. Powell his seat, we would find two branches of government in conflict at the highest level. The ramifications of such a possibility could run deep to the concept of separation of powers.

The language of the resolution which finally passed would forbid Mr. Powell from entering the 90th Congress, so this would mean that under the conditions of the resolution he would not be permitted to even run again, although I would assume that he is going to seek to run and presumably be re-elected and present his credentials again here in Washington.

In view of the Special Committee's inquiry into the Powell matter I think the leadership of both parties felt that they had come up with appropriate penalties adequate to the situation. I think it would have been preferable to accept the report of the Committee.

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