

# Precedents for Expulsion of Senators

## Some Cases During Civil War Days Recalled by Present Demand for Ousting of La Follette and Other Obstructionists

**D**EMANDS from various organizations and individuals in different parts of the country for the expulsion of Senator La Follette and other members of Congress for their anti-war activities have not aroused more than an academic interest in Washington as yet, but many members have been putting in spare moments in hunting through the records for expulsion cases of the past.

The two comparatively recent cases, those of Burton of Kansas and Lorimer of Illinois, having had nothing to do with war, do not apply to the present agitation. Burton, who was accused of appearing as a lawyer before Government departments in the interest of outside clients, was not expelled but was allowed to resign. Neither was Lorimer expelled in a technical sense. He was excluded on the ground that his election had not been valid and that he had not been really a member. This conclusion was not reached, however, until long after he had taken a seat in the Senate.

It is in the records of the second session of the Thirty-seventh Congress that the search for expulsion cases is most fruitful. That was the session of the civil war Congress beginning on Dec. 2, 1861, the session corresponding, in relative time, to the session of the present war Congress that will begin on the first Monday of next December.

In the Winter of 1861-2 resolutions were introduced for the expulsion of seven Senators and two members of the House. The House got to the work first. On the opening day of the session it expelled Representative John W. Reid of Missouri, who had taken up arms against the Union. Two days later Representative Henry C. Burnett of Kentucky was expelled for being "in open rebellion" and presiding over meetings in his State that were in sympathy with the South.

Of the seven Senators under fire at that session three were expelled by unanimous vote, one by a vote of 32 to

14—a very slim margin over the required two-thirds—one was allowed to resign, and, in the case of the other two, the votes in favor of expulsion were too small.

Senator James F. Simmons of Rhode Island was the member who was allowed to resign. There was nothing in his case which fits any phase of the situation today. He was accused of inducing the War Department to purchase 50,000 breechloading rifles and of receiving \$10,000 from the makers of the rifles for his services.

Senators John C. Breckinridge of Kentucky and Waldo P. Johnson of Missouri were expelled very early in the session, and with practically no debate, because they were in the Confederate Army.

In the case of Senator Trusten Polk of Missouri, who was expelled by unanimous vote on Jan. 10, 1862, the present-day precedent-hunters find something more nearly approaching conditions now prevailing. Polk worked against the war and the Union by means of propaganda and by aiding secession newspapers.

Senator Charles Sumner of Massachusetts, who voted yes on every expulsion case that came up and who was the most persistent member in denouncing those accused of disloyalty, introduced the anti-Polk resolution on Dec. 18, 1861. It was as follows:

"Resolved, That Trusten Polk of Missouri, now a traitor to the United States, be expelled, and he hereby is expelled from the Senate."

The chief evidence in support of the charge that Polk was a traitor was a letter written by him and exposed by THE NEW YORK TIMES on Dec. 12. The letter, which was sent just before the battle of Wilson's Creek to P. S. Wilkes of Springfield, Mo., was read to the Senate by Mr. Sumner. It was as follows:

"I send my check to you for The Equal Rights Gazette. It is all I can do, and I could not do even that much until now. You

have heard of the difficulty that The Bulletin has fallen into. I have had to ante up there at the rate of \$200. I hope the friends there have made arrangements that will assure the permanency of the paper. It has been, and is, doing good service. I have made a speech (yesterday) on the state of affairs, Southern rights, and the position of Missouri, present and future, which I will send you as soon as published in pamphlet for distribution. In the meantime I will send it in slips, and if The Gazette can stand the draft on its columns, and you approve of it and think it will do good in forming correct public sentiments in Southwest Missouri, please have it published. Dissolution is now a fact, not only a fact accomplished, but thrice repeated. Everything here looks like inevitable and final dissolution. Will Missouri hesitate a moment to go with her Southern sisters? I hope not. Please let me hear from you."

Three weeks after the introduction of the Polk resolution by Senator Sumner it came back from the Judiciary Committee with recommendation of passage. It was passed on Jan. 10, 1862.

The next month Senator Morton S. Wilkinson of Minnesota introduced a resolution for the expulsion of Senator Lazarus W. Powell of Kentucky. Powell had fought in vain against the expulsion of his colleague, Breckinridge, earlier in the session, but when his own turn came to fight to retain his seat his most bitter opponent was his new colleague, Senator Garrett Davis of Kentucky, a strong Union man, who had been elected by the Kentucky Legislature to succeed Breckinridge.

The resolution against Powell was based on the charge that in June of 1861, after eleven States had voted to secede from the Union, he had presided at a big meeting of sympathizers with the Confederacy at Henderson, Ky. This meeting adopted resolutions denouncing President Lincoln and demanding the removal of Federal troops from the South. Unlike Breckinridge, who was in camp with his Confederate command when he was expelled, Powell stayed in Washington and fought against his removal.

The Judiciary Committee recommended

that the Powell resolution should not be passed, but Davis insisted on it, and the fight was made in open session. Powell merely claimed that he had done nothing disloyal, and the Senate voted to uphold the Judiciary Committee by 28 to 11.

On May 7, 1862, Senator Sumner introduced this resolution:

"Resolved, That Benjamin Stark, a Senator from Oregon, who has been found by a committee of this body to be disloyal to the Government of the United States, be, and the same is hereby, expelled from the Senate."

In support of his resolution the Massachusetts Senator read the findings of the committee concerning Stark, who, in spite of his residence on the Pacific Coast, was an ardent sympathizer with the South.

But the eloquence of Sumner did not prevail. The vote to expel Stark was 16, and the vote not to expel him was 21.

By all odds the most curious case was that of Senator Jesse D. Bright of Indiana, who was expelled by a vote of 32 to 14, on Feb. 5, 1862, after a long fight.

Bright sent a personal letter to Jefferson Davis, President of the Confederacy, introducing a friend who wanted to sell firearms. This was on March 1, 1861. Senator Bright tried to justify this remarkable act by explaining that the letter was written before the attack on Fort Sumter and that he did not think at the time of writing it that there was going to be war. He did not seem to attach any particular significance to the fact that his friend had wanted to sell guns to the Confederate Government, but declared that his letter to Jefferson Davis was nothing more than he would have written to anybody at any time anywhere to help a friend.

The Judiciary Committee recommended that the resolution for Bright's expulsion should not be passed, but in this case the committee was overruled by the Senate.