

# REVEALS SELECT COMMITTEE

Following are textual excerpts from the report of the special Senate committee which investigated charges against Senator Joseph R. McCarthy (Rep., Wisconsin).

The committee discussed first the charge that McCarthy showed contempt of a Senate committee which investigated his activities in 1952. McCarthy did not appear to answer charges laid by the subcommittee, but said he would have had been subpoenaed. The committee, after summarizing the evidence it received, discussed the law involved:

## CATEGORY I. Incidents of contempt of the Senate or a Senatorial committee.

### DISCUSSION OF LEGAL QUESTIONS.

1. The Senate is a continuing body. The fact that the Senate is continuing body should be of little discussion. This has been uniformly recognized by history, precedent and authority. The rule with reference to the House, whose members are elected all for the period of one Congress may be different, the Senate is a continuing body, whose members are elected for a term of six years, and so divided into classes that at least one third only become vacant at the end of each Congress. This fact alone makes the Senate being a continuing body, the case cannot be said to have become moot in the ordinary sense.

2. The Senate has the power to censure a Senator or to expel him occurring during his prior term as Senator. The contention has been made by Senator McCarthy that since he was re-elected in 1952 and the seat for which he was elected on Jan. 3, 1953, the Select Committee lacks power to consider his conduct on the basis of his conduct prior to Jan. 3, 1953, as the basis for censure. His contention based on this contention is several cases cited as authority for this proposition.

3. The argumentative basis for his contention is that the power to censure is part of the power of the Senate to punish for contempt, and that any limitations on the latter power must necessarily limit the power to censure. This contention is without foundation for at least two reasons: (1) The power to censure is an independent power which may be exercised by the Senate for conduct totally unrelated to any act of contempt; and (2) even assuming that the power to censure is limited to conduct which is independent of the power to punish for contempt, the authorities cited do not sustain the proposition advanced.

It seems clear that if a Senator should be guilty of contempt with his official duties and position, but which conduct is unrelated to the Senate to disrepute, the Senate has the power to censure. The power to censure must be independent, therefore, of the power to punish for contempt. The power to censure is independent of the power to punish for contempt. The power to censure is independent of the power to punish for contempt. The power to censure is independent of the power to punish for contempt.

4. The particular charges against Senator McCarthy, which are the basis of this category, involve his conduct in a non-official committee and official committee members of the Senate. These committees are from session to session and there is no lapse in their legislative business.

5. The re-election of Senator McCarthy in 1952 was not ordered by the Select Committee as a fact bearing on this proposition. This re-election is deemed contempt because only the Senate itself can pass dignity upon conduct which is injurious to its processes, dignity and official committees.

6. It was not necessary for Senate Resolution 187 to be adopted by the Senate. Senate Resolution 187, introduced by Senator McCarthy on Aug. 6, 1951, was not actually a resolution for the expulsion of Senator McCarthy.

7. The committee on Rules and Administration is authorized to make recommendations "as may be appropriate to enable such committee to determine whether or not to initiate action with a view to the expulsion of a Senator from the United States Senate of the said Senator, Joseph R. McCarthy."

8. The committee on Rules and Administration is authorized to determine whether or not to initiate action with a view to the expulsion of a Senator from the United States Senate of the said Senator, Joseph R. McCarthy.

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organization Act, above referred to, which states that the committee had the power and right to require the attendance of Senator McCarthy for purposes of investigation and examination "by subpoena or otherwise." The committee, therefore, categorically, that it was not necessary for the subcommittee to issue its subpoena for him. Section 134-A of the Legislative Reorganization Act, does not require the attendance of witnesses, and the Select Committee is of the opinion that the subpoena of Senator McCarthy without such action indicating a requirement to appear is not such action as the act. It is the opinion of the Select Committee that a request to appear such as the letter and telegram from the subcommittee to Senator McCarthy dated Nov. 1952, was sufficient (aside from any question whether Senator McCarthy received them) to meet the requirements of the law. The related question of whether or not Senator McCarthy was repeatedly invited to appear, and whether he should have appeared without request or subpoena, are considered hereinafter.

7. Senator McCarthy was repeatedly invited to appear. The letters of Senator McCarthy to the respective chairmen of the subcommittee, as clearly stated, were entirely his duty to cooperate, and the subcommittee, in its capacity as a committee of the Senate, was not bound to accept his failure to appear as a justification for contemptuous conduct.

8. It is the opinion of the Select Committee that the conduct of Senator McCarthy in failing to appear before the subcommittee, in violation of the subpoena, was a contempt of the Senate.

9. The Junior Senator from Wisconsin did "denounce" the conduct of Senator McCarthy in failing to appear before the subcommittee, in violation of the subpoena, as a contempt of the Senate.

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# SELECT COMMITTEE

subject matter under inquiry, in its opinion. These mitigating circumstances are such that we do not recommend the issuance of a subpoena in this case.

It is the opinion of this committee that the necessary purposes of this inquiry to make public the 215-page document or any portion of its contents thereof. If the Committee had been of different opinion as to the propriety of such disclosure, it would have been authorized, in light of the opinions of the Attorney General, to direct a request to the President for authority to disclose the same. Pending the final action of the Senate in this matter, the Committee directed the chairman to retain physical possession of this document, in confidence. Unless the Senate otherwise directs, it will be surrendered to the Federal Bureau of Investigation for such disposition as shall be proper after the Senate has completed its consideration of Senate Resolution 301.

## CATEGORY IV. Incidents involving charges of Collusion in the Senate.

GENERAL DISCUSSION AND SUMMARY OF EVIDENCE. The alleged abuses and irregularities of Senator McCarthy, as set forth in the report of the Select Committee, are such that it is necessary to set forth the facts of the case in detail. The Select Committee has conducted a thorough investigation of the charges against Senator McCarthy, and has found that he has engaged in a course of conduct which is highly reprehensible and which is a disgrace to the Senate.

1. That Senator McCarthy publicly ridiculed and defamed Senator Hendrickson in vulgar and base language by calling him "Seneca" and "a living miracle with a man with a net and take him to a good quiet place."

2. That Senator McCarthy publicly ridiculed and defamed Senator Hendrickson in vulgar and base language by saying of him, "Seneca—I think they should get a man with a net and take him to a good quiet place."

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listed 60 major and minor findings of fact in their discussion of legal points involved: 1. There is no evidence that Federal witnesses would tell the truth before Chairman McCarthy.

2. There is no evidence that Gen. Zwicker was intentionally intimidating, evasive, or arrogant. Gen. Zwicker was initially sequestered at the New York hearing on the McCarthy case, and the subcommittee. It is evident that this examination was mutually courteous and satisfactory to both sides.

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