

U. S. Constitution Allows Members Of Congress Wide Latitude In Behavior

By JAMES MARLOW
WASHINGTON, 19.—The difference between being censured for contempt of Congress and being sent to jail is the difference between a rebuke and jail.

This difference shows some of the difference between an ordinary citizen and a member of Congress while Congress is in session.

Nothing worse than the rebuke can happen to Sen. McCarthy at this session unless, by some chance, he does, he infuriates his fellow senators into throwing him out.

If an ordinary citizen is called to testify before a congressional committee, but ignores it, he can be cited for contempt of Congress.

That is followed by trial in federal court. If convicted, he goes to jail. Not so with a member of Congress. Several years ago a Senate subcommittee, investigating McCarthy's financial dealings, asked him to appear and answer questions. He didn't. He had no need to worry. He might go to jail for contempt of Congress. He was protected by the Constitution.

To give members of Congress as much freedom as possible, the Constitution says a senator or representative cannot be arrested during a congressional session except for treason, a felony or breach of the peace.

Censure is merely a rebuke, an expression of opinion that a mem-

ber's conduct has been unfitting but he doesn't lose his seat.

McCarthy, in declining to go before the subcommittee investigating his finances, argued he had no jurisdiction in investigating him. Besides, he said, the committee was dishonest. Nothing happened to him, at least then. He was not cited for contempt. But his treatment of the committee has not forgotten.

It came back to haunt him this year when another committee, headed by Sen. Watkins, a Utah Republican, was specially created to look into charges that McCarthy had been contemptuous of Congress on a number of occasions.

McCarthy didn't attempt to ig-

nore this committee when it called him to testify. If he had, his Senate foes would have pointed to this as proof of a contemptuous attitude.

The Watkins committee recommended McCarthy be censured on two counts:

1. That he had been contemptuous of the Senate in ignoring and insulting the earlier subcommittee.

2. That his conduct had been "reprehensible" in the treatment given Brig. Gen. Ralph W. Zwicker, who had been called before McCarthy's own subcommittee to answer questions about the handling of Communists in the Army.

REPETITION
Then McCarthy repeated what a

coward, asked whether he had been contemptuous. He poured insults on Watkins' committee and on Watkins himself. He said the committee was the "handmaidens" of the Communists and Watkins was imbecile and cowardly.

This so infuriated the usually mild Watkins that he attacked McCarthy head on last Tuesday in a detailed Senate speech that traced the long history of McCarthy's relations with the subcommittee which tried to examine his finances.

He didn't go into the question of McCarthy's constitutional protection in not going before that earlier committee. Watkins, reminding the Senate McCarthy had called him

Why had McCarthy, whose integrity and honor had been challenged by investigation of that earlier subcommittee, not gone to defend himself but, instead, from the "safety" of his office tired insults by letter?

Then, since it had happened under their own eyes, Watkins asked the Senate to censure McCarthy on a new and third count: contempt of the Watkins committee which had been set up to find

STUDENTS ELECTED
Four Charlotteans were elected members of the Student Legislature at the University of North Carolina. The local members include Pat Hunter, Jim Martin, Ruth Jones and Jim Beatty.

out whether he had been contemptuous. McCarthy, who didn't sit in the

Senate to listen to Watkins, went into the hospital the next day with an injured elbow.

DETROIT—Traffic Judge John D. Watts acquitted Elio Mucciante, 32, of Detroit on a charge of driving without a license yesterday after ruling Mucciante was trapped into the charge by his estranged wife.

Mucciante told Watts his wife had telephoned him to meet her in a drug store Tuesday night, saying it was urgent. When he got to the drug store Mrs. Mucciante called police and told them her husband was driving with a revoked driver's license. They arrested Mucciante. Judge Watts ruled the act constituted entrapment, the wife couldn't testify against her husband and the officers did not actually see Mucciante drive the car.

PLOT AGAINST MATE ENDS WITH FAILURE

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