AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Chapter CCV.[1]

PRIVILEGE OF THE MEMBER.

1. Arrest in going to or returning from sessions. Section 589.
2. Charges against Members in the Record, etc. Sections 590–603.
3. Charges against Members in newspapers, etc. Sections 604–622.

589. All criminal offenses are comprehended by the terms "treason, felony, and breach of the peace," as used in the Constitution, excepting these cases from the operation of the privilege from arrest therein conferred upon Senators and Representatives during their attendance at the sessions of their respective Houses, and in going to and returning from the same.

The words "treason, felony, and breach of the peace," as applied to the parliamentary privilege, is construed as understood in England and as excluding from the privilege all arrests and prosecutions for criminal offenses, and confining the privilege alone to arrests in civil cases.

Writ of error has been sustained for arrest of a Member while Congress was not in session.

Writ of error not dismissed because the Congress of which defendant was a Member has ceased to exist.

On February 11, 1905[2] Mr. John N. Williamson, of Oregon, was indicted for the violation of certain statutes in proceedings for the purchase of public land. The defendant was found guilty in the month of September, 1905. On October 14, 1905, when the court was about to pronounce sentence, he protested on the ground that thereby he would be deprived of his constitutional right to attend the ensuing session of Congress. The objection was overruled and he was sentenced to imprisonment for 10 months.

Exceptions were taken and the case reached the Supreme Court of the United States. The opinion of the court was delivered by Mr. Justice White at the October term, 1907.

This opinion passes upon the argument advanced by the Government that the immunity of Members of Congress from arrest, even if applicable to criminal cases, operates only during a session of Congress, as follows:

> It is said, however, that this ease differs from the Burton case[3] because there the trial and conviction was had during a session of the Senate, while here, at the time of the trial, conviction,

[1] Supplementary to Chapter LXXXII.
[2] Williamson v. United States, 207 U. S. 425.
[3] Burton v. United States. 196. U. S. 283.

and sentence Congress was not in session, and therefore to assert the protection of the constitutional provision is to reduce the claim "to the point of frivolousness." This, however, but assumes that even if the constitutional privilege embraces the arrest and sentence of a Member of Congress for a crime like the one here involved, it is frivolous to assert that the privilege could possibly apply to an arrest and sentence at any other time than during a session of Congress, even although the inevitable result of such arrest and sentence might be an imprisonment which would preclude the possibility of the Member attending an approaching session. We can not give our assent to the proposition. Indeed, we think, if it be conceded that the privilege which the Constitution creates extends to an arrest for any criminal offense, such privilege would embrace exemption from any exertion of power by way of arrest and prosecution for the commission of crime, the effect of which exertion of power would be to prevent a Congressman from attending a future as well as a pending session of Congress. The contention that although there may have been merit in the claim of privilege when asserted it is now frivolous because of a change in the situation, is based upon the fact that at this time the Congress of which the accused was a Member has ceased to exist, and, therefore, even if the sentence was illegal when imposed, such illegality has been cured by the cessation of the constitutional privilege. But, even if the proposition be conceded, it affords no ground for dismissing the writ of error, since our jurisdiction depends upon the existence of a constitutional question at the time when the writ of error was sued out, and such jurisdiction, as we have previously said, carries with it the duty of reviewing any errors material to the determination of the validity of the conviction. It hence follows that, even if the constitutional question as asserted is now "a mere abstraction," that fact would not avail to relieve us of the duty of reviewing the whole case, and hence disposing of the assignments of error which are addressed to other than the constitutional question. Besides, we do not consider the proposition well founded, for, if at the time the sentence was imposed it was illegal because in conflict with the constitutional privilege of the accused, we fail to perceive how the mere expiration of the term of Congress for which the Member was elected has operated to render that valid which was void because repugnant to the Constitution.

As to the contention that the privilege of immunity under the Constitution extends to civil arrests on1v and does not apply to indictable offenses, the opinion holds:

We come, then, to consider the clause of the Constitution relied upon in order to determine whether the accused, because he was a Member of Congress, was privileged from arrest and trial for the crime in question, or, upon conviction, was in any event privileged from sentence, which would prevent his attendance at an existing or approaching session of Congress.

The full text of the first clause of section 6, Article I, of the Constitution is this:

"SEC. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They 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; and for any Speech or Debate in either House, they shall not be questioned in any other Place."

If the words extending the privilege to all cases were unqualified, and therefore embraced the arrest of a Member of Congress for the commission of any crime, we think, as we have previously said, they would not only include such an arrest as operated to prevent the Member from going to and returning from a pending session, but would also extend to prohibiting a court during an interim of a session of Congress from imposing a sentence of imprisonment which would prevent him from attending a session of Congress in the future. But the question is not what would be the scope of the words "all cases" if those words embraced all crimes, but, is, what is the scope of the qualifying clause—that is, the exception from the privilege of "treason, felony, and breach of the peace." The conflicting contentions are substantially these: It is insisted by the plaintiff in error that the privilege applied because the offense in question is confessedly not technically the crime of treason or felony and is not embraced within the words "breach of the peace," as found

in the exception, because "the phrase 'breach of the peace' means only actual breaches of the peace, offenses involving violence or public disturbance." This restricted meaning, it is said, is necessary in order to give effect to the whole of the excepting clause, since, if the words "breach of the peace" be broadly interpreted so as to cause them to embrace all crimes, then the words treason and felony will become superfluous. On the other hand, the Government insists that the words "breach of the peace" should not be narrowly construed, but should be held to embrace substantially all crimes, and therefore, as in effect, confining the parliamentary privilege exclusively to arrest in civil cases. And this is based not merely upon the ordinary acceptation of the meaning of the words, but upon the contention that the words "treason, felony, and breach of the peace," as applied to parliamentary privilege, were commonly used in England prior to the Revolution and were there well understood as excluding from the parliamentary privilege all arrests and prosecutions for criminal offenses; in other words, as confining the privilege alone to arrests in civil cases, the deduction being that when the framers of the Constitution adopted the phrase in question they necessarily must be held to have intended that it should receive its well understood and accepted meaning. If the premise upon which this argument proceeds be well-founded, we think there can be no doubt of the correctness of the conclusion based upon it. Before, therefore, coming to elucidate the text by the ordinary principles of interpretation we proceed to trace the origin of the phrase "treason, felony, and breach of the peace," as applied to parliamentary privilege, and to fix the meaning of those words as understood in this country and in England prior to and at the time of the adoption of the Constitution.

After citing English precedents construing the terms "treason," "felony," and "breach of the peace," as applied to parliamentary privilege, the opinion concludes:

Since from the foregoing it follows that the terms "treason," "felony," and "breach of the peace," as used in the constitutional provision relied upon, excepts from the operation of the privilege all criminal offenses, the conclusion results that the claim of privilege of exemption from arrest and sentence was without merit.

590. The reading on the floor of a newspaper interview and a letter written by another Member, the authenticity of which was not denied, was held not to present a question of privilege.

On February 3, 1910,[1] Mr. Charles A. Crow, of Missouri, claimed the floor for a question of privilege touching a letter written by Mr. Crow to a constituent, and a newspaper article relating thereto. The letter promised appointment as census enumerator on condition that a political census not connected with the official census be taken simultaneously.

The interview and the letter, the authenticity of which Mr. Crow conceded, had been read during debate on the previous day by Mr. Joseph T. Robinson, of Arkansas.

Mr. Oscar W. Underwood, of Alabama, made the point of order that a question of privilege was not involved.

The Speaker[2] Sustained the point of order.

591. The making of mere misstatements does not give rise to a question of privilege.

Statements which, if published in a newspaper, would give rise to a question of privilege do not present a question of privilege when read from a private letter.

---

[1] Second session Sixty-first Congress, Record, p. 1443.

[2] Joseph G. Cannon, of Illinois, Speaker.

On July 31, 1911,[1] Mr. Carl C. Anderson, of Ohio, submitted, as involving a question of personal privilege, the statement that he had introduced a motion to discharge the Committee on Invalid Pensions from the further consideration of the bill (H. R. 767) in a "sneaky, foxlike" manner.

Mr. Anderson then read from a personal letter addressed to him by Gen. S. S. Burdett, chairman of the pensions committee of the Grand Army of the Republic.

A point of order by Mr. Finis J. Garrett, of Tennessee, that a question of privilege was not presented was sustained by the Speaker.

Thereupon Mr. Joseph G. Cannon, of Illinois, submitted:

Mr. Speaker, one word upon the point of order. Of course, the statement of the gentleman from Ohio, Mr. Anderson, without reading the article to the effect that it had been said that he had in a sneaking, underhanded way placed the motion upon the calendar, seems to me would present a question of privilege.

The Speaker[2] said:

There is no question in the world but that the statement of the gentleman from Illinois [Mr. Cannon] is absolutely true. The Chair stated to the gentleman from Ohio [Mr. Anderson] that if he had any newspaper article of that kind he might read it, but he did not read it, but read a private letter.

Whereupon Mr. Isaac R. Sherwood, of Ohio, claimed the floor for a question of privilege, saying:

Mr. Chairman, I rise to a question of personal privilege for the purpose of correcting some statements. I want to correct some misstatements made by the gentleman from Ohio, Mr. Anderson, in regard to the attitude of Gen. S. S. Burdett, chairman of the pensions committee of the Grand Army of the Republic.

Mr. John J. Fitzgerald, of New York, raised the point of order that mere misstatements made by another Member on the floor did not give rise to a question of privilege.

The Speaker sustained the point of order.

592. Charges that a Member has employed unworthy men without intimation that he did so knowingly do not give rise to a question of privilege.

On March 1, 1921,[3] Mr. Royal C. Johnson, of South Dakota, submitted, as presenting a question of privilege, a photostatic copy of a letter from the Secretary of War, and said:

Mr. Speaker, of course the Secretary of Wax had no personal information of the matter, and it came undoubtedly through the Military Intelligence of the War Department. They bring my name into it as having hired investigators whom they claim to be blackmailers. They based that claim upon this photostatic copy of an alleged letter, which they do not now have. They bring it before this House with the idea of casting aspersions upon me as chairman of the committee.

Mr. Warren Gard, of Ohio, made the point of order that the matter presented did not involve a question of privilege.

---

[1] First session Sixty-second Congress, Record, p. 3396.

[2] Champ Clark, of Missouri, Speaker.

[3] Third session Sixty sixth Congress, Record, p. 4194.

The Speaker[1] said:

The Chair does not think that the gentleman has made out a case of personal privilege. The most the gentleman can claim, it seems to the Chair, is that there is a charge that he has employed men who are unworthy, but there is no intimation that the gentleman did so knowingly. The Chair does not think the gentleman makes out a case of personal privilege.

593. Expression of opinion reflecting on a Member or his State, however offensive, if not directed against the Member in his representative capacity, do not involve a question of privilege.

On May 28, 1912,[2] Mr. J. Thomas Heffin, of Alabama, claimed the floor for a question of privilege, and said:

Mr. Speaker, on yesterday the gentleman from Pennsylvania, Mr. Focht, in referring to me said:

"Now, my friend from Alabama, Mr. Heffin, has undertaken, I think, to do something that does not become him, and, in view of the record of his own State, which is indefensible."

In another place he says:

"Mr. Chairman, in substantiation of what I have read, in response to what the gentleman from Alabama, Mr. Hellin, has said in his assaults on the North and labor conditions there, and to the shame of the State of Alabama, I want to show you the evidence of the inhumanity, brutality, and cruelty of his State."

This is a question of privilege, Mr. Speaker, and reflects upon me and my service here, and charges something that is not true, namely, that I had assaulted the North, and I desire to address the House upon the question of personal privilege.

Mr. John Dalzell, of Pennsylvania, submitted that a question of privilege was not involved.

The Speaker[3] said:

The Chair is inclined to think that that point is well taken. Of course, men might stand up here and abuse Alabama or Missouri or any other State until they were black in the face without laying the foundation for a question of personal privilege. The rule is that the question of privilege rests upon something that affects a man injuriously or sandalously in his representative capacity. The Chair can understand very well how the gentleman from Alabama would feel outraged in his feelings if somebody assaults the State of Alabama, but that does not make a question of personal privilege. That was just simply in that gentleman's opinion.

594. Statements on the floor reflecting on the conduct of a Member in official capacity, whether made directly or in quotation, involve a question of privilege.

On January 25, 1910,[4] Mr. William S. Bennet, of New York, as a question of personal privilege, read from the Record the following statement made by Mr. Robert B. Macon, of Arkansas, on the previous day:

The Members who went abroad were accompanied by their families and two of the secretaries of the commission. In fact all of the members of the commission, except Burnett and Howell of New Jersey, took a private secretary along to do such work as was absolutely necessary to be done while they, the commission, had fun. I understand that Mr. Bennet of New York and his secretary had been abroad several times at the expense of the commission.

---

[1] Frederick H. Gillett, of Massachusetts, Speaker.

[2] Second session Sixty-second Congress, Record, p. 7323.

[3] Champ Clark, of Missouri, Speaker.

[4] Secend session Sixty-first Congress, Record, p. 963.

Mr. Macon called attention to the fact that he had not made the assertion on his own responsibility but had said that he was so informed.

The Speaker[1] recognized Mr. Bennet to present the question of privilege.

595. A question of privilege supersedes consideration of the original question and must first be disposed of.

An expression of opinion characterizing actions of a Member without reflecting upon him in his representative capacity do not give rise to a question of privilege.

On September 5, 1919,[2] Mr. Lemuel P. Padgett, of Tennessee, asked unanimous consent to insert certain matter in the Record, when Mr. Champ Clark, of Missouri, said:

The other day the gentleman from Iowa, Mr. Boies, got three long telegrams inserted in the Record, nothing but circular letters—no one knew what was in them, and they thought it might be something important; but it turned out that they were of no importance whatever. So a Member may hesitate about preventing a Member from putting matter into the Record.

Whereupon Mr. William D. Boies, of Iowa, demanded the floor on a question of privilege predicated on the statement by Mr. Clark.

Mr. Padgett made the point of order that his request was pending and should first be disposed of.

The Speaker[3] said:

A question of personal privilege is always in order. The gentleman will state his question of privilege.

The Speaker then ruled that a question of privilege had not been presented.

596. A question of privilege may not be predicated on words which have been stricken from the Record.

Inferences charging treason present a question of privilege.

On October 3, 1917[4] Mr. William E. Mason, of Illinois, claiming the floor for a question of privilege, said:

A Member of this House, during my absence, charged me with being guilty of treason. He stated that I was absent, and he said, "Let them come and defend themselves," referring to my colleague, Mr. Britten, and myself. Having named us, he said, "I think they are out stirring up opposition to the war, to the selective draft, and to getting Germans to hold meetings, and asking that they be exempt from service."

He charges in the statement published in the Record substantially the same thing. It is a charge against my personal loyalty to my Government.

Mr. Garrett, of Tennessee, called attention to the fact that the language complained of had been stricken from the Record by vote of the House.

Mr. Mason then submitted further:

What I will read is in the Record.

"It is true that the gentleman from Illinois, Mr. Mason, in his position here does not speak the views of the people of that State."

---

[1] Joseph G. Cannon of Illinois, Speaker.

[2] First session Sixty-sixth Congress, Record, p. 4917.

[3] Frederick H. Gillett, of Massachusetts, Speaker.

[4] First session Sixty-fifth Congress, Journal, p. 427; Record, p. 7711.

"Emma Goldman has been arrested and Berkman has been arrested. If I was President, I would point out some others who belong in the claw with them."

I charge that there again in the printed record he charges me and classes me with Emma Goldman and people who are anarchists.

The Speaker[1] said:

It seems to the Chair that if the words are struck out by action of the House, they can not be complained of. On a question of privilege the Chair thinks that the gentleman from Illinois has a fair question of privilege on the part that was printed in the Record, because by fair inference from those remarks the gentleman from Alabama [Mr. Heflin] has yoked up the gentleman with Emma Goldman, Berkman, and other anarchists, and by inference charges the gentleman with treason.

597. A statement in the Record charging a Member with class discrimination was held to present a question of privilege.

Remarks stricken from the Record by order of the House may not be read in debate.

On November 1, 1919,[2] Mr. Thomas L. Blanton, of Texas, claiming the floor for a question of personal privilege, proposed to read from the Record, when Frank C. Reavis, of Nebraska, made the point of order that the matter about to be read had been stricken from the Record by order of the House.

The Speaker[3] said:

That is not in order.

Mr. Blanton replied that the matter to which he referred had not been stricken from the Record, and read the following:

I ask unanimous consent, Mr. Speaker, to extend in the Congressional Record at this point a telegram dated October 30, 1919, to the Secretary of Labor, Mr. Wilson, from John L. Lewis, president of the United Mine Workers of America.

Mr. BLANTON. I object, Mr. Speaker.

Mr. KING. I expected the gentleman would object. The gentleman has said that he would hang them as high as Haman. I would recommend to the gentleman to read the history of Robespierre, of France, and his ending. The gentleman would hang all the laboring people.

The Speaker said:

The Chair is ready to rule. The Chair thinks that the statement to the effect that the gentleman would hang all the laboring people does raise a question of personal privilege, and the Chair recognizes the gentleman.

598. Inference that a Member is actuated by ulterior motives in official conduct presents a question of privilege.

On June 21, 1916,[4] Mr. Augustus P. Gardner, of Massachusetts, as a question of privilege, called attention to a statement included in remarks inserted in the Record on May 29 by Mr. Oscar Callaway, of Texas, under leave to print. In referring to Mr. Gardner the statement said: "The fear that disturbs the peace of mind of the gentleman from Massachusetts is not that our homes will be invaded, our cities bombarded, or our coasts laid waste, but that stocks will shrink."

---

[1] Champ Clark, of Missouri, Speaker.

[2] First session, Sixty-sixth Congress, Record, p. 7845.

[3] Frederick H. Gillett, of Massachusetts, Speaker.

[4] First session Sixty-fourth Congress, Record, p. 9702.

Mr. James B. Aswell, of Louisiana, raised the point of order that a question of privilege was not involved.

The Speaker[1] overruled the point of order and recognized Mr. Gardner.

599. On August 2, 1916,[2] Mr. Charles J. Linthicum, of Maryland, rising to a question of privilege, read from a speech by Mr. Michael E. Burke, of Wisconsin, as printed in the Record of July 19, under leave to extend remarks, the following:

Yet it was but a short time before the real purposes of the same and the hypocrisy which prompted the introduction of this resolution were indirectly exposed in this House by a speech made by the gentleman from Maryland, Mr. Linthicum, delivered on the 1st day of April, 1916.

In various parts of the speech of the gentleman from Maryland can be found positive evidence that such resolution was introduced and is being urged for passage not by those who are unselfishly interested in the promotion and maintenance of the public health by preventing the sale and distribution of insanitary dairy products. Certain remarks of the gentleman and quotations from certain alleged dairy and farm papers show conclusively to the friends of dairymen that the main purpose behind such resolution is to attack, to degrade, and to prejudice butter in the minds of the consuming public.

Mr. Linthicum asked unanimous consent to address the House on the subject.

The Speaker[1] held that Mr. Linthicum had the right to speak on the question as a matter of personal privilege, and unanimous consent was unnecessary.

600. Intimation of lack of veracity on the part of a Member was held to give rise to a question. of privilege.

In presenting a question of privilege the Member is required to submit the exact language on which he bases the question and not a statement as to its nature or import.

In the presentation of a question of privilege a Member is restricted to a defense of himself and may not attack another.

In debate a Member should not address another in the second person or refer to him by name or call upon him to answer.

On February 4, 1918,[3] Mr. Thomas L. Blanton, of Texas, rose to a question of personal privilege and said:

Mr. Speaker, on the 31st day of January the gentleman from Texas, Mr. Wilson, just before the dose of the session on that day, obtained unanimous consent to extend his remarks in the Record. Following that permission he had published in the Record a five-page article, every portion of which was in violation of the custom of this House under the rule as to extending remarks. He attacked my integrity, my veracity, and standing as a gentleman and a Member of this House.

The Speaker[1] said:

In what language did he attack it?

Mr. Blanton continued, when the Speaker again interrupted and inquired:

Is that what he said, or is that the inference?

---

[1] Champ Clark, of Missouri, Speaker.

[2] First session Sixty-fourth Congress, Record, p. 11987.

[3] Second session Sixty-fifth Congress, Record, p. 1657.

Mr. Wilson made the point of order that no question of personal privilege had been stated.

The Speaker said:

Will the gentleman from Texas please quote the language and not state what he thinks is the language? The Chair does not want to hear any remarks about what the article says, but he wants the gentleman to read the particular language that he says constitutes a question of personal privilege.

Mr. Blanton then read from the Record, and the Speaker said:

The Chair thinks that the gentleman from Texas, Mr. Blanton, has a question of privilege; not very well defined, but in three or four places, as far as read, the intimation of the lack of veracity is very plain, and the gentleman will proceed.

During Mr. Blanton's discussion of the question of privilege Mr. Wilson again raised a point of order, and inquired if a Member in debating a question of personal privilege was at liberty to attack another Member.

The Speaker held that a Member speaking to a question of personal privilege should confine his remarks to matters personal to himself, and admonished Mr. Blanton to keep within the limits prescribed by the rule.

During the debate Mr. Blanton, in addressing remarks to Mr. Wilson, used the pronoun "you" instead of referring to him as "the gentleman from Texas."

Mr. Martin B. Madden, of Illinois, made the point of order that Members should not address each other in the second person.

The Speaker sustained the point of order, and said:

The gentleman must not address his colleague by name or in the second person; it is against the rule.

In the further course of debate Mr. Blanton said:

Mr. Speaker, the gentleman from Oklahoma, Mr. Chandler, is present, and I would like to call on him to state, at this time to the House——

The Speaker said:

It is a very bad practice for one Member to call on another sitting in his seat. The Chair saw that done in the Senate once, but does not think it ought to be followed in the House.

601. A resolution that a Member has violated a promise relating to the transaction of official business presents a question of privilege.

On June 7, 1912,[1] Mr. Ralph W. Moss, of Indiana, rose to a question of privilege and read the following resolution (11. Res. 570) introduced by Mr. Theron Akin, of New York:

Whereas the present chairman of the Committee on Expenditures in the Department of Agriculture of this House promised, in April, 1911, that there would be a rigid investigation of the Weather Bureau "at an early date," which promise has not been kept, etc.

The Speaker[2] recognized Mr. Moss on a question of personal privilege.

602. Statements in the Record that a Member charged with absenteeism was thereby "defrauding the Government" were held to present a question of privilege.

[1] Second session Sixty-second Congress, Record, p. 7301.

[2] Champ Clark, of Missouri, Speaker.

To sustain a question of privilege it is not necessary that the Member referred to be designated by name. It is sufficient if the description is such as to be generally recognized.

On October 13, 1913,[1] Mr. Richmond Pearson Hobson, of Alabama, claimed the floor for a question of privilege predicated on the following remarks by Mr. Jeremiah Donovan, of Connecticut, appearing in the Record of October 10, and widely copied in the public press.

When that great naval constructor, so to speak, who thinks he is fit to be President of these United States, has taken himself away from his duties in this House when we have sent out an order by the way of the Sergeant at Arms—

When a Congressman runs away from his work and is consistently and frequently absent from the scene of his duties, he defrauds the people of that which he agreed to give them.

Mr. James R. Mann, of Illinois, made the point of order that a question of privilege had not been stated.

The Speaker[2] said:

The Chair thinks that the gentleman from Alabama, Mr. Hobson, has stated a question of personal privilege. The charge is made almost in the language of the rule itself. The charge goes to the conduct of the gentleman from Alabama in his representative capacity, and that is the language of the rule. Now, if the Washington Post or any newspaper in the country wanted to attack any Member of this House for things done in his personal capacity rather than his representative capacity, that would not furnish any question of privilege; but the offense charged against the gentleman from Alabama, both by the gentleman from Connecticut, Mr. Donovan, and by these newspapers, is that he is derelict in his duty as a member of the House and is defrauding the Government out of his salary; and if that does not raise a question of privilege, the Chair can not understand what would raise one.

Mr. Mann raised the further point of order that the gentleman from Alabama was not named, and the charges might apply to a number of Members of the House.

The Speaker said:

He is in this different situation from the other Members. While the gentleman from Connecticut did not say "Richmond P. Hobson," or "the gentleman from Alabama, Mr. Hobson," he described him. If a Member were to get up in this House and not say anything except to call for the naval constructor who is a Member of this House, everybody would know that it was Captain Hobson whom he was talking about.

603. Charges that a Member serves interests conflicting with his official duties involve a question of privilege.

On August 3, 1914,[3] Mr. George J. Kindel, of Colorado, rose to a question of privilege and read remarks by Mr. Edward Keating, of Colorado, appearing in the Record and reprinted in various newspapers declaring that Mr. Kindel, was "an employed agent of the express companies."

The Speaker[2] held that a question of privilege was presented.

604. To come within the rule, a question of privilege must relate to the conduct of Members in their representative capacity.

---

[1] First session Sixty-third Congress, Record, p. 5637.

[2] Champ Clark of Missouri, Speaker.

[3] Second session Sixty-third Congress, Record, p. 13166.

The validity of a question of privilege is determined by the Speaker, and newspaper articles upon which the alleged question is based are not necessarily laid before the House.

On February 8, 1923,[1] Mr. Manuel Herrick, of Oklahoma, claimed the floor for a question of personal privilege and said:

Mr. Speaker, I rise to a question of personal privilege. I base it on the slanderous and libelous article from the Washington Herald of February 6, which I send to the Clerk's desk and ask to be read.

The Speaker[2] examined the article without laying it before the House and said:

The Chair very clearly thinks that this simply criticizes the gentleman personally. The Chair does not see anything in it attacking the House or attacking the gentleman in his representative capacity. The Chair thinks the gentleman does not bring himself within the rule, and the Chair does not see that any question of personal privilege is raised.

Mr. Frank Clark, of Florida, requested that the newspaper article which Mr. Herrick submitted be read to the House.

The Speaker declined to lay the article before the House.

605. Charges made through the newspapers by a Member reflecting on the efficiency of another Member in his representative capacity do not support a question of privilege.

On February 29, 1912,[3] Mr. J. Hampton Moore, of Pennsylvania, claimed the floor and sent to the desk, as involving a question of privilege, the following communication addressed by Mr. Michael Donohoe, of Pennsylvania, to a newspaper:

To the EDITOR OF THE PUBLIC LEDGER.

SIR: Representative Moore did not appear before the Rivers and Harbors Committee yesterday nor at any time to urge increase for Delaware River, and had absolutely nothing to do with increasing the amount.

MICHAEL DONOHOE.

WASHINGTON, D. C., *February 27.*

Mr. Charles L. Bartlett, of Georgia, raised the point that a question of privilege had not been submitted.

The Speaker[4] sustained the point of order.

606. Charge that a Member has used his immunity as Representative to circulate libels was held to constitute a question of privilege.

In discussing a question of privilege a Member is confined to charges reflecting on him in his capacity as a Representative and may not digress to charges reflecting on him in a business capacity.

A Member may read in full a newspaper article which has been held to sustain a question of privilege.

Time consumed in discussion of incidental points of order is not taken from time allotted for debate under the rule.

---

[1] Fourth session Sixty-seventh Congress, Record, p. 3265.

[2] Frederick H. Gillett, of Massachusetts, Speaker.

[3] Second session Sixty-second Congress, Record, p. 2610.

[4] Champ Clark, of Missouri, Speaker.

On March 3, 1919,[1] Mr. Louis T. McFadden, of Pennsylvania, claimed the floor and read, as involving a question of privilege, the following excerpt from a statement issued to the press by the Comptroller of the Currency:

These facts stated briefly as possible explain definitely why Representative McFadden would like to see the comptroller's office abolished. The whole record shows that you acted in exact accord with your career as a banker when as a representative of the people you used your privilege to avail yourself of your immunity to circulate the libels for which you produced no author and which you do not dare present when challenged, defied, and invited where they could be placed and exposed as absolutely unfounded and basely and viciously false.

The Speaker[2] said: The Chair thinks the gentleman has submitted a question of privilege.

Mr. McFadden, being recognized, proceeded to read the entire statement from which the excerpt was taken, when Mr. Otis Wingo, of Arkansas, made the point of order that portions of the statement being read did not relate to the question of privilege.

The Speaker held that Member rising to a question of privilege is entitled to read the entire article on which the question is based.

During debate on the several points of order Mr. Martin B. Madden, of Illinois, inquired if the time consumed in discussion of points of order was taken from the time allowed for the discussion of the question of privilege. The Speaker replied that it was not.

In the course of his remarks Mr. McFadden quoted and proposed to discuss the following paragraph from the article:

The comptroller calls attention to the fact that the capital of the bank in Pennsylvania, of which Representative McFadden has been continuously cashier and president, shows no change in the last 10 years, but has remained at $100,000, while its surplus and undivided profits have shrunk approximately 25 per cent, while the surplus and profits of all other national bank in the country have increased 62 per cent.

Mr. Finis J. Garrett, of Tennessee, made the point of order that this paragraph related to conduct of the Member in a business capacity rather than in his capacity as Representative and discussion of it was therefore out of order.

The Speaker sustained the point of order.

607. Statements charging falsehood in debate involve a question of privilege.

Quotations by newspapers of statements made on the floor may not be made the basis of a question of privilege.

Aspersions upon a Member unnamed may be made the basis of a question of privilege if it is obvious to whom application was intended.

On August 8, 1919,[3] Mr. Thomas L. Blanton, of Texas, claimed the floor for a question of privilege, quoting a remark made on a previous day by Mr. William J. Burke, of Pennsylvania, as follows:

Mr. BURKE. I hope I shall be given time asked for to reply to the false statements just made here.

---

[1] Third session Sixty-fifth Congress, Record, p. 4917.

[2] Champ Clark, of Missouri, Speaker.

[3] First session Sixty-sixth Congress, Record, p. 3722.

The Speaker[1] said:

The rulings and decisions on the subject are quite clear. The Chair is disposed to think that the newspaper statement would hardly raise the question of privilege, because it has been held that where a newspaper simply quotes what a Member has said on the floor it does not of itself constitute a question of privilege. There is a precedent exactly in point, however, decided by Mr. Speaker Carlisle, where one gentleman in the House accused another of having made a false statement. The Speaker then held that that did raise a question of personal privilege. The Chair is disposed to think that the question of personal privilege is raised here.

Mr. Loren E. Wheeler, of Illinois, submitted that no name was mentioned in the passage quoted.

The Speaker said:

The Chair is disposed to think the Record shows very clearly to whom the gentleman from Pennsylvania referred. The gentleman from Texas is entitled to the floor.

608. Newspaper statements that a Member voted for or against certain measures, although false, do not give rise to a question of privilege.

Charges implying disloyalty were hold to involve a question of privilege.

In speaking to a question of privilege, a Member is restricted to discussion of those specific charges on which his question is based and may not discuss collateral issues.

On February 19, 1920,[2] Mr. James A. Frear, of Wisconsin, claimed the floor for a question of privilege and branded as false, statements in a newspaper Clipping which he read as follows:

The chairman of the subcommittee was Representative James A. Frear, of Wisconsin, and the Democratic national committee charges he favored the McLemore resolution forbidding Americans to take passage on ocean liners, as well as a resolution favoring an embargo an the sale of munitions to the Allies.

It is further charged by the Democratic national committee that Mr. Frear voted against war with Germany, against conscription, against the espionage act, and against the first war-revenue bill, "among others."

Mr. John N. Garner, of Texas, made the point of order that a question of privilege was not involved.

The Speaker[1] said:

The Chair understands that this article claims that the gentleman voted for the McLemore resolution and voted against the war with Germany, against conscription, against the espionage act, and against the first war-revenue bill. The Chair understands that the gentleman himself does not claim that the charge that he voted for or against bills, which charges were false, gives him the right to raise a question of privilege. The only remaining question, as the Chair understands it, is that this makes charges which are not true. The only insinuation the Chair can see is—and perhaps it would be a fair inference from the article—that it amounts to a charge that the gentleman was pro-German in his sympathies. At the same time, of course, a great many Members of the House did vote for all these bills, and the Chair thinks the Members who did vote that way would certainly resent the inference that they were pro-German. The Chair is disposed to rule that this does not raise a question of privilege.

[1] Frederick H. Gillett, of Massachusetts, Speaker.

[2] Second session Sixty-sixth Congress, Record, p. 3136.

Mr. Frear thereupon further submitted:

Mr. Speaker, I rise to another question of personal privilege. In an article quoted from John D. Ryan, of New York, appears the following:

"The chairman of the subcommittee having, as shown by the record in Congress, assumed a position hostile to the assertion of American rights during the pre-war period, and having voted against the declaration of war with Germany, can not now, I am sure, influence public opinion by submitting a report based on an investigation so thoroughly discredited as the one which he conducted."

Mr. Otis Wingo, of Arkansas, made a point of order against the privilege of the question submitted:

The Speaker held:

The gentleman is charged with having been hostile to the assertion of American rights and with having voted against the war. The Chair thinks the gentleman can deny that. It does not seem to the Chair that he can take up every bill that came before the House and go into the merits of a bill, as to whether each bill was patriotic or not. The gentleman from Wisconsin will proceed.

609. Newspaper articles misstating or misconstruing the purport or effect of legislative measures supported by a Member do not give rise to a question of privilege.

On January 14, 1908,[1] Mr. Madison R. Smith, of Missouri, rose to a question of privilege and read the following paragraph from a local newspaper characterizing. it as a misstatement of the effect and purport of bill referred to.

A delegate from the bookbinders said a bill had been introduced in Congress by Congressman Smith, of Missouri, which made it a penal offense for members of a labor union to. strike, and provided a penalty—a fine of not more than $5,000, or imprisonment for ten years.

Mr. Sereno E. Payne, of New York, made the point of order that a question of privilege was not presented.

The Speaker[2] sustained the point of order.

610. Matters transpiring in committee were held to relate to a Member in his representative capacity.

On April 8, 1908,[3] Mr. Joseph H. Gaines, of West Virginia, rose to a question of privilege and said:

Mr. Speaker, the newspapers of this morning very generally report that upon yesterday in the Committee on Election of President, Vice-President, and Representatives in Congress there occurred a personal difficulty between members of the committee. I will read but one sentence from a newspaper of this morning, as follows:

"Statesmen forgot their dignity and made violent efforts to do bodily injury to other statesmen."

Mr. John J. Fitzgerald, of New York, made the point of order that the article did not reflect on the gentleman in his representative capacity.

The Speaker[2] said:

It seems to the Chair that it does, or that it may, if it be a difficulty, as alleged, over the public business by a committee of the House. The gentleman from West Virginia is recognized.

---

[1] First session Sixtieth Congress, Record, p. 685.

[2] Joseph G. Cannon, of Illinois, Speaker.

[3] First session Sixtieth Congress, Record, p. 4504.

611. Wide latitude is allowed the press in the criticism of Members of Congress, and such criticism, unless reflecting on a Member in his representative capacity, does not present a question of privilege.

On May 17, 1909,[1] Mr. David A. Hollingsworth, of Ohio, claimed the floor for a question of privilege and sent to the desk a newspaper editorial including the following:

The Ohio Congressman who got up in the House the other day and raised all manner of sand about the picture of Jefferson Davis being put on the silver service presented by the State to the battleship *Mississippi* ought to be informed that nobody cares what he says about it. A politically prejudiced gas bag from Ohio can no more cast a reflection upon the life and character of Jefferson Davis than a mangy, flea-bitten, bobtailed cur dog can insult the moon by getting up at 2 o'clock in the morning and barking himself to death at that pale-faced luminary.

Mr. Charles L. Bartlett, of Georgia, made the point of order that the matter submitted did not present a question of privilege.

The Speaker[2] said:

The Chair has listened with as careful attention as practicable, and while there were many things in the editorials that the Chair can conceive were unpleasant to the gentleman from Ohio, and possibly unpleasant to gentlemen on both sides of the House, yet great latitude is sometimes taken and at all times allowed to the press. Severe denunciation constantly abounds, sometimes against all the Members of the House, sometimes against the minority of the House, and sometimes against the majority of the House, and sometimes against various individual Members of the House. If in any communication in the public prints or otherwise an attack is made on a Member in his representative capacity, that would present a question of personal privilege. But after listening to these editorials that have been read, the Chair, following the precedents, and there is a long line of them, is inclined to the opinion that they do not reflect upon the gentleman from Ohio in his representative capacity. Therefore the Chair sustains the point of order.

612. Misrepresentations in newspaper reports of remarks in the House do not maintain a question of privilege.

Charges against a Member not connected with his representative capacity do not involve a question of privilege.

On January 23, 1913,[3] Mr. Frank Clark, of Florida, sent to the desk, as involving a question of privilege, a newspaper article which he charged misrepresented remarks made by him on the floor of the House and which referred to him as a "member of the Ananias Club."

Mr. John J. Fitzgerald made the point of order that misrepresentations of remarks delivered on the floor do not give rise to a question of privilege, and the reference to the gentleman as a member of the Ananias Club was not in connection with his representative capacity.

The Speaker[4] said:

This Speaker has been very liberal about questions of privilege. The Chair does not think, upon a consultation of the decisions, that the truth or untruth of these newspaper charges constitutes a question of personal privilege if they are not made about the gentleman from Florida

[1] First session Sixty-first Congress, Record, p. 2117.

[2] Joseph G. Cannon, of Illinois, Speaker.

[3] Third session Sixty-second Congress, Record, p. 1926.

[4] Champ Clark, of Missouri, Speaker.

in his representative capacity; and that is the rule—that the charge must be made against him in his representative capacity.

613. Newspaper charges impugning the veracity of a Member in statements made on the floor support a question of privilege.

A question of privilege takes precedence of business in order on Calendar Wednesday.

On Wednesday, February 5, 1913,[1] Mr. Thetus W. Sims, of Tennessee, claimed the floor for a question of privilege and read an interview printed in various newspapers charging that statements made by him on the floor were "absolute and unqualified falsehoods."

Mr. Joseph G. Cannon, of Illinois, made the point of order that the day was Calendar Wednesday, set apart under the rule for a special order of business which could not be interrupted by the presentation of a question of privilege.

The Speaker[2] held that a question of privilege took precedence of business in order under the rule.

Mr. Phillip P. Campbell, of Kansas, submitted that a question of privilege was not presented.

The Speaker overruled the point of order.

614. A newspaper statement that a Member obstructed legislation, without implying moral turpitude, does not sustain a question of privilege.

On February 16, 1921,[3] Mr. Thomas L. Blanton, of Texas, claimed the floor for a question of privilege based on a newspaper statement that he had "blocked" a resolution to investigate the escape from a military prison of Grover Cleveland Bergdoll.

Mr. James R. Mann, of Illinois, made the point of order that a question of privilege was not submitted.

The Speaker[4] sustained the point of order.

615. Newspaper charges that a Member had used departmental employees while in the service of the Government in a political campaign were held to reflect on him in his representative capacity.

On February 16, 1912,[5] Mr. John H. Small, of North Carolina, rose to a question of privilege and read a newspaper article charging that he had taken employees of the Department of Agriculture with him on a political campaign through his congressional district.

Mr. Marlin E. Olmsted, of Pennsylvania, made the point of order that a question of privilege was not presented.

The Speaker[2] said.

The gravamen of the charge is that the gentleman from North Carolina imported these agricultural agents into his district for the purpose of helping to reelect him to Congress; and in a political campaign. The Chair thinks it is a question of privilege, as it reflects on the gentleman from North Carolina in his representative capacity.

---

[1] Third session Sixty-second Congress, Record, p. 2609.

[2] Champ Clark, of Missouri, Speaker.

[3] Third session Sixty-sixth Congress, Record, p. 3263.

[4] Frederick H. Gillett, of Massachusetts, Speaker.

[5] Second session Sixty-second Congress, Record, p. 2122.

616. Newspaper assertions that statements made on the floor are false do not give rise to a question of privilege unless imputing dishonorable motives.

Although a newspaper article reflecting on a Member may not mention him by name, yet if from the implication the identity of the Member referred to is unmistakable it is sufficient to warrant recognition on a question of privilege.

On April 22, 1916[1] Mr. Thomas L. Blanton, of Texas, submitted, as involving a question of privilege, the following headline from a Washington newspaper:

Colladay denies jail or indictment charge. Republican committeeman says Blanton statement in House false.

Mr. Bertrand H. Snell, of New York, having interposed a point of order, the Speaker[2] ruled:

The Chair does not think that is sufficient. The Chair thinks the statement would have to go further than the mere statement that the charge made was false. The Chair thinks it would have to go to the extent of imputing some dishonorable motive or purpose on the part of the gentleman. The Chair does not see that in either the headlines or the body of the letter.

The only question for the Chair to decide is whether this statement in the newspaper affected the gentleman in his capacity as a Member of the House or imputed motives to him which were improper. The Chair does not see that at all. It is a mere denial of the facts stated by the gentleman from Texas with no imputation of any improper motive. The Chair can not fail to sustain the point of order.

Whereupon, Mr. Blanton submitted a further excerpt from a Washington newspaper as supporting a question of privilege.

Mr. Snell objected on the ground that Mr. Blanton's name was not mentioned in the article.

The Speaker said:

The Chair will read what he thinks is the ground, if there is a ground, on which the gentleman bases his question of personal privilege. This is a part of a resolution adopted by the Northwestern Suburban Citizens' Association.

The resolution declares:

"It has happened, not often, but too frequently for a broad-minded, dignified body of men who should be, or and to be, an example for the intelligent people in all the world to follow, that men of honor and great repute who have climbed the ladder of success by faithful and dignified service, who have been respected by all right-thinking people who have known them, and are acceptably occupying an exalted position by the wish of the people whom they represent, have been shamelessly and in a cowardly, unpatriotic way maligned by those who so far forgot themselves as to insult the dignity of the House of Representatives, as well as to insult the entire citizenry of the United States, by squandering the time and patience of all fair-minded Americans, whose high ambition is for fair play and justice, and who are waiting for legislation that should be enacted, rather than listen to the rantings of a barn-storming political demagogue.

"We deplore and denounce as un-American, unpatriotic, and opposed to all the laws of justice and equity this plan to defame, from the Halls of Congress, to the whole world the character and integrity of our highly esteemed and worthy honorable commissioner, Col. Frederick A. Fenning, whom certain ones am trying to immolate without a fair and just opportunity to be allowed a hearing, a persecution that is despleasing to all fair-minded Americans."

---

[1] First session Sixty-ninth Congress, Record, p. 7983.

[2] Nicholas Longworth, of Ohio, Speaker.

The Chair thinks that, while the gentleman from Texas is not mentioned specifically, it is the plain intention to charge that any Member of the House of Representatives who made these charges, whether they are true in fact or not, was un-patriotic and insulted the dignity of the House. The Chair thinks that founds a question of privilege.

617. It is not essential that a newspaper editorial mention a Member's name in order to present a question of privilege and it is sufficient if the reference is accurate enough to identify him.

Statements impugning motives prompting Members in the discharge of their official duties sustain a question of personal privilege.

Instance wherein the Speaker submitted to the House the question as to whether a statement objected to in debate was in order.

The motion to strike from the Record is not debatable.

A ruling that the House by voting on a motion to strike a statement from the Record decided simultaneously whether the language objected to was in order and only the one vote was required.

A Member recognized to debate a question of personal privilege may not yield to another to propound irrelevant questions or inject extraneous subjects.

On June 3, 1926,[1] Mr. John B. Sosnowski, of Michigan rose to a question of privilege and asked that the Clerk read an editorial from a Chicago newspaper which included the following:

"It is like the Chicago gunman who is let out on parole and who hurries to gather as much ill-gotten gain as he can before the mills of justice grind out retribution upon him, "says the embattled foreigner who represents Detroit. That is not the voice of a man arguing the merits of a proposed appropriation. The words are inspired by envy and malice. They can not be answered with reason because there is no reason in them.

Mr. Martin B. Madden, of Illinois, objected that the article did not refer to any Member by name.

The Speaker[2] said:

The article states "the embattled foreigner who represents Detroit." The Chair is quite clear in his mind that an imputation that the action of a Member of the House is dictated by envy and malice clearly raises a question of personal privilege. The Chair thinks the gentleman from Michigan has founded a question of personal privilege.

Mr. Sosnowski was proceeding in debate when interrupted by a demand from Mr. Madden that his words be taken down.

Mr. John E. Rankin, of Mississippi, submitted that it was the duty of the Speaker to decide whether the words objected to were in order.

The Speaker said:

The gentleman from Illinois demands that the words be taken down.
It is for the House to decide, and the motion is not debatable.

Subsequently Mr. Sosnowski said:

If being opposed to the Chicago steal is a reflection, then again my companions are millions.

and Mr. Madden moved that the words be stricken out.

---

[1] First session Sixty-ninth Congress Record, p. 10623.

[2] Nicholas Longworth, of Ohio, Speaker.

Mr. Carl E. Mapes, of Michigan, raised the issue that the words were not subject to a point of order, and could not be stricken from the Record.

The Speaker said:

The gentleman from Michigan makes the point of order that the language complained of is not out of order. The Chair is aware of the fact that the precedents differ somewhat as to whether it is within the province of the Chair to make that decision or not. The present occupant of the chair thinks that in these cases it is better for the House to decide, and the vote of the House to strike out certain language should be based on the proposition that the words are not in order. The Chair in effect leaves to the House to determine whether the words were in order or not.

The question is whether in a parliamentary sense the words are in order or not.

Later in his discussion Mr. Sosnowski used this language:

The Chicago diversion, in my humble opinion, is a "steal," a moral as well as economic wrong against the rights of millions of people.

Mr. Rankin having moved that the language be stricken from the Record, the Speaker repeated:

As the Chair announced a few moments ago, he does not believe it is properly within the province of the Chair to determine whether the language complained of is or is not in order. The gentleman from Mississippi moved that the words be stricken out, and the House, in acting upon that, will determine the question of order.

The rule does not provide that the Speaker shall determine that question, and in this case the Chair has declared that he would prefer not to determine it. The Chair thinks that the motion to strike out the words will be determined by the House on a motion, either that they are out of order or are in order.

Mr. Cassius C. Dowell, of Iowa, took the position that if the question was to be submitted to the House it would require two votes, one to determine whether the language was in order and the other on the question of striking it from the Record.

The Speaker dissented and said:

No; the Chair thinks that the question is determined by one vote, and that is it not necessary to have two votes.

The sole question raised by the gentleman from Iowa is whether in the event the Speaker has not ruled on the question it is necessary for the House to vote twice on the same proposition. The Chair does not think that is necessary. The rule has nothing to say about anything after the House shall have determined, but only when the Speaker shall have determined.

The motion made by the gentleman from Mississippi is not debatable. The Chair holds, as he held before, that he does not feel it within the proper province of the Chair to rule on these questions; that it is for the House to determine whether or not the language complained of is in order; and that the vote taken by the House is the vote determining whether or not it is in order. Gentlemen voting for the motion of the gentleman from Mississippi will vote that the words are not in order and should be stricken out, and gentlemen voting the other way will express their opinion that the words are in order and should not be stricken out.

In closing his remarks Mr. Sosnowski yielded to Mr. W.W. Chalmers, of Ohio, who propounded an irrelevant question and proceeded to read a newspaper editorial pertaining to the merits of the bill to which reference had been made rather than to the question of privilege.

Mr. Otis Wingo, of Arkansas, raised a question of order and the Speaker ruled:

The Chair thinks that the rule is as stated by the gentleman from Arkansas. The gentleman from Michigan must confine himself strictly to the question of personal privilege, and if he yields

to another gentleman that gentleman is also bound within the same limits. If the matter be brought to his attention again, the Chair will hold that anything read by the gentleman from Ohio that is not strictly pertinent to the point at issue is out of order.

618. A pamphlet charging falsehood in connection with statements made in debate was held to support a question of personal privilege.—On March 28, 1928,[1] Mr. Vincent L. Palmisano, of Maryland, rose to a question of personal privilege and submitted as the basis for his remarks the following excerpt from a pamphlet issued in reply to a speech which he had delivered on the floor on February 21:

I do not know Judge Coleman; I have never met him; I hate to use a sharp word, but if Mr. Palmisano said that, he was guilty of a common, ordinary. cheap he. Of course, Mr. Palmisano was given the nomination with the idea that John Philip Hill was to beat him. The more he talks the better off our cause will be.

The Speaker[2] held that the statement gave rise to a question of personal privilege.

619. Newspaper charges attributing to a Member dishonorable action in connection with matters not related to his official duties were held to sustain a question of personal privilege.

In speaking to a question of personal privilege a Member is required to confine his remarks to the question involved, but is entitled to enter into a discussion of related matters showing motives which prompted the charges giving rise to the question of privilege.

On April 9, 1928,[3] Mr. Thomas L. Blanton, of Texas, rose to a question of privilege and stated that Washington newspapers had erroneously reported him as being arrested for violations of the traffic law and had falsely charged in headlines that "Blanton made cop sign false paper."

The Speaker,[2] expressed himself as doubting whether the erroneous reports of arrest were sufficient to support a question of privilege, but that the charges of coercing police officials in securing signatures to false statements were sufficient to warrant recognition.

In debating the question Mr. Blanton referred to a recent police trial in which he had participated and Mr. John C. Schafer, of Wisconsin, having raised a point of order that the matter was irrelevant, the Speaker ruled:

The Chair thinks the gentleman has strayed from the subject of privilege. The Chair thinks the gentleman has the right to show the motives that might have actuated persons in making this accusation, but he does not think the gentleman should discuss a police trial.

Later in his remarks, Mr. Blanton discussed charges which he previously had made against officials of the police department.

Mr. Carl R. Chindblom, of Illinois, having made a point of order that he should confine himself to the question of privilege, the Speaker ruled:

The Chair would think that if the gentleman from Texas is undertaking to supply some connecting link between the chief of police or others in giving out or circulating the report that the gentleman from Texas compelled a policeman to sign a false statement, the gentleman is entitled to do that.

---

[1] First session Seventieth Congress, Record, p. 5530.

[2] Nicholas Longworth, of Ohio, Speaker.

[3] First session Seventieth Congress, Journal, p. 1015; Record, p. 6105.

620. An error in the printing of the Record, attributing to a Member remarks which he did not make, was held to sustain a question of personal privilege.—On April 3, 1933,[1] Mr. Thomas L. Blanton, of Texas, rising to a question of personal privilege, called attention to the Record of the previous day in which remarks by Mr. Patrick J. Boland, of Pennsylvania, had been attributed erroneously to him.

Mr. Blanton said:

My unalterable position against intoxicating liquor, against repeal, against beer, and against removing present restrictions from medicinal whisky are so well known this error on the part of the Government Printing Office has placed me in an inconsistent attitude from one side of the United States to the other. I do not want to be placed in that attitude, and therefore I ask recognition under the question of personal privilege.

The Speaker[2] said:

The gentleman is recognized.

621. A newspaper reference to "Rascally Leadership" as attributed to a Member was held to justify recognition on a question of personal privilege.

A Member addressing the House on a question of personal privilege is required to confine himself to the question of privilege.

A general indictment of the House does not give rise to a question of personal privilege.

On May 6, 1932,[3] Mr. John E. Rankin, of Mississippi, based a request for recognition to discuss a question of personal privilege on the following statement from a newspaper editorial:

An act of sheer treason to the Republic was committed by yesterday's vote in the House.

Under the rascally leadership of Rankin, of Mississippi, the Members suspended the rules, choked off debate, and, by the overwhelming vote of 316 to 16, plumped for a bill pensioning widows and orphans of World War veterans.

The Speaker[4] held that the statement supported a question of privilege and recognized Mr. Rankin for one hour.

In the course of Mr. Rankin's discussion, Mr. Albert Johnson, of Washington, interrupted and made the point of order that the gentleman was discussing matters extraneous to the question of privilege

The Speaker said:

The gentleman from Mississippi must confine himself to the question of personal privilege.

After further debate, the Speaker amplified his ruling:

Let the Chair make a statement. The gentleman from Mississippi is speaking to a question of personal privilege, where the Members of the House are charged with treason and the gentleman from Mississippi is charged with being a rascal and leading them. The question before the House is whether it is a treasonable House and whether or not the gentleman from Mississippi is a rascal.

---

[1] First session Seventy-third Congress, Record, p. 1132.

[2] Henry T. Rainey, of Illinois, Speaker.

[3] First session Seventy-second Congress, Record, p. 9715.

[4] John N. Garner, of Texas, Speaker.

Mr. Robert Luce, of Massachusetts, inquired if language denouncing the Congress generally warranted a question of personal privilege.

The Speaker replied:

No. The Chair did not say that. A general indictment against the membership of the House is not a question of personal privilege.

622. A newspaper characterization of a Member as alien in mind and lacking in loyalty to our form of government was held to give rise to a question of personal privilege.—On March 23, 1932,[1] Mr. Fiorello H. LaGuardia, of New York, submitted as basis for a question of personal privilege, on which he asked recognition, the following excerpt from a daily newspaper:

LaGuardia, who is alien in mind and spirit from Americanism, who has no loyalty to our form of government, and shows every indication that he is wining to destroy it.

The Speaker said:[2]

The Chair thinks the gentleman has clearly stated a question of personal privilege. The Chair has looked up the precedents and there are a number of instances not as strong as the one here presented which were held by Mr. Speaker Clark and Mr. Speaker Longworth to be questions of personal privilege.

The gentleman from New York is recognized for one hour.

---

[1] First session Seventy-second Congress, Record, p. 6731.

[2] John N. Garner, of Texas, Speaker.