

seeking the factual basis for a newspaper article charging Congress with lack of courage, with being “yellow,” with having “sold the country out for a few lousy jobs,” with “protecting Communists,” and with aiding in “the robbery, extortion, physical brutality and arrogant suppression of citizens’ plain rights by groups of thugs, thieves, and anti-American conspirators in the service of the Kremlin.”

Mr. Hoffman then received the consent of the House that consideration of this resolution be reserved until the next legislative day, Dec. 1.⁽¹⁸⁾ At that time the resolution was referred to the Committee on the Judiciary.

§ 8.4 A resolution calling for a committee investigation of newspaper charges that the House was being influenced by mobs was presented as a question of the privilege of the House.

On Mar. 29, 1954,⁽¹⁹⁾ Mr. Clare E. Hoffman, of Michigan, offered as a matter raising a question of the privilege of the House a resolution⁽²⁰⁾ requesting the appoint-

18. 87 CONG. REC. 9256–60, 77th Cong. 1st Sess.

19. 100 CONG. REC. 3968–71, 83d Cong. 2d sess.

20. H. Res. 482.

ment of a committee to ascertain the facts concerning and make recommendations for action in relation to a newspaper article charging that “mobs appear to have enough influence to reach into the House of Representatives to kill probes into labor racketeering.” Following some discussion of the resolution a motion was adopted referring the resolution to the Committee on the Judiciary.

§ 9. Charges Involving Members

Charges by a Member

§ 9.1 A resolution providing for an investigation of charges by a Member that an executive officer improperly attempted to influence the Member’s vote presents a question involving the privilege of the House.

On July 2, 1935,⁽¹⁾ Mr. Hamilton Fish, Jr., of New York, presented as a question of the privilege of the House a resolution⁽²⁾ declaring that Mr. Ralph Brewster, of Maine, had stated that he had been approached by a federal officer and told that if he (Brewster) did not vote against a provi-

1. 79 CONG. REC. 10669–71, 74th Cong. 1st Sess.

2. H. Res. 285.

sion in the so-called "Federal Power Act," certain funds allocated for public works in his home district would be withheld.

A point of order was made by Mr. Thomas L. Blanton, of Texas, that the resolution was not privileged. The Speaker⁽³⁾ in his ruling on the point of order, stated:

. . . The gentleman from Maine [Mr. Brewster] has made certain serious charges. It is not necessary, of course, for the Chair to pass on the charges. That is a matter for the House to determine. But the Chair does feel that in view of the statements made by the gentleman from Maine on his own responsibility as a Member of this House, as well as those contained in the pending resolution, that if such statements are found to be correct, then it seems to the Chair that the integrity of the proceedings of this House have been seriously interfered with. The Chair, therefore, thinks that the resolution presents a question of the privilege of the House, and overrules the point of order.

Charges Concerning Member Generally

§ 9.2 A resolution for the investigation of charges by a Member concerning fellow Members, accusing them of giving away atomic secrets, raises a question of the privilege of the House.

3. Joseph W. Byrns (Tenn.).

On May 5, 1952,⁽⁴⁾ Mr. Clare E. Hoffman, of Michigan, submitted, as a question involving the privilege of the House, a resolution⁽⁵⁾ providing that Mr. Edwin Arthur Hall, of New York, be given an opportunity to appear before the bar of the House to explain or that a committee be appointed to investigate the authenticity of statements appearing in the press that Mr. Hall declared he "resents Congressmen who get soused and who in all probability are giving away atomic secrets to the enemy while under the influence of liquor." Pursuant to a motion authorizing the Speaker to refer this resolution to "a committee," the Speaker⁽⁶⁾ ordered it referred to the Committee on Rules.

Charges Concerning a Fellow Member

§ 9.3 A resolution alleging that a Member without authority addressed questionnaires to school teachers requesting their opinion on communism does not present a question of the privilege of the House.

On June 18, 1936,⁽⁷⁾ Mr. Kent E. Keller, of Illinois, offered as a

4. 98 CONG. REC. 4787-97, 82d Cong. 2d Sess.
 5. H. Res. 631.
 6. Sam Rayburn (Tex.).
 7. 80 CONG. REC. 9947, 74th Cong. 2d Sess.

matter involving the privilege of the House a resolution concerning the alleged unauthorized action of Mr. Thomas L. Blanton, of Texas, whereby he addressed questionnaires to school teachers in the District of Columbia requesting their opinions on communism. A point of order was then made by Mr. Claude A. Fuller, of Arkansas, that the offered resolution did not involve a question of the privilege of the House. In his ruling sustaining the point of order, the Speaker⁽⁸⁾ said:

. . . The Chair is somewhat familiar with the precedents involved in matters of this sort. The question of privilege under rule IX under which this resolution is offered provides that questions of privilege shall be—

First, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.

The matter set up in the resolution constitutes an allegation of certain conduct on the part of an individual Member of the House, who, it seems, wrote certain letters to school teachers or other persons in the District of Columbia. Whether or not the subject matter of the letter was proper or not, whether it was a matter of propriety or not, whether it was a matter of good judgment or not, is not one that involves under this rule the question of the privileges of the House and its proceedings, in the opinion of the Chair. The Chair, therefore, sustains the point of order.

8. William B. Bankhead (Ala.).

§ 10. Charges Involving House Officers or Employees

Criticism of Speaker

§ 10.1 A newspaper column alleging that the Speaker took care to insure that only Members amenable to a certain program were appointed to the House Ways and Means Committee was held not to give rise to a question of the privilege of the House.

On May 2, 1956,⁽⁹⁾ Mr. Clare E. Hoffman, of Michigan, rising to a question of the privilege of the House, presented a resolution⁽¹⁰⁾ requesting the appointment of a committee to investigate and make recommendations concerning a newspaper column which charged that "Speaker Sam Rayburn, of Texas, had carefully scrutinized the House Ways and Means Committee to make sure nobody was put on the committee who might vote against the 27½ percent oil depletion allowance." The Speaker pro tempore,⁽¹¹⁾ in ruling the claim of privilege invalid, said:

The Chair rules that the gentleman does not present a question of the privilege of the House.

9. 102 CONG. REC. 3838, 3839, 84th Cong. 2d Sess.

10. H. Res. 417.

11. John W. McCormack (Mass.).