

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.).

It is perfectly all right for the Speaker or any Member to advocate a 27½ percent depletion. The resolution does not present a question which involves the privilege of the House.

Criticism of Doorkeeper

§ 10.2 A resolution proposing to deny a newspaper report that the Doorkeeper of the House acted rudely in accomplishing the removal of a visitor from the gallery was held not to raise a question of the privilege of the House.

On July 9, 1935,⁽¹²⁾ Mr. Thomas L. Blanton, of Texas, offered as a matter raising a question of the privilege of the House a resolution proposing the denial of a newspaper report which charged that the Doorkeeper of the House rudely forced a mother who was breast-feeding her child to leave the gallery of the House. Mr. Earl C. Michener, of Michigan, interrupted the reading of the resolution to make the point of order that the resolution did not give rise to a question of the privilege of the House. In his ruling sustaining the point of order, the Speaker⁽¹³⁾ stated: "The Chair suggests that the gentleman from Texas ask unanimous consent

12. 79 CONG. REC. 10905, 74th Cong. 1st Sess.

13. Joseph W. Byrns (Tenn.).

that the resolution be read. The Chair does not think the resolution is privileged."

By unanimous consent, the reading of the resolution continued. Mr. Blanton then asked unanimous consent for consideration of the resolution, but objection was heard.⁽¹⁴⁾

Improper or Unauthorized Actions by Committee Employee

§ 10.3 A resolution alleging that a committee employee appeared in a court as special counsel for a committee of the House without the authorization of the House was presented as a question of the privilege of the House.

On July 1, 1952,⁽¹⁵⁾ Mr. Clare E. Hoffman, of Michigan, presented as a matter involving a question of the privilege of the House a resolution alleging that a committee employee appeared in the United States District Court for the Southern District of California as special counsel for a subcommittee of the Committee on Executive Expenditures without the authorization of the House. Debate on the resolution ensued, at the con-

14. 79 CONG. REC. 10906, 74th Cong. 1st Sess.

15. 98 CONG. REC. 8768, 8769, 82d Cong. 2d Sess.

clusion of which a motion to refer the resolution to the Committee on the Judiciary was agreed to.

§ 11. Correcting the Record; Expungement of Words Uttered in Debate

A resolution asking the Senate to expunge from the *Congressional Record* language used in debate in the Senate which is offensive or otherwise improper may give rise to a question of the privilege of the House since the remedy of demanding that words be taken down is not available.⁽¹⁶⁾ However, neither a question of personal privilege nor a question of the privilege of the House arises during a debate in which offensive language is used, the remedy being a demand that the objectionable words be taken down when spoken. Thus, on one occasion,⁽¹⁷⁾ a Member, having risen to a question of personal privilege and of the privilege of the House, submitted a resolution to strike from the *Congressional Record* remarks made by a Member in the course of floor debate reflecting on the integrity of both the House

16. §§ 11.1 et seq., infra.

17. 96 CONG. REC. 1514, 81st Cong. 2d Sess., Feb. 6, 1950. For further illustrations see Ch. 29, infra.

and a majority of the Members. Citing Rule XIV clause 5,⁽¹⁸⁾ which provides for the taking down of objectionable words, the Speaker⁽¹⁹⁾ ruled the Member out of order in raising a question of privilege under the circumstances.

Senate Debate Reflecting on House Integrity

§ 11.1 A resolution to expunge from the Congressional Record Senate debate reflecting on the integrity of the House presents a question of the privilege of the House.

On July 12, 1956,⁽¹⁾ Mr. Clare E. Hoffman, of Michigan, presented as a matter giving rise to a question of the privilege of the House a resolution seeking the expurgation from the Record of Senate debate attributing improper motives and influence to House action on an education bill.

The resolution [H. Res. 588] provided:

Resolved, whereas in the Congressional Record of July 9, 1956, certain articles appear which reflect upon the integrity of the House as a whole in its

18. *House Rules and Manual* §761 (1973).

19. Sam Rayburn (Tex.).

1. 102 CONG. REC. 12522, 12523, 84th Cong. 2d Sess.