

§ 25. Charges Before a Governmental Agency or Committee

Communist Party Affiliation

§ 25.1 Testimony by a government witness before a government agency charging a Member of the House as being a Communist gave rise to a question of personal privilege.

On Oct. 18, 1951,⁽¹³⁾ Mr. Franck R. Havenner, of California, rising to a question of personal privilege, read, from the transcript of deportation hearing proceedings, certain testimony by a government witness in which he [Havenner] was identified as a former member of the Communist Party. Upon hearing the objectionable matter, the Speaker⁽¹⁴⁾ ruled that the transcript gave rise to a question of personal privilege.

Alteration of Official Transcript

§ 25.2 A statement before a Senate committee which challenged the integrity of an official transcript of a hearing before a committee

13. 97 CONG. REC. 13483, 82d Cong. 1st Sess.

14. Sam Rayburn (Tex.).

of the House, thus impugning the integrity of those Members responsible for its preparation, gave rise to a question of personal privilege.

On May 21, 1959,⁽¹⁵⁾ Mr. Clarence Cannon, of Missouri, presented as involving a question of personal privilege a statement made before a Senate committee inferring that he had provided the committee with an altered transcript of a hearing held before a committee of the House. Thereupon, the Speaker⁽¹⁶⁾, recognized Mr. Cannon on a question of personal privilege.

§ 26. Charges by Fellow Member

Charges Involving Unnamed Members

§ 26.1 A statement on the floor by the Majority Leader "there is nothing to stop a man from making a damn fool of himself if he wants to" which was carried in the press as referring to a particular Member, gave rise to

15. 105 CONG. REC. 8868, 86th Cong. 1st Sess. See also 105 CONG. REC. 11587, 11588, 86th Cong. 1st Sess., June 23, 1959.

16. Sam Rayburn (Tex.).

a question of personal privilege.

On Mar. 19, 1945,⁽¹⁷⁾ Mr. Earl Wilson, of Indiana, rose to a question of privilege:

THE SPEAKER:⁽¹⁸⁾ For what purpose does the gentleman from Indiana rise?

MR. WILSON: Mr. Speaker, I rise to a point of personal privilege.

THE SPEAKER: The gentleman will state the ground for the question of personal privilege.

MR. WILSON: Mr. Speaker, the ground on which I make my request is the report which has gone all over the land through the press, leaving the inference that the distinguished majority leader referred to me in his remarks that there is nothing to stop a man making a damn fool of himself if he wants to.

Also, Mr. Speaker, the concluding sentence in which the majority leader is quoted as saying, now that it has served its purpose, he agrees to erase his remarks from the Record.

THE SPEAKER: If the gentleman from Indiana is certain that the gentleman from Massachusetts was referring to him, the Chair thinks he has a right to proceed on the question of personal privilege.

The Chair recognizes the gentleman from Indiana.

§ 26.2 Statements in the press that a Member had said other Members were giving

17. 91 CONG. REC. 2415, 2416, 79th Cong. 1st Sess.

18. Sam Rayburn (Tex.).

atomic secrets to the enemy while under the influence of liquor, which the Member denied having made, gave rise to a question of personal privilege.

On May 5, 1952,⁽¹⁹⁾ Mr. Edwin Arthur Hall, of New York, presented as involving a question of personal privilege several newspaper articles in which he was attributed as a source of the statement that other Members “were in all probability giving away atomic secrets to the enemy while under the influence of liquor.” There ensued some discussion as to the validity of the question of personal privilege, during the course of which Mr. Hall denied having made the statement. The Speaker⁽²⁰⁾ then recognized him to debate the question of personal privilege.

Improper Political Influence

§ 26.3 A newspaper article which stated that one Member had involved the name of another Member as secretary of a corporation, reported to be a party to a government contract in relation to which “gross political interference

19. 98 CONG. REC. 4787, 4788, 82d Cong. 2d Sess.

20. Sam Rayburn (Tex.).

and influence” were alleged, gave rise to a question of personal privilege.

On July 16, 1958,⁽¹⁾ Mr. Perkins Bass, of New Hampshire, rose to a question of personal privilege and was recognized to reply to a newspaper article which stated that Mr. Oren Harris, of Arkansas, had involved the name of Mr. Bass as secretary of a corporation reported to be a party to a government contract in relation to which “gross political interference and influence were alleged.”

Abuse of Power

§ 26.4 A Member’s press release charging another Member with an abuse of personal power and of sponsoring a political smear was held to give rise to a question of personal privilege.

On Mar. 30, 1953,⁽²⁾ Mr. Clare E. Hoffman, of Michigan, rising to a question of personal privilege, called the attention of the House to a press release distributed by another Member in which he [Mr. Hoffman] was charged with a disgraceful abuse of personal power and accused of sponsoring a polit-

1. 104 CONG. REC. 13989, 85th Cong. 2d Sess.
2. 99 CONG. REC. 2468, 2469, 83d Cong. 1st Sess.

ical smear show. In ruling on the question of personal privilege, the Speaker⁽³⁾ stated:

The Chair has read the statement of the gentleman from Michigan [Mr. Hoffman], and upon examination the Chair feels that the words “disgraceful abuse of personal power,” and also where it is stated that “political smear show” justify the establishment of the point made by the gentleman.

The Chair recognizes the gentleman for one hour.

Traitorous Acts

§ 26.5 A Member was recognized on a question of personal privilege to answer a newspaper article which purportedly quoted him as implying that three Members of the House may have been guilty of traitorous acts.

On Jan. 28, 1944,⁽⁴⁾ Mr. Samuel A. Weiss, of Pennsylvania, rose and presented as a matter of personal privilege a newspaper article in which he was quoted as saying “if the grand jury that indicted thirty for traitorous acts recently had gone another step they would have indicted three Members of Congress.” At the conclusion of the Member’s statement of the question, the Speaker pro tempore⁽⁵⁾ stated:

3. Joseph W. Martin, Jr. (Mass.).
4. 90 CONG. REC. 876, 877, 78th Cong. 2d Sess.
5. John W. McCormack (Mass.).

The Chair has read the news item referred to by the gentleman from Pennsylvania [Mr. Weiss]. The Chair feels it raises a matter of personal privilege.

The gentleman from Pennsylvania is recognized.

§ 26.6 A newspaper statement quoting a Member of the House as saying that a colleague was a “pimp of Joe Stalin” gave rise to a question of personal privilege.

On Jan. 13, 1949,⁽⁶⁾ Mr. Clare E. Hoffman, of Michigan, rose to a question of personal privilege to call attention to a newspaper that purported to quote another Member of the House as saying that Mr. Hoffman was a “pimp of Joe Stalin.” At the conclusion of Mr. Hoffman’s preliminary statement, the Speaker ⁽⁷⁾ said:

The Chair believes the gentleman from Michigan has stated grounds for addressing the House on a question of personal privilege. The gentleman from Michigan is recognized.

Impugning Veracity

§ 26.7 An article in a newspaper quoting a Member of the House as “issuing the direct lie charge” to another Member was held to present

6. 95 CONG. REC. 266, 81st Cong. 1st Sess.

7. Sam Rayburn (Tex.).

a question of personal privilege.

On Mar. 4, 1942,⁽⁸⁾ Mr. Martin Dies, Jr., of Texas, rising to a question of personal privilege, read from a newspaper article which quoted Mr. Thomas H. Eliot, of Massachusetts, as “issuing the direct lie charge” to Mr. Dies. The Speaker ⁽⁹⁾ granted Mr. Dies recognition on a question of personal privilege

§ 26.8 A press release issued by a Member containing allegations impugning the motives and veracity of another Member gave rise to a question of personal privilege.

On July 28, 1970,⁽¹⁰⁾ Mr. Augustus F. Hawkins, of California, rose to a question of personal privilege:

MR. HAWKINS: Mr. Speaker, I rise to a question of personal privilege.

THE SPEAKER: ⁽¹¹⁾ The gentleman will state his question of personal privilege.

Mr. HAWKINS: Mr. Speaker, the gentleman from Illinois (Mr. Crane), in a recent press release which I send to the desk, has made certain allegations with respect to the additional views which I filed to accompany the report of the Select Committee To Investigate

8. 88 CONG. REC. 1920, 77th Cong. 2d Sess.

9. Sam Rayburn (Tex.).

10. 116 CONG. REC. 26002, 91st Cong. 2d Sess.

11. John W. McCormack (Mass.).

U.S. Military Involvement in South-east Asia. His allegations include charges which directly impugn my motives and veracity in submitting those additional views. I therefore rise to a question of personal privilege to respond to the statement of the gentleman from Illinois.

THE SPEAKER: The Chair has examined the press release sent to the desk by the gentleman from California (Mr. Hawkins), and the Chair is of the opinion that the gentleman from California has stated a question of personal privilege under rule IX of the rules of the House.

The gentleman from California (Mr. Hawkins) is recognized.

§ 27. Words Uttered in Debate; Charges Inserted in the Record

Floor Debate as Basis for Privilege

§ 27.1 A question of personal privilege may not be based upon language uttered upon the floor of the House in debate, the remedy being the demand that the objectionable words be taken down when spoken.

This precedent was occasioned during certain House proceedings on Feb. 6, 1950.⁽¹²⁾

12. 96 CONG. REC. 1514, 81st Cong. 2d Sess. See §11, supra, for a discussion of this precedent.

Remarks Made Under Leave to Revise and Extend

§ 27.2 Although a question of personal privilege may not be raised to words uttered in debate at the time, such a question may be based on objectionable remarks inserted by a Member in his speech under leave to revise and extend his remarks.

On June 24, 1937,⁽¹³⁾ Mr. Clare E. Hoffman, of Michigan, rose to question of personal privilege, stating as the grounds for his action not only certain statements made by a Member during House debate, but also a statement inserted in the Record of the same day by another Member under leave to revise and extend his remarks. In his ruling granting recognition to Mr. Hoffman, the Speaker⁽¹⁴⁾ made the following clarifying statement:

THE SPEAKER: The gentleman from Michigan [Mr. Hoffman] has presented a question of personal privilege, based upon two propositions. The first is to language inserted in the Record purported to have been uttered by the gentleman from Texas [Mr. Maverick], which language appears on page 6162

13. 81 CONG. REC. 6309, 6310, 75th Cong. 1st Sess. For an additional illustration see 92 CONG. REC. 5000, 79th Cong. 2d Sess., May 14, 1946.

14. William B. Bankhead (Ala.).