

CHAPTER 11

Questions of Privilege

A. Introductory

§ 1. In General

B. Privilege of the House

§ 2. In General; Definition

§ 3. Effecting Changes in House Rules or Orders

§ 4. Raising and Presenting the Question

§ 5. Time for Consideration; Precedence of the Question

§ 6. Recognition to Offer; Determinations as to Validity

§ 7. Consideration and Debate; Referral to Committee

C. Basis of Questions of Privilege of the House

§ 8. General Criticism of Legislative Activity

§ 9. Charges Involving Members

§ 10. Charges Involving House Officers or Employees

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

§ 12. Enforcement of Committee Orders and Subpenas

§ 13. Invasion of House Jurisdiction or Prerogatives

§ 14. Service of Process on Members

§ 15. Service of Grand Jury Subpena

§ 16. Service of Process on House, Its Officers, or Employees

§ 17. Service of Process on Committee Chairmen and Employees

§ 18. Authorization to Respond to Process

§ 19. Providing for Legal Counsel

Commentary and editing by John R. Graham, Jr., J.D.

D. Personal Privilege of Member

- § 20. In General; Definition
- § 21. Raising the Question; Procedure
- § 22. Debate on the Question; Speeches
- § 23. Precedence of the Question; Interrupting Other Business

E. Basis of Questions of Personal Privilege

- § 24. Introductory; General Opinion or Criticism
- § 25. Charges Before a Governmental Agency or Committee
- § 26. Charges by Fellow Member
- § 27. Words Uttered in Debate; Charges Inserted in the Record
- § 28. Published Charges of Impropriety
- § 29. Published Charges of Illegality
- § 30. Published Charges Involving Legislative Conduct
- § 31. Published Charges Involving Patriotism
- § 32. Published Charges Impugning Veracity
- § 33. Criticism of Members Collectively

INDEX TO PRECEDENTS

<p>Abuse of House powers or institutions, § 30.8</p> <p>Adjournment, questions of privilege pending at, § 5.5</p> <p>Alteration of official transcript, charge of, § 25.2</p> <p>Appeal from Speaker's ruling, § 6.3</p> <p>Calendar Wednesday business, precedence of questions of privilege over, § 5.7</p> <p>Character of Member, charges concerning</p> <ul style="list-style-type: none"> atomic secrets, divulging, § 26.2 Communist Party affiliation, § 25.1 ethnic slur, § 28.4 hearing transcripts, altered, submitting, § 25.2 	<p>Character of Member, charges concerning—Cont.</p> <ul style="list-style-type: none"> making oneself a “damn fool” § 26.1 questionable business affiliations, §§ 26.3, 28.3 “vote selling,” § 28.1 <p>Charges concerning Congress, resolution for investigation of, § 8.3</p> <p>Charges concerning the House, resolution for investigation of, § 8.4</p> <p>Charges made against other Members, § 9.2</p> <p>Charges or criticism involving unnamed Members, §§ 26.1, 26.2, 33.1, 33.2</p> <p>Committee chairman, improprieties as, § 30.11</p>
--	---

- Committee employee, criticism of, § 10.3**
- Committee of the Whole**
 questions of personal privilege raised in, § 21.4
 questions of the privilege of the House raised in, § 4.3
- Committee reports relating to questions of privilege**
 applicability of three-day rule concerning, § 5.10
 witness' refusal to be sworn, § 12.2
 witness' refusal to respond to subpoena duces tecum, § 12.3
- Committee responsibilities, avoidance of, § 30.14**
- Committee witnesses, warrants detaining, § 12.1**
- Communist Party affiliation, charge of, § 25.1**
- Congress, criticism of, § 8.1**
- Congressional Record, expurgations**
 offensive articles, documents, or speech, inserted in, §§ 11.4, 11.5
 offensive House debate in, §§ 11.2, 11.3
 offensive Senate debate in, § 11.1
 remarks inserted in, through abuse of leave to print, § 11.7
 remarks inserted without authorization in, § 11.8
 unparliamentary language inserted in, under leave to extend, § 11.6
- Congressional Record, resolution to correct inaccuracies in, § 11.9**
- Congressional Record, resolution to restore remarks previously expunged from, § 11.10**
- Congressional Record, transcript of, submitted to the Speaker, § 21.2**
- Counsel, appointment of**
 by Clerk, § 19.3
 by House committee, § 19.2
 by Speaker, § 19.1
- Court orders**
 publication of committee report restrained by, § 13.3
 service of, on Members, §§ 14.9, 14.10
- Criticism of Members**
 generally, § 8.2
 resolution for investigation of, § 9.2
- Debate, offensive remarks uttered during**
 in relation to questions of personal privilege, § 27.1
- Debate, scope of**
 in relation to questions of personal privilege, § 22.5
 response to Member who raises question, § 22.2
- Deceptive conduct, charge of, § 30.2**
- Deposition, notice of, served on Clerk, § 16.18**
- Discovery orders**
 issuance of, for committee papers, § 17.9
 service of, on committee employees, § 17.10
- District of Columbia business, precedence of question of privilege over, § 5.8**
- Doorkeeper, criticism of, § 10.2**
- Employees, committee, service of interrogatories on, § 17.10**
- Executive invasion of House prerogatives, § 13.2**
- Executive officer, improper attempt by, to influence Member, § 9.1**
- Fascist sympathies, charge of, § 31.4**
- Grounds for question of personal privilege, statement of, § 21.1**
- Hour rule on debate, applicability of**
 to questions of personal privilege, § 22.1
 to questions of the privilege of the House, § 7.1
- House floor, control of, when questions of personal privilege arise, §§ 23.2, 23.3**

House orders, collateral attack on, §3.2**House rules, effecting changes in, §3.1****Illegality, charges of, concerning Members**

criminal conspiracy, perjury, and tax evasion, §29.5

fees, receipt of, §29.3

forgery, §29.2

sedition, §29.6

tax irregularities, §29.4

unspecified illegal acts, §29.1

Innuendos as raising question of privilege, §31.1**Interrogatories, service of, on committee employees, §17.10****Journal**

interruption of reading of, for questions of privilege, §5.6

precedence of reading of, over questions of personal privilege, §23.1

Judicial invasion of House prerogatives, §13.3**Legislative actions or record, criticism of, §24.1****Motion for adjournment, precedence of, over questions of privilege, §§5.1, 5.2****Motion for the previous question**

applicability of, to questions of the privilege of the House, §7.3

precedence of questions of privilege over, §5.9

Official conduct of Members, charges concerning

abuse of franking privilege, §30.18

abuse of powers or rank, §§30.8–30.10

accusation of traitorous acts, §26.5

conflicts of interest, §§30.6, 30.7

“cynical politicking” and “shabby conduct,” §27.7

dereliction of duties, §30.3

Official conduct of Members, charges concerning—Cont.

“disgraceful” conduct, §§30.15, 30.16

evidence, confiscating, §30.4

improper conduct in agency dealings, §30.17

irresponsibility, §30.12

making “intemperate, vituperative and libelous” attack, §27.9

“making suckers” out of the taxpayers, §27.8

misuse of public funds, §30.1

placing “scurrilous” matter in the Record, §27.4

“pork barrel” provisions, §27.6

promoting religious strife, §27.5

“sneaking” something over on the House, §30.2

war controls, actions detrimental to, §30.5

Official conduct of Members, criticism of, §§8.2, 24.1 et seq.**One-minute speech, use of, as related to questions of personal privilege, §22.4****Patriotism of Members, charges concerning**

activities detrimental to national security, §§31.12 et seq.

collaborating with a foreign enemy, §§31.14 et seq.

fascist sympathies, §§31.4 et seq.

generalized allegations, §§31.1–31.3

innuendos reflecting on patriotism, §§31.1 et seq.

sedition, §29.6

Political influence, exercise of, as improper, §26.3**Prima facie showing as to question of privilege, §4.1****Procedure, effecting changes in, §3.3****Process, response to, authorization for, §18.1**

Questions of the privilege of the House

- appeal from Speaker's determination of, §6.3
- consideration of, by House committee, 57.4
- determination of, by Speaker, §§6.1, 6.2
- prima facie showing necessary for, §4.1

Recognition of Member on question of privilege, Speaker's power as to, §6.1**Religious strife, promotion of, §27.5****Resolution, questions of the privilege of the House raised by, §4.2****Resolutions relating to critical publications, §§8.3, 8.4****Response to Member who raises question, §22.2****Revenue legislation, interference with House power to originate, §13.1****Rude conduct, allegations of, on the part of House employees, §10.2****Security risk, charging Member as being, §31.12****Senate debate, expungement of, by House resolution, §11.1****Senate invasion of House prerogatives, §13.1****Senator's criticism of House Member, §27.6****Special-order speech as alternative to question of personal privilege, §22.3****Strike-breaking activities, charge of, §27.3****Subpena**

- authorization for response to, §§18.1–18.4
- court-martial issuance of, to Clerk, §16.17
- executive agency, issuance by, to Member, §14.8

Subpena—Cont.

- modification of, after service, §14.3

Subpena, issuance of, to

- Clerk, §§16.7–16.9
- committee chairmen, §§17.2–17.4
- committee employees, §§17.5, 17.6
- Doorkeeper, §16.10
- House employee, §16.13
- Members, §§14.2 et seq.
- Sergeant at Arms, §§16.11, 16.12

Subpenas issued by grand jury to

- Clerk, §16.14
- committee chairman, §17.7
- committee employee, §17.8
- House employee, §16.16
- Members, §§15.1, 15.2
- Sergeant at Arms, §16.15

Summons, service of, on

- Capitol Architect, §16.6
- chairman of committee, §17.1
- Clerk, §16.3
- House, §16.1
- Member, §15.2
- Sergeant at Arms, §16.4
- Speaker, §16.2

Traitorous acts, allegation of, §26.5**Unauthorized action by committee employee, allegation of, §10.3****Unnamed Members, criticism of, §§26.1, 33.1****Veracity of Members, charges concerning**

- charge of distorting the President's words, by fellow Member, §27.10
- echoing a fascist lie, §27.11
- misleading the public, §33.1
- presenting falsehoods, §32.1
- stating a "lie," §§26.7, 27.12, 32.2

Vote, improper attempt to influence, §9.1

