

Referral of Question to Committee

§ 7.4 The House may refer to the Committee on Rules for consideration a question involving the privilege of the House.

On Jan. 23, 1940⁽⁸⁾ Mr. Clare E. Hoffman, of Michigan, submitted a resolution⁽⁹⁾ involving a question of the privilege of the House. Immediately thereafter, the House agreed to a motion which committed the resolution to the Committee on Rules for its consideration.

§ 7.5 The House by resolution may refer a matter to a designated committee for its determination as to whether the matter involves a question of the privilege of the House.

On Mar. 26, 1953,⁽¹⁰⁾ the House adopted a resolution⁽¹¹⁾ submitted by Mr. Charles A. Halleck, of Indiana, authorizing and directing the Committee on the Judiciary to determine whether the service of subpoenas upon certain Members, former Members, and employees of the House, relative to a civil suit, constituted a question involving the privilege of the House.

C. BASIS OF QUESTIONS OF PRIVILEGE OF THE HOUSE

§ 8. General Criticism of Legislative Activity

Criticism of Congress

§ 8.1 A newspaper editorial making a general criticism of the Congress does not present a question of per-

sonal privilege or the privilege of the House.

On Sept. 22, 1941,⁽¹²⁾ Mr. Clare E. Hoffman, of Michigan, sought to submit, as a matter presenting a question both of personal privilege and of the privilege of the House, the text of a newspaper editorial charging Congress with "inertia, cowardice, and political

8. 86 CONG. REC. 606, 76th Cong. 3d Sess.

9. H. Res. 366.

10. 99 CONG. REC. 2356-58, 83d Cong. 1st Sess. For additional illustration of the same point, see 87 CONG. REC.

8734-39, 77th Cong. 1st Sess., Nov. 10, 1941.

11. H. Res. 190.

12. 87 CONG. REC. 7500, 77th Cong. 1st Sess.

slickness," thereby detracting from the authority and respect bestowed by the Constitution. In his ruling declining recognition to the Member for the purpose of submitting the editorial in question, the Speaker⁽¹³⁾ stated:

. . . The Chair does not think that an editorial in a paper making general criticism of Congress raises a question of the privileges of the House, and certainly no Member of the House in his individual capacity is attacked in this resolution, and, therefore, the Chair must hold that this is not a question of personal privilege or a question of the privilege of the House.

Criticism of Members Generally

§ 8.2 A newspaper editorial charging Members of the House with demagoguery and willingness to punish the District of Columbia did not give rise to a question of the privilege of the House.

On May 21, 1941,⁽¹⁴⁾ Mr. Clare E. Hoffman, of Michigan, offered as a matter raising a question of the privilege of the House, a resolution requesting the appointment of a committee to investigate and report on a newspaper editorial which charged Members of the

13. Sam Rayburn (Tex.).
14. 87 CONG. REC. 4307, 4308, 77th Cong. 1st Sess.

House with demagoguery and willingness to punish the District of Columbia to win votes back home. In his ruling on the validity of the resolution as raising a question of the privilege of the House, the Speaker⁽¹⁵⁾ stated:

. . . For the moment at least the Chair would hesitate to hold that the gentleman's resolution is privileged. The Chair assures the gentleman that he would like to look into it further. He would hesitate to hold at this time that the general criticism of Members of the House is a matter so involving the privileges of the House that a resolution of this kind would be in order.

No further floor action was taken by the Speaker with respect to this resolution.

Resolutions Relating to Critical Publications

§ 8.3 A resolution providing for an investigation of newspaper charges, including allegations of criminal conduct by the Congress, was presented as a question of the privilege of the House.

On Nov. 28, 1941,⁽¹⁶⁾ Mr. Clare E. Hoffman, of Michigan, presented as a question of the privilege of the House a resolution⁽¹⁷⁾

15. Sam Rayburn (Tex.).
16. 87 CONG. REC. 9194, 9195, 77th Cong. 1st Sess.
17. H. Res. 349.

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.