

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.).

of the Record of June 22, which the gentleman from Michigan [Mr. Hoffman] has quoted.

The rule is—and it has been sustained and supported by the practice and precedents for many years—when offensive language is uttered upon the floor by a Member reflecting in anywise on a fellow Member, or language is uttered to which the offending Member desires to take exception, it is the duty of such Member instantly to exercise his privilege and demand that the offending words be taken down. This would give the House an opportunity to pass judgment upon whether the language should be retained in the Record, expunged, or other action taken.

By confession, the gentleman from Michigan did not avail himself of that opportunity, explaining he did not do so probably because he was temporarily absent from the floor when the gentleman from Texas used said language. Under such circumstances, of course, the absence of the Member from the floor would be no justification for him to be made an exception to the rule. It is to be assumed that he is on the floor of the House at all times during the session of the House.

The Chair is therefore of the opinion that on that point of personal privilege the gentleman from Michigan [Mr. Hoffman] is not entitled to the floor on a question of personal privilege under the rules and practices of the House.

. . .

The Chair stated there are two grounds upon which the gentleman from Michigan [Mr. Hoffman] bases his question of personal privilege. The second ground is that on page 6161 of the

Record of the same date the gentleman from Illinois [Mr. Sabath] made certain statements, as published in the Record, of which the gentleman from Michigan [Mr. Hoffman] complains.

If, as a matter of fact, the gentleman from Illinois inserted in the Record matters not actually stated by him upon the floor at the time which gave offense to the gentleman from Michigan, it was then the privilege of the gentleman from Michigan to raise that question, as he has now raised it, as a matter of personal privilege when his attention was called to the offending language.

Strike-breaking Activities

§ 27.3 A letter inserted in the Congressional Record by a Senator alleging that a Member was gathering arms and assembling a private army to march against workers on strike was held to give rise to a question of personal privilege.

On Apr. 11, 1938,⁽¹⁵⁾ Mr. Clare E. Hoffman, of Michigan, presented as involving a question of personal privilege a letter inserted in the *Congressional Record* by Senator Alben W. Barkley, of Kentucky, which contained the following statement:

When men like Congressman Clare E. Hoffman, of Michigan, openly boast

15. 83 CONG. REC. 5235, 75th Cong. 3d Sess.

that they will assemble a strike-breaking private arsenal and private army to march against workers in this country, it seems to me that lovers of democracy and friends of workingmen must no longer remain silent.

In his ruling granting recognition to the Member, the Speaker⁽¹⁶⁾ said:

The gentleman from Michigan rises to a question of personal privilege based upon language he has already quoted and which will appear in the Record, as taken from the Appendix of the Congressional Record, page 1256.

Of course, the question of whether or not a matter constitutes a basis for rising to address the House on a question of personal privilege under the rules is in many instances in what may be called the twilight zone of parliamentary discretion on the part of the Speaker, but the Chair has read the quotation to which the gentleman from Michigan refers, and the Chair is of the opinion that, at least by liberal construction of the rights of Members, which the Chair is always disposed to grant, the gentleman from Michigan is within his rights in rising to a question of personal privilege, because the alleged language might bring into question the rights, reputation, and conduct of a Member of the House.

Therefore, the Chair recognizes the gentleman from Michigan on a question of privilege.

Placing "Scurrilous" Matter in the Record

§ 27.4 A statement by a Member in his extension of re-

16. William B. Bankhead (Ala.).

marks that another Member had placed in the Record "scurrilous" matter was held to give grounds for a question of personal privilege.

On Aug. 27, 1940,⁽¹⁷⁾ Mr. Jacob Thorkelson, of Montana, rising to a question of personal privilege, read a statement inserted in the *Congressional Record* by Mr. Adolph J. Sabath, of Illinois, under an extension of remarks, which accused him of "placing 210 full pages of scurrilous matter" in the Record. Protracted debate on the question ensued, at the conclusion of which the Speaker,⁽¹⁸⁾ on hearing objection to a unanimous-consent request of Mr. Sabath that the remarks be expunged from the Record, recognized Mr. Thorkelson on a question of personal privilege.

Promoting Religious Strife

§ 27.5 An insertion in the Record in an extension of remarks of a charge that a Member seeks to promote religious strife, gave rise to a question of personal privilege.

On Apr. 7, 1943,⁽¹⁹⁾ Mr. John E. Rankin, of Mississippi, rose and

17. 86 CONG. REC. 11046-49, 11150-58, 76th Cong. 3d Sess.

18. William B. Bankhead (Ala.).

19. 89 CONG. REC. 3062, 78th Cong. 1st Sess.

proposed as a question of personal privilege to call attention to certain language inserted in the *Congressional Record* by Mr. Emanuel Celler, of New York, in an extension of remarks charging him (Mr. Rankin) with promoting religious strife, demonstrating thereby his contempt for the spirit and traditions of America. Upon hearing the objectionable remarks the Speaker⁽²⁰⁾ said:

. . . The Chair believes that the language not being spoken on the floor and no recourse being had at that time, is a reflection on the gentleman from Mississippi [Mr. Rankin] and the Chair recognizes the gentleman for 1 hour.

Criticism of House Members by a Senator

§ 27.6 Insertion in the Record of Senate remarks charging a chairman of a House committee with making a “disgraceful effort to cram down on a number of ‘pork barrel’ provisions” by insisting on a meritorious provision in an omnibus bill to get votes for the other items, gave rise to a question of personal privilege.

On Mar. 3, 1942,⁽¹⁾ Mr. Joseph J. Mansfield, of Texas, on a ques-

20. Sam Rayburn (Tex.).

1. 88 CONG. REC. 1880, 77th Cong. 2d Sess.

tion of personal privilege, called the attention of the House to Senate remarks appearing in the *Congressional Record* implying that as Chairman of the Committee on Naval Affairs he had engaged in a “disgraceful effort to cram down a number of ‘pork barrel’ provisions” in a pending river and harbor bill by including in it a meritorious proposal, for purposes of obtaining votes for the other items. In ruling on the question of personal privilege, the Speaker⁽²⁾ stated:

The Chair is convinced that the question is a very close one, but the Chair is going to hear the gentleman from Texas.

§ 27.7 A Senator’s action in inserting in the Record certain roll call votes of the House together with critical comment and an editorial critical of the House gave rise to a question of personal privilege, where the inserted material identified individual Members and their votes.

On July 12, 1956,⁽³⁾ the Speaker⁽⁴⁾ recognized Mr. Clare E. Hoffman, of Michigan, on a question of personal privilege to call the attention of the House to a news-

2. Sam Rayburn (Tex.).

3. 102 CONG. REC. 12522, 12523, 84th Cong. 2d Sess.

4. Sam Rayburn (Tex.).

paper editorial and certain remarks by Senator Hubert Humphrey, of Minnesota, in the *Congressional Record*, which described House action on a particular bill as “cynical politicking” and which alleged that the House was guilty of “shabby conduct.” The material also gave rise to a question of the privilege of the House.

§ 27.8 A newspaper column in which a bill to exempt a Member’s educational foundation from tax laws was described as coming “as near to making suckers out of all the rest of us as any piece of tax legislation Congress ever enacted,” reprinted in the Appendix of the Record at the request of a Senator, gave rise to a question of personal privilege in the House.

On Jan. 28, 1958,⁽⁵⁾ Mr. Clarence Cannon, of Missouri, presented as involving a question of personal privilege a newspaper column inserted in the *Congressional Record* by Senator Albert A. Gore, of Tennessee. The column referred to a bill to exempt Mr. Cannon’s educational foundation from the tax laws in the following language:

. . . “It came as near to making suckers out of all the rest of us as any

5. 104 CONG. REC. 1202, 85th Cong. 2d Sess.

piece of tax legislation Congress ever enacted.”

In his decision granting recognition to the Member, the Speaker⁽⁶⁾ said:

The Chair feels that under the circumstances the charges and allusions made in the article just read by the gentleman from Missouri are a reflection on him to such an extent that he may claim the right of personal privilege.

§ 27.9 A Senator’s accusation, reported in the Record, charging that a Member of the House inserted in the Record an intemperate, vituperative, and libelous attack on an individual, was held to give rise to a question of personal privilege.

On June 30, 1939,⁽⁷⁾ Mr. Clare E. Hoffman, of Michigan, rose to a question of personal privilege to call attention to a statement made in the Senate by Senator Joel Bennett Clark, of Missouri, charging Mr. Hoffman with having inserted in the Record an intemperate, vituperative, and libelous attack on an individual. The Speaker⁽⁸⁾ then recognized Mr.

6. Sam Rayburn (Tex.).

7. 84 CONG. REC. 8468, 8469, 76th Cong. 1st Sess.

8. William B. Bankhead (Ala.).

Hoffman on a question of personal privilege.

Charges Impugning Veracity

§ 27.10 A statement in an extension of remarks of a Member asserting that another Member had brought dishonor and discredit on his office by his use of scurrilous language and alleging that he had distorted the words of the President was held to present a question of personal privilege.

On June 19, 1940,⁽⁹⁾ Mr. Clare E. Hoffman, of Michigan, on a question of personal privilege, called the attention of the House to certain language (set out below) inserted in the *Congressional Record* by Mr. Donald L. O'Toole, of New York, under permission to extend his remarks:

It is not enough that the Member from Michigan should bring dishonor and discredit upon the high position that he occupies by his scurrilous language in regard to the highest office in the land, but he also feels compelled to distort the words of the President.

Upon hearing the objectionable remarks, the Speaker⁽¹⁰⁾ recog-

9. 86 CONG. REC. 8642, 76th Cong. 3d Sess.

10. William B. Bankhead (Ala.).

nized the Member on a question of personal privilege.

§ 27.11 A Member's insertion in the Record of a statement charging that another Member echoed in the House a "typical fascist lie," was held to give rise to a question of personal privilege.

On Apr. 25, 1944,⁽¹¹⁾ Mr. Clare E. Hoffman, of Michigan, presented as involving a question of personal privilege a statement inserted in the *Congressional Record* by Mr. Herman P. Eberharter, of Pennsylvania, alleging that Mr. Hoffman had echoed in the House a "typical fascist lie." In his ruling granting recognition to Mr. Hoffman, the Speaker⁽¹²⁾ observed:

The Chair thinks the statement in the Record which makes charges against the gentleman from Michigan amounts to a question of personal privilege.

§ 27.12 A letter printed in the Congressional Record Appendix, in which certain statements made by a Member were said to be untruthful, gave rise to a question of personal privilege.

11. 90 CONG. REC. 3696, 78th Cong. 2d Sess.

12. Sam Rayburn (Tex.).

On June 18, 1958,⁽¹³⁾ the Speaker⁽¹⁴⁾ recognized Mr. Clarence Cannon, of Missouri, on a question of personal privilege after Mr. Cannon directed attention to a letter appearing in the Appendix to the *Congressional Record* which described certain material attributed to him as a “lie.”

§ 28. Published Charges of Impropriety

“Vote Selling”

§ 28.1 A newspaper article accusing a Member of selling his vote gave rise to a question of personal privilege.

On July 24, 1957,⁽¹⁵⁾ Mr. H. Carl Andersen, of Minnesota, on a question of personal privilege, called the attention of the House to a newspaper article which included allegations of his involvement in a conflict-of-interest case. After receipt of the objectionable articles, the Speaker⁽¹⁶⁾ stated:

The Chair has read the headline, to which the gentleman refers, and it does, in effect, accuse a Member of

13. 104 CONG. REC. 11609, 85th Cong. 2d Sess.

14. Sam Rayburn (Tex.).1

15. 103 CONG. REC. 12583, 85th Cong. 1st Sess.

16. Sam Rayburn (Tex.).

Congress of selling his vote, and this is carried forward in the second paragraph.

The Chair thinks the gentleman has stated a question of personal privilege and therefore, recognizes the gentleman from Minnesota [Mr. H. Carl Andersen].

Implying Reprehensibility

§ 28.2 A newspaper article referring to a Member as “reprehensible” or “punk” gave rise to a question of personal privilege.

On Jan. 25, 1944,⁽¹⁷⁾ Mr. John E. Rankin, of Mississippi, rose to a question of personal privilege and was recognized to reply to a newspaper article in which he was referred to as “reprehensible” Rankin and “punk” Rankin.

Questionable Business Associations

§ 28.3 Newspaper articles accusing a Member of promoting and participating in an organization being investigated by a Senate investigating committee gave rise to a question of personal privilege.

On July 8, 1946,⁽¹⁸⁾ Mr. Andrew J. May, of Kentucky, presented as

17. 90 CONG. REC. 751, 78th Cong. 2d Sess.

18. 92 CONG. REC. 8391, 79th Cong. 2d Sess.