

On May 9, 1962,⁽⁴⁾ Mr. Frank W. Boykin, of Alabama, rising to a question of the privilege of the House, informed the House that he had been subpoenaed to appear before the grand jury of the Circuit Court for Montgomery County, Maryland. The subpoena was sent to the desk whereupon, the Speaker⁽⁵⁾ instructed the Clerk to read it to the House. At the conclusion of the Clerk's reading, the House agreed to a privileged resolution⁽⁶⁾ offered by Mr. Carl Albert, of Oklahoma, authorizing the Member to appear in response to the subpoena.

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

Service of Process Naming the House

§ 16.1 The receipt of a summons and complaint naming the House of Representatives

4. 108 CONG. REC. 8006, 87th Cong. 2d Sess. For further illustrations see 108 CONG. REC. 7945, 87th Cong. 2d Sess., May 8, 1962; 108 CONG. REC. 7816, 7817, 87th Cong. 2d Sess., May 7, 1962; and 105 CONG. REC. 1623, 86th Cong. 1st Sess., Feb. 2, 1959.
5. John W. McCormack (Mass.).
6. H. Res. 630.

as the defendant in a civil action pending in a federal court raises a question of the privilege of the House.

On Dec. 13, 1973,⁽⁷⁾ the Speaker⁽⁸⁾ laid before the House as a matter giving rise to a question of the privilege of the House the following summons:

SUMMONS IN A CIVIL ACTION

[In the U.S. District Court for the Northern District of California, civil action file No. C 73 2092GBH]

Earle Ray Esgate, Plaintiff, v. Donald E. Johnson, Board of Veterans Appeals, the United States House of Representatives, the United States Senate, the President of the United States, as Commander in Chief of the Armed Forces of the United States, and as Co-Defendant United States Army and United States Army Medical Corps.

To the above named Defendant: You are hereby summoned and required to serve upon The plaintiff; acting as his own attorney and whose address is below: plaintiff's attorney, whose address Earle Ray Esgate, 1099 Topaz Ave. Apt. 6, San Jose, California, 95117, Phone 296-8182 an answer to the complaint which is herewith served upon you within 60 days after service of this summons upon you, exclusive of

7. 119 CONG. REC. 41258, 93d Cong. 1st Sess. For additional examples see 118 CONG. REC. 29136, 92d Cong. 2d Sess., Aug. 18, 1972; 118 CONG. REC. 17398, 92d Cong. 2d Sess., May 16, 1972; and 117 CONG. REC. 1503, 92d Cong. 1st Sess., Feb. 3, 1971.
8. Carl Albert (Okla.).

the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Date: December 5, 1973.

F. R. PETTIGREW,
Clerk of Court.
C. COWNE,
Deputy Clerk.

[Seal of Court.]

Along with the summons, the Speaker presented two letters written by the Clerk, W. Pat Jennings, relating to the summons:

WASHINGTON, D. C.,
December 12, 1973.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR MR. SPEAKER: On December 11, 1973 I have been served a summons and copy of the complaint in a Civil Action through the United States Marshal by certified mail number 197884 that was issued by the U.S. District Court for the Northern District of California.

The Summons requires the Congress of the United States to answer the complaint within sixty days after service.

The Summons and complaint in question are attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

With kind regards, I am,
W. PAT JENNINGS,
Clerk, House of Representatives.

WASHINGTON, D.C.,
December 12, 1973.

Hon. ROBERT H. BORK,
Acting Attorney General of the United States, U.S. Department of Justice, Washington, D.C.

DEAR MR. BORK: I am sending you a certified copy of a summons and

complaint in Civil Action No. C 73 2092GBH filed against the United States House of Representatives and others in the United States District Court for the Northern District of California, and served upon me through the U.S. Marshal by certified mail No. 197884 on December 11, 1973.

In accordance with 2 U.S.C. 118 I have sent a certified copy of the Summons and Complaint in this action to the U.S. Attorney for the Northern District of California requesting that he take appropriate action under the supervision and direction of the Attorney General. I am also sending you a copy of the letter I forwarded this date to the U.S. Attorney.

With kind regards, I am,
Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

Under the provisions of 2 USC §118, the United States Attorney is obliged to appear and defend, upon request of an officer of either House of Congress, actions brought against such officer on account of anything done in discharge of official duties. Thereafter, the defense of the case is under the supervision and direction of the Attorney General.

Service of Process on House Officers

§ 16.2 The receipt of a summons and complaint naming the Speaker in his official capacity as a defendant in a civil action brought in a federal court raises a question

of the privilege of the House, and the matter is laid before the House for its consideration.

On Feb. 5, 1973,⁽⁹⁾ the Speaker⁽¹⁰⁾ laid before the House as a matter giving rise to a question of the privilege of the House the following summons:

SUMMONS

The Regent Cecil J. Williams Plaintiff v. Carl Albert, M.C. Speaker, et al. Defendants.

To the above named Defendant: Carl Albert, M.C., Speaker.

You are hereby summoned and required to serve upon the Regent Cecil J. Williams, P.P., whose address is 1417 N Street, N.W., Washington, D. C. 20005, an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

JAMES F. DAVEY,
Clerk of Court.
RUBIN CUELLAR,
Deputy Clerk.

- 9.** 119 CONG. REC. 3207, 93d Cong. 1st Sess. For additional illustrations see 119 CONG. REC. 29, 93d Cong. 1st Sess., Jan. 3, 1973; 118 CONG. REC. 17398, 92d Cong. 2d Sess., May 16, 1972; 115 CONG. REC. 24002 91st Con. 1st Sess., Sept. 3, 1969; and 111 CONG. REC. 2645, 89th Cong. 1st Sess., Feb. 11, 1965.
- 10.** Carl Albert (Okla.).

Date: January 5, 1973.

Following the presentation of the summons, the Speaker advised the House that he had, pursuant to 2 USC §118, requested the U.S. Attorney to represent him in the action.⁽¹¹⁾

§ 16.3 The receipt of a summons and complaint naming the Clerk of the House of Representatives in his official capacity as a defendant in a civil action brought in a federal court gives rise to a question of the privilege of the House, and the matter is laid before the House for its consideration.

On Mar. 26, 1973,⁽¹²⁾ the Speaker⁽¹³⁾ laid before the House as a matter involving a question of the privilege of the House a communication from the Clerk of the House advising that he had been served with a summons and com-

- 11.** Civil Action File No. 27-73 (U.S.D.C. D. D.C.).
- 12.** 119 CONG. REC. 9452, 93d Cong. 1st Sess. For further examples see 119 CONG. REC. 29, 93d Cong. 1st Sess., Jan. 3, 1973; 118 CONG. REC. 34040, 92d Cong. 2d Sess., Oct. 5, 1972; 118 CONG. REC. 15311, 92d Cong. 2d Sess., May 2, 1972; 118 CONG. REC. 5025, 92d Cong. 2d Sess., Feb. 22, 1972; and 116 CONG. REC. 31182, 91st Cong. 2d Sess., Sept. 10, 1970.
- 13.** Carl Albert (Okla.).

plaint as a defendant in a civil action⁽¹⁴⁾ brought in the Federal District Court for the District of Columbia and further advising that he had pursuant to 2 USC § 118, requested the U.S. Attorney for the District of Columbia to represent him in the action.

§ 16.4 The receipt of a summons and complaint naming the Sergeant at Arms of the House of Representatives in his official capacity as a defendant in a civil action brought in a federal court raises a question of the privilege of the House, and the matter is laid before the House for its consideration.

On July 16, 1973,⁽¹⁵⁾ the Speaker⁽¹⁶⁾ laid before the House as a question of the privilege of the House a communication from the Sergeant at Arms advising that he had been served with a summons and complaint as a defendant in a civil action⁽¹⁷⁾ brought in the U.S.

14. *Mauro v Jennings et al.*, Civil Action File No. 447-73 (U.S.D.C. D. D.C.).
15. 119 CONG. REC. 23961, 23962, 93d Cong. 1st Sess. For additional examples see 116 CONG. REC. 28502, 91st Cong. 2d Sess., Aug. 12, 1970; and 109 CONG. REC. 10359, 88th Cong. 1st Sess., June 6, 1963.
16. Carl Albert (Okla.).
17. *Consumers Union of the United States, Inc. v Kenneth R. Harding*,

District Court for the District of Columbia and further advising that he had, pursuant to 2 USC § 118, requested the U.S. Attorney to represent him in the action.

Service of Supplemental Petition on House Officers

§ 16.5 The receipt of a supplemental petition naming House officers as individual defendants in a civil action already pending in federal court against the House and other of its officers and Members raises a question of the privilege of the House, and the matter is submitted to the House for its consideration.

On Oct. 10, 1972,⁽¹⁸⁾ the Speaker⁽¹⁹⁾ laid before the House as a matter involving a question of the privilege of the House a communication from the clerk advising that he had received an amending and supplemental petition in connection with a case⁽²⁰⁾ pending before the U.S. District Court for the

- Sergeant at Arms of the House of Representatives et al.*, Civil Action File No. 1328-73 (U.S.D.C. D. D.C.).
18. 118 CONG. REC. 34583, 92d Cong. 2d Sess.
19. Carl Albert (Okla.).
20. *Hillary v U.S. House of Representatives, Albert, Colmer, et al.*, Civil Action File No. 72-1126.

Eastern Division of Louisiana naming the Clerk and Sergeant at Arms of the House of Representatives as additional defendants in the action and further advising that he had, pursuant to 2 USC §118, requested the U.S. Attorney for the Eastern Division of Louisiana to represent them in the action.

Service on Capitol Architect

§ 16.6 The receipt of a summons and complaint naming the Acting Architect of the Capitol in his official capacity as a defendant in a civil action brought in a federal court gives rise to a question of the privilege of the House and the matter is laid before the House for its consideration.

On Aug. 12, 1970,⁽¹⁾ the Speaker⁽²⁾ laid before the House a communication from the Acting Architect of the Capitol informing the House that he had been served with a summons and complaint as a defendant in a civil action⁽³⁾ brought in the Federal District Court for the District of Columbia

1. 116 CONG. REC. 28502, 91st Cong. 2d Sess.
2. John W. McCormack (Mass.).
3. Civil Action File No. 2296-70 (U.S.D.C. D. D.C.).

and advising the House that he had, pursuant to 28 USC §516, requested the Department of Justice to represent him in the action.

Service of Process on the Clerk

§ 16.7 The Clerk having been served with process, including a subpoena duces tecum issued by a federal court in a civil action, informed the Speaker who laid the matter before the House.

On Nov. 15, 1973,⁽⁴⁾ the Speaker⁽⁵⁾ laid before the House as a matter involving a question of the privilege of the House a communication from the Clerk of the House advising that he had been served with a subpoena and a notice of the taking of a deposition issued by the U.S. District Court for the District of Columbia commanding his appearance for the purpose of testifying and producing certain House documents and records in connection with the case of *Nader et al. v Butz et al.*⁽⁶⁾

4. 119 CONG. REC. 37136, 37137, 93d Cong. 1st Sess. For additional examples see 118 CONG. REC. 6326, 92d Cong. 2d Sess., Mar. 1, 1972; 117 CONG. REC. 47667, 92d Cong. 1st Sess., Dec. 17, 1971; 117 CONG. REC. 47185, 92d Cong. 1st Sess., Dec. 15, 1971; and 117 CONG. REC. 39512, 92d Cong. 1st Sess., Nov. 5, 1971.
5. Carl Albert (Okla.).
6. Civil Action File No. 148-72 (U.S.D.C. D. D.C.).

Following the presentation of the communication, the House agreed to a privileged resolution⁽⁷⁾ offered by Mr. Thomas P. O'Neill, Jr., of Massachusetts, authorizing the Clerk or his designated agent to appear in response to the subpoena but permitting the production of certified copies of only those subpoenaed House papers and documents subsequently determined by the court to be material and relevant.

§ 16.8 The Clerk of the House of Representatives, having received a subpoena duces tecum from a state court, reported the matter to the Speaker who laid it before the House.

On Apr. 24, 1958,⁽⁸⁾ the Speaker⁽⁹⁾ laid before the House as a matter involving the question of the privilege of the House the following communication from the Clerk of the House:

APRIL 17, 1958.

The Honorable the SPEAKER,
House of Representatives.

SIR: From the Superior Court of the 26th Judicial District of North Carolina I have received a subpoena duces tecum, directed to me as Clerk of the

7. H. Res. 705.

8. 104 CONG. REC. 7262, 7263, 85th Cong. 2d Sess.

9. Sam Rayburn (Tex.).

House of Representatives, to appear before said court as a witness in the case of *Anna Mae Allen et al. v. Southern Railway Company et al.*, and to bring with me certain and sundry papers therein described in the files of the House of Representatives.

The rules and practice of the House of Representatives indicates that the Clerk may not, either voluntarily or in obedience to a subpoena duces tecum, produce such papers without the consent of the House being first obtained. It is further indicated that he may not supply copies of certain of the documents and papers requested without such consent.

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Very truly yours,
RALPH R. ROBERTS,
*Clerk, United States
House of Representatives.*

Following the presentation of the communication and the reading of the subpoena to the House, a resolution⁽¹⁰⁾ was offered by Mr. John W. McCormack, of Massachusetts, authorizing the Clerk to appear in response to the subpoena but permitting the production of certified copies of only those subpoenaed House papers and documents subsequently determined by the court to be material and relevant.

§ 16.9 The Clerk of the House of Representatives, having

10. H. Res. 547.

received a subpoena to appear and testify before a court of the District of Columbia in a criminal case, informed the Speaker who laid the matter before the House.

On July 13, 1965,⁽¹¹⁾ the Speaker⁽¹²⁾ laid before the House as a matter raising the question of the privilege of the House, a communication from the Clerk of the House advising that he had received a subpoena commanding his appearance for the purpose of testifying before the criminal bench of the District of Columbia Court of General Sessions in connection with *U.S. v Washington*.⁽¹³⁾ Following the presentation of the communication and the reading of the subpoena, the House agreed to a resolution⁽¹⁴⁾ offered by Mr. John E. Moss, Jr., of California, authorizing the Clerk to appear and testify.

Service of Subpena on the Doorkeeper

§ 16.10 When the Doorkeeper of the House of Representatives receives a subpoena duces tecum from a federal

11. 111 CONG. REC. 16592, 89th Cong. 1st Sess.
12. John W. McCormack (Mass.).
13. Criminal Case No. U.S. 5379-65, U.S. 5380-65.
14. H. Res. 469.

district court he reports the facts to the Speaker who lays the matter before the House.

On Apr. 13, 1961,⁽¹⁵⁾ the Speaker⁽¹⁶⁾ rose to a question of the privilege of the House and laid before the House a communication from the Doorkeeper of the House advising that he had received a subpoena directing his appearance as a witness and the production of certain described papers before the U.S. District Court for the District of Columbia in connection with *U.S. v Taylor*.⁽¹⁷⁾ Following the presentation of the communication, the House agreed to a privileged resolution⁽¹⁸⁾ offered by Mr. John W. McCormack, of Massachusetts, authorizing the Doorkeeper to appear in response to the subpoena, but permitting the production of certified copies of only those subpoenaed House papers and documents subsequently determined by the court to be material and relevant.

Service of Subpena on the Sergeant at Arms

§ 16.11 The Sergeant at Arms of the House of Representa-

15. 107 CONG. REC. 5851, 5852, 87th Cong. 1st Sess.
16. Sam Rayburn (Tex.).
17. Criminal Case No. 965-60.
18. H. Res. 256.

tives, having received a subpoena from a federal court, reported the facts to the Speaker who laid the matter before the House.

On Mar. 3, 1960,⁽¹⁹⁾ the Speaker pro tempore⁽²⁰⁾ laid before the House as a matter raising the question of the privilege of the House a communication from the Sergeant at Arms, as follows:

MARCH 3, 1960.

The Honorable SAM RAYBURN,
*Speaker of the House of
Representatives,
Washington, D.C.*

DEAR MR. SPEAKER: From the District Court of the United States for the Southern District of New York, I have received a subpoena directing the Sergeant at Arms to appear before said court as a witness in the case of the *United States v Adam Clayton Powell, Jr.* (No. 35-208).

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Respectfully,
ZEAKE W. JOHNSON, Jr.,
Sergeant at Arms.

The Speaker pro tempore then instructed the Clerk to read the subpoena to the House. At the conclusion of the reading, a privileged

resolution⁽¹⁾ offered by Mr. Carl Albert, of Oklahoma, authorizing the Sergeant at Arms to appear in response to the subpoena was agreed to.

§ 16.12 The Sergeant at Arms of the House of Representatives, having received a subpoena to appear and testify before a criminal court of the District of Columbia, informed the Speaker who laid the matter before the House.

On July 13, 1965,⁽²⁾ the Speaker⁽³⁾ laid before the House as a matter involving a question of the privilege of the House a communication from the Sergeant at Arms advising that he had received a subpoena directing his appearance to testify before the criminal branch of the District of Columbia Court of General Sessions in connection with *U.S. v Washington*.⁽⁴⁾ After the reading of the subpoena by the Clerk, a resolution⁽⁵⁾ was offered by Mr. Hale Boggs, of Louisiana, authorizing the Sergeant at Arms to appear and testify. The resolution was

19. 106 CONG. REC. 4393, 86th Cong. 2d Sess. An additional example supporting this point may be found at 100 CONG. REC. 1162, 83d Cong. 2d Sess., Feb. 2, 1954.
20. John W. McCormack (Mass.).

1. H. Res. 465.
2. 111 CONG. REC. 16529, 89th Cong. 1st Sess.
3. John W. McCormack (Mass.).
4. Criminal Case No. U.S. 5379-65, U.S. 5380-65.
5. H. Res. 456.

agreed to, and a motion to reconsider was laid on the table.

Service of Subpenas on House Employees

§ 16.13 An employee of the House having received a subpoena duces tecum in a federal civil action seeking his testimony and the production of House records in his possession, his superior informed the Speaker who laid the matter before the House.

On Apr. 25, 1966,⁽⁶⁾ the Speaker⁽⁷⁾ laid before the House as a matter involving a question of the privilege of the House a communication from the Clerk of the House advising that an employee under his authority had been served with a subpoena duces tecum commanding his appearance for the purpose of testifying and producing certain House records before the U.S. District Court for the District of Columbia in connection with *Siamis v Chizzo*.⁽⁸⁾ Following the presen-

6. 112 CONG. REC. 8786, 89th Cong. 2d Sess. For further illustrations see 102 CONG. REC. 7588, 84th Cong. 2d Sess., May 7, 1956; and 101 CONG. REC. 1215, 84th Cong. 1st Sess., Feb. 7, 1955.

7. John W. McCormack (Mass.).

8. Civil Action File No. 1471-63 (U.S.D.C. D. D.C.)

tation of the communication, the House agreed to a resolution⁽⁹⁾ offered by Mr. Carl Albert, of Oklahoma, authorizing the employee to appear in response to the subpoena but permitting the production of certified copies of only those subpoenaed House papers and documents subsequently determined by the court to be material and I relevant.

Service of Grand Jury Subpenas on House Officers

§ 16.14 The Clerk of the House of Representatives having received a subpoena duces tecum from a federal grand jury, informed the Speaker who laid the matter before the House.

On Feb. 20, 1973,⁽¹⁰⁾ the Speaker⁽¹¹⁾ laid before the House as a matter involving a question of the privilege of the House a communication from the Clerk of the House advising that he had been served with a subpoena duces tecum commanding his appear-

9. H. Res. 825.

10. 119 CONG. REC. 4490, 93d Cong. 1st Sess. For further illustrations see 118 CONG. REC. 28285, 92d Cong. 2d Sess., Aug. 15, 1972; 115 CONG. REC. 32005, 91st Cong. 1st Sess., Oct. 29, 1969; and 113 CONG. REC. 29374-76, 90th Cong. 1st Sess., Oct. 19, 1967.

11. Carl Albert (Okla.).

ance and the production of certain House records before the grand jury of the U.S. District Court for the Western District of Texas. Following the Speaker's insertion of the subpoena in the Record, the House agreed to a privileged resolution⁽¹²⁾ offered by Mr. Thomas P. O'Neill, Jr., of Massachusetts, authorizing the Clerk to appear in response to the subpoena but permitting the production of certified copies of only those subpoenaed House papers and documents subsequently determined by the court to be material and relevant.

§ 16.15 The Sergeant at Arms of the House of Representatives having been served with a subpoena duces tecum from a federal grand jury, informed the Speaker who laid the matter before the House.

On Jan. 16, 1968,⁽¹³⁾ the Speaker⁽¹⁴⁾ laid before the House as a question of the privilege of the House a communication from the Sergeant at Arms of the House

12. H. Res. 221.

13. 114 CONG. REC. 80, 81, 90th Cong. 2d Sess. For additional examples see 113 CONG. REC. 17561, 90th Cong. 1st Sess., June 27, 1967; 111 CONG. REC. 5338, 89th Cong. 1st Sess., Mar. 18, 1965; and 99 CONG. REC. 5523, 83d Cong. 1st Sess., May 25, 1953.

14. John W. McCormack (Mass.).

advising that he had received a subpoena duces tecum directing his appearance and the production of certain original records before the grand jury of the U.S. District Court for the District of Columbia. After the reading of the subpoena by the Clerk, a privileged resolution⁽¹⁵⁾ was offered by Mr. Carl Albert, of Oklahoma, authorizing the Sergeant at Arms to appear and deliver the requested papers and documents in response to the subpoena. The resolution was agreed to, and a motion to reconsider was laid on the table.

Service of Grand Jury Subpoenas on House Employees

§ 16.16 Where an employee of the House received a subpoena duces tecum issued by a federal grand jury, his superior informed the Speaker who laid the matter before the House.

On Oct. 19, 1967,⁽¹⁶⁾ the Speaker⁽¹⁷⁾ laid before the House as a question of the privilege of the House a communication from the Clerk advising that an employee under his jurisdiction had been served with a subpoena duces

15. H. Res. 1022.

16. 113 CONG. REC. 29375, 29376, 90th Cong. 1st Sess.

17. John W. McCormack (Mass.).

tecum commanding his appearance for the purpose of testifying before the grand jury of the U.S. District Court for the District of Columbia. The House then agreed to a privileged resolution⁽¹⁸⁾ offered by Mr. Carl Albert, of Oklahoma, authorizing the Speaker to permit the employee to appear in response to the subpoena.

Service of Court-martial Subpoena

§ 16.17 The Clerk of the House of Representatives, having received a subpoena duces tecum from a general court-martial, informed the Speaker who laid the matter before the House.

On Nov. 17, 1970,⁽¹⁹⁾ the Speaker⁽²⁰⁾ laid before the House as a matter involving a question of the privilege of the House a communication from the Clerk advising that he was in receipt of a subpoena duces tecum commanding his appearance as a witness and the production of certain House subcommittee executive session transcripts before a general court-martial of the United States convened at Ft. Benning, Georgia. At

18. H. Res. 950.

19. 116 CONG. REC. 37652-54, 91st Cong. 2d Sess.

20. John W. McCormack (Mass.).

the Speaker's instruction the subpoena was then read by the Clerk to the House.

Parliamentarian's Note: The Clerk's office was advised (1) that the Committee on Armed Services, and not the Clerk, was the proper custodian of executive session testimony taken before its subcommittee and that an employee of that committee should have been the recipient of the subpoenas; and (2) that the requested executive session testimony could not, under the provisions of House Resolution 15 (91st Congress) be released by any officer or employee of the House during an adjournment; but that (3) the Committee on Armed Services could meet and, pursuant to the House rules, order the testimony to be made public.

The House took no further action on the subpoenas.

Service of Notice of Taking of Deposition

§ 16.18 The Clerk of the House, having been served with a notice of taking of a deposition in a civil action in which he had been named as a defendant in his official capacity, informed the Speaker who laid the matter before the House.

On Mar. 15, 1973,⁽¹⁾ the Speaker⁽²⁾ laid before the House as a matter involving the question of the privilege of the House a communication from the Clerk advising that he had been served with a notice of the taking of a deposition in connection with a civil action⁽³⁾ pending in the U.S. District Court for the District of Columbia. Subsequently, on Mar. 19, 1973,⁽⁴⁾ the House agreed to a privileged resolution⁽⁵⁾ offered by Mr. John J. McFall, of California, authorizing the Clerk to respond to the notice.

§ 17. Service of Process on Committee Chairmen and Employees

Service of Summons and Complaint on Committee Chairman

§ 17.1 The receipt of a summons and complaint naming the chairman of a House committee as a defendant in

1. 119 CONG. REC. 7955, 7956, 93d Cong. 1st Sess.
2. Carl Albert (Okla.).
3. *Common Cause v W. Patrick Jennings et al.*, Civil Action File No. 2379-72 (U.S.D.C. D. D.C.).
4. 119 CONG. REC. 8485, 93d Cong. 1st Sess.
5. H. Res. 313.

a civil action brought in a federal court raises a question of the privilege of the House, and the matter is laid before the House for its consideration.

On May 16, 1972,⁽⁶⁾ the Speaker⁽⁷⁾ laid before the House as a matter involving a question of the privilege of the House a communication from the Chairman of the Committee on Rules advising that he had been served with a summons and complaint as a defendant in a civil action⁽⁸⁾ brought in the U.S. District Court for the Eastern District of Louisiana. At the same time, the Speaker, who stated that he and the Clerk of the House had received summons and complaint in the same action, inserted copies of the following letters in the Record:

MAY 16, 1972.

Hon. RICHARD G. KLEINDIENST,
Acting Attorney General, Department of Justice, Washington, D.C.

DEAR MR. KLEINDIENST: On May 15, 1972, I received by certified mail a Summons and complaint in Civil Action No. 72-1126 in the United States District Court for the Eastern District of Louisiana. A copy of the Summons and complaint is enclosed herewith.

6. 118 CONG. REC. 17398, 92d Cong. 2d Sess.
7. Carl Albert (Okla.).
8. Civil Action File No. 72-1126 (§H, U.S.D.C. E.D. La.).