

## D. PERSONAL PRIVILEGE OF MEMBER

**§ 20. In General; Definition**

Under Rule IX,<sup>(20)</sup> the House is deemed to be presented with a question of personal privilege whenever a question arises as to the rights, reputation, and conduct of a Member, individually, in his representative capacity.<sup>(1)</sup>

While a question of personal privilege need not be raised in the form of a resolution, a Member raising such a question must in the first instance state to the Chair the grounds upon which the question is based.<sup>(2)</sup> Once a Member is recognized for the purpose of raising a question of personal privilege, the scope of his argument is limited to the question raised.<sup>(3)</sup> Accepted practice also precludes the question being raised either during the time of another Member's control of the floor<sup>(4)</sup> or while another question of privilege is pending before the House.<sup>(5)</sup>

**20.** *House Rules and Manual* §661 (1973).

1. Basis of questions of personal privilege, see §§ 24 et seq., *infra*.
2. See § 21.1, *infra*.
3. See §§ 22.5, 22.6, *infra*.
4. See §§ 23.2, 23.3, *infra*.
5. 80 CONG. REC. 8222, 74th Cong. 2d Sess. See § 5.4, *supra*, for a detailed discussion of this precedent.

**§ 21. Raising the Question; Procedure*****Statement of Grounds***

**§ 21.1 In raising a question of personal privilege a Member in the first instance must state to the Chair for his decision the grounds upon which he bases his question.**

On Apr. 11, 1935,<sup>(6)</sup> Mr. Joseph P. Monaghan, of Montana, rose to a question of personal privilege and stated, with reference to Rule IX, "under the question of personal privilege I cite the integrity of the proceedings of the House. I cannot see that this rule adequately protects this House so far as giving it and the public adequate information as to the rule."

A point of order was then made by Mr. John J. O'Connor, of New York, that the gentleman had not stated a question of personal privilege.

In his ruling sustaining the point of order, the Speaker<sup>(7)</sup> stated:

6. 79 CONG. REC. 5454, 5455, 74th Cong. 1st Sess. For additional illustrations see 118 CONG. REC. 13491-97, 92d Cong. 2d Sess., Apr. 19, 1972; and 84 CONG. REC. 5033-35, 76th Cong. 1st Sess., May 2, 1939.
7. Joseph W. Byrns (Tenn.).

It is necessary for the gentleman first to state his question of personal privilege as a basis for any argument that he may desire to submit. The Chair has no desire other than to see that the gentleman and every Member of the House is protected under the rules. The rules provide that a gentleman who raises a question of personal privilege must first state his question before he proceeds to argue with reference to it.

***Submission of Material Containing Objectionable Remarks***

**§ 21.2 When a Member raises a question of personal privilege based on the alleged insertion in the Record of unparliamentary language, he must submit the transcript of the Record to the Chair.**

On Apr. 7, 1943,<sup>(8)</sup> Mr. Emanuel Celler, of New York, rose to a question of personal privilege, stating that certain remarks of a Member not made on the floor but inserted in the Record for Apr. 2, 1943, reflected upon his integrity. The following exchange then ensued:

THE SPEAKER:<sup>(9)</sup> Will the gentleman send that Record up to the chair? Does the gentleman from New York have the transcript and know that that was inserted?

MR. CELLER: I have not the transcript with me, but I remember what

8. 89 CONG. REC. 3065, 78th Cong. 1st Sess.

9. Sam Rayburn (Tex.).

was stated by the gentleman and it is not reflected accurately in the Record.

Furthermore, the gentleman made the statement that I was the Jewish gentleman from New York; and on that score I rise to a question of personal privilege.

THE SPEAKER: The Chair wants to see the original transcript of the remarks of the gentleman from Mississippi.

MR. CELLER: I can read more; there is more in that Record, Mr. Speaker, which was not uttered on the floor of the House. I shall be very brief, Mr. Speaker.

THE SPEAKER: The Chair is not going to rule on this question without seeing the original transcript and it is not here. If there is no objection, the gentleman may proceed for 10 minutes.

**§ 21.3 On one occasion a Member was recognized to raise a question of personal privilege, based on comments appearing in a local newspaper, although the Record does not show that the material was first submitted to the Chair for examination.**

On June 22, 1966,<sup>(10)</sup> the Chair recognized Mr. Charles E. Chamberlain, of Michigan, on a question of privilege:

MR. CHAMBERLAIN: Mr. Speaker, I rise as a matter of personal privilege.

THE SPEAKER:<sup>(11)</sup> The gentleman will state his matter of personal privilege.

10. 112 CONG. REC. 13907, 89th Cong. 2d Sess.

11. John W. McCormack (Mass.).

MR. CHAMBERLAIN: Mr. Speaker, I rise with respect to an article which appeared in the Washington Post this morning entitled "Question: Do Congressmen Steal," by the columnists Drew Pearson and Jack Anderson.

THE SPEAKER: The gentleman from Michigan is recognized under the question of personal privilege.

Debate on the question then ensued.

***In the Committee of the Whole***

**§ 21.4 Under the modern practice, a question of personal privilege may not be raised in the Committee of the Whole.**

On Dec. 13, 1973,<sup>(12)</sup> during consideration by the Committee of the Whole of amendments to H. R. 11450, the Energy Emergency Act, Mr. John D. Dingell, of Michigan, rose to a question of personal privilege. In refusing to grant recognition to the Member for that purpose, the Chairman pro tempore<sup>(13)</sup> stated that a question of personal privilege could not be entertained in the Committee of the Whole.<sup>(14)</sup>

12. 119 CONG. REC. 41271, 93d Cong. 1st Sess. For further illustrations see 115 CONG. REC. 24372, 91st Cong. 1st Sess., Sept. 4, 1969; 105 CONG. REC. 11289, 86th Cong. 1st Sess., June 18, 1959; and 95 CONG. REC. 2652, 81st Cong. 1st Sess., Mar. 16, 1949.

13. John J. McFall (Calif.).

14. *Parliamentarian's Note*: Although pursuant to the modern practice a

**§ 22. Debate on the Question; Speeches**

***Applicability of Hour Rule***

**§ 22.1 The hour rule applies to debate on a question of personal privilege of a Member.**

On Apr. 19, 1972,<sup>(15)</sup> Mr. Cornelius E. Gallagher, of New Jersey, rose to a question of personal privilege. After hearing Mr. Gallagher's statement of the question, the Speaker<sup>(16)</sup> recognized him for one hour.

***Response to Member Raising Question***

**§ 22.2 On one occasion, a Member asked for a special order which he used to respond to a question of personal privilege raised by another Member, in order to deny any intention to impugn the motives or veracity of that Member.**

question of personal privilege may not be raised in the Committee of the Whole, early precedent suggests that such a question could be raised if the matter in issue arose during the Committee proceedings. See 3 Hinds' Precedents § 2540.

15. 118 CONG. REC. 13491, 92d Cong. 2d Sess.

16. Carl Albert (Okla.).