

§ 22.5 Although in stating a question of personal privilege a Member is required to confine his remarks to the question involved, he is entitled to discuss related matters necessary to challenge the charge against him.

On Feb. 28, 1956,⁽⁷⁾ during his statement of a question of personal privilege based on a newspaper article assailing his integrity, Mr. Craig Hosmer, of California, made reference to certain extraneous matters, including informational tables. A point of order against the statement of the question was raised by Mr. Byron G. Rogers, of Colorado, as follows:

. . . For the last 5 minutes the gentleman has made no reference to the truth or falsity of the charge that he raised under his question of personal privilege. On the contrary, he has placed before the Members of the House a chart, and from that he now proceeds to discuss the bill. It has no relation to the truth or falsity of the charge. The gentleman has refused to permit anyone to ask him any questions and proceeds to discuss this bill,

him on a point of personal privilege, but it was suggested that a one-minute speech would serve his purpose equally well, since there was no business scheduled for the day, and he could be recognized following the reading of the Journal.

7. 102 CONG. REC. 3477, 3479, 3480, 84th Cong. 2d Sess.

so that it does not come within the definition of personal privilege, on which grounds he sought the floor.

In his decision overruling the point of order the Speaker pro tempore⁽⁸⁾ said:

The Chair might state that he feels that the gentleman from California is very close to the line where the Chair may sustain a point of order. As the Chair understands it, the gentleman has the right to discuss the facts involved in the pending bill insofar as that is necessary in order for the gentleman to express his views with reference to the charge of falsehood contained in the editorial, and to answer that charge, and make his record in that respect. The Chair again suggests to the gentleman from California, having in mind the observations of the Chair, particularly those just made, that he proceed in order and confine his discussion of the bill at this time only to that which is necessary to challenge the charge of falsehood contained in the editorial.

§ 23. Precedence of the Question; Interrupting Other Business

Precedence as to the Journal

§ 23.1 A Member rising to a question of personal privilege may not interrupt the reading of the Journal.

8. John W. McCormack (Mass.).

On the legislative day of Oct. 8, 1968,⁽⁹⁾ Mr. Robert Taft, Jr., of Ohio, rose to obtain recognition during the reading of the Journal:

MR. TAFT: Mr. Speaker—

THE SPEAKER:⁽¹⁰⁾ For what purpose does the gentleman from Ohio rise?

MR. TAFT: Mr. Speaker, I have a privileged motion.

MR. [SIDNEY R.] YATES [of Illinois]: A point of order, Mr. Speaker. That is not in order until the reading of the Journal has been completed.

THE SPEAKER: Will the gentleman from Ohio state his privileged motion?

MR. TAFT: Mr. Speaker, my motion is on a point of personal privilege.

THE SPEAKER: Will the gentleman from Ohio state whether it is a point of personal privilege or a privileged motion?

MR. TAFT: It is a privileged motion, and a motion of personal privilege.

Under rule IX questions of personal privilege are privileged motions, ahead of the reading of the Journal.

THE SPEAKER: The Chair will advise the gentleman that a question of personal privilege should be made later after the Journal has been disposed of.

If the gentleman has a matter of privilege of the House, that is an entirely different situation.

MR. TAFT: I believe, Mr. Speaker, this involves not only personal privilege as an individual, but also as a Member of the House and also the privileges of all Members of the House.

9. 114 CONG. REC. 30214-16, 90th Cong. 2d Sess., Oct. 9, 1968 (calendar day).

10. John W. McCormack (Mass.).

THE SPEAKER: The Chair does not recognize the gentleman at this time on a matter of personal privilege.

But the Chair will, after the pending matter, the reading of the Journal has been disposed of, recognize the gentleman if the gentleman seeks recognition.

Subsequently, the gentleman was recognized to raise a question of the privilege of the House.

Interruption of Member Holding the Floor

§ 23.2 A Member may not be deprived of the floor by another Member raising a question of personal privilege.

On May 17, 1946,⁽¹¹⁾ during the consideration of House Resolution 624, concerning further expenses for the House Committee on Un-American Activities, Mr. Sol Bloom, of New York, sought recognition for a question of personal privilege. In his response declining recognition to the Member for that purpose, the Speaker⁽¹²⁾ stated:

The gentleman from South Dakota has the floor. Unless he yields the Chair cannot recognize the gentleman.

11. 92 CONG. REC. 5216, 79th Cong. 2d Sess. For additional examples see 91 CONG. REC. 7221-25, 79th Cong. 1st Sess., July 5, 1945; 84 CONG. REC. 8467, 8468, 76th Cong. 1st Sess., June 30, 1939; and 80 CONG. REC. 3720, 74th Cong. 2d Sess., Mar. 13, 1936.

12. Sam Rayburn (Tex.).

§ 23.3 A Member may not rise to a question of personal privilege while another Member controls the time for debate even though the Member in control of the time may yield him time for debate on the merits of the proposition then pending.

On Apr. 8, 1937,⁽¹³⁾ during House debate on House Resolution 162, concerning an investigation of sitdown strikes, the following proceedings transpired:

MR. [EDWARD E.] COX [of Georgia]: . . . Mr. Speaker, I yield 30 seconds to the gentleman from Michigan [Mr. (Frank E.) Hook].

MR. HOOK: Mr. Speaker, I rise to a question of personal privilege based on

the remarks of the last speaker, and ask for 1 hour.

MR. COX: Mr. Speaker, I did not yield to the gentleman for that purpose.

MR. HOOK: Then, Mr. Speaker, I ask unanimous consent that I be allowed to proceed for 5 minutes.

THE SPEAKER PRO TEMPORE:⁽¹⁴⁾ Is there objection to the request of the gentleman from Michigan?

MR. [CHARLES A.] PLUMLEY [of Vermont]: Mr. Speaker, I object.

MR. HOOK: Mr. Speaker, I then insist upon my right to rise to a question of personal privilege. The gentleman threatened us.

THE SPEAKER PRO TEMPORE: The gentleman from Michigan cannot take the gentleman from Georgia off the floor by raising a question of personal privilege.

E. BASIS OF QUESTIONS OF PERSONAL PRIVILEGE

§ 24. Introductory; General Opinion or Criticism

Rule IX defines questions of personal privilege as those that affect the "rights, reputation, and conduct" of individual Members in their representative capacity.⁽¹⁵⁾ To give rise to a question of per-

sonal privilege, a criticism must reflect directly on the Member's integrity or reputation.⁽¹⁶⁾ Mere statements of opinion about or general criticism of his voting record or views do not constitute adequate grounds for a question of personal privilege.⁽¹⁷⁾

It is not in order by way of a point of personal privilege or by raising a question of the privilege

13. 81 CONG. REC. 3295, 75th Cong. 1st Sess.

14. Fred M. Vinson (Ky.).

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

16. § 24.1, *infra*.

17. § 24.2, *infra*.