

**Member for alleged criminal conspiracy, perjury, and tax evasion gave rise to a question of personal privilege.**

On Apr. 19, 1972,<sup>(9)</sup> Mr. Cornelius E. Gallagher, of New Jersey, rising to a question of personal privilege, stated that he wished to answer charges stemming from published accounts of a grand jury indictment brought against him for alleged criminal conspiracy, perjury, and tax evasion. At the conclusion of his statement, the Speaker<sup>(10)</sup> granted Mr. Gallagher recognition for one hour on a question of personal privilege.

***Sedition***

**§ 29.6 Any pamphlet, newspaper, or document which accuses a Member of being seditious presents a question of personal privilege.**

On Mar. 26, 1946,<sup>(11)</sup> Mr. Clare E. Hoffman, of Michigan, rose to a

- 9. 118 CONG. REC. 13491-97, 92d Cong. 2d Sess.
- 10. Carl Albert (Okla.).
- 11. 92 CONG. REC. 2624, 79th Cong. 2d Sess. For additional illustrations involving accusations of sedition, see 91 CONG. REC. 12456, 79th Cong. 1st Sess., Dec. 20, 1945; 90 CONG. REC. 2908, 78th Cong. 2d Sess., Mar. 22, 1944; 90 CONG. REC. 2519, 78th Cong. 2d Sess., Mar. 13, 1944; and

question of personal privilege and presented a publication in which he was accused of sedition. In ruling on the question, the Speaker<sup>(12)</sup> said:

THE SPEAKER: . . . [T]he Chair states that any pamphlet or newspaper or document that accuses the gentleman from Michigan [Mr. Hoffman] of being seditious certainly presents a question of personal privilege.

The gentleman is recognized.

**§ 30. Published Charges Involving Legislative Conduct**

***Misuse of Public Funds***

**§ 30.1 A newspaper article to the effect that certain union delegates "left for home determined to raise hell about the misuse of government funds" by a Member gave rise to a question of personal privilege.**

On Feb. 22, 1945,<sup>(13)</sup> Mr. Clare E. Hoffman, of Michigan, on a question of personal privilege, called the attention of the House to a newspaper article which stated that certain union delegates

- 90 CONG. REC. 816, 78th Cong. 2d Sess., Jan. 27, 1944.
- 12. Sam Rayburn (Tex.).
- 13. 91 CONG. REC. 1368, 79th Cong. 1st Sess.

from Mr. Hoffman's district left for home "determined to raise hell about [his] misuse of government funds." The Speaker pro tempore<sup>(14)</sup> stated his belief that Mr. Hoffman had presented a question of personal privilege and recognized him for that purpose.

### *Deceptive Conduct*

#### **§ 30.2 An advertisement in a newspaper charging that a Member "sneaked" a permanent committee through the House gave rise to a question of personal privilege.**

On Mar. 15, 1946,<sup>(15)</sup> Mr. John E. Rankin, of Mississippi, claiming the floor on a question of personal privilege, read a newspaper advertisement charging that, "In the confusion of the first day of the 1945 Congress, Rankin sneaked over a permanent House Committee on Un-American Activities." In his ruling recognizing the Member on the question, the Speaker<sup>(16)</sup> stated:

The Chair thinks that the gentleman states a question of personal privilege in that the paper charges that he sneaked something over on the House.

The gentleman is recognized.

14. John W. McCormack (Mass.).

15. 92 CONG. REC. 2328, 79th Cong. 2d Sess.

16. Sam Rayburn (Tex.).

### *Dereliction of Duties*

#### **§ 30.3 A newspaper editorial implying nonperformance by a Member of his representative duties in relation to the poor people of his constituency gave rise to a question of personal privilege.**

On June 14, 1938,<sup>(17)</sup> Mr. John J. Boylan, of New York, presented as involving a question of personal privilege a newspaper editorial which stated "Isn't it about time for the poor people of the 15th district of New York to ask themselves just whom Mr. Boylan represents. He surely doesn't represent them." After the editorial had been submitted to the Speaker<sup>(18)</sup> for his inspection, he ruled:

The Chair finds in one of the marked paragraphs of the editorial an implication which the Chair thinks involves the gentleman's dignity, standing, and reputation as a Member of the House. The Chair recognizes the gentleman from New York on a question of personal privilege.

### *Confiscation of Evidence*

#### **§ 30.4 Newspaper headlines circulated through the mails indicating that a Member had confiscated evidence**

17. 83 CONG. REC. 9234, 75th Cong. 3d Sess.

18. William B. Bankhead (Ala.).

**needed to prosecute certain individuals was held to involve a question of personal privilege.**

On Sept. 29, 1941,<sup>(19)</sup> Mr. Hamilton Fish, Jr., of New York, rose to a question of personal privilege and sent to the desk extracts from certain newspapers. The following exchange then occurred:

THE SPEAKER:<sup>(20)</sup> The Chair sees here what seems to be the front page of some newspaper. but it is not identified here.

MR. FISH: It is PM, a newspaper in New York. The Chair can see it on the front of the page.

THE SPEAKER: Does this paper circulate through the mails?

MR. FISH: It does circulate through the mails, Mr. Speaker.

THE SPEAKER: In large headlines covering more than half of the front page appear these words:

Ham Fish snatches evidence wanted in U.S. Nazi hunt.

The Chair thinks the gentleman states a question of personal privilege.

### ***Crippling War Controls***

**§ 30.5 During World War II, a newspaper article charging a Member with actions which could leave certain administrators helpless and which could cripple war controls**

19. 87 CONG. REC. 7576, 77th Cong. 1st Sess.

20. Sam Rayburn (Tex.).

**was held to give rise to a question of personal privilege.**

On June 7, 1944,<sup>(1)</sup> Mr. Howard W. Smith, of Virginia, rose to a question of personal privilege and read from a newspaper article charging him with leading a "raid" in the House which could leave price stabilization administrators helpless to combat rising prices and which could cripple war controls. In his ruling on Mr. Smith's question of personal privilege, the Speaker<sup>(2)</sup> stated:

The Chair is of the opinion that the language read is a sufficient reflection on the gentleman to raise the question of personal privilege, and the Chair will recognize the gentleman.

### ***Conflicts of Interest***

**§ 30.6 A newspaper article alleging improper lobbying activities by a Member to preserve his financial interests in a relative's estate gave rise to a question of personal privilege.**

On June 6, 1962,<sup>(3)</sup> Mr. H. Carl Andersen, of Minnesota, rose to a question of privilege regarding a

1. 90 CONG. REC. 5460, 78th Cong. 2d Sess.

2. Sam Rayburn (Tex.).

3. 108 CONG. REC. 9792-97, 87th Cong. 2d Sess.

newspaper article which alleged improper lobbying activities on his part to preserve his own financial interests in his brother's estate. The Speaker<sup>(4)</sup> then recognized Mr. Andersen on a question of personal privilege.

**§ 30.7 A Member was recognized on a question of personal privilege following publication of a newspaper column implying that he had introduced legislation to repeal excise taxes on cars and trucks at a time when the clients of his law firm included a trucking firm.**

On June 22, 1966,<sup>(5)</sup> Mr. Charles E. Chamberlain, of Michigan, rose to a question of privilege to call attention to a newspaper column in which it was alleged that he had introduced legislation to repeal excise taxes on cars and trucks but failed to list the name of his law firm or its clients, including a trucking firm, in the Congressional Directory. After the Member's statement of the question, the Speaker<sup>(6)</sup> recognized him on a question of personal privilege.

4. John W. McCormack (Mass.).

5. 112 CONG. REC. 13907, 13908, 89th Cong. 2d Sess.

6. John W. McCormack (Mass.).

### ***Abuse of Powers or Rank***

**§ 30.8 A newspaper story to the effect that a Member sullied congressional honor and held a congressional hearing for the political purpose of influencing a local election gave rise to a question of personal privilege.**

On July 20, 1953,<sup>(7)</sup> Mr. Clare E. Hoffman, of Michigan, as a question of personal privilege, offered a newspaper editorial captioned "Representative Hoffman Sullies Congressional Honor," and which stated in part:

The immorality of holding a congressional hearing for the political purpose of influencing a local election gave off such a stench that the full committee apparently wanted no part of it.

The Speaker<sup>(8)</sup> then ruled on the question, observing:

The gentleman does not have to proceed any further. He has stated a question of personal privilege and is recognized for 1 hour.

**§ 30.9 A newspaper article to the effect that a committee chairman used a subcommittee for an improper purpose was held to give rise to a question of personal privilege.**

7. 99 CONG. REC. 9242, 9243, 83d Cong. 1st Sess.

8. Joseph W. Martin, Jr. (Mass.).

On July 21, 1953,<sup>(9)</sup> Mr. Clare E. Hoffman, of Michigan, rose on a question of personal privilege to call attention to a newspaper article which asserted that he had used a subcommittee which he had chaired to investigate the Air Force for refusing to award a contract to certain constituents. The Speaker<sup>(10)</sup> was of the opinion that Mr. Hoffman had stated a question of personal privilege and recognized him for one hour.

**§ 30.10 A newspaper editorial charging a Member with having no scruples about using the power which seniority had brought him for personal reprisals, and that he seemed unfit to govern, gave rise to a question of personal privilege.**

On July 12, 1955,<sup>(11)</sup> Mr. Francis E. Walter, of Pennsylvania, claiming the floor on a question of personal privilege, read from a newspaper editorial which referred to him in the following language:

He seems to have no scruples about using the power which seniority has brought him as a member of the Judi-

- 9. 99 CONG. REC. 9412-14, 83d Cong. 1st Sess.
- 10. Joseph W. Martin, Jr. (Mass.).
- 11. 101 CONG. REC. 10304, 84th Cong. 1st Sess.

ciary Committee to attempt personal reprisals against those whom he dislikes. . . .

A man with so little capacity for government himself seems scarcely fit for the governing of his countrymen.

After hearing the objectionable words, the Speaker<sup>(12)</sup> stated that a question of personal privilege had been stated.

***Improprieties as Committee Chairman***

**§ 30.11 A newspaper article charging that the chairman of a committee had “rammed through” a resolution pending before his committee gave rise to a question of personal privilege.**

On July 16, 1962,<sup>(13)</sup> Mr. Clarence Cannon, of Missouri, sought the floor for a question of personal privilege and proceeded to discuss a newspaper article charging that, as Chairman of the Committee on Appropriations, he had “rammed through” a resolution pending before his committee, without allowing debate and without explanation. After the submission of the article to the Chair, the Speaker<sup>(14)</sup> recognized Mr. Can-

- 12. Sam Rayburn (Tex.).
- 13. 108 CONG. REC. 13681, 13682, 87th Cong. 2d Sess.
- 14. John W. McCormack (Mass.).

non on a question of personal privilege.

**§ 30.12 A newspaper editorial to the effect that a chairman of a committee so discredited himself by irresponsible actions that his committee voted to strip him of power to name subcommittees gave rise to a question of personal privilege.**

On July 29, 1953,<sup>(15)</sup> Mr. Clare E. Hoffman, of Michigan, rising to a question of personal privilege, read from a newspaper editorial which asserted that he, as Chairman of the Committee on Government Operations, had so discredited himself by irresponsible actions that the committee voted to strip him of power to name subcommittees. In his ruling granting the Member recognition on his question of personal privilege, the Speaker<sup>(16)</sup> stated:

The Chair believes that the gentleman is justified in rising to a question of personal privilege on the ground that the matter to which he has referred is a reflection on him in his representative capacity.

**§ 30.13 A statement in a magazine article asserting that a committee report contained**

15. 99 CONG. REC. 10351, 83d Cong. 1st Sess.

16. Joseph W. Martin, Jr. (Mass.).

**“stale lies and shabby calumnies” and inferring that the chairman of the committee failed to give minority members an opportunity to file minority views was held to present a question of personal privilege.**

On Jan. 16, 1941,<sup>(17)</sup> Mr. Howard W. Smith, of Virginia, presented as involving a question of privilege a magazine article which stated, “We do not have the space at this time to disentangle and answer all the stale lies and shabby calumnies rehashed in the final report of the Smith committee” and which alleged that the chairman of the committee had failed to give minority Members an opportunity to file minority views with the majority report. The Speaker<sup>(18)</sup> then granted recognition to Mr. Smith on the question of personal privilege.

***Avoidance of Committee Responsibilities***

**§ 30.14 A newspaper article to the effect that certain named Members of the House, who originally accused an individual of communistic affiliations, had ducked the com-**

17. 87 CONG. REC. 158, 77th Cong. 1st Sess.

18. Sam Rayburn (Tex.).

**mittee session in which the individual was cleared of such charges, was held to involve a question of personal privilege.**

On Dec. 17, 1941,<sup>(19)</sup> Mr. Everett M. Dirksen, of Illinois, rose and proposed as a question of personal privilege to call attention to a newspaper article which asserted that Mr. Dirksen and two other Members, who had originally accused David Lasser of communistic affiliations, had failed to attend the committee session when Lasser was cleared of the charges. In his ruling granting recognition to the Member, the Speaker<sup>(20)</sup> stated:

The rule covering this matter states:

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of Members individually in their representative capacity only.

The Chair thinks the gentleman states a question of personal privilege.

***“Disgraceful” Conduct Reflecting on the House***

**§ 30.15 An insertion in a newspaper editorial that the conduct of a Member had been**

19. 87 CONG. REC. 9913, 77th Cong. 1st Sess.

20. Sam Rayburn (Tex.).

**so disgraceful as to reflect upon the membership of the House was held to be sufficient grounds for a question of personal privilege.**

On Feb. 18, 1936,<sup>(1)</sup> Mr. Thomas L. Blanton, of Texas, on a question of personal privilege, called the attention of the House to a newspaper editorial which read in part:

The case of the people of Washington against Thomas L. Blanton is clearly posed. It is one of ignorant and prejudiced domination over local appropriations by a Congressman whose chief reliance in an argument seems to be epithets and fists. It is an important case for Congress as well as for the voteless Capital City. . . .

Indeed, the disgrace that such tactics bring upon the National Legislature—aside from their deplorable effects upon Washington—should result in a speedy transfer of Mr. Blanton.

The Speaker<sup>(2)</sup> ruled that the editorial gave rise to a question of personal privilege, observing:

. . . Without entering into a discussion of the language which has been read by the gentleman from Texas, the Chair clearly thinks that the publication which charges that his conduct has been so disgraceful as to reflect upon the Members of the House entitles the gentleman to be heard on the question of privilege, and the Chair

1. 80 CONG. REC. 2320, 74th Cong. 2d Sess.

2. Joseph W. Byrns (Tenn.).

therefore recognizes the gentleman from Texas for 1 hour.

**§ 30.16 A newspaper article charging that a Member of Congress had long disgraced himself by being “anti-United Nations, anti-Semitic, anti-Negro, [and] antilabor” was held to involve a question of personal privilege.**

On Jan. 8, 1945,<sup>(3)</sup> Mr. John E. Rankin, of Mississippi, on a question of personal privilege, called the attention of the House to a newspaper article which repeated charges as described above. The Speaker<sup>(4)</sup> then ruled:

The Chair believes that the gentleman from Mississippi has stated a question that involves the privileges of the House, it being an attack on his integrity as a Member of the House.

***Improper Conduct in Agency Dealings***

**§ 30.17 A notation on the margin of a letter sent to the press to the effect that a Member had visited the office of the director of an agency while intoxicated and had “cussed out” the director’s clerks in such a manner that the director refused to**

3. 91 CONG. REC. 107, 108, 79th Cong. 1st Sess.

4. Sam Rayburn (Tex.).

**see him, was held to give rise to a question of personal privilege.**

On Apr. 16, 1943,<sup>(5)</sup> Mr. Paul Stewart, of Oklahoma, claimed the floor for a question of personal privilege and proceeded to discuss the contents of a notation on the margin of a letter sent to two newspapers which asserted that the Member had visited the office of the director of the Office of Price Administration “half drunk” and had “cussed out” the clerks there in such a manner that the director refused to see him. The Speaker<sup>(6)</sup> then ruled that a question of personal privilege had been stated.

***Abuse of Franking Privilege***

**§ 30.18 A newspaper article quoting a book containing an accusation that a Member permitted the use of his frank by one of questionable character gave rise to a question of personal privilege.**

On Jan. 28, 1944,<sup>(7)</sup> Mr. Clare E. Hoffman, of Michigan, on a question of personal privilege, called the attention of the House

5. 89 CONG. REC. 3471, 78th Cong. 1st Sess.

6. Sam Rayburn (Tex.).

7. 90 CONG. REC. 879, 78th Cong. 2d Sess.

to a newspaper article quoting a book which asserted that the Member had permitted the use of his frank by a man of questionable character. The Speaker pro tempore<sup>(8)</sup> then recognized the Member on the question of personal privilege.

**§ 31. Published Charges Involving Patriotism**

*Generalized Allegations and Innuendos*

**§ 31.1 A letter addressed to several newspapers and to Members of the House to the effect that in Russia a certain Congressman would have been liquidated long ago as an enemy of his country, gave rise to a question of personal privilege.**

On July 3, 1947,<sup>(9)</sup> Mr. Clare E. Hoffman, of Michigan, offered as involving a question of personal privilege a letter addressed to several newspapers and Members of the House which stated that, "In Russia, Congressman Hoffman would have been liquidated long ago as an enemy of his country." Upon hearing Mr. Hoffman's

8. John W. McCormack (Mass.).

9. 93 CONG. REC. 8260, 80th Cong. 1st Sess.

statement, the Speaker<sup>(10)</sup> recognized him for one hour.

**§ 31.2 An article in a newspaper charging a Member of the House as being "the most un-American politician" was held to present a question of personal privilege.**

On Jan. 29, 1941,<sup>(11)</sup> Mr. Clare E. Hoffman, of Michigan, on a question of personal privilege, called the attention of the House to a newspaper article in which he was identified as being "about the most un-American politician that ever went to Congress." The Speaker<sup>(12)</sup> granted the Member recognition, saying:

The Chair thinks that the gentleman has stated a question of personal privilege. . . .

The Chair bases his opinion upon the words that the gentleman from Michigan refers to in this article, which refer to his un-Americanism. The Chair thinks those words present a charge which entitles the gentleman to rise to a question of personal privilege.

**§ 31.3 Language in a newspaper asserting that a Member was among those who would divide the Nation and that he was a spokesman for**

10. Joseph W. Martin, Jr. (Mass.).

11. 87 CONG. REC. 348, 77th Cong. 1st Sess.

12. Sam Rayburn (Tex.).