

privilege, read from a newspaper editorial charging him with falsehoods during House consideration of a certain bill. Following the submission of the editorial to the Chair, the Speaker pro tempore⁽⁶⁾ stated:

The Chair thinks the gentleman raises a question of personal privilege. The gentleman from California is recognized.

Stating Lies

§ 32.2 A newspaper article in which a statement of a Member was characterized as “an outright lie,” gave rise to a question of personal privilege.

On Mar. 11, 1957,⁽⁷⁾ Mr. Frank T. Bow, of Ohio, submitted as involving a question of personal privilege a newspaper article in which a statement he had made was characterized as “an outright lie.” The Speaker⁽⁸⁾ said:

In the opinion of the Chair the gentleman has stated a question of personal privilege.

The gentleman is recognized.

6. John W. McCormack (Mass.).

7. 103 CONG. REC. 3395, 85th Cong. 1st Sess.

8. Sam Rayburn (Tex.).

§ 33. Criticism of Members Collectively

Criticism of Unnamed Members

§ 33.1 A statement in a radio address by a cabinet officer that persons advocating a certain measure were deliberately misleading the public was held not to give grounds for a question of personal privilege to a Member who had advocated the measure, but who had not been named in the address.

On Apr. 17, 1935,⁽⁹⁾ Mrs. Edith Nourse Rogers, of Massachusetts, as an advocate of the repeal of a certain textile processing tax, presented as involving a question of personal privilege the statement made during a radio address by a cabinet officer that persons advocating the repeal of the tax were deliberately misleading the public. A point of order was made by Mr. Hampton P. Fulmer, of South Carolina, that she had not stated a question of personal privilege. In his ruling sustaining the point of order, the Speaker⁽¹⁰⁾ stated:⁽¹¹⁾

9. 79 CONG. REC. 5854, 5855, 74th Cong. 1st Sess.

10. Joseph W. Byrns (Tenn.).

11. 79 CONG. REC. 5855, 74th Cong. 1st Sess.

The Chair will state that the rule provides that a Member may rise to a question of personal privilege where the rights, reputation, and conduct of Members in their individual capacity only are assailed.

The name of the gentlewoman from Massachusetts was not mentioned, in the first place, and the Chair fails to see where there is a question of personal privilege involved in the statement referred to by the gentlewoman from Massachusetts, and therefore must, of course, rule that she has not raised a question of personal privilege.

§ 33.2 A newspaper article charging Members of the House with demagoguery and willingness to punish the District of Columbia was held a criticism of the House and not to constitute a question of personal privilege.

On May 21, 1941,⁽¹²⁾ Mr. Clare E. Hoffman; of Michigan, rose to a question of personal privilege and read from a newspaper article which charged the Members of the House with demagoguery and with a willingness to punish the District of Columbia to win votes at home. After the submission of the article for the Chair's inspection, the following exchange occurred:

THE SPEAKER:⁽¹³⁾ Where does the article refer to the gentleman from Michigan personally?

12. 87 CONG. REC. 4307, 4308, 77th Cong. 1st Sess.

13. Sam Rayburn (Tex.).

MR. HOFFMAN: It does not so refer, but it refers to all those Members of the House who voted in opposition to that bill. . . .

THE SPEAKER: The Chair will read that part of the rule which affects Members, so far as personal privilege is concerned:

Second, the rights, reputation, and conduct of Members individually in their representative capacity only.

There is nothing in this matter that refers to the gentleman from Michigan [Mr. Hoffman] either individually or in his official capacity. The Chair would hesitate to hold a question of personal privilege of Members of the House lies in a general criticism of the action of the House. Therefore, the Chair is inclined to hold that the gentleman has not stated a question of personal privilege.

§ 33.3 A newspaper article incorporating the statement that anyone who charged the CIO with communistic control was "a knave, a liar, and a poltroon," was held not to give rise to a question of personal privilege.

On Mar. 27, 1939,⁽¹⁴⁾ Mr. Clare E. Hoffman, of Michigan, rising to a question of personal privilege, called the attention of the House to a newspaper article quoting labor union leader John L. Lewis as saying that anyone who charged the CIO with com-

14. 84 CONG. REC. 3362, 76th Cong. 1st Sess.

munistic control was “a knave, a liar, and a poltroon,” it being acknowledged that the Member had made such charges in debate on June 1, 1937. After the Member’s presentation of the question, the Speaker⁽¹⁵⁾ made the following statement:

The Chair is ready to rule on this question of personal privilege presented by the gentleman from Michigan.

The question now raised is the following language that was purported to have been quoted in the March 23, 1939, issue of the New York Times as coming from John L. Lewis, chairman of the Congress of Industrial Organizations:

Maintaining that the C.I.O. was an American institution, Mr. Lewis denied that it was controlled by

Communists, saying that anyone who charged such communistic control was a knave, a liar, and a poltroon.

The gentleman from Michigan takes the position that because of something that he may have said heretofore on the floor of the House, brings him within the purview of the definition given by Mr. Lewis. But in the language quoted there is certainly no reference to any particular individual. The gentleman is not named, and for aught appearing in this statement that has been made, the gentleman who is quoted may have been referring entirely to some other individual or some other group of individuals rather than the gentleman from Michigan.

The Chair is clearly of the opinion that it would be stretching the rule too far to construe the general statement here made as giving the gentleman from Michigan a question of privilege.

15. William B. Bankhead (Ala.).