mitted as a question of the privilege of the House, a resolution[17] instructing certain House conferees to insist upon the exclusion from subsequent conference committee meetings of several experts and counsel who were present during a previous committee meeting at the insistence of the Senate conferees. A point of order was then made by Mr. John E. Rankin, of Mississippi, that the resolution did not state a question of the privilege of the House and further said:

> To say that the Senate committee, when it brings its experts to advise them and to assist them in working out the parliamentary or the legislative problems involved, is a matter that goes to the integrity of the proceedings of the House of Representatives I submit does not meet the requirement; and therefore the resolution is not privileged. If they want to come in and ask new instructions, and give the House the right to vote on the instructions or what those instructions are to be, that might be a different proposition, but that would not be a question of the privilege of the House.

Debate ensued, at the conclusion of which the Speaker[18] in sustaining the point of order, stated:[19]

> The Chair does not wish to be understood as passing on the merits of the question, because that is not within the province of the Chair, but the Chair thinks there is a distinction between an assault upon a member of a conference committee, as the gentleman from Alabama has suggested, and the attendance at a session of a conference committee of an employee of the Government upon the invitation of the conferees of one House. The Chair thinks that that is a matter of procedure that should be determined by the conferees. In the event that the conferees are unable to agree, it seems to the Chair that the remedy is provided in rule XXVIII. The Chair does not believe that under the facts stated a question of privilege is involved. The Chair, therefore, sustains the point of order.

§ 4. Raising and Presenting the Question

Prima Facie Showing

§ 4.1 The mere statement that the privilege of the House has been violated and transgressed, unsupported by a further showing of a prima facie violation or breach of the privilege of the House, does not properly present a question of privilege.

On Feb. 18, 1936,[20] Mr. Marion A. Zioncheck, of Washington,

17. H. Res. 311.

18. Joseph W. Byrns (Tenn.).

19. 79 CONG. REC. 12013, 74th Cong. 1st Sess.

20. 80 CONG. REC. 2312, 2313, 74th Cong. 2d Sess. For further illustration see 88 CONG. REC. 2005, 77th Cong. 2d Sess., Mar. 6, 1942.

submitted as a question of privilege the following resolution:

> *Resolved,* That the gentleman from New York, Mr. Taber, violated and transgressed the privileges of the House Monday, February 17, 1936.

A point of order was then made by Mr. Frederick R. Lehlbach, of New Jersey, asserting that the resolution did not raise a question of the privilege of the House. In his ruling, sustaining the point of order, the Speaker[21] stated:

> The Chair thinks the point of order is well taken. The resolution does not set out a question of privilege.

Raised by Resolution

§ 4.2 Questions of privilege of the House are raised by resolution.

On Sept. 5, 1940,[22] Mr. Clare E. Hoffman, of Michigan, rising to a question of the privilege of the House, sought recognition to make a statement. A point of order was made by Mr. John E. Rankin, of Mississippi, that in order to obtain recognition on a question of the privilege of the House a Member must first offer a resolution. Following the subsequent parliamentary inquiry by Mr. Hoffman inquiring whether in fact he was required to offer a resolution before stating his question, the Speaker[1] stated:

> The gentleman must offer his resolution first, under the rule.

In Committee of the Whole

§ 4.3 A question of the privilege of the House based upon proceedings in the House may not be raised in the Committee of the Whole.

On May 24, 1972,[2] after the House had gone into the Committee of the Whole, the following proceedings occurred:

> THE CHAIRMAN:[3] For what purpose does the gentlewoman from New York rise?
>
> MRS. [BELLA S.] ABZUG: Mr. Chairman, I rise to make a resolution con-

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Note: The resolution quoted above was apparently in response to remarks by Mr. John Taber [N.Y.], made on the preceding day, in which he criticized an alleged abuse by Mr. Zioncheck of the privilege of extending remarks in the Record. See 80 CONG. REC. 2201, 74th Cong. 2d Sess., Feb. 17, 1936.

21. Joseph W. Byrns (Tenn.).

22. 86 CONG. REC. 11552, 11553, 76th Cong. 3d Sess. For further illustrations see 86 CONG. REC. 5111, 5112, 5114, 76th Cong. 3d Sess., Apr. 26, 1940; 80 CONG. REC. 2201, 74th Cong. 2d Sess., Feb. 17, 1936; 79 CONG. REC. 5454, 5455, 74th Cong. 1st Sess., Apr. 11, 1935.

1. William B. Bankhead (Ala.).

2. 118 CONG. REC. 18675, 92d Cong. 2d Sess.

3. John M. Murphy (N.Y.).

cerning a question of privilege on rule IX.

THE CHAIRMAN: The gentlewoman is not in order.

MR. [JOHN J.] MCFALL [of California]: Mr. Chairman, I make a point of order against the resolution.

MRS. ABZUG: Mr. Chairman, a question of privilege under rule IX in my understanding is in order at any time and it takes precedence over any other.

THE CHAIRMAN: The Chair states the gentlewoman is not correct. Question[s] of privilege of the House may not be raised in the Committee of the Whole.

§ 5. Time for Consideration; Precedence of the Question

Precedence of Motions to Adjourn

§ 5.1 A question of privilege is not entertained pending a vote on a motion to adjourn.

On Apr. 15, 1970,[4] following a point of order objecting to a vote on a motion to adjourn based on the absence of a quorum, Mr. Louis C. Wyman, of New Hampshire, rose to a question of "privilege." The Speaker pro tempore[5] indicated that the pendency of the motion to adjourn precluded the entertainment of the question.[6]

§ 5.2 The House may adjourn pending a decision on a question of privilege of the House.

On June 5, 1940,[7] Mr. Hamilton Fish, Jr., of New York, offered a resolution[8] raising a question of the privilege of the House. A point of order that a quorum was not present was then made by Mr. William P. Cole, of Maryland. When the count of the House by the Speaker[9] disclosed the absence of a quorum, the House agreed to a motion offered by Mr. Sam Rayburn, of Texas, adjourning until the following day.

Precedence of Question of Privilege

§ 5.3 Parliamentarian's Note: A question of privilege has priority over all other questions except motions to adjourn,[10] and supercedes the consideration of the original question

4. 116 CONG. REC. 11940, 11941, 91st Cong. 2d Sess.
5. Charles M. Price (Ill.).
6. By explicit provision Rule IX, *House Rules and Manual* § 661 (1973), mandates that questions of privilege "shall have precedence of all other questions, except motions to adjourn."
7. 86 CONG. REC. 7633, 76th Cong. 3d Sess.
8. H. Res. 510.
9. William B. Bankhead (Ala.).
10. Rule IX, *House Rules and Manual* § 661 (1973), and 3 Hinds' Precedents § 2521.