

House collectively, its safety, dignity, and the integrity of its proceedings . . . and shall have precedence of all other questions, except motions to adjourn.

Under the precedents, a resolution raising a question of the privileges of the House does not necessarily require a report from a committee. Immediate consideration of a question of privilege of the House is inherent in the whole concept of privilege. When a resolution is presented, the House may then make a determination regarding its disposition.

When a question is raised that a witness before a House committee has been contemptuous, it has always been recognized that the House has the implied power under the Constitution to deal directly with such conduct so far as is necessary to preserve and exercise its legislative authority. However, punishment for contemptuous conduct involving the refusal of a witness to testify or produce documents is now generally governed by law—Title II, United States Code, sections 192–194—which provides that whenever a witness fails or refuses to appear in response to a committee subpoena, or fails or refuses to testify or produce documents in response thereto, such fact may be reported to the House. Those reports are of high privilege.

When a resolution raising a question of privilege of the House is submitted by a Member and called up as privileged, that resolution is also subject to immediate disposition as the House shall determine.

The implied power under the Constitution for the House to deal directly with matters necessary to preserve and exercise its legislative authority; the

provision in rule IX that questions of privilege of the House shall have precedence of all other questions; and the fact that the report of the committee has been filed by the gentleman from West Virginia as privileged—all refute the argument that the 3-day layover requirement of clause 27(d)(4) applies in this situation.

The Chair holds that the report is of such high privilege under the inherent constitutional powers of the House and under rule IX that the provisions of clause 27(d)(4) of rule XI are not applicable.

Therefore, the Chair overrules the point of order.

## **§ 6. Recognition to Offer; Determinations as to Validity**

### ***Speaker's Power to Recognize Member***

#### **§ 6.1 Questions asserted to involve the privilege of the House are addressed to the Speaker; and he may refuse recognition if the resolution is not shown to be admissible as a question of privilege under the rule.**

On the legislative day of Oct. 8, 1968,<sup>(15)</sup> Mr. Robert Taft, Jr., of Ohio, presented a resolution pur-

15. 114 CONG. REC. 30214, 30215, 90th Cong. 2d Sess., Oct. 9, 1968 (calendar day).

portedly involving a question of the privilege of the House. However, the Speaker<sup>(16)</sup> ruled that the Member could not be recognized for the purpose of calling up such a resolution. (See §3.2, supra.)

A parliamentary inquiry was then raised by Mr. Gerald R. Ford, of Michigan, questioning whether in fact the gentleman from Ohio had been recognized for the purpose of offering the resolution. Answering in the negative, the Speaker stated:<sup>(17)</sup>

THE SPEAKER: The gentleman from Michigan is well aware of the fact that the question of recognition rests with the Chair. The gentleman did not make a motion which was in order by reason of the action heretofore taken by the House.

***Preliminary Determinations; Deferral of Recognition***

**§ 6.2 On one occasion, the Chair deferred ruling on the validity of a resolution presented as raising a question of the privilege of the House.**

On May 21, 1941,<sup>(18)</sup> Mr. Clare E. Hoffman, of Michigan, sub-

- 16. John W. McCormack (Mass.).
- 17. 114 CONG. REC. 30215, 90th Cong. 2d Sess., Oct. 8, 1968 (calendar day Oct. 9, 1968).
- 18. 87 CONG. REC. 4307, 4308, 77th Cong. 1st Sess.

mitted a resolution purportedly raising a question of the privilege of the House. Explaining his unwillingness to immediately entertain the resolution, the Speaker<sup>(19)</sup> said:<sup>20</sup>

. . . For the moment at least the Chair would hesitate to hold that the gentleman's resolution is privileged. The Chair assures the gentleman that he would like to look into it further. He would hesitate to hold at this time that the general criticism of Members of the House is a matter so involving the privileges of the House that a resolution of this kind would be in order.

The Chair desires to look into the matter and will talk with the gentleman personally or recognize him in the House later in the day.

No further action was taken on the floor or by the Speaker.

***Appeal From Speaker's Ruling***

**§ 6.3 On one occasion when an appeal was taken from the Speaker's decision that a resolution did not state a question of the privilege of the House, the House laid the appeal on the table, thereby sustaining the decision of the Chair.**

On the legislative day of Oct. 8, 1968,<sup>(21)</sup> Mr. Robert Taft, Jr., of

- 19. Sam Rayburn (Tex.).
- 20. 87 CONG. REC. 4308, 77th Cong. 1st Sess., May 21, 1941.
- 21. 114 CONG. REC. 30214, 30215, 90th Cong. 2d Sess., Oct. 9, 1968 (calendar day).

Ohio, presented a resolution which he asserted raised a question involving the privilege of the House. However, the Speaker<sup>(22)</sup> ruled that the Member could not be recognized for the purpose of presenting such a resolution. (See §3.2, supra.) Mr. Taft then appealed the ruling of the Chair. Immediately thereafter, Mr. Carl Albert, of Oklahoma, moved that the appeal be laid on the table. The question was taken and, by a vote of 136 yeas to 102 nays, the motion to lay the appeal on the table was agreed to.

## § 7. Consideration and Debate; Referral to Committee

### *Hour Rule on Debate*

#### § 7.1 The hour rule applies to debate on a question of the privilege of the House.

On Feb. 6, 1950,<sup>(1)</sup> Mr. Clare E. Hoffman, of Michigan, following

22. John W. McCormack (Mass.).

1. 96 CONG. REC. 1514, 81st Cong. 2d Sess. For further illustration, see 116 CONG. REC. 41358, 91st Cong. 2d Sess., Dec. 14, 1970; 113 CONG. REC. 6041, 90th Cong. 1st Sess., Mar. 9, 1967; 92 CONG. REC. 5001, 79th Cong. 3d Sess., May 14, 1946; and 86 CONG. REC. 5111, 5112, 5114, 76th Cong. 3d Sess., Apr. 26, 1940.

his submission of a resolution raising a question of the privileges of the House, inquired of the Speaker<sup>(2)</sup> as to whether he was entitled to one hour of debate. In response to the inquiry the Speaker stated, "If it is a question of the privilege of the House, the gentleman would be."

### *Scope of Debate or Argument*

#### § 7.2 A Member having been recognized on a question of the privilege of the House must confine himself to such question.

On Aug. 27, 1940,<sup>(3)</sup> Mr. Jacob Thorkelson, of Montana, presented a resolution raising the question of personal privilege and of the privilege of the House. At issue were remarks inserted in the *Congressional Record* by Mr. Adolph J. Sabath, of Illinois. Mr. Thorkelson, in presenting the resolution, stated:

It is of the utmost importance that the Congressional Record be a true record of the proceedings of the House. The integrity of the Record is destroyed by the insertion of remarks purporting to have been made on the floor of the House, but which were not so made, when no permission has been granted by the House to insert those remarks.

2. Sam Rayburn (Tex.).

3. 86 CONG. REC. 11046, 76th Cong. 3d Sess.