Ohio, presented a resolution which he asserted raised a question involving the privilege of the House. However, the Speaker[22] 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,[1] Mr. Clare E. Hoffman, of Michigan, following his submission of a resolution raising a question of the privileges of the House, inquired of the Speaker[2] 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,[3] 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.

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.

2. Sam Rayburn (Tex.).

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

The remarks which have just been quoted as having been inserted in the Record by the gentleman from Illinois [Mr. Sabath] were not made on the floor of the House and violate the rules of the House in two particulars.

First, the remarks charge that the Member from Montana had inserted 210 pages of "scurrilous matter" in the Record. "Scurrilous," among other things, means "grossly offensive," "vulgar," "opprobrious."

Such remarks reflect upon the character, the reputation, of the Member from Montana; tend to hold him up to ridicule; reflect upon his ability, his reputation, and his character in his representative capacity.

They also charge him with having inserted in the Record a forged letter.

Subsequently, the Speaker[4] stated that Mr. Thorkelson's assertions did not "raise a question of veracity [but did] raise a question in reference to the Record itself, as to whether or not such permission was obtained by the gentleman from Illinois."[5]

Later in the proceedings, when Mr. Thorkelson sought to introduce matter relevant to the alleged imputation of untruthfulness, the following exchange took place:[6]

THE SPEAKER: On what phase is the gentleman addressing himself so far as the question of privilege is concerned?. . .

MR. THORKELSON: With regard to whether I have uttered truths or falsehoods. I believe that is part of my resolution.

THE SPEAKER: The Chair does not find any language in the gentleman's resolution where he is charged with an untruth or falsity. . . . The only question of privilege involved is whether or not the matter was put in without permission of the House. . . . The Chair does not desire to interrupt the continuity of the gentleman's argument, but the Chair is under some obligation to see that the gentleman conforms with the rules and discusses the matter of privilege about which he complains.

Applicability of Previous Question

§ 7.3 The previous question applies to a question of the privilege of the House.

On Apr. 26, 1940,[7] Mr. Clare E. Hoffman, of Michigan, presented a resolution raising a question of the privilege of the House. Debate on the resolution then ensued. Thereafter, the Member moved the previous question on his resolution, the previous question ultimately being rejected on a division—ayes 102, noes 139.

4. William B. Bankhead (Ala.).

5. 86 CONG. REC. 11049, 76th Cong. 3d Sess.

6. *Id.* at p. 11156.

7. 86 CONG. REC. 5111–14, 76th Cong. 3d Sess.

Referral of Question to Committee

§ 7.4 The House may refer to the Committee on Rules for consideration a question involving the privilege of the House.

On Jan. 23, 1940[8] Mr. Clare E. Hoffman, of Michigan, submitted a resolution[9] involving a question of the privilege of the House. Immediately thereafter, the House agreed to a motion which committed the resolution to the Committee on Rules for its consideration.

§ 7.5 The House by resolution may refer a matter to a designated committee for its determination as to whether the matter involves a question of the privilege of the House.

On Mar. 26, 1953,[10] the House adopted a resolution[11] submitted by Mr. Charles A. Halleck, of Indiana, authorizing and directing the Committee on the Judiciary to determine whether the service of subpenas upon certain Members, former Members, and employees of the House, relative to a civil suit, constituted a question involving the privilege of the House.

C. BASIS OF QUESTIONS OF PRIVILEGE OF THE HOUSE

§ 8. General Criticism of Legislative Activity

Criticism of Congress

§ 8.1 A newspaper editorial making a general criticism of the Congress does not present a question of personal privilege or the privilege of the House.

On Sept. 22, 1941,[12] Mr. Clare E. Hoffman, of Michigan, sought to submit, as a matter presenting a question both of personal privilege and of the privilege of the House, the text of a newspaper editorial charging Congress with "inertia, cowardice, and political

8. 86 CONG. REC. 606, 76th Cong. 3d Sess.
9. H. Res. 366.
10. 99 CONG. REC. 2356–58, 83d Cong. 1st Sess. For additional illustration of the same point, see 87 CONG. REC. 8734–39, 77th Cong. 1st Sess., Nov. 10, 1941.
11. H. Res. 190.
12. 87 CONG. REC. 7500, 77th Cong. 1st Sess.