Y4
.In 8/15
R 86/
969

KANSAS STATE UNIVERSITY LIBRARIES
DOC EXP
KANSAS STATE UNIVERSITY

Rules of Procedure

GOVERNMENT
Storage

Committee on Internal Security



Adopted February 20, 1969
91st Congress, 1st Session

A11600 695216

U.S. HOUSE OF REPRESENTATIVES

WASHINGTON, D.C.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

COMMITTEE ON INTERNAL SECURITY

United States House of Representatives

Ninety-first Congress

★

RICHARD H. ICHORD, Missouri, *Chairman*

CLAUDE PEPPER, Fla.
EDWIN W. EDWARDS, La.
RICHARDSON PREYER, N.C.
LOUIS STOKES, Ohio

JOHN M. ASHBROOK, Ohio
RICHARD L. ROUDEBUSH, Ind.
ALBERT W. WATSON, S.C.
WILLIAM J. SCHERLE, Iowa

★

DONALD G. SANDERS, *Chief Counsel*
ALFRED M. NITTLE, *Counsel*

CONTENTS

	Page
Rules adopted by 91st Cong. (Excerpt)	IV
Committee Rules of Procedure:	
Initiation of Investigations	1
Committee and Subcommittee Meetings—Quorum—Appointment of Subcommittees	1
Delegation of Authority to Subcommittees	2
Subpenaing of Witnesses	3
Publication of Names of Subpenaed Witnesses	4
Distribution of Rules	4
Witness Fees and Travel Allowance	4
Subjects of Investigation	5
Testimony under Oath	5
Executive Hearings	5
Release of Testimony Taken in Executive Session	7
Transcripts of Testimony	7
Committee Reports or Publications	9
Additional Rights of Persons Affected by a Hearing or Committee Publication	10
Rights of Witnesses while Testifying	10
Participation and Conduct of Counsel in Hearing	13
Contempt of Congress	14

The House Committee on Internal Security is a standing committee of the House of Representatives, constituted as such by the rules of the House, adopted pursuant to Article I, section 5, of the Constitution of the United States which authorizes the House to determine the rules of its proceedings.

RULES ADOPTED BY THE 91ST CONGRESS

House Resolution 7, January 3, 1969, as amended by House Resolution 89, February 18, 1969.

RESOLUTION

Resolved, That the Rules of the House of Representatives of the 90th Congress, together with all applicable provisions of the Legislative Reorganization Act of 1946, as amended, be, and they are hereby adopted as the Rules of the House of Representatives of the 91st Congress * * *

* * * * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress,

* * * * * * *

(k) Committee on Internal Security, to consist of nine Members.

* * * * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * * * *

11. Committee on Internal Security.

(a) Communist and other subversive activities affecting the internal security of the United States.

(b) The Committee on Internal Security, acting as a whole or by subcommittee, is authorized to make investigations from time to time of (1) the extent, character, objectives, and activities within the United States of organizations or groups, whether of foreign or domestic origin, their members, agents, and affiliates, which seek to establish, or assist in the establishment of, a totalitarian dictatorship within the United States, or to overthrow or alter, or assist in the overthrow or alteration of, the form

of government of the United States or of any State thereof, by force, violence, treachery, espionage, sabotage, insurrection, or any unlawful means, (2) the extent, character, objectives, and activities within the United States of organizations or groups, their members, agents, and affiliates, which incite or employ acts of force, violence, terrorism, or any unlawful means, to obstruct or oppose the lawful authority of the Government of the United States in the execution of any law or policy affecting the internal security of the United States, and (3) all other questions, including the administration and execution of any law of the United States, or any portion of law, relating to the foregoing that would aid the Congress or any committee of the House in any necessary remedial legislation.

The Committee on Internal Security shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Internal Security, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, and to require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * * * *

27. (a) The rules of the House are the rules of its committees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committees. Committees may adopt additional rules not inconsistent therewith.

(b) Each committee shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded.

(c) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access to such records. Each committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee.

(d) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote.

(e) No measure or recommendation shall be reported from any committee unless a majority of the committee were actually present.

(f) Each committee shall, so far as practicable, require all witnesses appearing before it to file in advance written state-

ments of their proposed testimony, and to limit their oral presentation to brief summaries of their argument. The staff of each committee shall prepare digests of such statements for the use of committee members.

(g) All hearings conducted by standing committees or their subcommittees shall be open to the public, except executive sessions for marking up bills or for voting or where the committee by a majority vote orders an executive session.

(h) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence, which shall be not less than two.

(i) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(j) A copy of the committee rules, if any, and clause 27 of rule XI of the House of Representatives shall be made available to the witness.

(k) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(l) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(m) If the committee determines that evidence or testimony at an investigative hearing may tend to defame, degrade, or incriminate any person, it shall—

(1) receive such evidence or testimony in executive session;

(2) afford such person an opportunity voluntarily to appear as a witness; and

(3) receive and dispose of requests from such person to subpena additional witnesses.

(n) Except as provided in paragraph (m), the chairman shall receive and the committee shall dispose of requests to subpena additional witnesses.

(o) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(p) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(q) Upon payment of the cost thereof, a witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

28. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

COMMITTEE RULES OF PROCEDURE

I—INITIATION OF INVESTIGATIONS:

No investigation shall be undertaken by the Committee unless authorized by a majority of the members thereof. Committee investigations shall be limited to those legislative purposes committed to it by the mandate of the House. The subjects of inquiry of any investigation shall be set forth in the Committee resolution authorizing such investigation.

II—COMMITTEE AND SUBCOMMITTEE MEETINGS — QUORUM — APPOINTMENT OF SUBCOMMITTEES:

A—Committee or subcommittee meetings to make authorizations or decisions with respect to investigations shall be called only upon a minimum of 24 hours' written or verbal notice to the office of each member while the Congress is in session, and 3 days' written notice when not in session. Any objection to the sufficiency of notice of any meeting shall be deemed waived, unless written objection is filed with the Chairman of the Committee or subcommittee.

B—The Chairman of the Committee is authorized and empowered from time to time to appoint subcommittees, and to reconstitute the membership thereof, composed of three or more members of the Committee, at least one of whom shall be of the minority political party, and a majority of whom shall constitute a quorum, for the purpose of conducting any investigation initiated by the Committee or performing any and all acts which the Committee as a whole is authorized to perform for the purpose of any such investigation. No subcommittee shall have the authority to release executive testimony, or to report any measure or recommendation to the House.

III—DELEGATION OF AUTHORITY TO SUBCOMMITTEES:

In addition to the general authority delegated to subcommittees under the preceding section, each subcommittee is delegated authority:

A—Subject to the provisions of section X hereof, to determine by majority vote thereof whether the hearings conducted by it shall be open to the public or shall be in executive session; and

B—To admit to the hearing room whatever public information media it deems ad-

visable or necessary, provided that the decision of the subcommittee shall not be in conflict with the rulings of the Speaker of the House of Representatives.

IV—SUBPENAING OF WITNESSES:

A—Subpenas may be issued under the signature of the Chairman of the Committee or of any subcommittee, or by any member designated by such chairman, when authorized by a majority of the members of such Committee or subcommittee, and may be served by any person designated by any such Chairman or member.

B—Each subpena shall contain a statement of the Committee resolution authorizing the particular investigation with respect to which the witness is summoned to testify or to produce papers, and shall contain a statement notifying the witness that if he desires a conference with a representative of the Committee prior to the date of the hearing, he may call or write to counsel of the Committee.

C—Witnesses shall be subpenaed at a reasonably sufficient time in advance of any hearing, said time to be determined by the Committee or subcommittee, in order to give the witness an opportunity to prepare for the hearing and to employ counsel, should he so desire.

On October 8, 1969, Committee Rule V was amended to read as follows:

V—PUBLICATION OF NAMES OF SUBPENAED WITNESSES:

Except when authorized by the Committee or Subcommittee, or its Chairman, no member of the Committee or staff shall make public the name of any witness subpenaed before the Committee or Subcommittee prior to the date and time set for his appearance.

VI—DISTRIBUTION OF RULES:

All witnesses appearing before the Committee or subcommittee shall be furnished a printed copy of the Rules of Procedure of the Committee and clause 27 of Rule XI of the House of Representatives.

VII—WITNESS FEES AND TRAVEL ALLOWANCE:

Each witness who has been subpenaed, upon the completion of his testimony before the Committee or subcommittee, may report to the office of counsel of the Committee, Cannon House Office Building, Washington, D.C., and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the Committee, or his representative, prior to leaving the hearing room.

VIII—SUBJECTS OF INVESTIGATION:

The subjects of any investigation in connection with which witnesses are summoned or shall otherwise appear, shall be publicly announced in an opening statement before administration of oath or affirmation or receipt of testimony at any hearing and a copy thereof shall be made available to each witness. The information sought to be elicited at the hearings shall be germane to the subjects as so stated.

IX—TESTIMONY UNDER OATH:

A—All witnesses at public or executive investigative hearings who testify as to matters of fact shall give all testimony under oath or affirmation which shall be administered by the Chairman or a member of the Committee or subcommittee.

B—No witness shall be compelled to testify under oath or affirmation at any Committee or subcommittee hearing unless a quorum of the Committee or subcommittee is present to receive such testimony.

X—EXECUTIVE HEARINGS:

A—The Committee or subcommittee shall receive evidence or testimony in executive session—

(1) When the Committee or subcommittee determines that evidence or testi-

mony at an investigative hearing may tend to defame, degrade, or incriminate any person in proceedings pursuant to House Rule XI, 27(m);

(2) When the Committee or subcommittee determines that the interrogation of a witness in a public hearing might compromise classified information, or might endanger the national security; or

(3) When the Committee or subcommittee determines that the interrogation of a witness in a public hearing might tend adversely to affect the national interest.

B—Testimony or evidence given in executive session and the identity of witnesses called to testify in such session shall not be disclosed by any member or employee of the Committee without the Committee's approval.

C—No person shall be allowed to be present during a hearing of a Committee or subcommittee held in executive session, except members and employees of the Committee, the witness and his counsel, officials, stenographers, or interpreters of the Committee, and any other person whose presence the Committee or subcommittee deems indispensable for the conduct of the hearing.

XI—RELEASE OF TESTIMONY TAKEN IN EXECUTIVE SESSION:

A—No testimony taken or material presented in an executive session, or any summary or excerpt thereof, shall be made public or presented at a public hearing, either in whole or in part, unless authorized by a majority of the Committee.

B—No evidence or testimony, or any summary or excerpt thereof, given in executive session which the Committee determines may tend to defame, degrade, or incriminate any person shall be released, or presented at a public hearing, unless such person shall have been afforded the opportunities provided by House Rule XI, 27(m), and any pertinent evidence or testimony given by such person, or on his behalf, is made a part of the transcript, summary, or excerpt to be released.

C—Persons afforded opportunities under House Rule XI, 27(m), shall be advised that testimony, or an extract or summary thereof, received pursuant to such rule may subsequently be publicly released or offered at a public hearing.

XII—TRANSCRIPTS OF TESTIMONY:

A—A complete and accurate record shall be made of all testimony and proceedings at Committee and subcommittee hearings.

B—A witness examined under oath or affirmation in a hearing shall, upon request, be given a reasonable opportunity before any transcript is made public to inspect the transcript of his testimony to determine whether it was correctly transcribed and may, if he so desires, be accompanied by his counsel during such inspection.

C—A witness or his counsel may copy at the office of the Committee, or obtain for his own use at his own expense, a transcript of any testimony of the witness which has been given publicly or made public, and with the approval of a majority of the Committee may obtain for his own use and at his own expense a copy of the transcript of any executive testimony of the witness which has not been made public. The witness or his counsel shall be permitted to examine the transcript of his testimony taken in executive session.

D—Any corrections in the transcript of the testimony of the witness which the witness desires to make shall be submitted in writing to the counsel of the Committee within five (5) days of the taking of his testimony, and the request shall be acted upon by the Committee or subcommittee receiving such testimony.

XIII—COMMITTEE REPORTS OR PUBLICATIONS:

A—No Committee report or document shall be made or released to the public without the approval of a majority of the Committee, and no statement of the contents of such report, or document, shall be released by any member of the Committee or its staff prior to its official issuance. Drafts of such reports or documents shall be submitted to the office of each Committee member at least 3 days in advance of the meeting at which it is to be considered for release.

B—Whenever a minority of the Committee dissents from a report or document approved by a majority thereof, the minority shall be given a reasonable time in which to prepare a minority report, which shall be filed at the same time as the majority report, and published in the same volume or document.

C—A report or document made public by the Committee concerning any investigation in which sworn testimony was taken shall include pertinent testimony received in rebuttal taken during such investigation, unless the same has been previously made public, or is made public concurrently with the report or publication.

XIV—ADDITIONAL RIGHTS OF PERSONS AFFECTED BY A HEARING OR COMMITTEE PUBLICATION:

Any person who believes that his character or reputation has been adversely affected by evidence or testimony adduced in a public hearing, or in the released testimony of an executive hearing, or in the published reports or documents of the Committee, within a reasonable time shall:

(1) Communicate with the counsel of the Committee; and/or

(2) Request in writing an opportunity to appear, at his own expense, in person before the Committee or any subcommittee thereof to testify as a witness in public or executive session.

The Committee or subcommittee shall make such determination with respect to such communication or request, and shall take such other action, as to reason and justice shall pertain, including an allowance of witness fees and travel.

XV—RIGHTS OF WITNESSES WHILE TESTIFYING: [1]

A person testifying under oath or affirmation before the Committee or subcommittee shall have the following rights:

---

[1] All witnesses are invited at any time to confer with Committee counsel prior to hearings.

(a) To be accompanied by counsel of his own choosing. The Committee seeks factual testimony within the personal knowledge of the witness, and such testimony must be given by the witness himself.

(b) To make complete and concise answers to questions and, when necessary, to make concise explanations of such answers. The witness shall be limited to giving information relevant and germane to the subject under investigation.

(c) Rulings upon legal objections interposed by the witness or his counsel to procedures or to the admissibility of testimony and evidence shall be made by the presiding member of the Committee or subcommittee, and such rulings shall be the rulings of the Committee or subcommittee, unless a disagreement thereon is expressed by a majority of the said Committee or subcommittee.

(d) Communications claimed to be privileged, as between husband and wife, attorney and client, physician and patient, clergyman or priest and penitent, and between a State or Federal law enforcement officer and informant, shall be respected, and one spouse shall not be questioned concerning the activities of the other, but the Committee or subcommittee shall not be bound to make its rulings with regard thereto or on the reception of evidence or the examination of

witnesses except as required by the Rules of the House of Representatives.[2]

(e) Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy of such statement with the counsel of the Committee not less than 48 hours in advance of the hearing at which the statement is to be presented. All such statements or portions thereof so received which are relevant and germane to the subject of investigation may, at the conclusion of the testimony of the witness and with the approval of a majority of the Committee or subcommittee members, be inserted in the official transcript of the proceedings. In addition, the witness may make a statement, which shall be brief and relevant to the subject matter of his examination, at the conclusion of his testimony. However, statements which take the form of personal attacks by the witness upon the motives of the Committee or subcommittee, the personal characters of any Members of the Congress

---

[2] The rules of legislative bodies and their committees differ from those of courts. The procedures of any body must be geared to its purpose. Courts have one purpose, Congressional Committees another. Courts conduct trials to determine guilt or innocence, or to adjudicate rights. Court proceedings are adversary in nature; committee proceedings are not. Committees hold hearings to develop information that will assist in the enactment of legislation. Courtroom procedures are not followed in Congressional hearings or vice versa, because any attempt to apply the rules of one to the other would tend to frustrate the attainment of the different purposes for which they were created. Court procedures governing the reception of evidence and the examination of witnesses are not binding on the Committees of the Congress.

or of the Committee staff, and intemperate statements or statements clearly in the nature of accusation, are not deemed to be relevant or germane, shall not be made, and may be stricken from the record of the proceedings.

(f) If the witness so requests, he shall not be photographed while he is testifying, nor shall his testimony be broadcast or recorded for broadcast by radio or television.

XVI—PARTICIPATION AND CONDUCT OF COUNSEL IN HEARING:

A—The participation of counsel on behalf of his client during the course of any hearing, and while the witness is testifying, shall be limited to advising his client as to his legal rights.

B—Prior to the administration of the oath or affirmation to his client, counsel shall be permitted to state his objections to the jurisdiction of the Committee or subcommittee, or to procedures claimed to violate his client's legal rights. Counsel shall state such objections briefly and temperately, and shall comply with the rulings and limitations thereon by the presiding member of the Committee or subcommittee.

C—At the conclusion of the interrogation of his client, counsel shall be permitted to

make such reasonable and pertinent requests upon the Committee or subcommittee as he shall deem necessary to protect his client's rights. These requests shall be ruled upon by the Committee or subcommittee conducting the hearing.

D—Counsel for witnesses shall conduct himself in a professional, ethical, and proper manner. His failure to do so shall, upon a finding to that effect by a majority of the Committee or subcommittee before which the witness is appearing, subject such counsel to disciplinary action which may include warning, censure, removal of counsel from the hearing room, or a recommendation of contempt proceedings. In case of such removal of counsel, the witness shall have a reasonable time to obtain other counsel, said time to be determined by the Committee or subcommittee. Should the witness deliberately or capriciously fail or refuse to obtain the services of other counsel within such reasonable time, the hearing shall continue and the testimony of such witness shall be heard without benefit of counsel.

XVII—CONTEMPT OF CONGRESS:

No recommendation that a witness be cited for contempt of Congress shall be forwarded to the House of Representatives unless and until the Committee has, upon notice to all

its members, met and considered the alleged contempt and, by a majority of the Committee, voted that such recommendation be made.

U.S. GOVERNMENT PRINTING OFFICE 24-567-h