



Contempt Power

Morton Rosenberg



Contempt Power:

Congress's Contempt Power Morton Rosenberg, 2011 This is a print on demand edition of a hard to find publication Congress's contempt power is the means by which Congress responds to certain acts that in its view obstruct the legislative process Contempt may be used either to coerce compliance punish the contemnor and or to remove the obstruction In the last seventy years the contempt power has been employed only in instances of refusals of witnesses to appear before committees to respond to questions or to produce documents This report examines the source of the contempt power reviews the historical development of the early case law outlines the statutory and common law basis for Congress's contempt power and analyzes the procedures associated with each of the three different types of contempt proceedings Illustrations

Congress' Contempt Power Jay R. Shampansky, 1986 **Congressional Oversight** Martin O. James, 2002 Throughout history congress has engaged in oversight of the executive branch the review monitoring and supervision of the implementation of public policy The first several Congresses inaugurated important oversight techniques as special investigations reporting requirements resolutions of inquiry and use of the appropriations process to review executive activity Contemporary developments moreover have increased the legislature's capacity and capabilities to check on and check the Executive Public laws and congressional rules have measurably enhanced Congress's implied power under the Constitution to conduct oversight Despite its lengthy heritage oversight was not given explicit recognition in public law until enactment of the Legislative Reorganisation Act of 1946 That act required House and a Senate standing committees to exercise continuous watchfulness over programs and agencies within their jurisdiction Since the late 1960s Congress has shown increasing interest in oversight for several major reasons These include the expansion in number and complexity of federal programs and agencies increase in expenditures and personnel including contract employees rise until recently in the budget deficit and the frequency divided government with Congress and the White House controlled by different parties Major partisan disagreements over priorities and processes also heighten conflict between the legislature and the executive Oversight occurs in virtually any congressional activity and through a wide variety of channels organisations and structures These range from formal committee hearings to informal Member contracts with executive officials from staff studies to support agency reviews and from casework conducted by Member offices to studies prepared by non congressional entities such as statutory commissions and offices of inspector general **The American Decisions**, 1910 **Bankruptcy, the Next Twenty Years** National Bankruptcy Review Commission (U.S.), 1997 Reform of the Federal Criminal Laws United States. Congress. Senate. Committee on the Judiciary. Subcommittee on Criminal Laws and Procedures, 1979 *Bankruptcy, the Next Twenty Years: Preface* National Bankruptcy Review Commission (U.S.), 1997 **Congress's Contempt Power**, 2007 Under the inherent contempt power the individual is brought before the House or Senate by the Sergeant at Arms tried at the bar of the body and can be imprisoned in the Capitol jail Also some of the requirements imposed by the courts under

the statutory criminal contempt procedure e.g. pertinency of the question asked to the committee's investigation might be mandated by the due process clause in the case of inherent contempt proceedings Under the statute after a contempt has been certified by the President of the Senate or the Speaker it is the duty of the United States Attorney to bring the matter before the grand jury for its action It remains unclear whether the duty of the U.S. Attorney to present the contempt to the grand jury is mandatory or discretionary 17 Before the Speaker of the House could transmit the citation to the United States Attorney for the District of Columbia for presentation to a grand jury the DOJ filed a lawsuit seeking to enjoin the transmission of the citation and to have the House's action declared unconstitutional as an intrusion into the President's authority to withhold such information from the Congress A close review of the floor debate indicates that Representative H Marshall expressly pointed out that the broad language of the bill proposes to punish equally the Cabinet officer and the culprit who may have insulted the dignity of this House by an attempt to corrupt a Representative of the people Moreover language from the floor debate indicates that Congress was aware of the effect that t

Cases Argued and Decided in the Supreme Court of the United States United States. Supreme Court, 1917 **Congressional Record** United States. Congress, 1964 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began publication in 1873 Debates for sessions prior to 1873 are recorded in The Debates and Proceedings in the Congress of the United States 1789-1824 the Register of Debates in Congress 1824-1837 and the Congressional Globe 1833-1873 **Congress of the United States** Carol S. Plessner, 2007 This new book focuses on the Congress of the United States which has evolved continuously since its founding Although critics abound both in and outside Congress itself it is most certainly true that the tasks and responsibilities assigned to Congress present a challenge to an organization which is sometimes unwieldy to say the least Information has become so ubiquitous in the age of the internet that Congress seems to struggle to keep up Congress is largely run by the permanent staff which is now in excess of 30,000 people It is pushed, pulled and jerked by lobbying groups whose interests are more often than not in opposition to the best interests of the majority of the population **United States Code** United States, 2008 In Re Komie, 1984 **United States of America Ex Rel. Robson V. Oliver**, 1971 *Calcutta Weekly Notes*, 1913 **Southern Reporter**, 1925 Includes the decisions of the Supreme Courts of Alabama, Florida, Louisiana and Mississippi the Appellate Courts of Alabama and Sept 1928-Jan 1929 Jan-Mar 1941 the Courts of Appeal of Louisiana **People of the State of Illinois V. Geiger**, 2011 **Biennial Supplement to the Codes and General Laws of the State of California** California, 1924 **The South Western Reporter**, 1923 Includes the decisions of the Supreme Courts of Missouri, Arkansas, Tennessee and Texas and Court of Appeals of Kentucky Aug-Dec 1886 May-Aug 1892 Court of Appeals of Texas Aug 1892-Feb 1893 Jan-Feb 1928 Courts of Civil and Criminal Appeals of Texas Apr-June 1896 Aug-Nov 1907 Court of Appeals of Indian Territory May-June 1927 Jan-Feb 1928 Courts of Appeals of Missouri and Commission of Appeals of

Texas **The Chicago Legal News**, 1917

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