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Contempt of Congress

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Congress, Contempt of

The two houses of the U.S. Congress, much like the courts, possess the power to protect their proceedings by deeming a person in contempt for obstructive or disorderly conduct. The power to hold nonmembers in contempt of Congress is not addressed in the U.S. Constitution but is an inherent

congressional power, as recognized in 1821 by the U.S. Supreme Court in *Anderson v. Dunn*. (By contrast, each house's power to discipline its own members is expressly conferred by the Constitution.) A typical offense is the failure to provide testimony or documents requested by a congressional committee, but acts such as bribing or assaulting members have also been punished as contempts.

Although Congress has the power to impose contempt sanctions unilaterally—operating in effect as both prosecutor and judge—today Congress typically refers alleged contempts to federal prosecutors to pursue criminal proceedings in the courts under a federal contempt statute, which authorizes fines and imprisonment. Most persons charged with contempt of Congress are private citizens who refuse to cooperate with congressional investigations or hearings, but executive branch officials' reluctance to provide information to Congress sometimes results in threatened or actual contempt proceedings, especially in times of divided government.

See also *Parliamentary Privilege*.

. AARON-ANDREW P. BRUHL