



**34<sup>th</sup> Biennial Institute**  
FOR **Georgia Legislators**

# **Powers Vested in the General Assembly**



# The Legislative Branch: Powers Vested in the General Assembly House Becomes Independent



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List of speakers

See also

References

<a href="#">William H. Fleming</a>	Democratic	1894	1895
<a href="#">Hudson A. Jenkins</a>	Democrat	1896	1897 Late Adjournment
<a href="#">John D. Little</a> <sup>[17][18]</sup>	Democrat	1898	1901
<a href="#">Newton Morris</a>	Democratic	1902	1904
<a href="#">John M. Slaton</a>	Democratic	1905	1908 Extraordinary Session
<a href="#">John N. Holder</a>	Democratic	1909	1912 Extraordinary Session
<a href="#">William H. Burwell</a>	Democratic	1913	1917 Extraordinary Session
<a href="#">John N. Holder</a>	Democratic	1917	1920
<a href="#">William Cecil Neill</a>	Democrat	1921	1926 2nd Extraordinary Session
<a href="#">Richard Russell Jr.</a>	Democratic	1927	1931 Extraordinary Session
<a href="#">Arlie Daniel Tucker</a> <sup>[19]</sup>	Democratic	1931	1932
<a href="#">Eurith Dickerson Rivers</a>	Democratic	1933	1936
<a href="#">Roy V. Harris</a>	Democratic	1937	1940 Extraordinary Session
<a href="#">Randall Evans, Jr.</a>	Democratic	1941 Extraordinary Session	1942
<a href="#">Roy V. Harris</a>	Democratic	1943	1946 Extraordinary Session
<a href="#">Frederick Barrow Hand</a> <sup>[20]</sup>	Democratic	1947	1954
<a href="#">Marvin E. Moate</a> <sup>[21]</sup>	Democratic	1955	1958
<a href="#">George L. Smith</a>	Democratic	1959	1962 Extraordinary Session
<a href="#">George T. Smith</a>	Democratic	1963	1966
<a href="#">George L. Smith</a>	Democratic	1967	1972
<a href="#">Thomas B. Murphy</a>	Democratic	1973	2002
<a href="#">Terry Coleman</a>	Democratic	2003	2005
<a href="#">Glenn Richardson</a> <sup>[22]</sup>	Republican	2005	2010 (January 1)
<a href="#">Mark Burkhalter</a> <sup>[22]</sup>	Republican	2010 Interim Speaker	2010
<a href="#">David Ralston</a> <sup>[22]</sup>	Republican	2010 (January 11)	2022
<a href="#">Jan Jones</a>	Republican	2022 (November 16)	2023
<a href="#">Jon G. Burns</a>	Republican	2023 (January 9)	

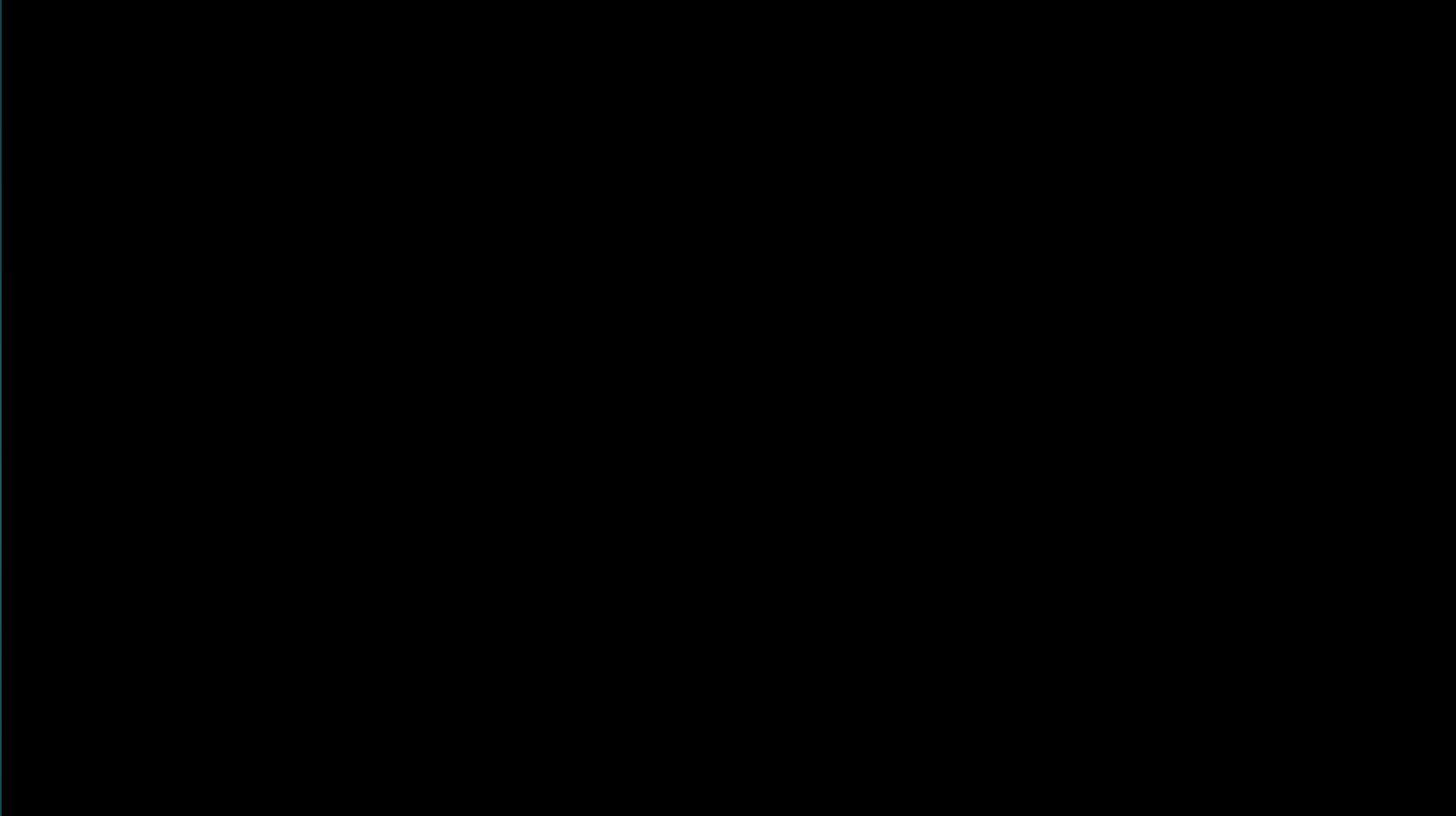
67		<b>Eugene Talmadge</b> (1884–1946) <sup>[227][223][229]</sup>	January 14, 1941 <sup>[235]</sup> – January 12, 1943 (lost nomination) <sup>[227]</sup>	Democratic <sup>[147]</sup>	1940
69		<b>Ellis Arnall</b> (1907–1992) <sup>[236][237][238]</sup>	January 12, 1943 <sup>[239]</sup> – January 14, 1947 (term-limited) <sup>[35]</sup>	Democratic <sup>[147]</sup>	1942 <sup>[34]</sup>
—		<b>Eugene Talmadge</b> (1884–1946) <sup>[227][223][229]</sup>	<i>Died before taking office</i>	Democratic <sup>[147]</sup>	1946 <sup>[34]</sup>
—		<b>Herman Talmadge</b> (1913–2002) <sup>[242][243][244]</sup>	January 14, 1947 <sup>[245]</sup> – March 19, 1947 (removed from office) <sup>[34]</sup>	Democratic <sup>[147]</sup>	
70		<b>Melvin E. Thompson</b> (1903–1980) <sup>[246][247][248]</sup>	March 19, 1947 <sup>[249]</sup> – November 17, 1948 (lost nomination) <sup>[248]</sup>	Democratic <sup>[147]</sup>	Succeeded from lieutenant governor
71		<b>Herman Talmadge</b> (1913–2002) <sup>[242][243][244]</sup>	November 17, 1948 <sup>[250]</sup> – January 11, 1955 (term-limited) <sup>[35]</sup>	Democratic <sup>[147]</sup>	1948 (special) <sup>[34]</sup> 1950
72		<b>Marvin Griffin</b> (1907–1982) <sup>[251][252][253]</sup>	January 11, 1955 <sup>[254]</sup> – January 13, 1959 (term-limited) <sup>[35]</sup>	Democratic <sup>[147]</sup>	1954
73		<b>Ernest Vandiver</b> (1918–2005) <sup>[255][253][257]</sup>	January 13, 1959 <sup>[258]</sup> – January 15, 1963 (term-limited) <sup>[35]</sup>	Democratic <sup>[147]</sup>	1958
74		<b>Carl Sanders</b> (1925–2014) <sup>[259][263][261]</sup>	January 15, 1963 <sup>[262]</sup> – January 11, 1967 (term-limited) <sup>[35]</sup>	Democratic <sup>[147]</sup>	1962
75		<b>Lester Maddox</b> (1915–2003) <sup>[263][264][265]</sup>	January 11, 1967 <sup>[266]</sup> – January 12, 1971 (term-limited) <sup>[35]</sup>	Democratic <sup>[147]</sup>	1966

# Governor Arnall Interview

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# Governor Sanders Interview



# Speaker David Ralston

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Interview by Rahul Bali, WABE

Rest in Peace to Two Legends who had a deep love for this university!





**34<sup>th</sup> Biennial Institute**  
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Legislative  
Privilege



# What is Legislative Privilege?

Legislative Privilege is a legal construct designed to shield legislators from threats or coercion by the other branches of government.

The Privilege consists of two parts:

## 1. Legislative Immunity

– Immunity from civil and criminal liability for legislative activities

## 2. Legislative Privilege

– An evidentiary “immunity” precluding legislators from being compelled to give testimony or produce documents about their legislative activities



1760

THE CONSTITUTION  
OF THE  
State of Georgia.

the conduct of the legislature of Great-Britain for  
live on the people of America, that of late years,  
erted a right to raise taxes upon the people of Ame  
in all cases whatsoever, without their consent; w  
the common rights of mankind, hath obliged the A  
uch oppressive measures, and to assert the rights a  
y the laws of nature and reason; and accordingly

1777

English Bill of Rights  
(1689)

An Act declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown.

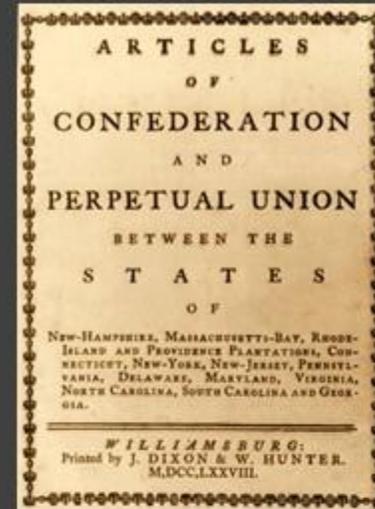
WE Whereas the Lords Spiritual and Temporal and Commons assembled in Parliament lawfully fully and freely representing all the Estates of the People of this Kingdom did upon the thirteenth day of February in the year of our Lord one thousand six hundred eighty nine present unto their Majesty these petition called and known by the Names and Title of William and Mary Third and Princess of Orange being presents to their proper Persons a certain Declaration in Writing made by the said Lords and Commons in the Words following to wit

The Rights of Protestants of Lawful Conscience, recited,  
Whereas the late King James the Second by the Assistance of some evil Counsellors Judges and Ministers employed by him did endeavour to subvert and destroy the Protestant Religion and the Liberties of this Kingdom.

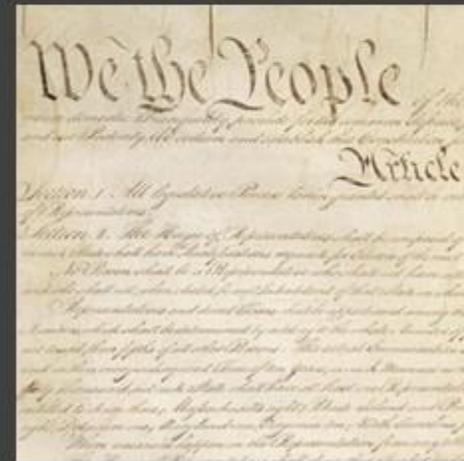
Dispensing and Suspending Power.  
By Assenting and Exercising a Power of Dispensing with and Suspending of Laws and the Execution of Laws without Consent of Parliament.

Granting Pardon.  
By Creating and Promoting diverse Writs Patents for Liberty Pertaining to be received from Conscience with and without Pardon.

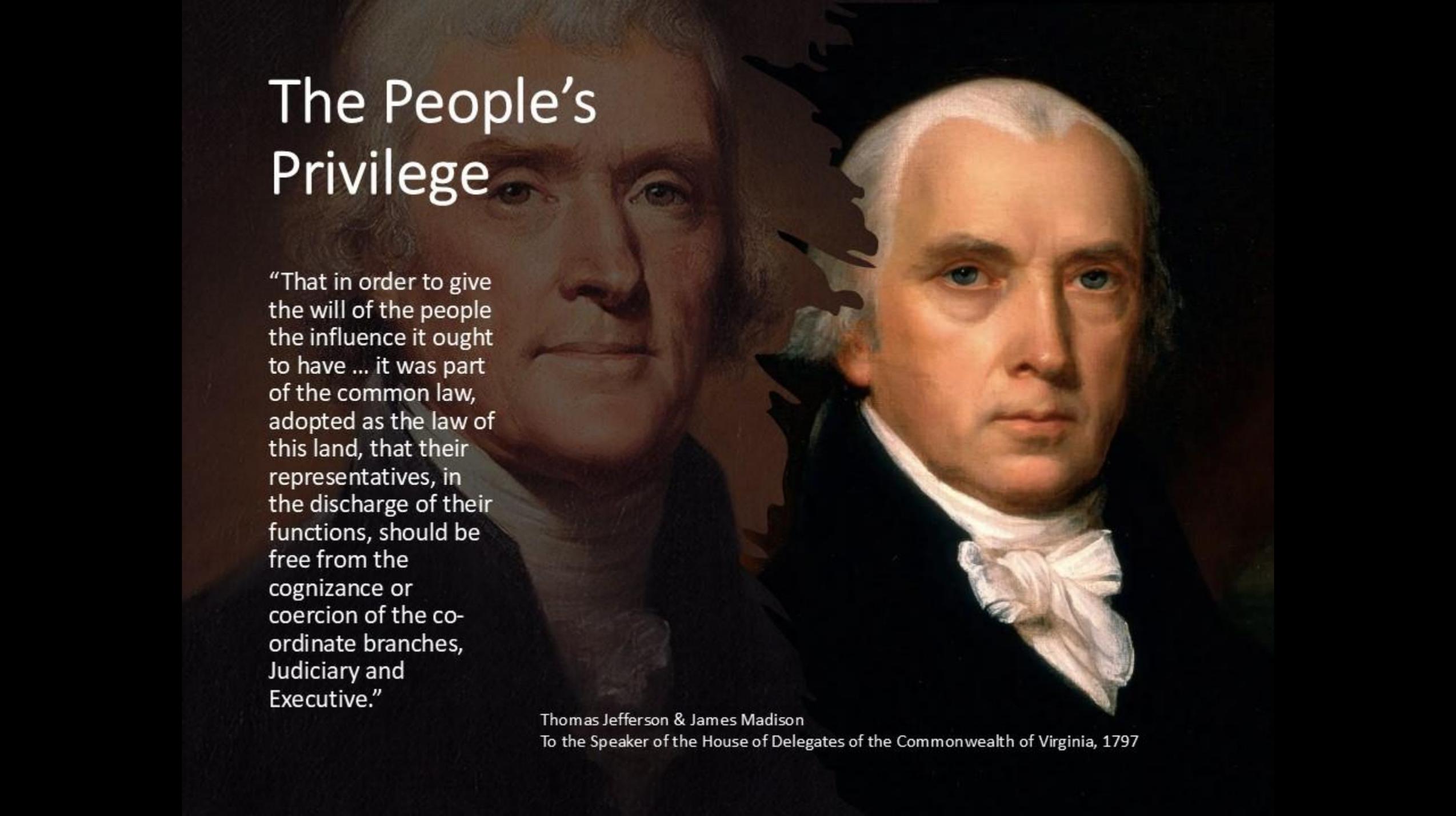
1689



1777



1787



# The People's Privilege

“That in order to give the will of the people the influence it ought to have ... it was part of the common law, adopted as the law of this land, that their representatives, in the discharge of their functions, should be free from the cognizance or coercion of the co-ordinate branches, Judiciary and Executive.”

Thomas Jefferson & James Madison  
To the Speaker of the House of Delegates of the Commonwealth of Virginia, 1797

THE CONSTITUTION  
OF THE  
State of Georgia

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...uct of the legislature of  
the people of America, to  
right to raise taxes upon the  
cases whatsoever, without  
common rights of mankind  
oppressive measures, as  
ways of nature and rea

*Georgia Constitution*  
*Article III, § IV, para. IX*

**Privilege of members.** The members of both houses shall be free from arrest during sessions of the General Assembly, or committee meetings thereof, and in going thereto or returning therefrom, except for treason, felony, or breach of the peace. No member shall be liable ***to answer in any other place*** for anything spoken in either house or in any committee meeting of either house.

# The Privilege Protects the Legislative Process

Such as:

- Speech on the floor or in committee
- Voting, Bill Drafting, Lobbying in Support of a Bill
- Information Gathering to Inform Legislation
- Any act integral to the consideration and passage or rejection of proposed legislation or other matters within the Constitutional jurisdiction of either House



Not everything you do or say as a Member is privileged!



## Not Privileged:

- Political Acts
- Administrative Acts
- Treason
- Felonies
- Criminal Acts



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# Asserting or Waiving Legislative Privilege

## Considerations

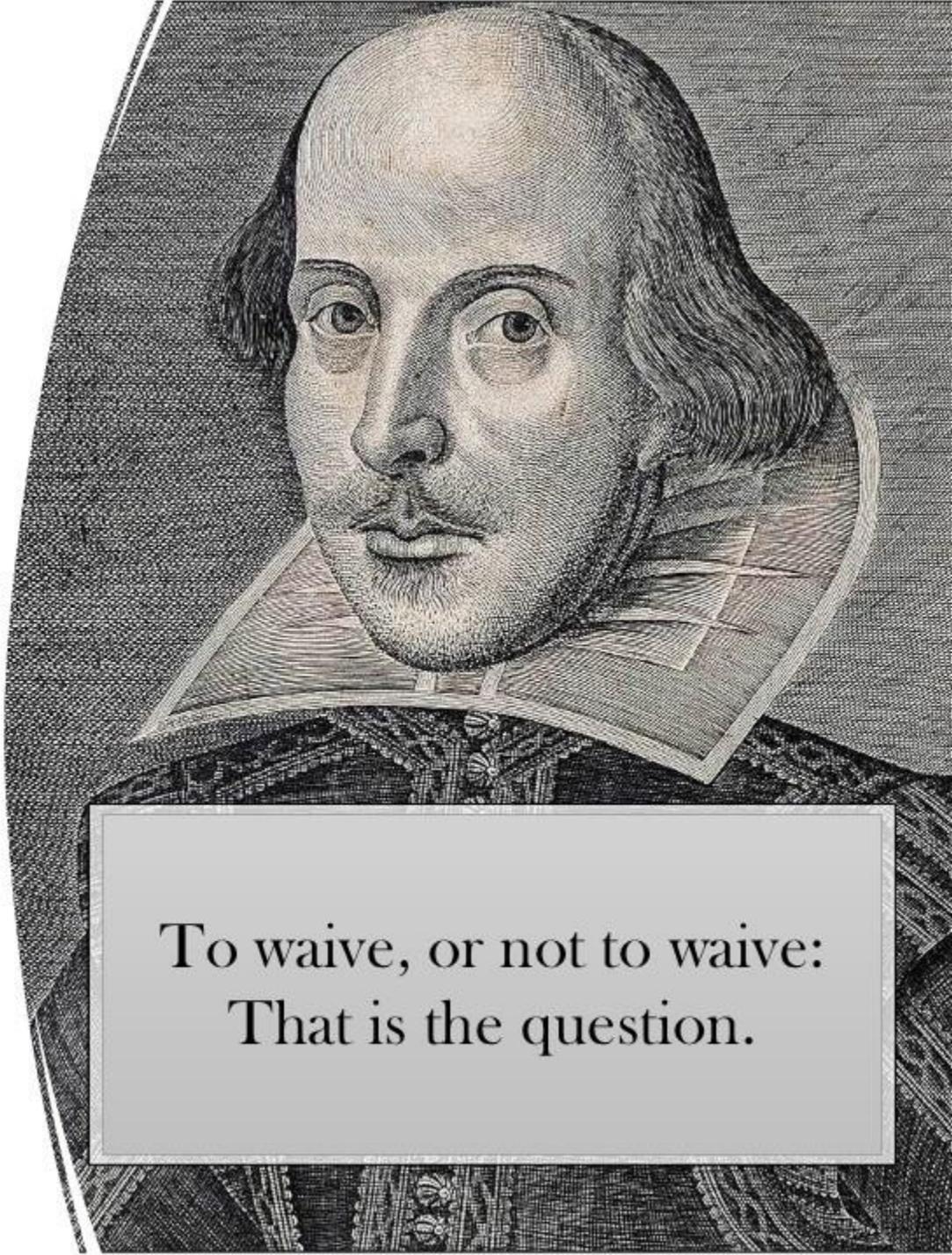
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Should you assert or waive  
your legislative privilege?

### Personal Considerations

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- Your rationale for waiving
- The scope of your waiver
- Timing
- Costs
- Representation

An engraving of William Shakespeare, showing his face and a ruff collar. The engraving is in black and white with fine lines.

To waive, or not to waive:  
That is the question.



Should you assert or waive  
your legislative privilege?

### Institutional Considerations

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- **The Privilege of Other Members**
- **The Chilling Effect on Dialogue Between Members**
- **The Chilling Effect on Dialog with Constituents**
- **The Role of the General Assembly in our Government**

# The Choice is Yours

- Your legislative privilege belongs to you.
- You decide whether to assert or waive the privilege.
- The Office of General Counsel can advise you on legislative privilege issues to help you make informed decisions about your privilege.





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