



**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



<div>Contents</div> <div>hide</div> <div>(Top)</div> <div>List of speakers</div> <div>See also</div> <div>References</div>	William H. Fleming	Democratic	1894	1895
	Hudson A. Jenkins	Democrat	1896	1897 Late Adjournment
	John D. Little <sup>[17][18]</sup>	Democrat	1898	1901
	Newton Morris	Democratic	1902	1904
	John M. Slaton	Democratic	1905	1908 Extraordinary Session
	John N. Holder	Democratic	1909	1912 Extraordinary Session
	William H. Burwell	Democratic	1913	1917 Extraordinary Session
	John N. Holder	Democratic	1917	1920
	William Cecil Neill	Democrat	1921	1926 2nd Extraordinary Session
	Richard Russell Jr.	Democratic	1927	1931 Extraordinary Session
	Arlie Daniel Tucker <sup>[19]</sup>	Democratic	1931	1932
	Eurith Dickerson Rivers	Democratic	1933	1936
	Roy V. Harris	Democratic	1937	1940 Extraordinary Session
	Randall Evans, Jr.	Democratic	1941 Extraordinary Session	1942
	Roy V. Harris	Democratic	1943	1946 Extraordinary Session
	Frederick Barrow Hand <sup>[20]</sup>	Democratic	1947	1954
	Marvin E. Moate <sup>[21]</sup>	Democratic	1955	1958
	George L. Smith	Democratic	1959	1962 Extraordinary Session
	George T. Smith	Democratic	1963	1966
	George L. Smith	Democratic	1967	1972
	Thomas B. Murphy	Democratic	1973	2002
	Terry Coleman	Democratic	2003	2005
	Glenn Richardson <sup>[22]</sup>	Republican	2005	2010 (January 1)
	Mark Burkhalter <sup>[22]</sup>	Republican	2010 Interim Speaker	2010
	David Ralston <sup>[22]</sup>	Republican	2010 (January 11)	2022
	Jan Jones	Republican	2022 (November 16)	2023
	Jon G. Burns	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>[236]</sup> – January 14, 1947 (term-limited) <sup>[as]</sup>	Democratic <sup>[147]</sup>	1942 <sup>[st]</sup>
—		<b>Eugene Talmadge</b> (1884–1946) <sup>[227][223][229]</sup>	<i>Died before taking office</i>	Democratic <sup>[147]</sup>	1946 <sup>[au]</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>[au]</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>[as]</sup>	Democratic <sup>[147]</sup>	1948 (special) <sup>[au]</sup> <div>1950</div>
72		<b>Marvin Griffin</b> (1907–1982) <sup>[251][252][253]</sup>	January 11, 1955 <sup>[254]</sup> – January 13, 1959 (term-limited) <sup>[as]</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>[as]</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>[as]</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>[as]</sup>	Democratic <sup>[147]</sup>	1966

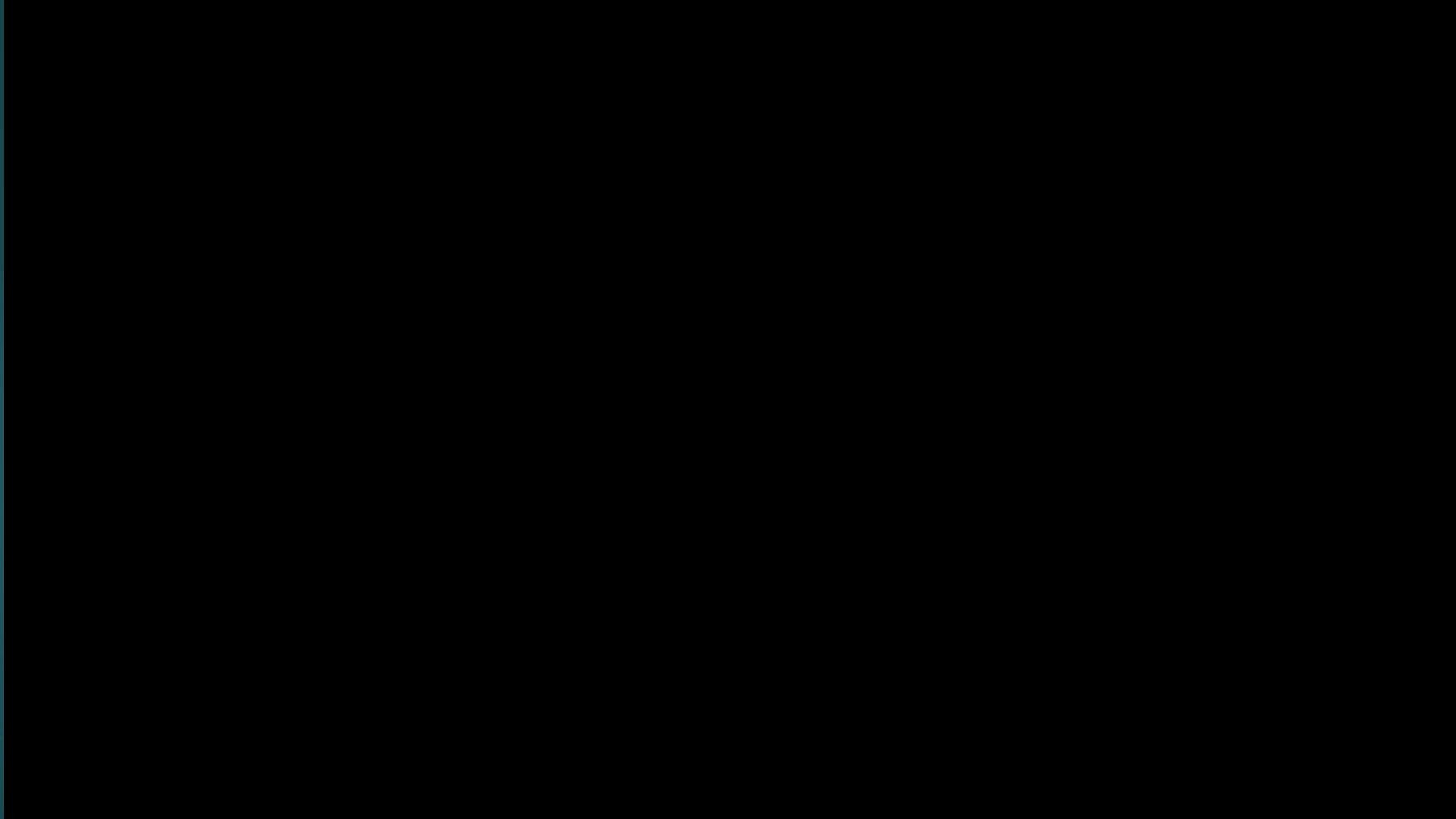
# Governor Arnall Interview

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# Governor Sanders Interview

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# 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!

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# Legislative Privilege



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

# What is Legislative Privilege?

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

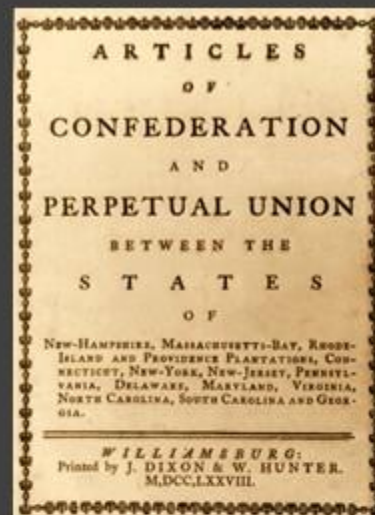
# THE CONSTITUTION OF THE State of Georgia.

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



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, the  
right to raise taxes upon the  
cases whatsoever, without  
common rights of mankind  
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*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



# Asserting or Waiving Legislative Privilege

## Considerations

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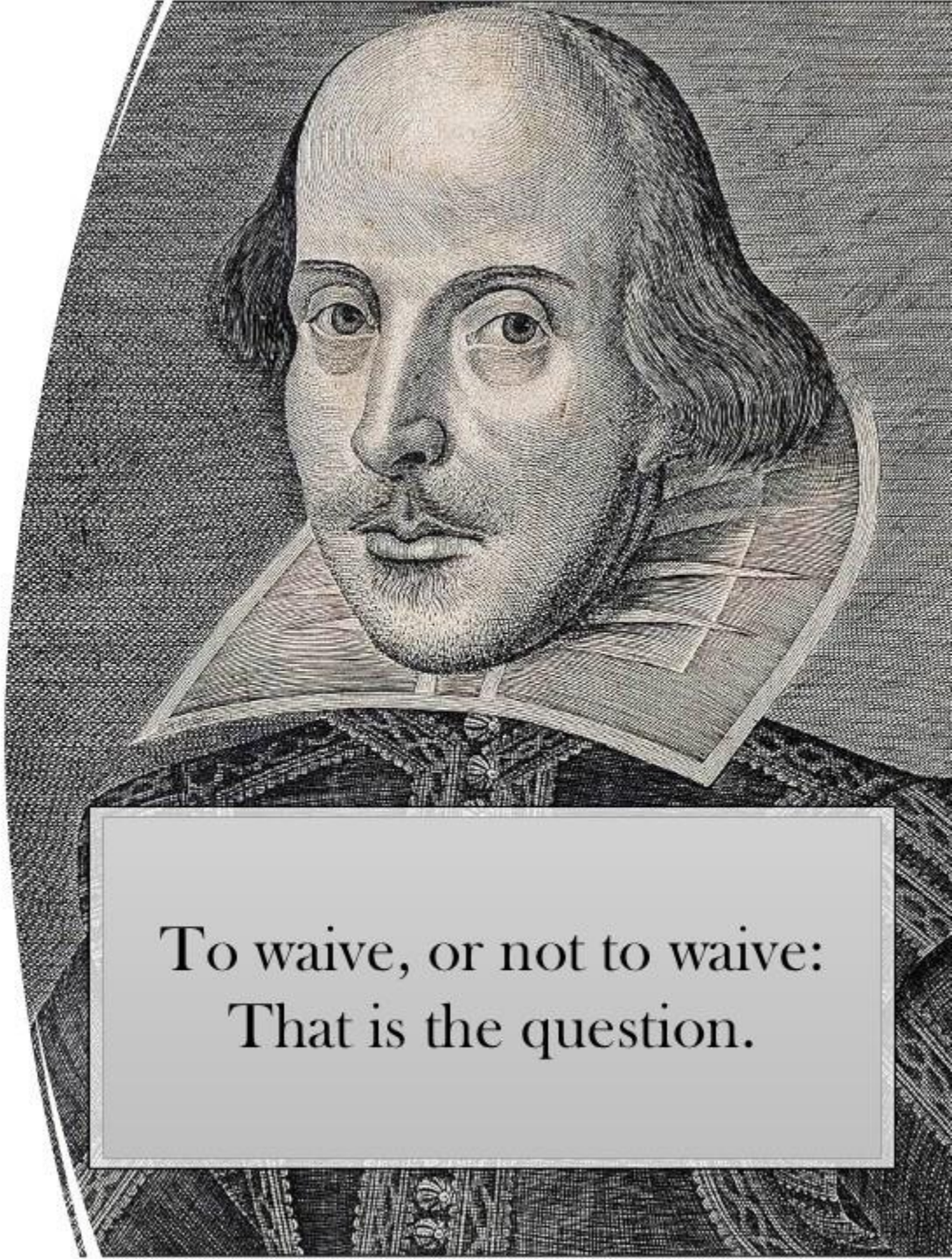


Should you assert or waive  
your legislative privilege?

### Personal Considerations

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

A detailed engraving of William Shakespeare's face, showing him with a high forehead, receding hair, and a prominent ruff collar. The portrait is set against a dark, textured background.

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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