

chusetts, appointed an Acting Chaplain following the death of the elected Chaplain.

THE SPEAKER: Pursuant to the provisions of the Legislative Reorganization Act of 1946, as amended by Public Law 197, 83d Congress (67 Stat. 387; 2 U.S.C. 75-a-1-(a)), the Chair appoints Edward Gardiner Latch, D.D., L.H.D., of Washington, D.C., to act as and to exercise temporarily the duties of the Chaplain of the House of Representatives.<sup>(17)</sup>

### ***Appointments Subject to Approval***

#### **§ 6.26 On occasion, the House authorizes the designation of certain House employees subject to the approval of the Speaker.**

On Jan. 18, 1945,<sup>(18)</sup> a resolution was offered which provided for the designation of an assistant to the Clerk subject to the approval of the Speaker.

MR. [JOHN J.] COCHRAN [of Missouri]: Mr. Speaker, I offer a resolution (H. Res. 95) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

17. *Parliamentarian's Note*: This appointment was made to fill the vacancy caused by the death of the Chaplain, Reverend Bernard Braskamp.

18. 91 CONG. REC. 334, 79th Cong. 1st Sess.

*Resolved*, That there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the rate of \$3,600 per annum, payable monthly, for the services of an assistant reading clerk, who shall be designated by the Clerk of the House, subject to the approval of the Speaker: *Provided, however*, That the authorization and appropriation herein contained shall terminate whenever a vacancy occurs in a position of reading clerk.

The resolution was agreed to.

On Aug. 3, 1953,<sup>(19)</sup> a resolution was introduced as follows:

MR. [CHARLES A.] HALLECK [of Indiana]: Mr. Speaker, I offer a resolution (H. Res. 392) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

*Resolved*, That effective August 1, 1953, there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation at the basic rate of \$3,000 per annum for the employment of an assistant Journal Clerk-Indexer, who shall be designated by the minority leader subject to the approval of the Speaker.

The resolution was agreed to, and a motion to reconsider was laid on the table.

### **§ 7. Preserving Order on the House Floor**

The Speaker's jurisdiction, duty, and power to preserve order on

19. 99 CONG. REC. 11133, 83d Cong. 1st Sess.

the House floor derives mainly from the House rules and House precedents. This section lists examples of both.

Under House rules, the Speaker preserves order on the House floor by maintaining the decorum of the proceedings,<sup>(20)</sup> by controlling the use of the House Chamber,<sup>(1)</sup> by presiding over the Members during debate,<sup>(2)</sup> and by supervising the admission of persons to the House floor.<sup>(3)</sup>

Under House precedents, the Speaker preserves order on the House floor: by using his power of recognition to remedy situations wherein a Member attempts to interrupt another Member who has the floor;<sup>(4)</sup> by controlling the

20. Rule I clause 2, *House Rules and Manual* §622 (1973). See Ch. 29, *infra*, for fuller treatment of the Speaker's role in maintaining order on the House floor.

1. Rules I clause 3, §623, and XXXI, §918, *House Rules and Manual* (1973). See Ch. 4, *supra*, for discussion of the use of the House Chamber.

2. Rule XIV clauses 1–8, §§749–764, *House Rules and Manual* (1973). See Ch. 29, *infra*, for fuller treatment of the Speaker's role in presiding over debate.

3. Rule XXXII clauses 1 and 2, *House Rules and Manual* §§919–921 (1973). See Ch. 4, *supra*, for treatment of admission to the House floor.

4. See §§7.1, 7.2, *infra*.

manner by which one Member addresses or refers to another;<sup>(5)</sup> by disallowing or controlling certain references by Members to Senators or others; by controlling the movements of Members on the floor during debate;<sup>(6)</sup> by controlling the distribution of materials on the House floor;<sup>(7)</sup> and by enforcing the privileges of the House floor.<sup>(8)</sup>

### ***Controlling interjected Remarks***

**§ 7.1 In preserving order on the House floor, the Speaker has the power of recognition and Members must seek the Speaker's recognition before interrupting another Member who has the floor.**

On Feb. 17, 1936,<sup>(9)</sup> a parliamentary inquiry was addressed to Speaker Joseph W. Byrns, of Tennessee, as follows:

MR. [CLIFTON A.] WOODRUM [of Virginia]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

5. See §§7.3 et seq., *infra*.

6. See §§7.13, 7.14, *infra*.

7. See §7.15, *infra*.

8. See Ch. 4, *supra*.

9. 80 CONG. REC. 2201, 74th Cong. 2d Sess.

MR. WOODRUM: Mr. Speaker, in the interest of orderly procedure, I should like to propound a parliamentary inquiry to the Speaker.

If I understand the rules of the House, they provide that in debate should a Member desire to address the House or the Speaker he must first secure recognition of the Speaker. If a Member has the floor and is addressing the House or the Speaker and another Member desires to interrogate him, interrupt, or interject remarks, he must first secure the permission of the Member who has the floor.

Mr. Speaker, I observe a custom growing up here of Members getting up and a number of them talking at once, with the Speaker pounding for order. It seems to me that they must not understand the rules, or else I do not understand them. I do not understand that under the rules a Member has a right to cut into another Member's speech, or interrupt the Member when he is trying to speak, or while the Speaker is trying to make a ruling or is addressing the House. I think the Speaker should rule on this matter.

THE SPEAKER: The gentleman is correct. The Chair has had occasion several times, according to his distinct recollection, to call this rule to the attention of the Members of the House. It is a violation of the rules of the House for a Member to interrupt another Member when he has the floor without first addressing the Chair and obtaining the consent of the Member having the floor before he interrupts.

**§ 7.2 In preserving order on the House floor, the Chair may rule that statements**

**interjected into the speech of a Member without his permission may be stricken by the Member in his revision of remarks.**

On Mar. 4, 1936,<sup>(10)</sup> a debate took place which brought about a point of order, as follows:

MR. [CHARLES] KRAMER [of California]: Mr. Chairman, will the gentleman yield?

MR. [MAURY] MAVERICK [of Texas]: Yes.

MR. KRAMER: Will the gentleman explain what the cartoon said down below it? The gentleman said it was a fine picture of the President. I am surprised that the gentleman would stand on the floor here as a Democrat, as a supporter of this administration and take that attitude toward our President.

MR. MAVERICK: Do not talk nonsense, Mr. Kramer.

MR. [VITO] MARCANTONIO [of New York]: Mr. Chairman, will the gentleman yield there?

MR. MAVERICK: Yes; I yield.

MR. MARCANTONIO: As a matter of fact, the attitude of the gentleman and some other gentlemen who are advocating this legislation is one of competing with Mr. Hearst on the question of communism.

[Several gentlemen rose. Some confusion. Mr. Bankhead rose to a point of order.]

MR. [WILLIAM B.] BANKHEAD [of Alabama]: Mr. Chairman, I rise to a point

10. 80 CONG. REC. 3278, 74th Cong. 2d Sess.

of order. It is an absolute violation of the rules of the House governing debate to have remarks interjected without the consent of the gentleman who holds the floor. It certainly does not contribute anything to the dignity of the proceedings of the Committee or the clarification of issues, and I hope gentlemen will observe the rule.

MR. MARCANTONIO: But the gentleman from Texas had yielded to me.

MR. [JOHN J.] O'CONNOR [of New York]: Mr. Chairman, supplementing what the distinguished majority leader has said, there is a bad practice in this House of the stenographer taking down words which are said not under the rules of the House. The Chair should instruct the stenographer not to take down the words used by the gentleman from California in answer to my colleague from New York.

THE CHAIRMAN [William L. Nelson, of Missouri]: Under the rule the gentleman holding the floor has the privilege of striking from his remarks such words. [In pursuance of the above ruling Mr. Maverick eliminated certain matter not regarded as relevant to the proceedings.]

### ***Controlling Manner of Address***

#### **§ 7.3 In preserving order on the House floor, a Speaker or a Chairman of the Committee of the Whole may instruct Members as to the manner by which they may properly address one another in debate.**

On Oct. 24, 1945,<sup>(11)</sup> Speaker Sam Rayburn, of Texas, advised a

11. 91 CONG. REC. 10032, 10033, 79th Con. 1st Sess.

Member, Mr. John E. Rankin, of Mississippi, as to the manner in which a Member should address or make reference to another Member on the floor of the House:

MR. RANKIN: Mr. Speaker, we have just witnessed one of the most ridiculous performances that has taken place in this House since I have been in Congress. These unjustified attacks on the Committee on Un-American Activities, these smear attacks on the Daughters of the American Revolution by the Jewish gentleman from New York [Mr. Celler], have been shocking indeed, to say the least of it.

MR. [EMANUEL] CELLER: Mr. Speaker, I make the point of order that the gentleman is out of order when he refers to me as "the Jewish gentleman from New York." I ask that the words be taken down.

THE SPEAKER: If the gentleman will allow the Chair, there is one way to refer to a Member of the House of Representatives and that is, "the gentleman from" the State from which he comes. Any other appellation is a violation of the rules.

MR. RANKIN: Mr. Speaker, if he objects to being called a "Jewish gentleman" I withdraw it.

MR. CELLER: Mr. Speaker, I ask that the words be taken down.

MR. [VITO] MARCANTONIO [of New York]: I ask that those words be taken down.

MR. RANKIN: I am withdrawing the words. I have not the time to argue such matters.

MR. MARCANTONIO: I object to his withdrawing the words. I request that the words be taken down.

THE SPEAKER: The Chair has already stated the rule with reference to the language of the gentlemen from Mississippi. . . .

The gentleman from Mississippi [Mr. Rankin] will proceed in order. . . .

MR. RANKIN: Mr. Speaker, it is exceedingly strange that a man presuming to arrogate to himself the prerogative of speaking for a minority group will rise on this floor and denounce the Daughters of the American Revolution, in the manner the Member from New York [Mr. Celler] did and then raise a protest when he is even referred to as a gentleman of his race.

MR. CELLER: Mr. Speaker, a point of order.

THE SPEAKER: The gentleman will state it.

MR. CELLER: The gentleman by inference and innuendo has simply repeated what he said at the inception of his remarks when he attempted to state that I was a Jewish gentleman. That is the second time he did it by indirection. I think the gentleman should be called to order and cautioned not to repeat that kind of language.

THE SPEAKER: The gentleman refers to the gentleman, if he referred to him at all, as the member of a minority race. The Chair does not think that is a violation of the rule.

MR. RANKIN: Mr. Speaker, a parliamentary inquiry. I wish to proceed in order. Does the Member from New York [Mr. Celler] object to being called a Jew or does he object to being called a gentleman? What is he kicking about?

MR. MARCANTONIO: Mr. Speaker, a point of order.

THE SPEAKER: The Chair desires to make a little statement.

The Chair trusts that points of order may be properly points of order hereafter, and that a Member before he makes a point of order secures the recognition of the Chair.

The gentleman from Mississippi will proceed in order, and the Chair trusts that the gentleman from Mississippi understands what the Chair means.

On Mar. 4, 1936,<sup>(12)</sup> a Member remarked as follows:

MR. [ROBERT F.] RICH [of Pennsylvania]: . . .

Mr. Chairman, where are we going to head in at? When will we stop this extravagance? I want to say that we have talked about responsibility. Whose responsibility? Whose, Mr. Bankhead? Is it yours or is it the Members of this House?

MR. [WILLIAM B.] BANKHEAD [of Alabama]: Mr. Chairman, I rise to a point of order.

THE CHAIRMAN [William L. Nelson, of Missouri]: The gentleman will state it.

MR. BANKHEAD: Mr. Chairman, I am not sensitive about the matter, but I am a little meticulous about observance of the rules of the House, and it is a direct violation of the rules of the House for a Member to refer directly by name to any Member upon the floor, and I shall have to give the gentleman a little preliminary schooling on the rules of the House and I may add to it a little later on. The gentleman should say, "The gentleman from Alabama."

THE CHAIRMAN: The Chair confirms the statement of the gentleman from

12. 80 CONG. REC. 3286, 74th Cong. 2d Sess.

Alabama and sustains the point of order.

MR. [BYRON B.] HARLAN [of Ohio]: Mr. Chairman, as an additional point of order and with respect to the same point of order made by the gentleman from Alabama, following parliamentary practice and under the rules of the House, the gentleman should not, from the floor, even address the gentleman from Alabama directly, but should direct all of his remarks to the Chairman or the Speaker.

THE CHAIRMAN: The gentleman is correct.

### *Whom Members May Address*

#### **§ 7.4 The Chair, in preserving order on the floor of the House, may rule out of order a Member's address to anyone other than the Chair, including the press.**

On Apr. 24, 1963,<sup>(13)</sup> the colloquy below occurred between Mr. Thomas B. Curtis, of Missouri, and the Chairman of the Committee of the Whole, Eugene J. Keogh, of New York:

MR. CURTIS: Mr. Chairman, I want to say to my so-called liberal friends who voted the motion up which closed off debate on such a serious matter that you have clearly demonstrated your concern for the basic civil liberties.

I would say to the press that this is a good observation—

13. 109 CONG. REC. 6892, 88th Cong. 1st Sess.

MR. [ROSS] BASS [of Tennessee]: Mr. Chairman, I make the point of order that the gentleman is out of order in addressing the press gallery or any other gallery from the floor of the House.

MR. CURTIS: I am not addressing the press gallery. I am addressing—

THE CHAIRMAN: The gentleman from Missouri will suspend. The Chair advises the gentleman that the correct parliamentary procedure is for the gentleman to address the Chair and only the Chair. The gentleman will proceed in accordance with the rules.

#### **§ 7.5 It is considered within the authority of the Speaker in preserving order on the floor of the House to interrupt a Member and rule out of order any reference to a person in the House gallery.**

On June 4, 1963,<sup>(14)</sup> during a Member's remarks, Speaker John W. McCormack, of Massachusetts, on his own initiative took action to prevent the reference to persons in the gallery of the House.

MR. [WILLIAM T.] CAHILL [of New Jersey]: Mr. Speaker, and my colleagues, as one of the sponsors of this legislation, I have patiently sat on this floor expecting that my friends from that side of the aisle would at least show the courtesy to the minority to be heard. It was my hope that it would not be necessary for me to make any observations at all in order to obtain

14. 109 CONG. REC. 10157, 10158, 88th Cong. 1st Sess.

the attention of my friends. Now, I would say that this is not my observation, but I thought the House might like to have the observation of a disinterested, objective observer who was sitting up in the gallery and who happens to be a visitor of mine—

THE SPEAKER: Reference to anybody in the gallery is not consistent with the rules of the House.

MR. CAHILL: I beg the Chair's pardon.

I would say then, may I quote to you the observation of a visitor who told me—

MR. [ROSS] BASS [of Tennessee]: Mr. Speaker, a point of order. Is the gentleman referring to a visitor in the Chamber, or in the gallery, or a visitor in Washington?

MR. CAHILL: No; I would say—

THE SPEAKER: The gentleman will suspend. The gentleman referred to a visitor and it is not the Chair's duty to penetrate his mind.

MR. BASS: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: Does the gentleman from Minnesota yield to the gentleman from Tennessee to make a parliamentary inquiry?

MR. [CLARK] MACGREGOR [of Minnesota]: Mr. Speaker, I yield to the distinguished gentleman from Tennessee for the purpose of his parliamentary inquiry.

MR. BASS: Since it is the prerogative of the Members to inquire into the minds of the other Members, may I request of the Member to divulge if this speaker is in the gallery or on the floor?

THE SPEAKER: The Speaker rules that is not a parliamentary inquiry.

. . .

On July 27, 1954,<sup>(15)</sup> in a similar situation involving Benjamin F. James, of Pennsylvania, Chairman of the Committee of the Whole, a Member attempted to refer to a visitor in the House gallery.

MR. [WALTER H.] JUDD [of Minnesota]: Mr. Chairman, will the gentleman yield?

MR. [CLARENCE] CANNON [of Missouri]: If the gentleman will permit me, I will finish my statement and then I will be delighted to yield.

MR. JUDD: My purpose is to call attention to the French nurse who is in the gallery.

MR. CANNON: I yield to the gentleman.

MR. JUDD: Mr. Chairman, I appreciate the gentleman's courtesy in permitting this short interlude. One of the things that always thrills everybody in the world is courage and devotion to duty, especially when under most trying and dangerous circumstances. I appreciate the opportunity to call attention to the presence in our gallery

THE CHAIRMAN: The gentleman from Minnesota will suspend. The Chair regrets extremely—

MR. JUDD: Mr. Chairman, I ask unanimous consent to proceed out of order.

THE CHAIRMAN: The gentleman may not proceed out of order for the purpose which he manifestly intends to use the time. The Chair regrets extremely that he must so hold under the rules of procedure of the House. We

15. 100 CONG. REC. 12253, 83d Cong. 2d Sess.

are all conscious of the great heroism of the person to whom the Chair knows that the gentleman wishes to allude, but it is a matter of extreme regret that because of the rules of the House, reference may not be made to anyone in the gallery.

MR. JUDD: I shall not say anything about the gallery. I shall say she is on the Hill today.

THE CHAIRMAN: The Chair greatly regrets that under the rules of procedure of the House, the gentleman must be denied the privilege of introducing anyone in the gallery which, I know, every Member of the House would greatly appreciate in this instance, if it were possible under the rules.

MR. JUDD: Mr. Chairman, I had no intention of introducing anyone in the gallery. Is it not possible to refer here to persons who are in our country?

THE CHAIRMAN: It is not possible to refer to any person in the gallery.

MR. JUDD: May I not call attention to a most distinguished visitor in our country today?

THE CHAIRMAN: The gentleman may refer to one who is in our country.

MR. JUDD: Well, then, I should like to refer to the distinguished heroine of Dien Bien Phu who we, in the United States, are happy these days to welcome to our shores and to our city, and to pay tribute to her, as a person whose heroism is acclaimed by all, and as a symbol of all women of the world who in times of great crisis and peril are faithful to their duty, particularly that of ministering to men wounded in the defense of freedom. We pay tribute to her wherever she may be in our country at the present moment.

### *Enforcing Floor Privileges*

#### **§ 7.6 The Speaker has within his authority the enforce-**

#### **ment of the privileges of the floor of the House, including times when there is held a joint session of Congress in the House Chamber.**

On Jan. 7, 1964,<sup>(16)</sup> Speaker John W. McCormack, of Massachusetts, made an announcement with respect to the privileges of the floor during a joint session of the Congress.

THE SPEAKER: The Chair desires to make an announcement. After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces on Wednesday, January 8, 1964, the date set for the joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open. No one will be allowed on the floor of the House who does not have the privileges of the floor of the House.

### *Controlling Reference to Senators*

#### **§ 7.7 In preserving order on the House floor, a Chairman of the Committee of the Whole may interrupt a Member to rule out of order any reference to a Member of the Senate.**

16. 110 CONG. REC. 6, 88th Cong. 2d Sess.

On May 25, 1937,<sup>(17)</sup> a Member spoke as follows in the Committee of the Whole:

MR. [ALFRED F.] BEITER [of New York]: . . .

Mr. Chairman, I have letters here from Members of the Senate saying they are in sympathy with this movement. If you will permit me, I will read a letter from Senator Murray, in which he says—

THE CHAIRMAN [John J. O'Connor, of New York]: The Chair, on its own responsibility, makes the point of order against the reading of a letter from a Member of another body.

**§ 7.8 In preserving order on the House floor, a Speaker pro tempore enforces the rule that in debate a Member may not directly nor indirectly refer to a Senator or to a speech made by a Senator even though the speech was not made in the Senate Chamber.**

On May 2, 1941,<sup>(18)</sup> a point of order was raised:

MR. [FRANK B.] KEEFE [of Wisconsin]: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE [Fadjo Cravens, of Arkansas]: The gentleman will state it.

MR. KEEFE: Mr. Speaker, the gentleman in the address he has just

made has on repeated occasions made reference to Senator Wheeler of Montana. I am not making this point of order in defense of Senator Wheeler or anybody else but in an effort to preserve what I understand to be the rules of this House. I make the point of order that the gentleman is out of order and is proceeding in violation of the rules of the House when he refers either contemptuously or in a complimentary manner to a Member of another body. I believe the gentleman's remarks should be deleted in those aspects in which he has thus referred to the Senator from Montana in order that we may preserve the plain mandate of the rules of this House.

THE SPEAKER PRO TEMPORE: The point of order is sustained.

The gentleman from Wisconsin will proceed in order.

MR. [THADDEUS F. B.] WASIELEWSKI [of Wisconsin]: Mr. Speaker, the speech I have prepared here has wholly to do with the talk given by Senator Wheeler. Is it permissible to merely make reference to him as the senior Senator from Montana?

THE SPEAKER PRO TEMPORE: Under the rules of the House, it is a violation of the rules to refer to a Senator of the United States in any such fashion. Under the rules of the House the gentleman should refrain from such remarks as those and proceed in order.

. . .

MR. WASIELEWSKI: Mr. Speaker, I ask unanimous consent at this time to revise and extend my remarks to conform with the House rules. I offer my profoundest regrets and apology if I have in any way violated the rules of the House. I did not realize that the

17. 81 CONG. REC. 5013, 75th Cong. 1st Sess.

18. 87 CONG. REC. 3536, 3537, 77th Cong. 1st Sess.

House rule also covered statements made by Members of Congress outside the Capitol halls.

MR. [EARL C.] MICHENER [of Michigan]: Mr. Speaker, reserving the right to object, the gentleman asks to revise and extend his remarks in accordance with the rules of the House?

MR. WASIELEWSKI: That is right.

MR. MICHENER: And the gentleman will not include in his extension those things that violate the rules and to which objection has been made?

MR. WASIELEWSKI: That is right.

MR. [JOHN M.] VORYS of Ohio: Mr. Speaker, pursuing my parliamentary inquiry, and reserving the right to object, what I wanted to know is this—and whether it applies to this speech or not is not the point. Can an attack be made upon a Member of this House or a member of another body merely by referring to the person indirectly, so long as the Member is clearly identified and the matter consists of an attack upon something he has said or done?

THE SPEAKER PRO TEMPORE: Under the rules of the House the gentleman is not permitted to do indirectly what he cannot do directly. Consequently the point of order was sustained upon the theory that there had been an unintentional violation of the rules of the House. The gentleman now asks unanimous consent that he may be permitted to revise and extend his remarks. Is there objection?

There was no objection.

### ***Controlling References to Members***

#### **§ 7.9 It is considered within the authority of the Chair in**

#### **preserving order on the floor of the House to rule out of order words spoken in debate referring to another Member in an unparliamentary manner.**

On July 2, 1935,<sup>(19)</sup> the debate below took place in the House, Speaker Joseph W. Byrns, of Tennessee, presiding:

MR. [MAURY] MAVERICK [of Texas]: I have not the parliamentary experience and ability to get up here and beat the parliamentary rules; but I do say I hope the House passes the resolution, and I do not believe a word the gentleman from Maine [Mr. Brewster] said. . . .

MR. [RALPH O.] BREWSTER: Mr. Speaker—

THE SPEAKER: For what purpose does the gentleman from Maine rise?

MR. BREWSTER: I rise to ask whether it is possible for the gentleman from Texas to challenge my word on the floor of this House without having his words taken down. I rose immediately the words were uttered, and it seems to me nothing could transcend such a proposition. If that is not possible, it transcends my conception of parliamentary procedure.

THE SPEAKER: To what words does the gentleman object?

MR. BREWSTER: He said, as I understood him, that he did not believe a word I had uttered.

THE SPEAKER: The Chair would state to the gentleman that the Chair does

19. 79 CONG. REC. 10670, 10671, 74th Cong. 1st Sess.

not think that implies that the gentleman uttered an untruth. That was the opinion of the gentleman from Texas, but not necessarily the opinion of anyone else, and the Chair does not understand that there is any question of privilege involved in the remarks uttered.

MR. BREWSTER: May I ask that the words be taken down?

THE SPEAKER: The gentleman could have done that—

MR. [WILLIAM D.] MCFARLANE [of Texas]: Mr. Speaker, a point of order.

THE SPEAKER: The Chair is trying to rule on a point of order now, if the gentleman will permit the Chair to do so.

MR. MCFARLANE: I wanted to make my point of order before the Chair rules.

THE SPEAKER: The gentleman from Texas made the statement, but that does not necessarily imply that the gentleman from Maine intentionally made a misstatement on his own part. He simply said he did not believe it, but this did not necessarily imply that the gentleman from Maine intentionally made a misstatement. What the gentleman from Texas said may be construed as meaning that the gentleman from Maine was merely mistaken in his conclusions, and that the gentleman did not deliberately make a false statement. So the Chair fails to see where any question of privilege is involved in the statement. Of course, if the gentleman wishes to make his own statement about it, he can do so with the permission of the House.

On Mar. 16, 1939,<sup>(20)</sup> debate took place in the Committee of the Whole as follows:

20. 84 CONG. REC. 2871, 76th Cong. 1st Sess.

MR. [LEE G.] GEYER of California: . . . I see in the balcony some young people, some school people, who have come here to watch their Representatives in session. I am anxious that they get a proper idea concerning this great body.

I have heard the gentleman from Wisconsin, the man who made Milwaukee famous, stand upon this floor a good many times. He is an estimable gentleman. I like him very much when he is not in the well of this House. I have seen him come out with a hand that only he possesses, a hand like a ham, and grasp this [microphone] until it groaned from mad torture. I have seen him come on the floor and stamp up and down like a wild man.

MR. [JOHN] TABER [of New York]: Mr. Chairman, I demand that the gentleman's words be taken down.

THE CHAIRMAN [Frank H. Buck, of California]: The gentleman from New York demands that the words of the gentleman be taken down. The gentleman from California will take his seat.

The gentleman from New York will indicate to the Clerk the words objected to.

MR. TABER: "Stamping like a wild man" and "a hand like a ham."

MR. [JOHN C.] SCHAFER of Wisconsin: Mr. Chairman, as far as I am concerned, I am not objecting to the words. I will handle him at a later date.

MR. TABER: I believe the integrity of the rules of the House should be preserved.

THE CHAIRMAN: The Clerk will report the words taken down at the request of the gentleman from New York.

The Clerk read as follows:

I have seen him come on the floor and stamp up and down like a wild man.

MR. TABER: Mr. Chairman, there were some other words about "a hand like a ham."

THE CHAIRMAN: The Clerk will report the additional words. . . . The Committee will rise.

Accordingly the Committee rose; and the Speaker . . . resumed the chair . . .

THE SPEAKER [William B. Bankhead, of Alabama]: The Clerk will report the words objected to in the Committee of the Whole House on the state of the Union. . . .

The rule governing situations of this character provides as follows:

#### OF DECORUM AND DEBATE

When any Member desires to speak or deliver any matter to the House he shall rise and respectfully address himself to "Mr. Speaker," and, on being recognized, may address the House from any place on the floor or from the Clerk's desk, and shall confine himself to the question under debate, avoiding personality.

The words objected to and which have been taken down and read from the Clerk's desk very patently violate the rule, because the words alleged do involve matters of personal reference and personality.

On Dec. 20, 1943,<sup>(1)</sup> debate took place as follows in the House, Speaker pro tempore John W.

1. 89 CONG. REC. 10922, 10923, 78th Cong. 1st Sess.

McCormack, of Massachusetts, presiding:

MR. [ADOPH J.] SABATH [of Illinois]: Mr. Speaker, the original bill in the last Congress was introduced by the gentleman from West Virginia [Mr. Ramsey] and finally approved by the secretaries of the various States who sent a delegation down here. It was opposed then by the gentleman from Mississippi [Mr. Rankin]; nevertheless, the vast majority of the Members voted for it. The present bill that the gentleman from Mississippi charges was written by someone, he does not know whom, was introduced by me. . . .

I said that I did not care whether it was my bill, his bill, or any bill [when I appeared before the committee]; but that it should be a bill that will give them the right to vote and not a bill that will deprive them of that great privilege as the gentleman from Mississippi is trying to do.

MR. [JOHN E.] RANKIN: Mr. Speaker, I demand that those words be taken down. I make the point of order that his statement is false and slanderous. I demand that those words be taken down.

MR. SABATH: I demand that those words be taken down. . . .

THE SPEAKER PRO TEMPORE: The Chair has instructed that the words demanded to be taken down be read, and when they are ready the Clerk will report them.

The Clerk read as follows:

Mr. Sabath: I said I did not care whether it was my bill, his bill, or any bill, but a bill that will give them the right to vote and not a bill that will deprive them of that great privilege as the gentleman from Mississippi is trying to do.

MR. RANKIN: Mr. Speaker, I make the point of order that those words violate the rules of the House, and, so far as my denouncing them as false is concerned, I am clearly within the rules of the House, as has been demonstrated here and pointed out time and time again.

When any Member rises on the floor and makes a false statement, any other Member has the right to say that that statement is false; and when that statement is slanderous, any gentleman is within the rules of the House when he says so.

MR. SABATH: Mr. Speaker, I do not think it is necessary for me to answer the gentleman from Mississippi.

MR. [RALPH E.] CHURCH [of Illinois]: Mr. Speaker, the regular order.

MR. SABATH: His own statement shows he is wrong.

THE SPEAKER PRO TEMPORE: The Chair is prepared to rule. There are several ways of averting a ruling on this matter, but the Chair is prepared to rule, neither gentleman having asked unanimous consent that the remarks be withdrawn. . . .

The Chair feels that the question is very close to the line, but does transgress the rules when the gentleman from Illinois used the words "deprive them" in that those words tend to impugn the motives of the gentleman from Mississippi. . . .

So far as the remarks made by the gentleman from Mississippi are concerned, the Chair has no difficulty in ruling that those words clearly transgress the rules of the House, and the Chair so rules on both statements made, taken down, and reported by the Clerk.

On Jan. 31, 1946,<sup>(2)</sup> debate took place as follows:

MR. [EMANUEL] CELLER [of New York]: I wish, if I may be permitted, to answer my own question. The Case bill does return to those very dark and murky days; and, to quote the Bible, "as a dog returneth to his vomit, so a fool returneth to his folly."

MR. [CLARK E.] HOFFMAN [of Michigan]: Now, wait a minute. Mr. Chairman, I object to those words. I ask that those words be taken down as unparliamentary language.

MR. CELLER: But I quoted the Bible.

THE CHAIRMAN [Frank L. Chelf, of Kentucky]: What words does the gentleman object to?

MR. HOFFMAN: Where he said we would be like a dog returning to his vomit if we defeated this bill.

MR. CELLER: I said the Case bill. That is a quotation from the Bible.

MR. HOFFMAN: The gentleman can quote more Scripture to his purpose than anyone else.

THE CHAIRMAN: The Chair rules this all out of order. The Clerk will take down the words objected to.

MR. CELLER: Mr. Chairman, I demand that the words of the gentleman from Michigan be taken down. He said I quoted Scripture to my own purpose, like the devil.

MR. [FRANCIS H.] CASE of South Dakota: Mr. Chairman, I rise to a point of order. When a demand is made to take down a Member's words, that Member has no right to the floor until the matter has been settled.

2. 92 CONG. REC. 675, 676, 79th Cong. 2d Sess.

THE CHAIRMAN: All gentlemen will take their seats. . . .

The Committee will rise.

Accordingly, the committee rose; and The Speaker . . . resumed the chair.

THE SPEAKER [Sam Rayburn, of Texas]: The Clerk will report the words objected to. . . .

The Chair does not know all that happened before the language objected to was used, but the name of no Member is mentioned. In the words taken down the gentleman was giving his opinion of a measure before the House. The Chair would be compelled to hold that the language is not unparliamentary.

### ***Controlling References to Non-members***

#### **§ 7.10 In preserving order in the House, the Chair determines whether words taken down, as reported by the Committee of the Whole, are out of order before further business is undertaken.**

On Jan. 18, 1930,<sup>(3)</sup> during a debate on the enforcement of legislation regulating the sale of alcoholic beverages, the following remarks were made:

MR. [WILLIAM I.] SIROVICH [of New York]: I personally believe in the rigid enforcement of the prohibition law. I want every wet and dry to respect it in this country; but does not the gentleman believe that when a coast

guard finds a man violating the prohibition law and the man flees, or he shoots at him, he should shoot two or three times above him and beside him and around him to show that the Government is sincere, and then, if he does not stop, to enforce the law as it should be enforced? . . .

MR. [CARROLL L.] BEEDY [of Maine]: I know that no warning gun, if the gentleman is referring to the Black Duck incident, was fired before the gun was fired which resulted in the loss of life. . . .

MR. [FIORELLO H.] LAGUARDIA [of New York]: The gentleman knows that that is just the difficulty. The moment the Government officer does act that way he is removed from the state court and brought before one of our own commissioners and then discharged. That is the difficulty.

MR. [CHARLES H.] SLOAN [of Nebraska]: That is a distinct charge against the judicial system of this country, which is not valid.

MR. [ADOLPH J.] SABATH [of New York]: It is true. Instead of being prosecuted, he is being defended by the district attorneys in each and every instance.

MR. SLOAN: I challenge the gentleman's general charge against the integrity of the courts of the United States.

MR. BEEDY: Mr. Chairman, I rise to a point of order.

THE CHAIRMAN [Bertrand H. Snell, of New York]: The gentleman will state it.

MR. BEEDY: I ask that the remarks of the gentleman from Illinois be taken down. . . .

THE CHAIRMAN: The Clerk will read the words taken down.

3. 72 CONG. REC. 1905-07, 71st Cong. 2d Sess.

The Clerk read as follows:

MR. SABATH: It is true. Instead of being prosecuted he is being defended by district attorneys. . . .

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Tilson] . . . resumed the Chair. . . .

MR. [WILLIAM B.] BANKHEAD [of Alabama]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE [John Q. Tilson, of Connecticut]: The gentleman will state it.

MR. BANKHEAD: As I understand the rule, when the procedure has gone as far as it has in this instance, under the rule it is the primary duty of the Speaker, before any further procedure can be taken, to determine whether or not the words so reported are in themselves out of order.

THE SPEAKER PRO TEMPORE: The Chair is ready to rule.

MR. BEEDY: Mr. Speaker, they are not all the words I asked to be taken down.

THE SPEAKER PRO TEMPORE: The Chair can only rule on the words reported to the House by the Chairman of the Committee of the Whole House.

The present occupant of the Chair can see nothing objectionable, from a parliamentary standpoint, in the remarks reported.

The Committee will resume its session.

**§ 7.11 It is considered within the authority of the Speaker in preserving order on the House floor to rule on whether words spoken in reference to persons other than**

**present Members are unparliamentary.**

On Nov. 15, 1945,<sup>(4)</sup> debate took place in the House as follows:

MR. [ANDREW J.] BIEMILLER [of Wisconsin]: Mr. Speaker, it is now more than 6 months since VE-day and more than 3 months after VJ-day. Six months ago, we expected when this happy event arrived we would see an immediate rush to peacetime activities, giving jobs to former war workers and soldiers, making things we all need. . . .

Yet, some of our people are so misinformed they cry Communist at every measure with the slightest touch of liberalism, at every person who has had a new idea since 1860. In so doing, they bring more opprobrium on themselves than on the cause or the individuals they attack. The gentleman from Mississippi, for instance, is well known for his ability to see a Communist in every woodpile. Only the other day it was reported in the Pathfinder magazine for October 31 that he stated at a committee hearing that he regarded Abraham Lincoln as a Communist.

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a point of order. I called the Pathfinder up and they apologized and said that the man who wrote that took my statement and reversed it. When the leader of the Communist Party, William Z. Foster, talked about Lincoln as being a Communist, I said, "As a Southern Democrat, I resent your branding Abraham Lincoln as a Communist." Now, please

4. 91 CONG. REC. 10735, 10736, 79th Cong. 1st Sess.

do not get your information from those Communists about me but stay by the record while you are discussing me on this floor.

MR. BIEMILLER: Mr. Speaker, I am delighted to have the record show there is at least one liberal in the past century that Mr. Rankin does not consider as a Communist.

MR. RANKIN: Mr. Speaker, I demand that those words be taken down. . . .

THE SPEAKER: [Sam Rayburn, of Texas]: The Clerk will report the words the gentleman from Mississippi has demanded be taken down. . . .

MR. RANKIN: Mr. Speaker, I would like to be heard on the point of order.

THE SPEAKER: This is not a point of order. These are words taken down on the demand of the gentleman from Mississippi.

The Chair does not find anything in the language that is contrary to the rules of the House or is unparliamentary.

MR. RANKIN: Mr. Speaker, the point of order is this: That, taken in the light of his previous statements, where he falsely accused me of making a statement with reference to Abraham Lincoln that was exactly opposite from what I did say, his utterance was a violation of the rules of the House.

THE SPEAKER: Even if the gentleman had given his opinion that Mr. Lincoln was a Communist, that would not have been a violation of the rules of the House.

### ***Controlling Reading of Papers***

#### **§ 7.12 In preserving order on the House floor, the Speaker puts the question to the**

#### **House when objection is heard to a unanimous-consent request to allow a Member to read papers on the floor.**

On Oct. 24, 1945,<sup>(5)</sup> a Member attempted to read some papers to the house:

MR. [HUGH] DE LACY [of Washington]: Mr. Speaker, the gentleman from New York has made a very able statement of some of the general issues involved in this discussion today. I would like to discuss some aspects of the freedom of the air.

When the House Committee on Un-American Activities requested the scripts of certain American radio commentators—

MR. [JOHN E.] RANKIN [of Mississippi]: Mr. Speaker, a point of order.

THE SPEAKER: [Sam Rayburn, of Texas]: The gentleman will state it.

MR. RANKIN: A Member who has the floor has to get unanimous consent to read. Now they can all read that stuff in the papers tomorrow. I read it this morning. I make the point of order that he has no right to get up here and read that stuff and take up the time of the Congress without unanimous consent.

THE SPEAKER: If anybody objects to the reading, the question can be put to the House and the House can decide.

MR. RANKIN: I object to its reading. It has all been distributed and everybody is familiar with it.

THE SPEAKER: The question is, Shall the gentleman from Washington be permitted to read the statement?

5. 91 CONG. REC. 10031, 79th Cong. 1st Sess.

The question was taken; and the Speaker announced that the ayes had it.

THE SPEAKER: The gentleman from Washington may proceed.

### ***Controlling Members' Floor Movements***

#### **§ 7.13 In preserving order on the House floor, the Chair may rule a Member out of order when he stands by or walks about another Member who has the floor in debate.**

On Mar. 5, 1936,<sup>(6)</sup> debate took place in the Committee of the Whole as follows:

MR. [THOMAS L.] BLANTON [of Texas]: Mr. Chairman, I rise in opposition to the amendment. If our friend from Washington [Mr. Zioncheck] had looked up the data on this bill and the hearings he would not have offered the amendment or made his speech. In the first place, instead of being \$60,000 for lights, he will find it is only \$25,000, and page 37 of the estimates shows that.

Mr. Zioncheck rose.

MR. BLANTON: I do not want to be interrupted.

MR. [MARION A.] ZIONCHECK [of Washington]: I am not asking the gentleman to yield.

MR. BLANTON: I do not want to be interrupted, and I ask the Chair to rule whether or not the gentleman from Washington is in order.

MR. ZIONCHECK: I am not asking the gentleman to yield. I am just standing here doing nothing. Has the gentleman got a complex?

MR. BLANTON: Will the Chair rule whether or not the gentleman is in order.

THE CHAIRMAN [William L. Nelson, of Missouri]: He is not in order.

MR. ZIONCHECK: Mr. Chairman, a point of order.

THE CHAIRMAN: Will the gentleman kindly take his seat?

MR. ZIONCHECK: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. ZIONCHECK: I was doing nothing; he brings this up; and I think the Chair cannot rule on something which does not exist.

THE CHAIRMAN: The Chair rules that the gentleman from Washington must be in his seat when the other gentleman has the floor.

MR. ZIONCHECK: In other words, I am supposed to sit down?

THE CHAIRMAN: Yes.

#### **§ 7.14 In preserving order on the House floor, the Chair may rule that a Member is out of order if, when propounding a question to a Member speaking from the well of the House, he does so from the well rather than from the House seats.**

On Mar. 7, 1957,<sup>(7)</sup> debate took place in the Committee of the Whole as follows:

6. 80 CONG. REC. 3376, 74th Cong. 2d Sess.

7. 103 CONG. REC. 3268, 85th Cong. 1st Sess.

MR. AUGUST H. ANDRESEN [of Minnesota]: I do not want to yield for a speech.

MR. [GEORGE H.] CHRISTOPHER [of Missouri]: I did not come down to heckle the gentleman.

MR. AUGUST H. ANDRESEN: I will yield for a question, but I refuse to yield for a speech.

MR. CHRISTOPHER: I would like to ask a question.

MR. [CLARE E.] HOFFMAN [of Michigan]: Mr. Chairman, a point of order.

THE CHAIRMAN [Brooks Hays, of Arkansas]: The gentleman will state it.

MR. HOFFMAN: I ask that the well be cleared.

THE CHAIRMAN: The gentlemen from Michigan makes a point of order that the well should be cleared. The gentleman will step back to the seats to ask his question.

MR. CHRISTOPHER: I want to ask a question about the 51 million acre base.

MR. HOFFMAN: Mr. Chairman, I insist on my point of order.

THE CHAIRMAN: The gentleman from Missouri will suspend. We want to comply strictly with the rules. The gentleman will stand back out of the well, please while the question is propounded.

### ***Controlling Distribution of Materials***

**§ 7.15 The Speaker, in preserving order on the House floor, may stop the distribution to Members of copies of House bills with a Member's memoranda attached thereto.**

On Aug. 16, 1935,<sup>(8)</sup> a parliamentary inquiry was addressed to Speaker Joseph W. Byrns, of Tennessee:

MR. [CLAUDE A.] FULLER [of Arkansas]: Mr. Speaker, I rise to a parliamentary inquiry. I just sent a page for the bill under consideration, H.R. 9100, and received the copy which I have in my hand. At the top of the bill, pasted onto it is a pink slip, and on that pink slip in typewriting are the words:

Bituminous-coal as amended and reprinted—controversial phases largely eliminated. Two-thirds of tonnage output operators favor bill, and more than 95 percent of labor.

My inquiry is to know whether it is proper for anybody to paste such a thing as that on a document of the House and whether it is proper for it to be circulated in the House. This is the first time in my experience that I have ever seen any advertisement on an official document or bill pending in the House. I rise for the purpose of ascertaining how it came there and whether or not it is proper to be on this bill.

THE SPEAKER: The Chair has no information on the subject. Where did the gentleman get his copy of the bill?

MR. FULLER: From a page. I send this copy to the desk so that the Speaker may examine it.

MR. [J. BUELL] SNYDER [of Pennsylvania]: I can tell the gentleman how that came there.

THE SPEAKER: The gentleman may state.

8. 79 CONG. REC. 13433, 74th Cong. 1st Sess.

MR. SNYDER: Mr. Speaker, I had so many of these bills sent to my office, and with my secretarial help we wrote those words on that pink slip and pasted the slip on the bill. That is how that happens to be there. I sent copies of these bills with the slip on them to those interested and sent some of them to the desk back here, to be handed out upon request. It is altogether fitting and proper that I should do so.

THE SPEAKER: The Chair knows of no rule or authority for inserting a statement like that to which the gentleman has called attention on a bill, and the Chair instructs the pages of the House not to distribute any more bills carrying this sort of inscription to Members on the floor of the House.

### *Controlling Use of the Hall*

#### **§ 7.16 It is considered within the authority of the Speaker to rule that Members may not use the Chamber of the House to entertain groups of people.**

On Feb. 14, 1955,<sup>(9)</sup> Speaker Sam Rayburn, of Texas, made the following statement:

THE SPEAKER: The Chair desires to make a statement on the use of the Hall of the House of Representatives.

A great many Members have asked the Parliamentarian and the present occupant of the chair about the use of

9. 101 CONG. REC. 1512, 84th Cong. 1st Sess.

the Hall of the House of Representatives. At any time in the future when any Member desires to entertain a group except Members of the House of Representatives it will be held that the caucus room is open for that purpose, but not the Hall of the House of Representatives.<sup>(10)</sup>

### **§ 8. Preserving Order in the House Galleries**

The Speaker's jurisdiction, duties, and powers to preserve order in the House galleries are derived from the House rules and precedents. This section gives examples of both.<sup>(11)</sup>

Under House rules the Speaker has control of the order and decorum of the House galleries,<sup>(12)</sup> the allocation of space in and the issuance of passes to the galleries,<sup>(13)</sup> and the regulation of the press galleries.<sup>(14)</sup>

The Speaker has ordered an offending visitor out of the House

10. As to the Hall of the House, see Ch. 4, *supra*.
11. See Ch. 4, *supra*, for fuller treatment of the Speaker's control of the House galleries.
12. Rule I clause 2, *House Rules and Manual* § 622 (1973).
13. Rule XXXIII, *House Rules and Manual* § 922 (1973).
14. Rule XXIV clauses 2 and 3, *House Rules and Manual* §§ 930 and 930a (1973).