§ 17. Calling Members to Order

The Chairman directs the Committee of the Whole to rise and report to the House when objections have been made under Rule XIV clause 4,[17] which relates to calling a Member to order for transgressing the rules of the House, or Rule XIV clause 5,[18] which relates to calling a Member to order for words spoken in debate.

Seating of Member Called to Order

§ 17.1 A Member called to order in the Committee of the Whole because of words spoken in debate must take his seat.

On Mar. 26, 1965,[19] during consideration of H.R. 2362, the Elementary and Secondary Education Act of 1965, Chairman Richard Bolling, of Missouri, stated that a Member called to order because of words spoken in debate in the Committee of the Whole must take his seat.

> MR. [FRANK] THOMPSON [Jr.] of New Jersey: Mr. Chairman, I move to strike out the requisite number of words. . . .
>
> I might suggest further you can beat this dog all you want for political purposes; you can demagog however subtly and try to scare people off at the expense of the Nation's schoolchildren with your demagoguery
>
> MR. [CHARLES E.] GOODELL [of New York]: Mr. Chairman, I demand that those words be taken down.
>
> MR. THOMPSON of New Jersey: Please take the words down.
>
> MR. GOODELL: Mr. Chairman, the gentleman has accused one of his colleagues of demagoguery.
>
> MR. THOMPSON of New Jersey: I was referring to a gentleman; who takes exception to that?
>
> MR. GOODELL: Mr. Chairman, a point of order: The gentleman must take his seat.
>
> THE CHAIRMAN: The gentleman from New Jersey will take his seat.

Rising of Committee to Report Objectionable Words

§ 17.2 When words are taken down in the Committee of the Whole, the Committee immediately rises and the Chairman reports the words objected to to the House.

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17. *House Rules and Manual* § 760 (1979); 2 Hinds' Precedents § 1653. See also Ch. 29 §§ 48–52, infra

18. *House Rules and Manual* § 761 (1979); § 17.3, infra; 2 Hinds' Precedents §§ 1257–1259, 1348; and 8 Cannon's Precedents §§ 2533, 2538, 2539. See also Jefferson's Manual, *House Rules and Manual* § 369 (1979), for parliamentary law on calling to order.

19. 111 CONG. REC. 6107, 89th Cong. 1st Sess.

On Mar. 9, 1936,[20] during consideration of H.R. 11563, the District of Columbia rent commission bill, the Committee of the Whole rose immediately after a demand was made to take words down, and the Chairman reported the objectionable words to the House.

MR. [HENRY] ELLENBOGEN [of Pennsylvania]: Mr. Chairman, a point of order. I ask that the gentleman's language be taken down. It is a violation of the rules of the House, and in the meantime I demand that the gentleman take his seat.

THE CHAIRMAN:[1] The Clerk will report the words objected to.

The Clerk read as follows:

MR. BLANTON: Here is the answer if the gentleman can understand English.

The Committee rose and the Speaker pro tempore (Mr. O'Connor) having assumed the chair, Mr. Umstead, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 11563), certain words used in debate were objected to and on request were taken down and read at the Clerk's desk and he reported the same to the House herewith.

THE SPEAKER PRO TEMPORE:[2] The Clerk will report the words objected to.

The Clerk read as follows:

MR. BLANTON: Here is the answer, if the gentleman can understand English.

THE SPEAKER PRO TEMPORE: The Chair is ready to rule. The Chair sees nothing objectionable in the words used.

The Committee will resume its session.

Expungement of Words

§ 17.3 Where a demand is made that certain words spoken in debate be taken down in Committee of the Whole, such words must be reported to the House, and a motion to expunge words from the Record is not in order in the Committee.

On Feb. 18, 1941,[3] Chairman Warren G. Magnuson, of Washington, stated that the House, not the Committee of the Whole, determines whether to expunge from the Record words spoken and objected to in the Committee of the Whole.

MR. [CLARE E.] HOFFMAN [of Michigan]: All we ask in this case is what we do not expect to get, that you stick by the rules of the game you established last year. That is not too much to expect if we adhere to the agreement of last year. This would give us in Michigan the Representative to

20. 80 CONG. REC. 3465, 74th Cong. 2d Sess. See 79 CONG. REC. 1808, 74th Cong. 1st Sess., Feb. 7, 1935, for another illustration of this procedure.

1. William B. Umstead (N.C.)

2. John J. O'Connor (N.Y.).

3. 87 CONG. REC. 1126, 77th Cong. 1st Sess.

which we are entitled. But we know what you are going to do. You know what is going to happen. You are going to skin us, are you not? And we have no way to prevent it.

MR. [ROBERT F.] RICH [of Pennsylvania]: I demand that the gentleman's words be taken down. . . .

THE CHAIRMAN: . . . The Clerk will read the words objected to.

The Clerk read as follows:

> You know what is going to happen. You are going to skin us, are you not; and we have not any way to help it

MR. RICH: Mr. Chairman, I ask that those words be expunged from the Record. They are not going to skin anybody around here.

THE CHAIRMAN: That is a matter for the House to decide. The Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Magnuson, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H.R. 2665, certain words in debate were objected to, which, on request, where taken down and read at the Clerk's desk, and that he reported the same herewith to the House.

THE SPEAKER: [4] The Clerk will report the words objected to.

The Clerk read as follows:

> MR. HOFFMAN: You know what is going to happen. You are going to skin us, are you not; and we have not any way to help it.

THE SPEAKER: The Chair is of the opinion that the expression contained in the words reported to the House is merely a colloquialism which does not reflect in an unparliamentary manner upon any Member.

The Chair cannot see anything in these words which violates the rules of the House.

The Committee will resume its session.

Scope of Ruling by Speaker

§ 17.4 The Speaker passes only on words reported from the Committee of the Whole; a demand that additional words uttered in the Committee (but not reported to the House) be reported is not in order in the House.

On July 27, 1965,[5] during consideration of H.R. 77, repealing section 14(b) of the Labor-Management Relations Act, Speaker John W. McCormack, of Massachusetts, stated that he could rule only on words reported from the Committee of the Whole as recited by the Clerk.[6]

> MR. [CHARLES E.] GOODELL [of New York]: I would be very interested on this particular issue, if we are going to have a repeat of the exhibition on the housing vote with the gentleman withholding votes and seeing how they are necessary on the issue that comes be-

4. Sam Rayburn (Tex.).

5. 111 CONG. REC. 18441, 89th Cong. 1st Sess.

6. See 5 Hinds' Precedents § 5202, for additional support for this principle.

fore us. I hope that this will not be repeated. In my instance, and in the instance of all the gentlemen from New York, I believe we will be standing on the merits of whether we should have a Federal law that destroys the right of the States to make up their minds.

MR. [NEAL] SMITH of Iowa: Mr. Chairman, I demand that the gentleman's words be taken down. He is impugning the motives of Members of this body.

THE CHAIRMAN:[7] The Clerk will report the words objected to.

The Clerk read as follows:

> MR. GOODELL: I would be very interested on this particular issue if we are going to have a repeat of the exhibition on the housing vote with the gentlemen withholding votes and seeing how they are necessary on the issue that comes before us. I hope that this will not be repeated.

THE CHAIRMAN: The Committee will rise.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. O'Brien, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 77) to repeal section 14(b) of the National Labor Relations Act, as amended, and section 705(b) of the Labor-Management Reporting and Disclosure Act of 1959 and to amend the first proviso of section 8(a)(3) of the National Labor Relations Act, as amended, certain words used in debate were objected to and on request were taken down and read at the Clerk's desk, and he herewith reported the same to the House.

THE SPEAKER: The Clerk will report the words objected to.

The Clerk read as follows:

> MR. GOODELL: I would be very interested on this particular issue if we are going to have a repeat of the exhibition on the housing vote with the gentlemen withholding votes and seeing how they are necessary on the issue that comes before us. I hope that this will not be repeated.

MR. SMITH of Iowa: Mr. Speaker, there was another sentence following that. He did not read the last sentence.

THE SPEAKER: The occupant of the Chair can pass only on the words that have been reported.

The Chair will state that in debate the question of impugning the motives or attacking the vote of a Member is one thing; but looking at it from a broad angle the remarks made by the gentleman from New York [Mr. Goodell] seem to come within the purview of the rules.

The Chair does not consider this to be a reflection, if the gentleman was making any reflection, upon any Member of the House or upon any State of the Union, particularly the State of Iowa.

The Chair overrules the point of order.

MR. SMITH of Iowa: Mr. Speaker, I demand the sentence following that be taken down. That was the sentence objected to. He said we did not vote on the merits.

THE SPEAKER: The Chair will state that the Chair can only pass upon the words presented to the Chair and which were taken down in the Committee of the Whole.

MR. SMITH of Iowa: Mr. Speaker, a parliamentary inquiry.

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7. Leo W. O'Brien (N.Y.).

THE SPEAKER: The gentleman will state it.

MR. SMITH of Iowa: Are we not entitled to have the words taken down that were objected to in the Committee of the Whole so that Members can exercise their rights?

THE SPEAKER: The Chair was confronted with the words actually reported by the Clerk.

MR. SMITH of Iowa: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SMITH of Iowa: Then when we go back into the Committee of the Whole, am I entitled to demand that the words be taken down that I objected to and report them back?

THE SPEAKER: The Chair will not pass upon what can be done in the Committee of the Whole. Of course, if the gentleman desires to renew his request, that would be a matter for the Chairman of the Committee of the Whole to consider on the question of whether or not the words were taken down as demanded by the gentleman from Iowa.

The Committee will resume its sitting.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 77 with Mr. O'Brien in the chair.

THE CHAIRMAN: The Committee will be in order.

MR. SMITH of Iowa: Mr. Chairman, I demand that the words the gentleman most recently gave me be taken down.

THE CHAIRMAN: The gentleman from Iowa demands that certain additional words which he claims were uttered shall be taken down.

The Clerk will report the words objected to.

The Clerk read as follows:

> MR. GOODELL: In my instance and in the instance of all the gentlemen from New York, I believe we will be standing on the merits of whether we should have a Federal law that destroys the right of the States to make up their minds.

MR. SMITH of Iowa: That is not all of it, Mr. Chairman. That is not all of the words.

THE CHAIRMAN: I might say to the gentleman that is all that the Clerk was able to furnish the Chairman and I assume that the point he has raised—

MR. SMITH of Iowa: In that case, I withdraw the objection.

THE CHAIRMAN: Objection is withdrawn.

The Committee will proceed in order.

Automatic Resolution Into Committee After Ruling

§ 17.5 After the Speaker has ruled on words taken down in Committee, the House automatically again resolves into the Committee of the Whole.

On Mar. 26, 1965,[8] during consideration of H.R. 2362, the Elementary and Secondary Education Act of 1965, and after Speaker John W. McCormack, of Massachusetts, ruled on words taken

8. 111 CONG. REC. 6107, 89th Cong. 1st Sess.

down in the Committee of the Whole, the House automatically resolved into the Committee under the Chairmanship of Richard Bolling, of Missouri.

THE SPEAKER: The Clerk will report the words objected to.

The Clerk read as follows:

> I might suggest further you can beat this dog all you want for political purposes; you can demagog however subtly and try to scare people off at the expense of the Nation's schoolchildren with your demagoguery—

THE SPEAKER: The Chair feels that Members in debate have reasonable flexibility in expressing their thoughts.

The Chair sees nothing about the words that contravene the rules of the House. The point of order is not sustained.

The Committee will resume its sitting.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2362) with Mr. Bolling in the chair. . . .

THE CHAIRMAN: . . . The Chair recognizes the gentleman from New York [Mr. Powell).

Withdrawal of Demand

§ 17.6 A demand that words spoken in debate be taken down may be withdrawn without unanimous consent in the Committee of the Whole.

On July 3, 1946,[9] Chairman Wright Patman, of Texas, stated that withdrawal of a demand to take words down did not require unanimous consent.

MR. [CLARENCE J.] BROWN of Ohio: Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I have just finished listening to two political tirades by two political tyros, and I say to those gentlemen that they cannot

MR. [MATTHEW M.] NEELY [of West Virginia]: Mr. Chairman, I demand that those words be taken down.

MR. BROWN of Ohio: If the gentleman knows what the word "tyro" means he can have it taken down.

MR. NEELY: The gentleman knows that that statement is not true and that the statement is not justified. I demand that the words be taken down and stricken from the Record.

THE CHAIRMAN: The Clerk will report the words objected to.

MR. NEELY: Mr. Chairman, for fear that this procedure will delay the final vote on the bill, I withdraw my request.

MR. [EARL] WILSON [of Indiana]: I object, Mr. Chairman.

THE CHAIRMAN: It does not require unanimous consent to withdraw the request.

Withdrawal of Objectionable Words After Speaker's Ruling

§ 17.7 Words spoken in debate in the Committee of the

9. 92 CONG. REC. 8295, 79th Cong. 2d Sess.

Whole and ruled out of order by the Speaker when reported to the House may by unanimous consent be withdrawn; such consent when granted permits a Member who had the floor to continue without motion to proceed in order provided that his time had not expired.

On Mar. 16, 1939,[10] during consideration of H.R. 4852, the Department of the Interior appropriations bill, 1940, Speaker William B. Bankhead, of Alabama, stated that words spoken in the Committee of the Whole and objected to as violative of rules of the House could be withdrawn by unanimous consent. After the Committee resumed its sitting, Chairman Frank H. Buck, of California, ruled on whether the Member who had been granted unanimous consent to withdraw certain words could proceed with further debate.

MR. [LEE E.] GEYER of California: Mr. Chairman, I move to strike out the last two words. . . .

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 delicate instrument 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: 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 Clerk read as follows:

> I have seen him come out with a hand that only he possesses, a hand

10. 84 CONG. REC. 2871, 76th Cong. 1st Sess.

like a ham, and grasp this delicate instrument until it groaned from mad torture.

THE CHAIRMAN: The Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Buck, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee having had under consideration the bill (H.R. 4852) the Interior Department appropriation bill, 1940, certain words used in debate were objected to and, on request, were taken down and read at the Clerk's desk, and that he herewith reported the same to the House.

THE SPEAKER: The Clerk will report the words objected to in the Committee of the Whole House on the state of the Union.

The Clerk read as follows:

> I have seen him come out with a hand that only he possesses, a hand like a ham, and grasp this delicate instrument until it groaned from mad torture. I have seen him come on the floor and stamp up and down like a wild man.

THE SPEAKER: 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.

MR. SCHAFER of Wisconsin: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. SCHAFER of Wisconsin: Mr. Speaker, I do not believe the gentleman who had the floor had any intention of violating the rules. He was just carried away by the debate. I rise to ask if the words cannot be withdrawn by unanimous consent.

THE SPEAKER: The words can be withdrawn by unanimous consent.

MR. GEYER of California: Mr. Speaker, I wish to thank the gentleman from Wisconsin for his very generous attitude, and I ask unanimous consent to withdraw the words in question.

THE SPEAKER: Is there objection to the request of the gentleman from California?

There was no objection.

THE SPEAKER: The Committee will resume its sitting.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H.R. 4852, with Mr. Buck in the chair.

THE CHAIRMAN: The gentleman from California is recognized for 3½ minutes.

MR. [JAMES W.] MOTT [of Oregon]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: Does the gentleman from California yield for a parliamentary inquiry?

MR. GEYER of California: I do not yield, Mr. Chairman.

MR. MOTT: A point of order, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

MR. MOTT: As I understand, Mr. Chairman, the proceeding just had takes the gentleman off the floor, and he may proceed only by unanimous consent.

THE CHAIRMAN: The Chair may state that, by unanimous consent, the House permitted the gentleman to withdraw his words. That leaves the gentleman in the position he was before the words were uttered.

The gentleman from California will proceed.

MR. MOTT: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: Does the gentleman yield for a parliamentary inquiry?

MR. GEYER of California: I do not care to yield for another one, Mr. Chairman.

MR. MOTT: A point of order, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

MR. MOTT: Mr. Chairman, I make a point of order that the time of the gentleman has expired.

THE CHAIRMAN: The time of the gentleman has not expired. The point of order is overruled.

§ 18. Reading Papers

Rule XXX[11] provides that the question of whether a paper may be read is to be determined by a vote of the House. Nonetheless, when an objection to the reading of a paper is raised in the Committee of the Whole, the Committee need not rise; the issue is put to[12] and voted on[13] by the Committee, without debate.

Putting Question to Committee of the Whole

§ 18.1 Where objection is made in the Committee of the Whole to the reading of a paper, the question may be raised by motion and put to the Committee by the Chairman.

On Mar. 24, 1948,[14] during consideration of S. 2202, the Foreign Assistance Act of 1948, Chairman Francis H. Case, of South Dakota, after objection was made, put to the Committee of the Whole a question regarding the reading of a letter.

MR. [VITO] MARCANTONIO [of New York] (interrupting the reading of the

11. *House Rules and Manual* § 915 (1979); see Jefferson's Manual, *House Rules and Manual* §§ 432–436, for parliamentary law relating to reading papers. See also Ch. 29 §§ 80–84, infra.

12. § 18.1, infra.

13. § 18.2, infra.

14. 94 CONG. REC. 3436, 80th Cong. 2d Sess.