before the House today that was worked out and brought to the floor over a period of several days. Into this rules change was invested a good deal of effort by the Republicans and by the Democrats, but this is not a rules change that the public is concerned about.

When the House of Representatives adopted its rules for the 104th Congress, a rules change, which the public is concerned about and that had the overwhelming support of Democrats, was conspicuously absent. That is a rule to prohibit the taking of gifts by Members of Congress from paid lobbyists.

MR. [JOHN] LINDER [of Georgia]: Point of order, Mr. Speaker. Regular order.

THE SPEAKER PRO TEMPORE:[16] For what purpose does the gentleman from Georgia [Mr. Linder] rise?

MR. LINDER: Mr. Speaker, I would inquire if the gentleman from Texas [Mr. Bryant] is speaking to the motion before the House.

THE SPEAKER PRO TEMPORE: The Chair will state that debate must be confined to the pending resolution.

The gentleman from Texas [Mr. Bryant] may proceed in order.

MR. BRYANT of Texas: Mr. Speaker, the pending resolution ought to include language to say that Members of Congress cannot take free meals and free vacations and free golf trips from lobbyists that are paid to influence the proceedings before this House. That addition to this provision could have been brought forward. It ought to be brought forward.

MR. SOLOMON: Mr. Speaker, regular order. The gentleman is not talking in regard to a germane amendment to the issue before us right now.

THE SPEAKER PRO TEMPORE: The Chair would advise the gentleman that the debate must be confined to the subject at hand.

MR. BRYANT of Texas: I have a parliamentary inquiry, Mr. Speaker. . . .

Mr. Speaker, if I advocate that this amendment ought to be defeated unless it includes the language that I have suggested with regard to prohibiting Members of Congress from taking freebies from lobbyists, would I then not be talking upon the amendment at hand?

THE SPEAKER PRO TEMPORE: It is not relevant to discuss unrelated issues as a contingency on this resolution.

§ 36. —On Question of Privilege

Question of Personal Privilege

§ 36.1 In addressing the House on a question of personal privilege a Member must confine himself to that question.

On May 6, 1932, Mr. John E. Rankin, of Mississippi, arose to state a question of personal privilege based on a newspaper editorial accusing the majority of the House of treason under the leadership of Mr. Rankin.[17]

16. William E. Barrett (Nebr.).

17. 75 CONG. REC. 9715, 72d Cong. 1st Sess.

Speaker John N. Garner, of Texas, ruled that a question of personal privilege was stated, and Mr. Rankin delivered further remarks. Mr. Albert Johnson, of Washington, then arose to make a point of order that Mr. Rankin was not speaking to the question of privilege. Speaker Garner ruled that Mr. Rankin must confine himself to the question.[18]

§ 36.2 In speaking to a question of personal privilege based on criticism of a Member, he is required to confine his remarks to the question involved, but is entitled to discuss related matters necessary to challenge the charge against him.

On Feb. 28, 1956,[19] Mr. Craig Hosmer, of California, arose to a point of personal privilege, based on an editorial from a newspaper accusing him of falsehoods in relation to a bill before the House.

After Speaker Pro Tempore John W. McCormack, of Massachusetts, ruled that Mr. Hosmer had stated a question of personal privilege Mr. Hosmer obtained unanimous consent to revise and extend his remarks and to include extraneous matter, including tables, during his debate.

Mr. Byron G. Rogers, of Colorado, subsequently rose to the point of order that Mr. Hosmer was not speaking on his question of personal privilege but was speaking as to the nature of the bill involved. The Speaker Pro Tempore ruled as follows:

> The Chair has previously stated that in laying the foundation for answering the charge of falsehood in the editorial, the gentleman from California would have rather a broad field to discuss his reasons for defending himself. The Chair calls attention to the gentleman from California, that there are limits to the liberality extended in this connection and suggests that the gentleman from California proceed in order.

Mr. Hosmer proceeded further on his point of personal privilege, and Mr. Rogers rose to another point of order that Mr. Hosmer was again discussing a bill and placing before the Members of the House a chart, and not referring in any way to the truth or falsity of the charges involved in the question of personal privilege. The Speaker Pro Tempore ruled:

> The Chair might state that he feels that the gentleman from California is very close to the line where the Chair may sustain a point of order. As the Chair understands it, the gentleman

18. See also 90 CONG. REC. 876, 877, 78th Cong. 2d Sess., Jan. 28, 1944; and 81 CONG. REC. 6309, 6310, 75th Cong. 1st Sess., June 24, 1937.

19. 102 CONG. REC. 3477, 3479, 3480, 84th Cong. 2d Sess.

has the right to discuss the facts involved in the pending bill insofar as that is necessary in order for the gentleman to express his views with reference to the charge of falsehood contained in the editorial, and to answer that charge, and make his record in that respect. The Chair again suggests to the gentleman from California, having in mind the observations of the Chair, particularly those just made, that he proceed in order and confine his discussion of the bill at this time only to that which is necessary to challenge the charge of falsehood contained in the editorial.

References to Pending Legislation

§ 36.3 A Member who is recognized on a question of personal privilege must limit himself to a discussion of the charges made against him and may not discuss a measure which is to come before the House for consideration.

On Apr. 9, 1943,[20] Mr. Clare E. Hoffman, of Michigan, rose to a question of personal privilege based on a newspaper article charging him with being one of "Hitler's American stooges." Speaker Sam Rayburn, of Texas, ruled that a question of personal privilege was stated.

While discussing his question of personal privilege, Mr. Hoffman digressed to discuss a tax bill which had been introduced in the House and which was to come before the House for consideration. Mr. Herman P. Eberharter, of Pennsylvania, arose to state a point of order:

> . . . I submit the gentleman is not speaking on a question of personal privilege when he is discussing a measure which is to come before the House for consideration.
>
> MR. HOFFMAN: I would like to be heard on that, Mr. Speaker.
>
> THE SPEAKER: The Chair will ask the gentleman from Michigan to proceed in order, and under the rule he must limit himself to a discussion of the charges made in his question for personal privilege. The gentleman will proceed in order.[1]

On Aug. 4, 1970,[2] Mr. Silvio O. Conte, of Massachusetts, rose to a question of personal privilege to challenge words spoken in debate in the House, although the ordinary procedure requires a timely demand that the objectionable words be taken down. Mr. Conte based his question of personal privilege on the fact that Mr. Page H. Belcher, of Oklahoma, had referred to Mr. Conte as "another guy" who had "horned in" on the act in relation to a certain bill. Mr. Conte then began discussing

20. 89 CONG. REC. 3195, 78th Cong. 1st Sess.

1. *Id.* at p. 3197.

2. 116 CONG. REC. 27130, 91st Cong. 2d Sess.

the bill in question, the Agricultural Act of 1970.

Mr. Delbert L. Latta, of Ohio, made the point of order that Mr. Conte was not directing his remarks to the words he challenged but to a legislative proposition which would be fully discussed when general debate commenced on the bill. Speaker Pro Tempore Edward P. Boland, of Massachusetts, directed Mr. Conte to confine his remarks to the point of personal privilege.

Parliamentarian's Note: A point of order was subsequently made that the raising of a point of personal privilege was not the proper procedure to challenge words spoken in debate but that the words should be demanded to be taken down. The Speaker Pro Tempore ruled that the point of order came too late, and unanimous consent was granted that the objectionable words be stricken from the Record.

References to Grounds for Impeachment

§ 36.4 Where a question of personal privilege is based upon newspaper editorials impugning a Member's motives in offering a resolution seeking to impeach the President, the Member in addressing the House may discuss the several charges contained in his resolution in order to justify his resolution.

On Jan. 23, 1933, Mr. Louis T. McFadden, of Pennsylvania, rose to a question of personal privilege based on newspaper criticism of his having moved for the impeachment of President Roosevelt.[3] When Mr. McFadden proceeded to read additional newspaper editorials, Mr. Thomas L. Blanton, of Texas, rose to make the point of order that Mr. McFadden was not confining himself to the question. Mr. Bertrand H. Snell, of New York, stated the rule that a Member proposing a question of personal privilege must confine his remarks to the matter contained in items on which he bases his question of privilege. Speaker John N. Garner, of Texas, stated that the newspaper articles read by Mr. McFadden raised questions as to his right to move for impeachment and that they were relevant to the question.

In response to a further point of order by Mr. Snell, Speaker Pro Tempore Blanton ruled that although Mr. McFadden could not refer to the experience and law of Great Britain in relation to impeachment, he could discuss the charges contained in his resolu-

3. 76 CONG. REC. 2294, 72d Cong. 2d Sess.

tion of impeachment in order to justify his moving for impeachment:

MR. SNELL: Mr. Speaker, I make the point of order that the gentleman is not confining himself to the question before the House or the matter of personal privilege, referring in particular to his actions in his representative capacity. He is quoting the King of England and stating matters that happened over in England which have nothing to do with the charge against the gentleman from Pennsylvania in his representative capacity. . . .

THE SPEAKER PRO TEMPORE: The Chair sustains the point of order in so far as it relates to any reference to England, unless there was some reference to England in the resolution. The gentleman from Pennsylvania knows the rules. He is confined absolutely to the matters that were embraced within his resolution, and must not go beyond that.

MR. SNELL: Just a moment, Mr. Speaker. Has he the right to go into every single phase of the charges he made in the resolution that he presented here a week or two ago?

THE SPEAKER PRO TEMPORE: The Chair thinks he is entitled to explain any matter that is contained within his resolution because for the filing of it he was called by certain newspapers contemptible, unpatriotic, and the author of an indecent act.

MR. SNELL: I maintain that he may not discuss what other men in England have said.

THE SPEAKER PRO TEMPORE: The Chair has sustained the point of order to that limit, and the gentleman from Pennsylvania understands the rule and must proceed in order.

Question of Privilege of the House

§ 36.5 A Member having been recognized on a question of the privileges of the House must confine himself to such question.

On Aug. 28, 1940,[4] Speaker William B. Bankhead, of Alabama, recognized Mr. Jacob Thorkelson, of Montana, on a matter of privilege of the House raised on the preceding day and pending at adjournment. Mr. Thorkelson's question of privilege was based on the alleged extension of remarks in the Record by Mr. Adolph J. Sabath, of Illinois, without first obtaining permission of the House. The Speaker ruled that such an extension of remarks gave grounds for a question of privilege of the House. Mr. Thorkelson proceeded in debate on his question of privilege and on a resolution which he had offered to expunge from the Record the remarks inserted by Mr. Sabath without permission to revise and extend. When Mr. Thorkelson began discussing British history,

4. 86 CONG. REC. 11150–58, 76th Cong. 3d Sess.

the Speaker interjected to inquire what relation the discussion had to the question of privilege of the House:

THE SPEAKER: Would the gentleman from Montana allow a question from the Chair?

MR. THORKELSON: Yes, Mr. Speaker.

THE SPEAKER: On what phase is the gentleman addressing himself so far as the question of privilege is concerned?

MR. THORKELSON: I did not want to read this, Mr. Speaker. I asked unanimous consent to have it inserted in the Record. This is a history of the secret service I am now reading.

THE SPEAKER: Conceding that, to what phase does it have reference so far as the question of privilege is concerned?

MR. THORKELSON: With regard to whether I have uttered truths or falsehoods. I believe that is part of my resolution.

THE SPEAKER: The Chair does not find any language in the gentleman's resolution where he is charged with an untruth or falsity.

MR. THORKELSON: There is the question of whether I have stated facts or not.

THE SPEAKER: The only question of privilege involved is whether or not the matter was put in without permission of the House.

MR. THORKELSON: The gentleman from Illinois [Mr. Sabath] asked me to read it. Now, then, if he does not want me to read it, I will put it in the Record.

THE SPEAKER: The gentleman from Illinois objected to the gentleman's request to incorporate the statement in the Record. He did not request the gentleman to read it. The Chair does not desire to interrupt the continuity of the gentleman's argument, but the Chair is under some obligation to see that the gentleman conforms with the rules and discusses the matter of privilege about which he complains.

Mr. Thorkelson then made a point of order that under the Constitution he had a right to present his case before the House and not to be deprived of that right by the Chair. The Speaker overruled the point of order.

Question of Personal Privilege

§ 36.6 Debate on a question of personal privilege must be confined to the statements or issue which gave rise to the question of privilege.

On May 31, 1984,[5] the following proceedings occurred in the House:

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I rise to a question of personal privilege.

THE SPEAKER:[6] The gentleman will state it.

MR. WALKER: Mr. Speaker, in this morning's Washington Times newspaper, an article appears which, if accurate, constitutes a personalized attack, calls into question possible asso-

5. 130 CONG. REC. 14620, 14622, 14623, 98th Cong. 2d Sess.

6. Thomas P. O'Neill, Jr. (Mass.).

ciations this Member may have and, therefore, it seems to me is subject to a point of personal privilege.

I quote from the newspaper article:

> Mr. O'Neill, meanwhile, shrugged off the ads but launched his own attack on the conservative Republicans with whom he has become increasingly irritated.
>
> "I understand the young fellows, the regressives, the John Bircher types, absolutely insisted they run the ads on me," the speaker said.
>
> In making the statement, Mr. O'Neill specifically names Reps. Newt Gingrich, R-Ga., and Robert S. Walker, R-Pa., and said "they want to turn back the clock to the days when there were only the rich and the poor in America."
>
> He said the conservatives oppose him because he is "fighting for the middle man and the poor man."

THE SPEAKER: May the Chair say I may have compared the gentleman's philosophy with those who belong to the Birch Society. I never said that the gentleman belonged to the Birch Society.

But nevertheless there is a point of personal privilege because of the fact that the newspaper printed an article. The point of personal privilege is against the newspaper.

The Chair recognizes the gentleman from Pennsylvania (Mr. Walker) for 1 hour. . . .

MR. [THOMAS S.] FOLEY [of Washington]: . . . Mr. Speaker, the gentleman said he thought the American people viewed the responsibility of the Speaker as being fair and impartial as the presiding officer. I think that is right, and I think this Speaker has been fair and impartial as a presiding officer.

As a matter of fact, going back over the last decade it is absolutely rare, probably to the point of being able to count the times on one hand, where we have had an appeal from a ruling of the Chair, whether it is being occupied by the Speaker personally, or by someone acting in his behalf. This cannot be said of the other body or of most State legislatures. . . .

[I]t is one thing for the gentleman to suggest that some action of the Speaker off the floor and not presiding over the floor is something he wants to criticize; it is another thing to imply that there is unfairness, partiality or partisanship in the way this Speaker has conducted himself in this Chamber.

MR. WALKER: I would say to the gentleman that the Speaker of the House is the Speaker of the House full time. He is the symbol of this body when he is on the floor and when he is off the floor. What he says and does as Speaker of the House reflects on us all, all of the time. . . .

MR. [VIN] WEBER [of Minnesota]: . . . What we have just heard from our colleague from Washington is a definition of fairness of the chair being that that Speaker's rulings are not appealed. Well, I will say to you on this side of the aisle we do not think that this Speaker has been fair. We do not think it is fair that legislation is bottled up in committee and not brought to the floor for votes, we do not think it is fair that constitutional amendments are scheduled for action on the Suspension Calendar, we do not think it is fair that we are not given proportional representation on any committees of the House of Representatives, and I could go on and on and on. . . .

MS. [MARY ROSE] OAKAR [of Ohio]: . . . You three gentlemen have been,

in my judgment, engaging in [McCarthyism] every evening. You take the liberty of not only engaging in that kind of rhetoric, but mentioning names. . . . I was one of them, and you are so ignorant of the truth that you got me mixed up, I think, with Congresswoman Schroeder. . . .

You indicated that I had an 18-year-old son who did not want to be drafted, or something like that. I do not have an 18-year-old son. . . .

MR. WALKER: The gentlewoman, of course, does make a point. There was an inaccurate reference to her, not to the statement that she made, but to the fact that she referred—but that she referred——

MR. [JOHN T.] MYERS [of Indiana]: Regular order, Mr. Speaker.

MR. WALKER: I was just about to apologize to the gentlewoman, which is more than the Speaker has given me. I would say to the gentlewoman she is owed an apology. . . .

MS. OAKAR: Will you yield?

MR. WALKER: I was trying to apologize to you. If you want me to stop, I will be very glad to yield to the gentlewoman.

MS. OAKAR: I gave a 1-minute speech about 3 weeks ago in which I mentioned that, and it is a little belated, your apology, and I am really surprised that you had not done so before this. But then I do not think you fellows are very interested in the truth. . . .

THE SPEAKER PRO TEMPORE:[7] The Chair would like to have order.

Let the Chair remind the Members to confine their remarks to the issue of personal privilege which is the newspaper article which was brought up in the first place. . . .

MR. [NEWT] GINGRICH [of Georgia]: You know, it does not surprise me that some Democrats get up and tell us how fair the Speaker is. I expect if we were all Democrats we might think he is fair, too. . . .

We have been through a cycle in which the President has been called heartless. It has been said he has ice water in his veins. . . .

The distinguished majority leader managed to describe the President as a liar 10 times in a 1-minute speech.

THE SPEAKER PRO TEMPORE: Let the Chair remind the participants in this debate to stick to the issue of the gentleman from Pennsylvania's personal privilege, which is not what the gentleman from Georgia was just debating.

Seating of Member

§ 36.7 It is in order during debate on a motion to refer a resolution directing the temporary seating of a Member-elect to discuss court decisions relating to the constitutional authority of the House to judge its elections.

During consideration of House Resolution 97 (to seat Richard D. McIntyre as a Member from Indiana) in the House on Mar. 4, 1985,[8] the following proceedings occurred:

7. John P. Murtha (Pa.).

8. 131 CONG. REC. 4277, 4278, 4280, 99th Cong. 1st Sess.

MR. [ROBERT H.] MICHEL [of Illinois]: Mr. Speaker, I rise to a question of privilege.

Mr. Speaker, I send to the desk a privileged resolution (H. Res. 97) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 97

Whereas a certificate of election to the House of Representatives always carries with it the presumption that the State election procedures have been timely, regular, and fairly implemented; and . . .

Whereas the presumption of the validity and regularity of the certificate of election held by Richard D. McIntyre has not been overcome by any substantial evidence or claim of irregularity: Now, therefore be it

Resolved, That the Speaker is hereby authorized and directed to administer the oath of office to the gentleman from Indiana, Mr. Richard D. McIntyre.

Resolved, That the question of the final right of Mr. McIntyre to a seat in the 99th Congress is referred to the Committee on House Administration.

THE SPEAKER PRO TEMPORE:[9] The gentleman states a valid question of privilege.

The Chair recognizes the gentleman from Arkansas (Mr. Alexander).

MR. [WILLIAM V.] ALEXANDER [of Arkansas]: Mr. Speaker, I move that the resolution be referred to the Committee on House Administration. . . .

THE SPEAKER PRO TEMPORE: The gentleman is entitled to 1 hour under that motion, during which time the gentleman from Arkansas controls the time. . . .

MR. ALEXANDER: . . . [A] certificate of election from the appropriate State officer is considered only as prima facie evidence of election and may be rendered ineffective by the House under its power to judge elections. . . .

Mr. Speaker, the matter before us today was . . . resolved in a memorandum opinion on March 1 by the U.S. district court for the District of Columbia in the case of McIntyre versus O'Neill, whereupon the court found as follows. . . .

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, am I correct that the gentleman must address himself to the resolution that is before the House, and addressing district court matters that are outside the ability of this House to make decisions would not be addressing itself specifically to the resolution at hand?

THE SPEAKER PRO TEMPORE: The Chair must rule that if a court proceeding relates to a matter under discussion in the Chamber, then it is not out of order to make reference to the court's findings and related matter during debate on the motion to refer.

§ 37. Debate in Committee of the Whole

During general debate in the Committee of the Whole, remarks need not be confined to the pending bill unless ordered by the House or unless Calendar Wednesday business is being considered.[10] Under the modern

9. James C. Wright, Jr. (Tex.).

10. See § 39.1, infra.