Relations to designate Members to equally divide and control two extra hours of general debate on a bill in Committee of the Whole, the chairman of said committee informed the Chairman of the Committee of the Whole of his designation of himself, another Member of the majority party and two Members of the minority party to control one-half hour each; and the Chairman of the Committee of the Whole advised that such debate was not required by the rule to be confined to any particular issue, but to the bill as a whole.

On July 31, 1978,[10] Mr. Clement J. Zablocki, of Wisconsin, the Chairman of the Committee on International Relations, made a statement as to the division of control of time for debate pursuant to a special rule providing for two extra hours of debate on H.R. 12514, foreign aid authorizations for fiscal 1979. The intent behind requesting the extra hours had been to afford debate directed at the Turkish arms embargo issue, but the rule properly omitted any reference to the scope of debate, other than the requirement that all general debate be confined to the bill.

MR. ZABLOCKI: Mr. Chairman, under the rule, it is my understanding that the 1 hour for general debate on the entire bill, that that hour is equally divided between myself and the ranking minority member, the gentleman from Michigan (Mr. Broomfield).

Then the 2 hours that the rule provides for the Greek-Turkey-Cyprus issue, that there be 1 hour in support of lifting the embargo and 1 hour in opposition, and that the hour in support would be divided between myself and the gentleman from Michigan (Mr. Broomfield), and those in opposition to lifting the embargo would be managed by the gentleman from Florida (Mr. Fascell) and the gentleman from Illinois (Mr. Derwinski).

THE CHAIRMAN:[11] The Chair will respond to the gentleman from Wisconsin (Mr. Zablocki) that the Chair has been informed that the gentleman from Wisconsin has designated the gentleman from Florida (Mr. Fascell) for 1 hour, and also the gentleman from Illinois (Mr. Derwinski) for 1 hour. The rule, of course, does not confine any such debate to the embargo issue alone.

F. DISORDER IN DEBATE

§ 40. In General

Order in debate is governed by numerous rules and practices of the House. Proceeding in order in

10. 124 CONG. REC. 23456, 23457, 95th Cong. 2d Sess.

11. Don Fuqua (Fla.).

debate means not only following all the rules and requirements for the conduct of business in the House or Committee of the Whole,[12] but also observing the principles of decorum and courtesy in debate. This chapter focuses on those rules and practices which require Members to address the House in a certain way and to avoid personal references or language, and which provide procedures for dealing with disorderly words and disorderly acts occurring in debate.

The Speaker has the authority and the responsibility to preserve order and decorum in debate,[13] and the Chairman has like power in the Committee of the Whole.[14] The House has the power to punish a Member for disorderly conduct in debate by way of censure, expulsion, or other disciplinary action.[15]

On the opening day of the 101st Congress, the Speaker prefaced his customary announcement of policies concerning such aspects of the legislative process as recognition for unanimous-consent requests and privileges of the floor with a general statement concerning decorum in the House, including particular adjurations against engaging in personalities, addressing remarks to spectators, and passing in front of the Member addressing the Chair.[16]

Cross References

Chairman's power to maintain order in Committee of the Whole, see Ch. 19, supra.

Clerk maintains order before election of Speaker, see Ch. 1, supra.

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12. For points of order based on specific rules governing the procedure of the House, the reader is advised to consult the table of contents and the index to this work.

13. See Rule I clause 2, *House Rules and Manual* § 622 (1995).

Decorum in debate is also governed by Rule XIV *House Rules and Manual* § 749 (1995) and by certain provisions in Jefferson's Manual (see *House Rules and Manual* §§ 353 et seq. [1995]).

14. See Rule XXIII clause 1(a), *House Rules and Manual* § 861 (1995).

15. See comments to U.S. Const. art. I, § 5, *House Rules and Manual* §§ 62 et seq. (1995). Although the House may question Members for their words or action in debate, Members may not be compelled to respond outside of Congress for their remarks or legislative activities. U.S. Const. art. I, § 6, clause 1 (see, in general, Ch. 7, supra). For conduct of Members and punishment by the House, see Ch. 12, supra.

Questions of privilege may be based upon accusations by one Member against another if the charges are not made in debate on the floor of the House (see Ch. 11, supra).

16. 135 CONG. REC. 88, 101st Cong. 1st Sess., Jan. 3, 1989. See also 139 CONG. REC. p. ____, 103d Cong. 1st Sess., Jan. 5, 1993; 141 CONG. REC. p. ____, 104th Cong. 1st Sess., Jan. 4, 1995.

Maintenance of order in committees, see Ch. 17, supra.

Member persisting in irrelevant debate may be required to take his seat, see § 37.1, supra.

Points of order generally, see Ch. 31, infra.

Questions of privilege based on conduct of Members, see Ch. 11, supra.

References to the House, its committees, and Members, see §§ 53 et seq., infra.

Speaker's power to maintain order and decorum, see Ch. 6, supra.

Collateral References

Disorder in debate in the Senate, see Riddick/Frumin, Senate Procedure, S. Doc. No. 101–28, 101st Cong. 2d Sess. (1992)

Decorum in Debate

§ 40.1 In response to a parliamentary inquiry as to order and decorum in debate, the Speaker recently having implemented a system for access to audio coverage of House proceedings by the news media for broadcast distribution, the Speaker advised and reminded Members that (1) clause 1 of Rule XIV requires Members on seeking recognition to rise, address themselves to the Chair, and confine themselves to the question under debate, avoiding personality; (2) Members should address their remarks only to the Chair and not to other entities such as the "press"; (3) Members should not refer to or address any occupant of the galleries; and (4) Members should refer to other Members in debate only in the third person, by State designation.

On June 14, 1978,[17] the following proceedings occurred in the House:

MR. [ROBERT E.] BAUMAN [of Maryland]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER:[18] The gentleman from Maryland will state his parliamentary inquiry.

MR. BAUMAN: Mr. Speaker, my parliamentary inquiry is this:

On June 8, 1978, the Speaker announced to the House that audio coverage of the House would be allowed and that the national radio networks would be permitted to have access to the House system. At that time the Chair stated and requested from the House the cooperation of all parties involved to insure that the dignity and the integrity of the proceedings of the House would be upheld.

Mr. Speaker, the rules of the House, I am sure the Speaker knows, include as one of the duties of the Chair to preserve order and decorum. Under clause 8 of rule XIV, a prohibition forbids any Member to introduce or to bring to the

17. 124 CONG. REC. 17615, 95th Cong. 2d Sess.

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

attention of the House or to make reference to persons in the gallery, nor may the Speaker entertain a request for the suspension of this rule by unanimous consent or otherwise. Clause 1 of rule XIV also requires that all Members address the Chair at all times.

The gentleman from Maryland would further state that during the course of recent debate the gentleman has noted that, since the audio coverage of the floor proceedings has begun, and during the several months since televised proceedings have been permitted to be transmitted to the office of Members that Members on a number of occasions have addressed themselves to those people either viewing the proceedings on television or those listening to the radio.

My parliamentary inquiry is whether under the rules and the precedents of the House the Members must confine themselves to addressing the Chair without any reference to persons outside the Chamber or in the galleries?

THE SPEAKER: The Chair appreciates the parliamentary inquiry presented by the gentleman from Maryland (Mr. Bauman) and indeed anticipated such an inquiry because the Chair appreciates the talent and vast knowledge the gentleman from Maryland (Mr. Bauman) has as to the rules of the House and states that in no way may a Member address anybody but the Chair himself, and the Chair has prepared a statement to that effect.

The Chair is prepared to respond to the parliamentary inquiry put by the gentleman from Maryland.

The gentleman from Maryland inquires into the proper manner of addressing this body now that the audio coverage of floor proceedings has been authorized pursuant to House Resolution 84. The Chair would point out that clause I, rule XIV, of the rules of the House requires a Member in seeking recognition to rise, address himself to the Speaker, and on being recognized confine himself to the question under debate, avoiding personality. Further, chapter 29, section 13.3 of Deschler's Procedure states that a Member should address his remarks to the Chair and only to the Chair; it is not in order for a Member to address his remarks to "the press." Nor is it in order in debate to refer to anyone in the galleries under section 13.5 of the same chapter of Deschler's Procedure. And, a Member should refer to another Member only in the third person, by State designation.

Accordingly the Chair will inform the gentleman that Members should continue to address their remarks to the Speaker, or to the Chair, and only to the Speaker, or to the Chair.

MR. BAUMAN: I thank the Speaker for his ruling and his kind words.

§ 40.2 During a special order eulogizing the late Congressman Brooks Hays, author of a publication on order and decorum in the House ("Dignity of the House"), an address delivered by Mr. Hays on the subject in the 85th Congress was inserted in the Record.

On Nov. 4, 1981,[19] Mr. Beryl F. Anthony, Jr., of Arkansas,

19. 127 CONG. REC. 26550, 26572, 26576, 26577, 97th Cong. 1st Sess.

made the following remarks in the House:

THE SPEAKER PRO TEMPORE: Under a previous order of the House, the gentleman from Arkansas (Mr. Bethune) is recognized for 60 minutes. . . .

MR. [ED] BETHUNE [of Arkansas]: . . . I see the distinguished gentleman from south Arkansas is with us today. I would yield to the gentleman. . . .

MR. ANTHONY: . . . Something else that Brooks Hays did that our older Members will realize and I only realized because I accidentally bumped into a little book that Mr. Hays had prepared and it was on the decorum that should be used in this body. . . . I will insert his speech given on this floor on July 11, 1957 at this point in the Record:

There was no objection.

Mr. Hays of Arkansas. Mr. Speaker, for a number of years prior to his retirement at the end of the 84th Congress, the Honorable George Dondero, a distinguished Member of the House, followed the practice of making a brief presentation early in the first session of each Congress of some of the rules supplementing the instructions that our greatly esteemed Parliamentarian, Mr. Lewis Deschler, and his able assistant, Colonel Roy, always give to new Members. It is a little late in this session to attempt that service and I feel unequal to the task, but I have been requested to present these viewpoints, partly for the benefit of our new Members and partly as a reminder for all of us. . . . There are some things we learn by our individual experience in this body, but sometimes we have to rely on our predecessors. It is in this realm of faith upon those who preceded us that I point to the value of the traditions and Rules of the House. There is a reason for every rule we have. It is the product of our long experience in parliamentary government.

An error sometimes creeping into our speeches is to begin an address, after obtaining the Speaker's recognition, "Ladies and gentlemen of the House." This is bad practice and actually an affront to the Speaker, for when we address the Speaker we address the House, and we should never add anything to this significant phrase of respect, "Mr. Speaker." The proper beginning, of course, when we are in the Committee of the Whole is "Mr. Chairman." One can quickly ascertain whether it should be "Mr. Speaker" or "Mr. Chairman" by looking to see if the Mace is in its place. . . .

We are admonished when any Member has the floor never to walk between him and the Speaker or in front of the person having the floor. Smoking in every part of the Chamber is prohibited specifically . . . .

Let me move quickly to one or two other points. It is never proper to say "you" in addressing another Member nor should his first name ever be used. It is always "the gentleman from Wyoming, the gentleman from Alabama."

One must always stand to object to any unanimous consent request and, of course, address the Speaker before voicing the objection. Anyone who wishes to interrupt a Member should always rise and first address the Chair—"Mr. Speaker, will the gentleman yield?"

Badges

§ 40.3 Clause 1 of Rule XIV, requiring Members desiring to "speak or deliver any matter to the House" to rise and address the Speaker to be recognized, proscribes, in effect,

the wearing of badges by Members to communicate messages; thus, the Speaker, exercising his authority to preserve order and decorum, has advised Members that the wearing of badges is inappropriate under the rules of the House.

The following statement was made by the Speaker[20] during proceedings on Apr. 15, 1986:[1]

> All Members wearing yellow badges should be advised that they are inappropriate under the rules of the House.

The badges in question urged support of military assistance to the Nicaraguan Contras. In recent years, some Members and staff have worn various badges on the floor to convey political messages to their colleagues and to the TV audience. Under the definition of decorum and debate in clause 1 of Rule XIV, a Member must first seek recognition and then speak his message, or use exhibits as provided in Rule XXX subject to approval of the House if objection is made.

Speaker's Admonition

§ 40.4 The Speaker admonished all Members to preserve proper decorum in debate to permit Members to be heard during a series of one-minute speeches.

On July 23, 1987,[2] Speaker James C. Wright, Jr., of Texas, made the following announcement:

> THE SPEAKER: The Chair will request the cooperation of Members today in that there are a great many Members who have indicated a desire to be heard under the 1-minute rule which is our period of democracy here in the Chamber and during which any Member is entitled to be heard.
>
> The Chair would ask that Members cooperate in observing the 1-minute rule and that other Members observe the decorum of the Chamber and if they do not wish to hear what is being said, to retire from the Chamber, because whoever addresses the House is entitled to be heard.

§ 40.5 The rules which direct the Speaker to preserve order and decorum in the House authorize the Chair to take necessary steps to prevent or curtail disorderly outbursts by Members; thus, for example, the Chair may order the microphones in the Chamber turned off if being utilized by a Member, who has not been properly recognized, to engage in disorderly behavior.

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

1. 132 CONG. REC. 7525, 99th Cong. 2d Sess.

2. 133 CONG. REC. 20849, 100th Cong. 1st Sess.

On Mar. 16, 1988,[3] during the period for one-minute speeches in the House, it was demonstrated that, where a Member has been notified by the Chair that his debate time has expired, he is thereby denied further recognition in the absence of the permission of the House to proceed, and he has no right to further address the House after that time. The proceedings were as follows:

(Mr. Dornan of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

MR. [ROBERT K.] DORNAN of California: Mr. Speaker, and I address a different Member of this Chamber from New York, because you have left your chair, and Mr. Majority Whip from California, you have also fled the floor. In 10 years Jim and Tony—I am not using any traditional titles like "distinguished gentleman"—Jim and Tony, in 10 years I have never heard on this floor so obnoxious a statement as I heard from Mr. Coelho, which means "rabbit" in Portuguese, as ugly a statement as was just delivered. Mr. Coelho said that we on our side of the aisle and those conservative Democrats, particularly those representing States which border the Gulf of Mexico, sold out the Contras. That is absurd . . . . Panama is in chaos and Communists in Nicaragua, thanks to the liberal and radical left leadership in this House are winning a major victory, right now.

THE SPEAKER PRO TEMPORE:[4] The time of the gentleman from California [Mr. Dornan] has expired.

MR. DORNAN of California: Wait a minute. On Honduran soil and on Nicaraguan soil.

THE SPEAKER PRO TEMPORE: The time of the gentleman has expired.

MR. DORNAN of California: And it was set up in this House as you set up the betrayal of the Bay of Pigs.

THE SPEAKER PRO TEMPORE: The time of the gentleman has expired.

MR. DORNAN of California: I ask—wait a minute—I ask unanimous consent for 30 seconds. People are dying.

THE SPEAKER PRO TEMPORE: The time of the gentleman has expired.

MR. DORNAN of California: People are dying.

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Speaker, regular order, regular order.

THE SPEAKER PRO TEMPORE: The time of the gentleman has expired. Will the Sergeant at Arms please turn off the microphone?

MR. DORNAN of California: . . . I demand a Contra vote on aid to the Democratic Resistance and the freedom fighters in Central America. In the name of God and liberty and decency I demand another vote in this Chamber next week. . . .

MR. [JUDD] GREGG [of New Hampshire]: Mr. Speaker, I have a parliamentary inquiry. . . .

Mr. Speaker, I was just in my office viewing the proceedings here, and during one of the proceedings, when the gentleman from California [Mr. Dornan] was addressing the House, it was

3. 134 CONG. REC. 4079, 4084, 4085, 100th Cong. 2d Sess.

4. Gary L. Ackerman (N.Y.).

drawn to my attention that the Speaker requested that Mr. Dornan's microphone be turned off, upon which Mr. Dornan's microphone was turned off.

Mr. Speaker, my inquiry of the Chair is: Under what rule does the Speaker decide to gag opposite Members of the House? . . .

THE SPEAKER PRO TEMPORE: The Chair is referring to Mr. Dornan. He requested permission of the Chair to proceed for 1 minute, and that permission was granted by the House. Mr. Dornan grossly exceeded the limits and abused the privilege far in excess of 1 minute, and the Chair proceeded to restore order and decorum to the House. . . .

MR. GREGG: . . . I have not heard the Chair respond to my inquiry which is what ruling is the Chair referring to which allows him to turn off the microphone of a Member who has the floor?

THE SPEAKER PRO TEMPORE: Clause 2 of rule I.

MR. GREGG: Mr. Speaker, I would ask that that rule be read. I would ask that that rule be read, Mr. Speaker. . . .

THE SPEAKER PRO TEMPORE: It reads, 2. He shall preserve order and decorum, and, in case of disturbance or disorderly conduct in the galleries, or in the lobby, may cause the same to be cleared. . . .

MR. [LYNN] MARTIN of Illinois: Mr. Speaker, I have a parliamentary inquiry. . . .

The gentlewoman from Illinois would inquire of the Chair, because it was difficult occasionally to hear the rather strained ruling from the Chair, when I heard the Chair read from the rule, and I hope the Chair will recheck that sentence, because the Chair talked about disturbances in the gallery and disturbances outside the floor of the House.

Would the Speaker reread the exact sentence that would indicate why and how a microphone could be turned off of a duly elected Member of the House on the floor of the House? . . .

THE SPEAKER PRO TEMPORE: Under rule I, clause 2—and I will only read the half of it that applies, so as not to cause confusion in the minds of those who appear to be confused—"He shall preserve order and decorum."

MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, the sentence goes on.

MRS. MARTIN of Illinois: I believe, Mr. Speaker, that you have been requested specifically to quote that rule that affects a Member of the House on the floor, and that is not that sentence. . . . The Chair is not saying that a Member of the House, is subject to the same rule, even though it does not state it, as applied to the gallery, will apply to Members of the House. I do not believe that that can happen in an elected representative body.

Mr. Speaker, would the Chair please quote how it affects an elected Member speaking on the floor?

THE SPEAKER PRO TEMPORE: The Chair will read just what he read before.

"He shall preserve order and decorum, and,—" Then it proceeds to speak about in another place.

"Order and decorum is not just in the halls and in the galleries. The word "and" is followed by a comma.

Parliamentarian's Note: Clause 4 of Rule XIV[5] is, of course, also

5. See *House Rules and Manual* § 760 (1995).

applicable in situations such as that described above. In pertinent part, that rule states: "If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another Member, to explain . . .".

§ 40.6 A resolution proscribing the Chair from ordering microphones turned off any time a Member is speaking on the floor (not merely when a Member is recognized for debate) does not give rise to a question of the privileges of the House under Rule IX, since not alleging a violation of any rule of the House (an outburst or demonstration occurring beyond recognition for debate time not being a "proceeding" of the House); similarly, while a Member may as a question of personal privilege be recognized to complain about an abuse of House rules as applied to debate in which he was properly participating, he may not raise a question of personal privilege merely to complain that microphones had been ordered turned off during disorderly conduct during a period in which he had not been recognized.

On Mar. 16, 1988,[6] the following proceedings occurred in the House:

> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a question of a privilege of the House under rule IX. . . .
>
> THE SPEAKER PRO TEMPORE:[7] The Clerk will report the resolution.
>
> The Clerk read the resolution, as follows:[8]
>
> > Whereas, the Speaker pro tempore ordered the microphone cut off as a duly-elected Member of the House was speaking; Be it therefore
> >
> > *Resolved*, That the Speaker, Speaker pro tempore, or any Member of the House as the Presiding Officer of the House of Representatives may not order the microphone to be cut off while any Member is speaking on the floor of the House of Representatives. . . .
>
> THE SPEAKER PRO TEMPORE: The resolution does not allege an abuse of the House rules, and is not a question of privilege.
>
> The House will proceed to the unfinished business. . . .
>
> MR. [ROBERT K.] DORNAN of California: Mr. Speaker, I take a point of personal privilege . . . . It is my understanding . . . that my microphones

6. 134 CONG. REC. 4085, 4086, 100th Cong. 2d Sess.
7. Gary L. Ackerman (N.Y.).
8. The proceedings on which the resolution was based are discussed in § 40.5, supra. For subsequent proceedings, see § 40.10, infra.

were not cut off on the House floor, that the microphones were only cut off to my home in Garden Grove where my wife was watching and to all people observing these proceedings through the national technical means of these six cameras on this Chamber.

My point of personal privilege is that I was offended as a Member by having my words cut off going to the outside world through the electronic means that this House voted for—not unanimously—voted for in this Chamber.

THE SPEAKER PRO TEMPORE: The Chair has already just previously stated that his directions were to the House microphones and not to the electronic microphones.

Parliamentarian's Note: As noted above, clause 9(b)(1) of Rule I, which requires complete and unedited broadcast coverage of the proceedings of the House, does not require in-House microphone amplification of disorderly conduct by a Member following expiration of his recognition for debate. It is also arguable whether clause 9(b)(1) applies to disorderly debate or demonstrations, since these should not be construed to be "proceedings" of the House.

The Day They Broke Every Rule in the House

§ 40.7 The Speaker recognized a Member prior to legislative business for a "long minute" to pay tribute to Bob Hope (who was present in the gallery) on his 75th birthday; at the sufferance of the Speaker, Members referred to and addressed remarks to the guest in the gallery; and a Member, yielded to during an extended "one-minute" speech, sang during debate and was "excused" for that action by unanimous-consent request of the Speaker from the floor.

The following events occurred in the House on May 25, 1978:[9]

THE SPEAKER:[10] The Chair recognizes the gentleman from Illinois (Mr. Findley) for a long minute, and the Chair would request the Members to ask the gentleman to yield. That will be the procedure.

MR. [PAUL] FINDLEY [of Illinois]: Mr. Speaker, today is the 75th birthday celebration of Bob Hope, the greatest humorist of this century. . . . [W]e are taking this time to express our deep gratitude on behalf of the American people for his consistent willingness over the years to contribute countless hours serving his country and worthy charities. . . .

I yield to our assistant floor leader, the gentleman from New York (Mr. Wydler).

MR. [JOHN W.] WYDLER [of New York]: Mr. Speaker, I thank the gentleman for yielding.

I am going to violate the House rules for that one sentence and address a

9. 124 CONG. REC. 15397–402, 95th Cong. 2d Sess.

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

comment on our distinguished guest, Bob Hope.

THE SPEAKER: The gentleman is aware of the rules.

MR. WYDLER: I am aware of the rules.

On behalf of the people in my district, Bob, and on behalf of the people in America just this one sentence sums up our feelings toward you, and that is: "Thanks for the Memories." . . .

MR. [ROBERT H.] MICHEL [of Illinois]: . . . Mr. Speaker, If I could be granted one wish today it would be that this House could claim as a member, our honored guest, Bob Hope.

Think of it: All that expertise in foreign affairs from a man who has been on the road to Morocco, Singapore, and Zanzibar. . . .

Following the traditional prayer, Congressman Hope could regale us with a 1-minute comic monolog on the legislation before us. Since quite a bit of the legislation is funny enough as it is, his comments would serve as frosting on the cake.

The man who once was a prizefighter under the name of "Packy East" would have no trouble adjusting to the floor battles between Republicans and Democrats. . . .

While I would like to think Bob Hope is inclined to be a Republican, he plays golf like a Democrat. Why, he is the only golfer ever to run up a deficit score on the course. . . .

I would like to conclude this welcome with a parody on a familiar refrain so well known to our honored guest:

THANKS FOR THE MEMORIES

Thanks for the memories,
Of places you have gone,
To cheer our soldiers on.
President sent Kissinger,
But you sent Jill St. John.
We thank you so much!

Thanks for the memories,
Of bringing Christmas cheer,
You did your best, I hear,
But servicemen all say your jokes,
Were worse than Billy Beer. . . .
We thank you so much!

(Chorus)

Seventy plus five is now your age, Bob
We're glad to see your still upon the stage, Bob
We hope you make a decent living wage, Bob
For the more you make,
The more we take!

So thanks for the memories,
We honor you today,
And this is what we say:
Thank God you left Old England
And came to the U.S.A. . . .
We . . . thank you . . . soooooo much! . . .

MR. [THOMAS P.] O'NEILL [Jr., of Massachusetts]: Mr. Speaker, I ask unanimous consent that the gentleman from Illinois, Bob Michel, be excused for "singing."

There was no objection.

MR. O'NEILL: Mr. Speaker, I explain to our guests, particularly, that singing in the House, and speaking in a foreign language are not customary in the House. Also, you may be interested to know that in my 26 years in Congress, and I know there are Members senior to me here, never before have I ever witnessed anything of this nature. The

rules say that nobody can be introduced from the galleries and that rule cannot be waived. Presidents' wives and former Presidents merely sit there. I have seen distinguished visitors, who have come to this House, sit in the galleries; but never before have I seen anything compared to what is transpiring on the floor today. It is a show of appreciation, of love and affection to a great American, and I think it is a beautiful tribute.

Speaking in Foreign Language

§ 40.8 A Member addressed the Committee of the Whole speaking Spanish, to whom another Member responded in Italian, there being no rule prohibiting a Member's speaking in a foreign language.

The following proceedings occurred in the Committee of the Whole on Oct. 5, 1981,[11] during consideration of H.R. 3112 (to extend the Voting Rights Act of 1965):

MR. [MICKEY] LELAND [of Texas]: Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

(The following is a translation of remarks which were delivered in Spanish:)

MR. LELAND: My colleagues, I want to begin speaking Spanish. I want to begin speaking the language of millions of citizens of this country. Many of you cannot understand me. And if you cannot understand me, nor can you understand 21 percent of the adult citizens of El Paso, Tex.; and nor can you understand 17 percent of all adult workers of the Southwest. These citizens of the United States speak only Spanish. You perhaps cannot understand them nor participate in their culture—but these are citizens of the United States, with the rights of citizens; their culture is an American culture, and an intimate part of our culture which makes it more rich and more strong.

And even though you cannot understand me when I speak Spanish maybe you can begin to understand the hypocrisy of our political system which excludes the participation of Hispanic-Americans only for having a different culture and speaking a different language. Ya Basta!!

MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Chairman, will the gentleman yield?

MR. LELAND: I yield to the gentlewoman from New Jersey.

MRS. FENWICK (In Spanish): "Si, my colleague, I beg you have pity on us".

(In Italian) "I speak for our Italian citizens. They, too, have a great culture."

Personal Privilege Not Appropriate To Address Offenses in Debate

§ 40.9 A Member may not rise to a question of personal privilege under Rule IX merely to complain of words

11. 127 CONG. REC. 23187, 97th Cong. 1st Sess.

previously spoken of him in debate.

On Mar. 16, 1988,[12] the Chair responded to a parliamentary inquiry regarding a point of personal privilege, as indicated below:

MR. [ROBERT K.] DORNAN of California: Mr. Speaker, I have a point of parliamentary inquiry. . . .

I would like to inquire if this Member is able to take a point of personal privilege, that is 1 hour of debate on the House floor at the moment it is granted, if I feel that my honor was impugned when the majority whip, who also spoke way beyond 1 minute . . . if Mr. Coelho tells me that I have sold out the young men and women that I visited with not more than a month ago who are at this moment being strafed and rocketed by Soviet gunships, to tell me to my face—and I am sitting in the front row—that I sold them out impugned my honor.

THE SPEAKER PRO TEMPORE:[13] The gentleman will state a parliamentary inquiry.

MR. DORNAN of California: Do I have a right for a point of personal privilege on that?

THE SPEAKER PRO TEMPORE: That is not a remedy that the gentleman has under the circumstances.

MR. DORNAN of California: May I ask the ruling of the Chair as to why I cannot maintain a point of personal privilege that my honor was impugned.

THE SPEAKER PRO TEMPORE: The point of personal privilege does not derive from words spoken in debate.

Privilege of House Alleging Rule Violation

§ 40.10 A question of the privileges of the House under Rule IX may be based upon an alleged violation of a rule by the Chair; thus, a resolution alleging that termination by the Chair of audio broadcast coverage of House proceedings had been improperly ordered, and directing the Speaker to assure future compliance with Rule I, clause 9(b)(1), requiring complete audio coverage of House proceedings, by not permitting interruptions of coverage, was held to involve a question of the integrity of House proceedings and to constitute a question of the privileges of the House.

On Mar. 17, 1988,[14] the House adopted a resolution offered as a question of the privileges of the House directing the Speaker to assure uninterrupted audio and visual coverage of House proceedings, as indicated below:

MRS. [LYNN] MARTIN of Illinois: Mr. Speaker, I rise to a question of the

12. 134 CONG. REC. 4087, 100th Cong. 2d Sess.

13. Gary L. Ackerman (N.Y.).

14. 134 CONG. REC. 4180, 100th Cong. 2d Sess.

privileges of the House pursuant to rule IX of the rules of the House, and I have a resolution at the desk and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 406

Whereas, the broadcast coverage of House proceedings affects the dignity, decorum and integrity of those proceedings; and

Whereas, House Rule I, clause 9(b) requires the "complete and unedited audio and visual broadcasting" of House proceedings; and

Whereas, the Speaker held on April 30, 1985, that H. Res. 150, directing the Speaker to "provide for the audio and visual broadcast coverage of the Chamber while Members are voting," raised a legitimate question of the privileges of the House (*House Rules & Manual,* 100th Congress, § 662); and

Whereas, on Wednesday, March 16, 1988,[15] the audio broadcast coverage of House proceedings was terminated during a Member's spoken remarks while the audio system in the Chamber continued to operate; and

Whereas, such termination of audio broadcast coverage violates the provision of clause 9(b)(1) of House Rule I requiring "complete and unedited audio and visual broadcasting of House proceedings": Now, therefore, be it

Resolved, The Speaker is hereby directed to take such steps as are necessary to ensure future compliance with House Rule I, clause 9(b) that the audio and visual broadcast coverage of House proceedings not be interrupted, including instructions to any Members acting as Speaker pro tempore, and any officers or employees of the House involved with the broadcast system, and the implementation of any necessary safeguards to prevent the termination of such coverage.

THE SPEAKER:[16] The Chair believes that the resolution offered by the gentlewoman from Illinois [Mrs. Martin] does constitute a question of the privileges of the House under the precedents cited in the preamble of the resolution since it directs compliance with clause 9[(b)(1)] of rule I, which requires complete and unedited broadcast coverage of the proceedings of the House.

Therefore, the gentlewoman from Illinois [Mrs. Martin] is recognized for 1 hour. . . .

MR. [THOMAS S.] FOLEY [of Washington]: . . . Mr. Speaker, we have no objection to the adoption of the resolution on this side, but I think it is important to note as well that while the American people certainly have the right to see whatever occurs on the floor of the House during the legislative session of the House, it is also incumbent on all Members of the House on both sides of the aisle to observe the rules of the House and to observe good order and decorum. And without attempting to characterize the events of yesterday, it is clear that under the traditions and rules of the House, members who proceed out of order after their time has expired or proceed when not properly recognized by the Chair are not in good order and are not debating in the spirit of the rules of the House. . . .

As the gentlewoman has said, the American people have the right under

15. For further discussion of the occurrences on the floor on Mar. 16, 1988, see § 40.5, supra.

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

our rules to see what occurs on the House floor. We hope that Members on both sides of the aisle will behave in a way that indicates that they are observing good order and decorum, that they are responding to the rulings of the Chair, and that they are also observing the rules that proper debate cannot take place in the House when the time allotted to the Member has expired or the Member is acting in contravention to the proper rulings of the Chair.[17]

Comportment as Breach of Decorum

§ 40.11 A Member's comportment may constitute a breach of decorum even though the content of her speech is not, in itself, unparliamentary; it is a breach of decorum for a Member to ignore the Chair's gavel and request to be seated.

On July 29, 1994,[18] a Member ignored repeated requests by the Chair to suspend and be seated:

MS. [MAXINE] WATERS [of California]: Madam Speaker, last evening a Member of this House, Peter King, had to be gaveled out of order at the Whitewater hearings of the Banking Committee. He had to be gaveled out of order because he badgered a woman who was a witness from the White House, Maggie Williams. I am pleased I was able to come to her defense. Madam Speaker, the day is over when men can badger and intimidate women.

MR. [F. JAMES] SENSENBRENNER [Jr., of Wisconsin]: Madam Speaker, I demand the gentlewoman's words be taken down.

THE SPEAKER PRO TEMPORE:[19] The gentlewoman from California [Ms. Waters] must suspend and be seated.

The Clerk will report the words.

MS. WATERS:——

THE SPEAKER PRO TEMPORE: The gentlewoman will please desist and take her seat.

MS. WATERS:——

THE SPEAKER PRO TEMPORE: The Chair is about to direct the Sergeant at Arms to present the mace.

THE SPEAKER:[20] The Clerk will report the words. . . .

While in the opinion of the Chair the word "badgering" is not in itself unparliamentary, the Chair believes that the demeanor of the gentlewoman from California was not in good order in the subsequent period immediately following those words having been uttered.

Accordingly, the Chair rules that without leave of the House, the gentlewoman from California may not proceed for the rest of today. The Chair would ask whether there is objection to the gentlewoman from California receiving the right to proceed in good order.

MR. [GERALD B. H.] SOLOMON [of New York]: Reserving the right to ob-

17. The resolution was adopted. See 134 CONG. REC. 4181, 4182, 100th Cong. 2d Sess., Mar. 17, 1988.

18. 140 CONG. REC. p. ____, 103d Cong. 2d Sess.

19. Carrie Meek (Fla.).

20. Thomas S. Foley (Wash.).

ject, Mr. Speaker, does that mean that all of the words will be taken down subsequent to the point that she was ruled out of order and stricken from the Record?

THE SPEAKER: None of those words will be in the Record, the Chair will state to the gentleman. None of the words will be in the Record subsequent to that since she was not recognized. . . .

MRS. [PATRICIA] SCHROEDER [of Colorado]: Reserving the right to object, Mr. Speaker, I am a little puzzled by the word "demeanor." I was in the Chamber at the time, and I did see the Chair try to gavel the gentlewoman down, but I can understand why she could not hear, because there were so many people at mikes and I think she was confused by that. So I am a little troubled about that. How can you challenge "demeanor"?

THE SPEAKER: The Chair wishes to advise the gentlewoman from Colorado that it is the opinion of the Chair that the Chair at the time was attempting to insist that the gentlewoman from California desist with any further statements and sit down. She did not accord cooperation to the Chair and follow the Chair's instructions. Consequently, it is the finding of the Chair that her demeanor at that point in refusing to accept the Chair's instructions was out of order.

Parliamentarian's Note: While a Member who is held to have breached the rules of decorum in debate is presumptively disabled from further recognition on that day, by tradition the Speaker's ruling and any necessary expungement of the Record are deemed sufficient sanction, and by custom the chastened Member is permitted to proceed in order (usually by unanimous consent).

§ 41. Disorderly Acts; Attire

Rule XIV, clause 7[1] provides: While the Speaker is putting a question or addressing the House no Member shall walk out of or across the hall, nor, when a Member is speaking, pass between him and the Chair; and during the session of the House no Member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms is charged with the strict enforcement of this clause. Neither shall any person be allowed to smoke or to use any personal, electronic office equipment (including cellular phones and computers) upon the floor of the House at any time. In the 104th Congress, the prohibition against using personal elec-

1. *House Rules and Manual* § 763 (1995).