House extends to smoking behind the rail.

On Feb. 23, 1995,[1] the Chair responded to parliamentary inquiries on the subject of smoking:

MR. [RAY] LAHOOD [of Illinois]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:[2] The gentleman will state it.

MR. LAHOOD: Mr. Speaker, is it within the realm of the House rules for Members to smoke on the floor?

THE SPEAKER PRO TEMPORE: That is prohibited.

MR. LAHOOD: I wish the Chair would advise Members of that, please.

THE SPEAKER PRO TEMPORE: The Members are so advised.

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. VOLKMER: Mr. Speaker, at the rear of the Chambers, behind the rail, is that included in the area in which Members can smoke?

THE SPEAKER PRO TEMPORE: That has been ruled to be part of the floor.

MR. VOLKMER: And Members are not to smoke in the back behind the rail?

THE SPEAKER PRO TEMPORE: The gentleman is correct.

Speaking From Well When House Not in Session

§ 41.17 Members may not speak from the well of the House if the House is in recess.

On Aug. 2, 1955,[3] Speaker Sam Rayburn, of Texas, answered a parliamentary inquiry:

MR. [CLARE E.] HOFFMAN of Michigan: Mr. Speaker, if the House is in recess, under the rules of the House may a Member speak from the well of the House while the recess is on?

THE SPEAKER: Not when the House is in recess.

§ 42. Manner of Address; Interruptions

When speaking in the House, a Member must rise and respectfully address himself to "Mr. Speaker."[4] In the Committee of the Whole, the proper form of address is "Mr. Chairman."[5] If the presiding officer is a woman, the proper address is "Madam Speaker" or "Madam Chairman."[6] Remarks in debate are not properly addressed either to individual Members[7] or to occupants of the galleries.[8]

1. 141 CONG. REC. p. ____, 104th Cong. 1st Sess.
2. Thomas W. Ewing (Ill.).
3. 101 CONG. REC. 13067, 84th Cong. 1st Sess.
4. Rule XIV clause 1, *House Rules and Manual* § 749 (1995). The requirement is derived from parliamentary law; see Jefferson's Manual, *House Rules and Manual* § 354 (1995).
5. See § 42.1, infra.
6. See § 42.4, infra.
7. See § 42.5, infra. For the proper form of reference and of response to another Member, see § 56, infra.
8. See § 42.7, infra.

In order to interrupt a Member who is speaking, a Member may not simply interject remarks but must rise, address the Chair, and gain the consent of the Member speaking.[9] However, a Member may be interrupted for a point of order, the filing of a conference report, or the receipt of a message.[10]

Cross References

Form of reference to Members, see § 56, infra.

Interruption of Member with the floor, see § 32, supra.

Properly seeking recognition, see § 8, supra.

Yielding time for debate, motions and amendments, see §§ 29–31, supra.

Addressing Speaker or Chairman; Form

§ 42.1 In rising to address the House or the Committee of the Whole, Members should address only the Speaker or the Chairman, without making reference to the House or the Committee, or to any individual Member.

On Jan. 12, 1932,[11] Mr. Robert Luce, of Massachusetts, arose to state a question of privilege and then discussed at length the proper form of address in the House or in the Committee of the Whole:

> Mr. Speaker, I rise to a question of privilege.
>
> THE SPEAKER:[12] The gentleman will state it.
>
> MR. LUCE: . . . There is presented to me this morning an opportunity to call to the attention of the House a matter that has disturbed me for some time. This is my first convenient chance to lay it before the House. I find in the Record this morning that a few remarks I made yesterday are printed as follows on page 1694:
>
> "Mr. Speaker, ladies, and gentlemen."
>
> Not since I have been a Member have I thus broken parliamentary law. Of course, I desire not to go on record as supporting a practice which is obnoxious to me.
>
> When I came here 12 years ago, nobody, so far as I can recollect, ever deviated from the parliamentary rule that salutation should be confined to the occupant of the chair, either "Mr. Speaker" or "Mr. Chairman." Within a very few years the practice has grown up of addressing the House en masse by some form of preliminary language. This is contrary to the parliamentary precedent of several hundred years.
>
> I would read to you a statement by Sir Thomas Smith who described the

9. See §§ 42.8–42.10, 42.12, infra.

10. *House Rules and Manual* § 750 (1995).

For interruptions of the Member with the floor, generally, see § 32, supra.

11. 75 CONG. REC. 1815, 72d Cong. 1st Sess.

12. John N. Garner (Tex.).

practice of the Parliament of Queen Elizabeth's time. He said:

> Though one do praise the law, the other dissuade it. For every man speaketh as to the speaker, not as one to another, for that is against the order of the House.

Jefferson's Manual, which is the law of the House when it has no rule to the contrary, says that "when any Member means to speak . . . he is . . . to address himself not to the House, nor to any particular Member, but to the Speaker," and so forth. Notice that he is to address himself not to the House, but to the Speaker of the House.

. . . I am quite sure that the reason for the rule has always persisted and will continue to persist, because it is, as the writers say, to avoid altercations. Its purpose is to prevent men from directly addressing each other and thus invite a breach of decorum.

For that reason, and hoping that I have not unduly taken the time of the House in calling attention to this matter, I ask unanimous consent that the words "ladies and gentlemen" be stricken from the report of my speech. [Applause.]

Speaker Garner responded:

The Chair is in entire sympathy with the remarks made by the gentleman from Massachusetts [Mr. Luce]. It is supposed to be a slight upon the Chair, according to the expressions of the former Speakers of the House, when Members address the Chairman of the Committee of the Whole or the Speaker and then address the Members on the floor en masse. The Speaker represents the House of Representatives in its organization, and by addressing the Chair gentlemen address the entire membership of the House.

Similarly, on May 21, 1941,[13] Speaker Sam Rayburn, of Texas, stated in response to a parliamentary inquiry that the proper form of address was "Mr. Speaker" or "Mr. Chairman" without the addition of "ladies and gentlemen" or any other language.[14]

§ 42.2 Remarks in the House, even if critical of the Speaker, should be directed to "Mr. Speaker" under clause 1 of Rule XIV, even if he is not occupying the chair.

On Nov. 1, 1983,[15] Speaker Pro Tempore Paul Simon, of Illinois, responded to a parliamentary inquiry regarding the proper mode of addressing the Chair in the House:

> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, it is apparent from your remarks in the New York Times this morning that the political rhetoric of 1984 is going to get plenty rough. . . .

---

13. 87 CONG. REC. 4307, 77th Cong. 1st Sess.

14. See also 109 CONG. REC. 6892, 88th Cong. 1st Sess., Apr. 24, 1963; 83 CONG. REC. 3768, 3769, 75th Cong. 3d Sess., Mar. 21, 1938; and 78 CONG. REC. 10627, 73d Cong. 2d Sess., June 6, 1934.

15. 129 CONG. REC. 30267, 98th Cong. 1st Sess.

MR. [SAMUEL S.] STRATTON [of New York]: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. STRATTON: Mr. Speaker, is it in order for any Member of the House to address a Speaker pro tempore who is occupying the chair and make charges that were directed at the Speaker himself?

It would appear to be improper. I would think, under the rules of the House.

THE SPEAKER PRO TEMPORE: The Chair is advised that the remarks are directed to the Chair, whoever the occupant of the chair is.

Addressing the President

§ 42.3 Although Members may discuss past and present Presidential actions and suggest possible future Presidential actions, it is not in order to address remarks in debate directly to the President, as in the second person.

On Oct. 16, 1989,[16] during the period for one-minute speeches in the House, the Speaker cautioned Members against a renewed tendency to address remarks in debate directly to the President.

MR. [ROBERT G.] TORRICELLI [of New Jersey]: Mr. Speaker, George Bush's honeymoon is most assuredly now over. . . .

Mr. President, it is time to get to work, time to decide why is it you sought the Presidency, to tell us where it is you would take America. . . .

Mr. President, listen to this, if you will, from the president of the Chase Manhattan Bank: "There are some very significant issues out there such as the fiscal deficit, our relations with Japan, that have to be the subject of major initiatives. I'd like to see that initiative, and I haven't. There is no agenda."

Mr. President, listen to not only your critics but to your fans. It is time to lead our country.

THE SPEAKER:[17] As the Chair announced on July 23, 1987, it is not in order to address the President in debate. Members must address their remarks to the Chair. Although Members may discuss past and present Presidential actions and suggest possible future Presidential actions, they may not directly address the President, as in the second person.[18]

Addressing Female Occupant of Chair

§ 42.4 In addressing a lady occupant of the Chair the prop-

16. 135 CONG. REC. 24715, 101st Cong. 1st Sess.

17. Thomas S. Foley (Wash.).

18. See also the proceedings of May 17, 1989 (remarks of Mrs. Barbara Boxer, of California; and, in the 101st Cong. 2d Sess., the proceedings of May 8, 1990 (remarks of Mr. Richard J. Durbin, of Illinois) and May 9, 1990 (remarks of Mr. Charles E. Schumer, of New York).

er form of address is "Madam Chairman" in the Committee of the Whole and "Madam Speaker" in the House.

On Mar. 2, 1932, Speaker John N. Garner, of Texas, responded as follows to a parliamentary inquiry:

> MR. [CLAUDE V.] PARSONS [of Illinois]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. PARSONS: Yesterday afternoon the distinguished Congresswoman from Florida occupied the chair and in addressing the Chair I addressed her as Madam Chairman. I notice in the Record this morning, on page 5196, that it is printed as Mr. Chairman. I wish to inquire which one of the titles is correct.
>
> THE SPEAKER: In the opinion of the present occupant of the chair, the gentleman from Illinois in addressing the Chair as Madam Chairman used the correct form.[19]

On Sept. 20, 1973,[20] Chairman Martha W. Griffiths, of Michigan, was presiding in the Committee of the Whole and Mr. H. R. Gross, of Iowa, addressed her as "Ms. Chairperson." The Chairman responded as follows:

> For the benefit of Members, the Chair would like to announce that the Chair is properly addressed as Madam Chairman. While she seems to be neutral, she is not neuter.

Addressing Members

§ 42.5 It is a breach of parliamentary law for Members to preface their remarks by addressing themselves to "Mr. Speaker, gentlemen of the House," or "Mr. Speaker, Members of the House."

On Mar. 21, 1938,[1] Mr. John J. Cochran, of Missouri, raised a parliamentary inquiry as to the proper form of address by Members. He stated that a practice had grown up of addressing remarks to "gentlemen of the House" and "Members of the House." He stated that such a form was an insult to the female Members of the House and recommended return of the House to the universal parliamentary practice of addressing only the Speaker and not the Members.

After lengthy discussion, Speaker William B. Bankhead, of Alabama, cited the governing rule (Rule XIV) and stated that only the Speaker in the House and the Chairman in the Committee of the Whole should be addressed.

§ 42.6 The Chairman of the Committee of the Whole has

19. 75 CONG. REC. 5117, 72d Cong. 1st Sess.

20. 119 CONG. REC. 30594, 93d Cong. 1st Sess.

1. 83 CONG. REC. 3768, 3769, 75th Cong. 3d Sess.

on occasion reminded Members that remarks in debate should be addressed to the Chairman and not to other Members in the Chamber.

During consideration of House Joint Resolution 403 (making further continuing appropriations for fiscal year 1984) in the Committee of the Whole on Nov. 8, 1983,[2] the following exchange prompted the Chair to remind the Members of the rule regarding addressing the Chair in debate rather than other Members:

MR. [JAMES C.] WRIGHT [Jr., of Texas]: I appreciate the gentleman's good wishes. I accept them in the spirit in which they are offered.

MR. [SILVIO O.] CONTE [of Massachusetts]: Somebody thought I got mad at you down here.

MR. WRIGHT: You? Of course, not you.

MR. [WILLIAM H.] NATCHER [of Kentucky]: Mr. Chairman, will the gentleman yield?

THE CHAIRMAN:[3] I invite the gentlemen participants in this colloquy to follow the rules and address the Chair and not each other.

MR. CONTE: Thank you, Mr. Chairman.

Addressing Galleries

§ 42.7 It is not in order for a Member to address his remarks to the "press."

On Apr. 24, 1963,[4] Chairman Eugene J. Keogh, of New York, ruled on a point of order directed against a Member who addressed "the press."

MR. [THOMAS B.] CURTIS [of Missouri]: 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——

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.

Parliamentarian's Note: Under the current practice of televising House proceedings, it is not in order to address remarks to anyone in the television audience or to anyone not present, including Members.

Interruptions in Debate

§ 42.8 The Speaker has repeatedly ruled that under

2. 129 CONG. REC. 31458, 98th Cong. 1st Sess.

3. Wyche Fowler, Jr. (Ga.).

4. 109 CONG. REC. 6892, 88th Cong. 1st Sess.

the rules and procedures of the House a Member who wishes to interrupt another who has the floor must first address the Chair and then obtain consent of the Member who has the floor.

On June 7, 1961,[5] while Mr. Clare E. Hoffman, of Michigan, had the floor, he yielded to Mr. Albert Thomas, of Texas, who thereafter attempted to interrupt Mr. Hoffman and to yield to a third Member. Mr. Hoffman made a point of order:

> Mr. Chairman . . . Members [have] to address the Chair or the Speaker before making a request that the Member speaking could yield to anyone. Is that right?
>
> THE CHAIRMAN:[6] That is the rule and practice of the House and Committee.
>
> MR. HOFFMAN of Michigan: Pardon me, then. I had not noticed that the practice was being observed.

Similarly, on July 16, 1935,[7] Speaker Joseph W. Byrns, of Tennessee, ruled as follows:

> The rules of the House provide that Members of the House shall observe proper decorum in debate. This is the only way in which matters may be discussed in a sound, sensible, sane manner, and a proper conclusion arrived at. Those Members particularly who have been here for years, it seems to the Chair, should be doubly careful to strictly conform to the rule.
>
> The rules provide that when a Member rises to interrupt another he shall address the Chair and do it respectfully and secure the consent of the Member who is talking.

The Speaker then cited Rule XIV clause 1, governing the subject of address.[8]

The Speaker has ruled on numerous other occasions that it is not in order in debate for a Member to interrupt another who has the floor without first addressing the Chair and obtaining consent of the Member who has the floor.[9]

§ 42.9 In order to interrogate a Member who has the floor in debate a Member must first address the Chair and secure the consent of the Member who has the floor.

On Apr. 11, 1935,[10] Speaker Joseph W. Byrns, of Tennessee,

5. 107 CONG. REC. 9681, 87th Cong. 1st Sess.
6. Richard Bolling (Mo.).
7. 79 CONG. REC. 11256, 74th Cong. 1st Sess.
8. See *House Rules and Manual* § 749 (1995). See also § 32, supra.
9. See 102 CONG. REC. 11455, 84th Cong. 2d Sess., June 29, 1956; 83 CONG. REC. 591, 592, 75th Cong. 3d Sess., Jan. 15, 1938; 80 CONG. REC. 1665, 1666, 74th Cong. 2d Sess., Feb. 7, 1936; 79 CONG. REC. 5461, 74th Cong. 1st Sess., Apr. 11, 1935; and 78 CONG. REC. 10630, 73d Cong. 2d Sess., June 6, 1934.
10. 79 CONG. REC. 5461, 74th Cong. 1st Sess.

intervened in debate to rule as follows:

> MR. [JOSEPH P.] MONAGHAN [of Missouri]: May I say to the gentleman——
>
> MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, I do not yield.
>
> MR. MONAGHAN: There will be a day of reckoning for those advocating the delusion plan suggested [consideration of H. Res. 197, a rule for consideration of social security legislation].
>
> MR. O'CONNOR: Mr. Speaker, I do not yield.
>
> THE SPEAKER: The Chair will state that the rules provide that a Member desiring to interrogate the Member who has the floor must first address himself to the Chair and obtain consent of the gentleman addressing the House. It is highly improper . . . for a Member to rise and interrupt the Member addressing the House without first addressing the Chair and obtaining consent of the gentleman who has the floor.

§ 42.10 It is a breach of order in debate for a Member without rising and addressing the Chair to interject remarks into another speech.

On July 25, 1935,[11] while Mr. Thomas L. Blanton, of Texas, had the floor, Mr. Samuel Dickstein, of New York, interjected remarks from his seat without addressing the Chair or securing the consent of Mr. Blanton. Speaker Joseph W. Byrns, of Tennessee, intervened and ruled "it is distinctly against the rules for a gentleman in his seat to interrupt a Member who is speaking."

§ 42.11 The Chair enforces section 364 of Jefferson's Manual by admonishing Members who attempt to disturb Members who are addressing the House by conversing with them.

In the proceedings of Feb. 21, 1984,[12] the Chair sought to preserve order by admonishing Members not to converse with a Member attempting to address the House:

> THE SPEAKER PRO TEMPORE:[13] The House will be in order.
>
> The Chair would like to suggest that the rules of the House prohibit the engagement of private conversation with someone who is in the process of speaking or has just concluded speaking and would ask the gentleman on his left and the gentleman on his right to extend to one another the courtesies commonly expected of Members of the House.

§ 42.12 One Member may not submit a parliamentary inquiry while another Member has the floor without his consent.

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11. 79 CONG. REC. 11864, 74th Cong. 1st Sess.

12. 130 CONG. REC. 2758, 98th Cong. 2d Sess.

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

On Mar. 13, 1936,[14] when Mr. Thomas O'Malley, of Wisconsin, attempted to interrupt the Member who had the floor by stating a parliamentary inquiry, Speaker Joseph W. Byrns, of Tennessee, ruled that a Member could not take the Member speaking off the floor by stating a parliamentary inquiry without obtaining the latter's consent.[15]

—*Remarks Do Not Appear in Record*

§ 42.13 Where a Member interrupts debate without being recognized or yielded to by the Member under recognition and without rising to a point of order, his remarks do not appear in the Record as he was not recognized to make them, but his name is shown in the Record at the points of interruption.

On July 21, 1993,[16] the following proceedings occurred in the House:

THE SPEAKER PRO TEMPORE:[17] Under the previous order of the House, the gentleman from Indiana [Mr. Burton] is recognized for 60 minutes.

MR. [DAN] BURTON of Indiana: Mr. Speaker, we have a number of Members that want to speak tonight on the problems we have with the House Post Office. . . .

I just wanted to say to the gentleman that the Members of this body would not be nearly as concerned had this not been swept under the rug 1 year ago, and time goes on and on. It is the same, and it is very analogous to the check scandal. . . .

And so I think we have an obligation.

MR. [DAVID R.] OBEY [of Wisconsin]: . . .

MR. BURTON of Indiana: I did not yield; I did not yield. I do not yield.

THE SPEAKER PRO TEMPORE: The gentleman from Indiana [Mr. Burton] has the floor.

MR. BURTON of Indiana: . . . All I say to my colleagues is: Let us make a clean breast of it. Let us bring the facts before the House and not impede justice. . . .

MR. [JOHN T.] DOOLITTLE [of California]: If the gentleman will yield, there is a specific point I want to respond to.

The firing of those U.S. attorneys was not routine. It had never been done before in such a fashion. And to stand here on the floor and to represent that was routine is a misstatement. It was completely out of the ordinary.

MR. OBEY: . . .

MR. [RANDY] CUNNINGHAM [of California]: Mr. Speaker, I ask for regular order or to have the gentleman removed.

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14. 80 CONG. REC. 3720, 74th Cong. 2d Sess.

15. See also 79 CONG. REC. 11864, 74th Cong. 1st Sess., July 25, 1935.

16. 139 CONG. REC. p. ____, 103d Cong. 1st Sess.

17. Eric D. Fingerhut (Ohio).

MR. BURTON of Indiana: This gentleman keeps interfering. I yielded to him once. I have control of the time, as I understand it.

THE SPEAKER PRO TEMPORE: The gentleman from Indiana [Mr. Burton] has control of the time.

MR. OBEY: Mr. Speaker, has the gentleman asked the U.S. attorney?

MR. BURTON of Indiana: Mr. Speaker, I have the time. I am not yielding to the gentleman.

MR. [ROBERT S.] WALKER [of Pennsylvania]: I think there are questions about whether or not this letter is an attempt to prevent an investigation.

MR. OBEY: . . .

THE SPEAKER PRO TEMPORE: The gentleman from Indiana has the time.

MR. WALKER: The gentleman knows the rules of the House.

MR. OBEY: Yes, I do.

MR. WALKER: If the gentleman from Indiana will yield to the gentleman, the gentleman is not obeying the rules of the House.

MR. OBEY: . . .

THE SPEAKER PRO TEMPORE: The gentleman from Indiana controls the time and has yielded to the gentleman from Pennsylvania.

MR. BURTON of Indiana: Mr. Speaker, may I make an inquiry? We have been interrupted several times. This is taking away from our time. I hope that the Chair will be fair in allocating the time, because we have had to endure this now for about the last 10 minutes.

THE SPEAKER PRO TEMPORE: The Chair will endeavor to be fair.

MR. BURTON of Indiana: Mr. Speaker, I yield to the gentleman from Pennsylvania.

MR. WALKER: Mr. Speaker, I thank the gentleman for yielding to me. . . .

MR. OBEY: . . .

THE SPEAKER PRO TEMPORE: The gentleman from Indiana has yielded to the gentleman from Pennsylvania, who controls the floor.

MR. WALKER: The gentleman from Wisconsin [Mr. Obey] of course does not want to listen to the points being made here because the gentleman from Wisconsin was one of those who voted last year to table the resolution attempting to make——

MR. OBEY: . . .

THE SPEAKER PRO TEMPORE: The gentleman from Wisconsin [Mr. Obey] has not been yielded time, has not been recognized.

Member Declines To Yield

§ 42.14 A Member wishing to interrupt another in debate should address the Chair for permission of the Member speaking who may exercise his own discretion as to whether or not to yield; the Chair will take the initiative in preserving order when a Member declining to yield in debate continues to be interrupted by another Member, and may order that the remarks of the Member interrupting not appear in the Record.

On July 26, 1984,[18] the Committee of the Whole had under

18. 130 CONG. REC. 21247, 98th Cong. 2d Sess.

consideration H.R. 11, the Education Amendments of 1984. Mr. Robert S. Walker, of Pennsylvania, who was discussing prayer in schools, was interrupted by George Miller, of California, who was reading passages aloud from the Bible for purposes of demonstrating his argument that the right to pray is not absolute:

MR. WALKER: . . . It has been referred to by many people on the floor today that they know of no situation in the country where silent prayer has ever been ruled out of order by the courts. That is wrong.

I have here an article before me from CQ in which it says that in Alabama the silent prayer in Alabama was ruled out of order by the 11th U.S. Circuit Court of Appeals. . . .

[MR. MILLER of California proceeded to read from the Bible at this point.]

THE CHAIRMAN PRO TEMPORE:[19] The gentleman will suspend. The gentleman from California will suspend. The gentleman is out of order.

MR. MILLER of California: Mr. Chairman, I would just like to raise the point——

THE CHAIRMAN PRO TEMPORE: The gentleman is out of order.

MR. WALKER: Mr. Chairman, I have not yielded to the gentleman.

THE CHAIRMAN PRO TEMPORE: The gentleman has not yielded.

The gentleman's words when he spoke in the well without getting the permission of the Member who had the floor will not appear in the Record.

The gentleman from Pennsylvania may proceed. . . .

MR. WALKER: . . . I must say that the gentleman reading from the Holy Bible in the course of the discussion here I think is somewhat inappropriate. It was far more appropriate in the course of political debate; it was far more appropriate than the so-called prayer uttered earlier by the gentleman from New York.

MR. MILLER of California: Mr. Chairman, will the gentleman yield?

MR. WALKER: I would be glad to yield to the gentleman.

MR. MILLER of California: I think the point is this: That suggesting that this is an absolute right and that in fact to try to prescribe it, whether it is audible, whether it is oral, whether it is loud, whether it is soft, whether it is silent, is a point of real contention, because it is not an absolute right, as the gentleman suggests.

We just saw the rules of the House work against that right. The gentleman raised the point earlier about a teacher——

THE CHAIRMAN PRO TEMPORE: The time of the gentleman from Pennsylvania has expired.

Addressing Television Audience

§ 42.15 The Chairman of the Committee of the Whole reminded the Members that remarks in debate should be addressed to the Chairman, and not to Members or others not present in the Chamber.

19. Abraham Kazen, Jr. (Tex.).

On Apr. 5, 1979,[20] during consideration of the International Development Cooperation Act of 1979 (H.R. 3324) in the Committee of the Whole, Chairman Elliott Levitas, of Georgia, made the following statement:

> THE CHAIRMAN: Before recognizing the gentleman from Illinois (Mr. Derwinski), the Chair would like to observe that when the Members are engaging in debate in the Committee of the Whole, they should be addressing the Chairman of the Committee; they are not addressing Members who are watching on television sets or others outside the Chamber. The Chair would remind the Members to observe that rule.
>
> The Chair recognizes the gentleman from Illinois.

§ 42.16 It is not in order in debate to address remarks to the "television" or to anyone, including Members not present, viewing televised House proceedings, and the Chair on his or her own initiative calls a Member to order for violating that rule.

On Nov. 8, 1979,[1] the following exchange occurred in the Committee of the Whole during consideration of the Milk Price Support Act (H.R. 4167):

> MR. [PAUL] FINDLEY [of Illinois]: Mr. Chairman, while the attendance in this Chamber is very light, just about as light as I can recall in my experience here, we have the hope that some of the Members are watching by television and therefore even though——
>
> THE CHAIRMAN:[2] The gentleman will suspend.
>
> The Chair will admonish the gentleman to address the Chair and the Members in the body and not to make reference to the television.

§ 42.17 Remarks in debate must be addressed to the Chair only, and it is not in order to address remarks to the broadcast proceedings of the House or anyone viewing them.

On Sept. 29, 1983,[3] during special-order speeches, Speaker Pro Tempore Matthew F. McHugh, of New York, responded to a parliamentary inquiry regarding violation of the rules in addressing anyone other than the Chair:

> MR. [BILL] ALEXANDER [of Arkansas]: . . . I am grateful for this opportunity to be here this evening in this forum broadcast over television, for people to see for themselves the facts which have caused these gigantic and tragic deficits. . . .
>
> MR. [ROBERT S.] WALKER [of Pennsylvania]: Mr. Speaker, I have a parliamentary inquiry. . . .
>
> I just want to inquire whether or not it is not true that referring to broad-

20. 125 CONG. REC. 7356, 96th Cong. 1st Sess.

1. 125 CONG. REC. 31519, 96th Cong. 1st Sess.

2. Gladys Noon Spellman (Md.).

3. 129 CONG. REC. 26501, 98th Cong. 1st Sess.

casting of the proceedings of the House on television is not a violation of a rule of the House.

THE SPEAKER PRO TEMPORE: The gentleman (Mr. Alexander) should direct his remarks to the Chair.

Parliamentarian's Note: It should be noted that the Chair did not specifically rule on whether a Member could discuss the fact that the proceedings were being televised.

§ 42.18 Members in debate should address their remarks to the Chair and not to "our viewing audience."

On Aug. 2, 1984,[4] in sustaining a point of order, the Speaker Pro Tempore admonished the Member against referring to audiences, as indicated below:

MR. [DUNCAN L.] HUNTER [of California]: I thank the gentleman for yielding. He has made most of the points that I wanted to make and that is that sure, these are selective votes, although they were not selected particularly for us. These were selected because these were 19 of the most important votes that would have taken the biggest pieces of the deficit, and you voted regularly against them. And the point that is being made is that over the last 5 years we voted for $274.5 billion more than the President requested. . . .

I think for the purpose of keeping our viewing audience totally informed we should not misrepresent ourselves.

MR. [ROBERT E.] WISE [Jr., of West Virginia]: Point of order, Mr. Speaker. Point of order.

THE SPEAKER PRO TEMPORE:[5] The point of order is sustained.

Please do not refer to the viewing audience or television or any other reference of that kind.

§ 42.19 Prior to a special-order speech in which several Members intended to use photographic exhibits of missing children, the Chair reminded all Members to address the Chair and to avoid direct references to the television audience.

On Apr. 2, 1985,[6] the Speaker Pro Tempore made an announcement, as follows:

THE SPEAKER PRO TEMPORE:[7] The Chair will ask that all Members who wish to exhibit pictures to address the Chair and avoid direct references to the television audience.

Under a previous order of the House, the gentleman from Oklahoma (Mr. Edwards) is recognized for 60 minutes.

MR. [MICKEY] EDWARDS of Oklahoma: Mr. Speaker, last summer I began a project to use the televised proceedings of the House of Representatives to help find some of the 160,000 children who each year are reported kidnaped either by strangers or by a parent who does not have custody.

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4. 130 CONG. REC. 22271, 98th Cong. 2d Sess.

5. John McK. Spratt, Jr. (S.C.).

6. 131 CONG. REC. 7221, 99th Cong. 1st Sess.

7. Kenneth J. Gray (Ill.).

§ 42.20 Remarks in debate should be addressed to the Chair, and not to others who are not in the Chamber, such as those in the television (whether closed circuit or public) audience.

On Oct. 9, 1985,[8] the Chair took the initiative to remind a Member that references to any television audience were not in order. The proceedings in the Committee of the Whole during consideration of H.R. 3008 (Federal Pay Equity Act) were as follows:

> MR. [TOMMY F.] ROBINSON [of Arkansas]: . . . I know the females in my office are watching. Louise, I pay you $47,000 a year. I do not discriminate in my office. I do not know about the rest of my Democratic colleagues. But I pay my employees based on their ability to do the job.
>
> THE CHAIRMAN PRO TEMPORE: The gentleman will suspend for a moment.
>
> In accordance with the procedure of the House, the gentleman should not refer to any television audience.

§ 42.21 It is not in order in debate to address remarks to anyone viewing televised House proceedings, and the Chair enforces this rule on his or her own initiative.

The following proceedings occurred in the House on Feb. 25, 1986:[9]

> THE SPEAKER PRO TEMPORE:[10] Under a previous order of the House, the gentleman from Utah (Mr. Hansen) is recognized for 5 minutes.
>
> MR. [JAMES V.] HANSEN [of Utah]: Mr. Speaker, I will not pretend that the House Chamber is full of people. In fact, there are just a few people in the House Chamber presently. I want to take this special order time to speak about tobacco use in America. . . .

Mr. Hansen in his opening remarks specifically referred to and addressed the television audience. He revised his remarks when requested by the Speaker Pro Tempore:

> THE SPEAKER PRO TEMPORE: The Chair would respectfully request the gentleman to revise his comments, and delete all references to the TV audience.
>
> MR. HANSEN: Mr. Speaker, I ask unanimous consent to revise and extend my remarks, deleting all comments as specified by the Chair.
>
> THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Utah?
>
> There was no objection.

§ 42.22 Members should address the Chair in debate and should not address the television audience.

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8. 131 CONG. REC. 26961, 99th Cong. 1st Sess.

9. 132 CONG. REC. 2676, 2677, 99th Cong. 2d Sess.

10. Thomas R. Carper (Del.).

On June 3, 1987,[11] during consideration of H.R. 1934 (fairness in broadcasting) in the Committee of the Whole, the Chair admonished the House about the proper manner of address during debate:

> MR. [MIKE] SYNAR [of Oklahoma]: . . . I had some prepared remarks, but as I listened to the debate, I realized that most of the issues have been responded to, so let me take my 2 minutes to talk directly to the 8 million or more people who are watching this on C–SPAN and the millions or more who will be listening on radio with respect to this debate. . . .
>
> THE CHAIRMAN:[12] The Chair would request all speakers to address themselves to the Chair and not refer to the television audience.

§ 42.23 It is not in order in debate to address the viewing television audience, including other Members who might be watching, since under Rule XIV, clause 1, a Member must address the Chair.

On Dec. 17, 1987,[13] the Chair took the initiative during a special-order speech to remind a Member that all remarks should be directed to the Chair:

> THE SPEAKER PRO TEMPORE:[14] Under a previous order of the House, the gentleman from Indiana [Mr. Burton] is recognized for 60 minutes.
>
> MR. [DAN] BURTON of Indiana: Mr. Speaker, I intend to talk more tonight about the problems in Central America that we have to face as a nation and that the freedom fighters have to face as a people who are fighting against tyranny down there. Before I do, I would just like to say that I feel a sense of frustration, as many of my colleagues do, and if any of the leadership happens to be watching on television, I hope they will take these remarks under advisement, because it is really sad that here we are very close to Christmas Eve and we have not completed the business of this House.
>
> THE SPEAKER PRO TEMPORE: The Chair must remind the gentleman from Indiana [Mr. Burton] that Members should not direct their remarks to any viewing audience. All remarks should be made to the Chair.

Proper Manner of Addressing Colleague

§ 42.24 Clause 1 of Rule XIV and section 361 of Jefferson's Manual prohibit a Member from engaging in personalities in debate and specifically require references to another Member only "by his seat in the House, or who spoke last, or on the other side of the question," and not by name or in the second person.

During debate on the military procurement authorization for fis-

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11. 133 CONG. REC. 14524, 100th Cong. 1st Sess.

12. Jim Moody (Wis.).

13. 133 CONG. REC. 36139, 36140, 100th Cong. 1st Sess.

14. Doug Barnard, Jr. (Ga.).

cal year 1983 (H.R. 6030) in Committee of the Whole on July 21, 1982,[15] the following exchange occurred:

> MR. [SAMUEL S.] STRATTON [of New York]: Mr. Chairman, the gentleman is in a sense remaking his speech again and not responding to my point.
>
> MR. [NICHOLAS] MAVROULES [of Massachusetts]: Well, Sam, I am responding to you. I am going to ask a basic question.
>
> If we are going to discuss basic defense posture for this country, why is it always we go on to the MX missile. . . .
>
> THE CHAIRMAN PRO TEMPORE:[16] The Chair will state to the gentleman that references to Members should not be by familiar name but by reference to the gentleman from the State of New York or the gentleman from the State of Massachusetts, rather than their familiar names. . . .
>
> The Chair will . . . advise all Members that references to Members shall not be by their familiar names, under House rules. . . .
>
> The Chair is not addressing the gentleman from New York. The Chair is addressing all Members, on the basis of what he has heard in the discussion.

§ 42.25 The proper form of reference to another Member is to the "gentleman (or gentlewoman) from (State)," and not any other appellation or characterization.

On Oct. 2, 1984,[17] during consideration of the balanced budget bill (H.R. 6300) in the House, the Chair, in responding to a parliamentary inquiry, reminded the Members of the proper form of reference to other Members:

> MR. [DANIEL E.] LUNGREN [of California]: Well, Mr. Speaker, thank God this is not a medical research center, because if you believe laetrile cures cancer, you think that Dr. "Feelgood's" bill here on the floor is going to do something, but the fact of the matter is that it has nothing to do with the legislation on the floor; it has to do with the will of the Members of Congress. . . .
>
> MR. [RONALD V.] DELLUMS [of California]: Mr. Speaker, is it a violation of the comity and custom of the House to refer to a Member of this body in terms other than as the gentleman from a particular State?
>
> The Chairman of this committee was referred to as "Dr. Feelgood Jones," and I would think that is in violation of the comity and custom of the House. . . .
>
> THE SPEAKER PRO TEMPORE:[18] The gentleman is correct in stating that it is the custom and practice and tradition of the body that Members of the body should be referred to as the gentleman or gentlewoman from a certain State.

§ 42.26 Members in debate should not refer to other

15. 128 CONG. REC. 17314, 17315, 97th Cong. 2d Sess.

16. Les AuCoin (Oreg.).

17. 130 CONG. REC. 28519, 28520, 98th Cong. 2d Sess.

18. Richard A. Gephardt (Mo.).

Members by their first names; rather such references should be in the third person, by state delegation.

The following proceedings occurred in the House on Mar. 7, 1985:[19]

> MR. [ROBERT S.] WALKER [of Pennsylvania]: Sure, I do very much, and that is the reason why I want every one of those votes counted to determine the result. . . .
>
> MR. [MICKEY] LELAND [of Texas]: Yes, but now, Bob, you will admit——
>
> THE SPEAKER PRO TEMPORE:[20] Will the gentleman refrain from using personal names and use formal address in addressing another Member.

§ 43. Disorderly Language

The determination of what language is unparliamentary in debate is not subject to immutable rules; the current meaning of language, the tone and intent of the Member speaking, and the subject of his remarks, must all be taken into account by the Speaker. There have been instances in which the same word has on one occasion been ruled permissible and on another ruled unparliamentary.[1] A colloquialism may be ruled unparliamentary because of its commonly known implication.[2] And the context of the debate itself must be considered in determining whether the words objected to constitute disorderly criticism or merely general opinion.

Both the English[3] and American legislative practice suggest guidelines to be followed in determining whether certain words in relation to a certain subject are disorderly or permissible. For example, no reference may be made to gallery occupants.[4] And although the proposals of other Members may be criticized, their motives and personalities may not be attacked.[5] (Most of the rulings on the propriety of certain language in debate have involved references to Members and are so numerous as to occupy their own portion of this work.)[6]

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19. 131 CONG. REC. 5028, 99th Cong. 1st Sess.

20. Dale E. Kildee (Mich.).

1. See, for example, §§ 43.7, 43.8, infra, for rulings on "damn" and "damnable."

2. See § 61, infra, for rulings on colloquialisms used in reference to Members.

3. Parliamentary law in relation to disorderly words in debate is generally discussed in Jefferson's Manual, *House Rules and Manual* §§ 353–379 (1995).

For an analysis of principles governing the House of Commons, see Erskine May's *Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 448–471, Butterworth & Co. Ltd. (London 1964) (17th ed.).

4. See § 45, infra.

5. See § 60, infra.

6. References to Members, to the House and its parties, and to committees