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

Several general rules may be safely stated as to disorderly language in general. Persons not Members of the House may be freely criticized on the floor without restriction as to personalities or motive, if such reference is not irrelevant and if language used is not in itself objectionable.(7) Profanity may not be voiced in debate regardless of the subject of the remarks,(8) and remarks with critical racial overtones are out of order.(9)

The manner in which a Member addresses or seeks to address the House, regardless of his proposed remarks, is subject to a point of order under House rules.(10)

Under clause 1 of Rule XIV, Members should refrain from using profanity or vulgarity in debate; the Chair has taken the initiative against a Member's use of profanity.(11)

Under a new provision of House Rule XIV clause 9(b),(12) unparliamentary remarks may be deleted only by permission or order of the House.

References to State or Region

§ 43.1 A statement in debate "when this committee investigates the recent wave of police lynch murder in Mississippi . . . and in the capital itself" was held in order.

On Mar. 9, 1948,(13) the following words in debate, referring to the Committee on Un-American Activities, were objected to by Mr. John E. Rankin, of Mississippi, and demanded taken down: "When this committee investigates the recent wave of police lynch murder in Mississippi, in the area of Jackson, and in the capital itself—"

Mr. Rankin based his point of order on the fact that the Member speaking was accusing Mr. Rankin's state of murder. Speaker Joseph W. Martin, Jr., of Massachusetts, ruled that the words were not unparliamentary and that the Member speaking was merely expressing his opinion.(14)

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are discussed at §§ 53 et seq., infra, and are only mentioned here where relevant.

7. See, for example, §§ 43.2, 43.3, infra.

8. See §§ 43.6–43.9, infra.

9. See §§ 43.4, 43.5, infra.

10. See § 42, supra.

11. See the proceedings of Mar. 5, 1991, at 137 CONG. REC. 5036, 5037, 102d Cong. 1st Sess., during consideration of H. Res. 95 (commending Operation Desert Storm).

12. *House Rules and Manual* § 764a (1995), adopted on Jan. 4, 1995 (H. Res. 6), 104th Cong. 1st Sess.

13. 94 CONG. REC. 2408, 80th Cong. 2d Sess.

14. Under the standing rules of the Senate, "No Senator shall refer offensively to any State of the Union."

References to Associations or Groups

§ 43.2 A statement in debate accusing a medical association of "spurious reasoning" in regard to their opposition to a bill was held in order.

On Mar. 19, 1962,[15] a Member stated in debate, "this is an example of the spurious reasoning that the AMA has with regard to their opposition to this bill." The words were demanded to be taken down, and Speaker Pro Tempore W. Homer Thornberry, of Texas, ruled that the words were not violative of House rules.

References to Former President

§ 43.3 It has been held in order to state "that Abraham Lincoln was a Communist."

On Nov. 15, 1945,[16] Mr. Andrew J. Biemiller, of Wisconsin, accused Mr. John E. Rankin, of Mississippi, of having termed Abraham Lincoln a Communist, and on being corrected by Mr. Rankin, stated "I am delighted to have the record show that there is at least one liberal in the past century that Mr. Rankin does not consider as a Communist." Mr. Rankin then demanded that those words be taken down, but Speaker Sam Rayburn, of Texas, ruled that they were in order.

The Speaker then responded as follows to an additional point of order by Mr. Rankin:

> MR. RANKIN: Mr. Speaker, the point of order is this: That, taken in the light of his previous statements, where he [Mr. Biemiller] falsely accused me of making a statement with reference to Abraham Lincoln that was exactly opposite from what I did say, his utterance was a violation of the rules of the House.
>
> THE SPEAKER: Even if the gentleman had given his opinion that Mr. Lincoln was a Communist, that would not have been a violation of the rules of the House.

Remarks as to Race or Class

§ 43.4 A statement in debate expressing the opinion of the Member that if he were a Negro he would avoid association with non-Negroes was held not to reflect on any Member of the House and therefore to be in order.

On Apr. 5, 1946,[17] Mr. John E. Rankin, of Mississippi, delivered

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Rule XIX clause 3, Standing Rules of the Senate § 19.3. There is no such House rule nor mention of the subject in Jefferson's Manual. See 8 Cannon's Precedents §§ 2522–2525 for Senate rulings.

15. 108 CONG. REC. 4458, 87th Cong. 2d Sess.

16. 91 CONG. REC. 10736, 79th Cong. 1st Sess.

17. 92 CONG. REC. 3229, 3230, 79th Cong. 2d Sess.

the following words in debate, in relation to an amendment denying funds to segregated schools offered by Mr. Adam C. Powell, of New York:

> If I were a Negro I would want to be as black as the ace of spades, and I would not be running around here trying to play tennis on a white man's court. I would go with the other Negroes and have the best time in my life.

Mr. Powell demanded those words be taken down, but Speaker Sam Rayburn, of Texas, ruled that the words used did not refer by name or otherwise to any Member and were in order.[18]

§ 43.5 It has been held not a breach of order to refer in debate to a class or group of persons as "Negroes," although it was claimed that a corruption of that term was used.

On Feb. 18, 1947,[19] Mr. John E. Rankin, of Mississippi, delivered the following remarks in debate:

> Now, let us turn back to this Negro witness. His name is Nowell. He lived in Detroit. He said he was born in Georgia. Now, I have lived all my life and practiced law for years in a State where we had many, many lawsuits between Negroes and whites and between Negroes themselves. I am used to cross-examining them. I know something of the way they testify, and have a fairly good way weighing testimony, and if I am any judge this Negro, Nowell, was sincere in every word he said.

Speaker Joseph W. Martin, Jr., of Massachusetts, then considered the following point of order:

> MR. [ADAM C.] POWELL [of New York]: Is it within the rules of this Congress to refer to any group of our Nation in disparaging terms?
>
> MR. RANKIN: It is not disparaging to call them Negroes, as all respectable Negroes know.
>
> MR. POWELL: I am addressing the Speaker.
>
> THE SPEAKER: The Chair is not aware of the disparaging term used.
>
> MR. POWELL: He used the term "nigger" in referring to a group.
>
> THE SPEAKER: The Chair understood the gentleman to say "Negro."
>
> MR. RANKIN: Mr. Speaker, I said what I always say and what I am always going to say when referring to these people.
>
> THE SPEAKER: The gentleman will proceed in order.
>
> MR. POWELL: Mr. Speaker, a point of order.
>
> THE SPEAKER: The Chair overrules the point of order.

Similarly, on Sept. 21, 1949,[20] Mr. Rankin was delivering remarks in debate against Paul

18. See also §§ 65.1–65.3, infra.

19. 93 CONG. REC. 1131, 80th Cong. 1st Sess.

20. 95 CONG. REC. 13124, 81st Cong. 1st Sess.

Robeson, whom he termed a "Negro Communist." Mr. Vito Marcantonio, of New York, made the following point of order:

> The gentleman from Mississippi used the word "nigger." I ask that that word be taken down and stricken from the Record inasmuch as there are two Members in this House of the Negro race, and that word reflects on them.

Speaker Sam Rayburn, of Texas, stated that he had understood Mr. Rankin to say "Negro." Mr. Marcantonio insisted that Mr. Rankin had said "nigger"; the Speaker ruled as follows:

> The Chair holds that the remarks of the gentleman from Mississippi are not subject to a point of order. He referred to the Negro race, and they should not be ashamed of that designation.

Profanity

§ 43.6 It is a breach of order in debate to use words bordering on profanity.

On July 18, 1951,[1] Speaker Sam Rayburn, of Texas, ruled after objection had been made to the use of the word "damn" in debate:

> The Chair is bound to hold that the using of words like those just used . . . or any other words bordering on profanity, is a violation of the rules of the House.

§ 43.7 Use of the word "damnable" has been held in order, although the Speaker in ruling on those words found the term rather harsh and expressed the hope that his ruling would not be a precedent for further use.

On Jan. 15, 1948,[2] Mr. Emanuel Celler, of New York, stated in reference to the remarks on Palestine of Mr. John E. Rankin, of Mississippi:

> . . . [H]e makes an aspersion upon those who, with great intrepidity and great wisdom, pioneered to set up that state, that they are inclined to be Communists or are Communists. That is a damnable statement to make.

Mr. Rankin objected to the use of the word "damnable" as a violation of House rules and of "all rules of common decency," and Speaker Joseph W. Martin, Jr., of Massachusetts, ruled as follows:

> The Chair is not too conversant with the word "damnable" but does not find that it is banned in the rules of parliamentary procedure. The Chair thinks it is a rather harsh word.
>
> The Chair hopes that the Members will not take this as a precedent for using the word on too many occasions.

§ 43.8 A statement that a group does "not give a damn" was held to be a violation of rules on debate.

1. 97 CONG. REC. 8415, 82d Cong. 1st Sess.

2. 94 CONG. REC. 205, 80th Cong. 2d Sess.

On July 18, 1951,[3] the Committee of the Whole was considering amendments to H.R. 3871, the Defense Production Act of 1950. Mr. William J. Green, Jr., of Pennsylvania, made the following remarks about an amendment offered by Mr. Wingate H. Lucas, of Texas:

> . . . Certainly I have a great deal of respect and admiration for the gentleman from Texas and for the other people that support these issues, but they all remind me of the fellow who sold a blind horse to the farmer. When the horse walked into the barn the farmer said to the city slicker, "Why, that horse is blind." He said, "No, he is not blind; he just doesn't give a damn."

Mr. Clare E. Hoffman, of Michigan, demanded that the statement implying that a group of Members didn't give a damn be taken down, and Speaker Sam Rayburn, of Texas, ruled the words out of order as bordering on profanity. Mr. Green then obtained unanimous consent to withdraw the objectionable words.

Blasphemous Words

§ 43.9 The Speaker ordered allegedly blasphemous words stricken from the Record without awaiting objection by the House.

On Feb. 22, 1945, Mr. Frank E. Hook, of Michigan, used critical and allegedly blasphemous language in debate, directed against Mr. John E. Rankin, of Mississippi. After some disturbance on the floor, Mr. Rankin demanded the words be taken down. Speaker Pro Tempore Robert Ramspeck, of Georgia, ruled the language a breach of order and immediately ruled the words stricken from the Record, without awaiting the objection of the House.[4]

Parliamentarian's Note: The exact words used were stricken and do not therefore appear in the Record. Normally the Speaker says "without objection" the offending words will be stricken from the Record since the House, not the Chair, controls the Record. Mr. Rankin claimed that Mr. Hook had referred to him as a "God damn liar" but Mr. Hook contended he had stated "you are a dirty liar." The language used precipitated a short affray on the floor, but both Mr. Hook and Mr. Rankin apologized to the House, which took no further action.[5]

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3. 97 CONG. REC. 415, 82d Cong. 1st Sess.

4. 91 CONG. REC. 1371, 1372, 79th Cong. 1st Sess.

5. *Id.* at pp. 1371, 1372, 1390, 1391, 1445.