

refer to proceedings in the other body:

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

MR. [DAN] GLICKMAN [of Kansas]: Mr. Speaker, reports are that the leadership of the other body, fearing the votes might be there to pass farm credit legislation similar to that which we are taking up today, has been delaying votes.

THE SPEAKER:<sup>(18)</sup> Under the rules the gentleman is not to refer to proceedings in the other body.

### ***Addressing Remarks to Members of Senate***

#### **§ 44.65 It is improper in debate to call on Senators to act or to characterize action or inaction of the Senate.**

On Apr. 29, 1986,<sup>(19)</sup> the Speaker Pro Tempore exercised his initiative in calling to order a Member for references to the Senate. The proceedings were as follows:

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

MR. [CHARLES E.] SCHUMER [of New York]: Mr. Speaker, it was with some confusion that I read in today's New York Times that a distinguished Mem-

ber of the other body said that Congress had become "so enmeshed in political maneuvering" that it cannot produce a Federal budget. A little later in the article he said he wanted to wait until he could get a majority of his party to agree on a budget before he would bring one to the floor. And the confusion about this, Mr. Speaker, is very simple. There are 24 Republicans generally on the right side of the other body who are saying that they will not go for a budget unless XYZ is met.

That is no way to produce a budget, Mr. Speaker. If on our side of the aisle we decided that we had to bring every Member along and every Member's specific interest had to be weighed without compromise, we would not have a budget either. . . .

I say to my colleagues in the other body, it is about time you tried to reach a consensus, as some of your Members are starving to do, and move on a budget in the Senate.

THE SPEAKER PRO TEMPORE:<sup>(20)</sup> The Chair wishes to point out that the gentleman should not refer to proceedings from the other body.

### **§ 45. —Reference to Gallery Occupants**

By standing rule of the House, no Member may introduce or refer to any occupant of the galleries of the House.<sup>(1)</sup> The rule is strictly

20. Richard B. Ray (Ga.).

1. Rule XIV clause 8, *House Rules and Manual* §764 (1995). The rule was not adopted until 1933; however,

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

19. 132 CONG. REC. 8855, 8856, 99th Cong. 1st Sess.

enforced, and the Speaker may intervene on his own initiative to prevent infraction thereof.<sup>(2)</sup> The rule may not be suspended by permission to proceed out of order, even for commendations for honored guests.<sup>(3)</sup>

### ***Generally; Reference to Guests***

#### **§ 45.1 Reference in debate to an honored guest in the gallery is not in order under House rules, even with permission to proceed out of order.<sup>(4)</sup>**

On July 27, 1954,<sup>(5)</sup> during debate on a bill, Mr. Clarence Cannon, of Missouri, yielded to Mr. Walter H. Judd, of Minnesota, who stated his purpose to call attention to a “French nurse who is

in the gallery.” Chairman Benjamin F. James, of Pennsylvania, ordered Mr. Judd to suspend since the rules of the House prohibited references to persons in the gallery. Mr. Judd then asked for unanimous consent to proceed out of order, and the Chairman answered as follows:

THE CHAIRMAN: The gentleman may not proceed out of order for the purpose which he manifestly intends to use the time. The Chair regrets extremely that he must so hold under the rules of procedure of the House. We are all conscious of the great heroism of the person to whom the Chair knows that the gentleman wishes to allude, but it is a matter of extreme regret that because of the rules of the House, reference may not be made to anyone in the gallery.

MR. JUDD: I shall not say anything about the gallery. I shall say she is on the Hill today.

THE CHAIRMAN: The Chair greatly regrets that under the rules of procedure of the House, the gentleman must be denied the privilege of introducing anyone in the gallery which, I know, every Member of the House would greatly appreciate in this instance, if it were possible under the rules.

MR. JUDD: Mr. Chairman, I had no intention of introducing anyone in the gallery. Is it not possible to refer here to persons who are in our country?

THE CHAIRMAN: It is not possible to refer to any person in the gallery.

MR. JUDD: May I not call attention to a most distinguished visitor in our country today?

Speaker John N. Garner (Tex.) independently invoked a prohibition against introducing gallery occupants. 6 Cannon's Precedents § 197.

2. See §§ 45.4, 45.7, *infra*.
3. See Rule XIV clause 8, *House Rules and Manual* § 764 (1995) and the ruling of Chairman Benjamin F. James (Pa.) cited at § 45.1, *infra*.
4. See Rule XIV clause 8, *House Rules and Manual* § 764 (1995). For an occasion where a Member referred to a certain individual—who happened to be in the gallery—without violating the rule, see § 45.9, *infra*.
5. 100 CONG. REC. 12253, 83d Cong. 2d Sess.

THE CHAIRMAN: The gentleman may refer to one who is in our country.

MR. JUDD: Well, then, I should like to refer to the distinguished heroine of Dien Bien Phu who we, in the United States, are happy these days to welcome to our shores and to our city, and to pay tribute to her as a person whose heroism is acclaimed by all, and as a symbol of all women of the world who in times of great crisis and peril are faithful to their duty, particularly that of ministering to men wounded in the defense of freedom. We pay tribute to her wherever she may be in our country at the present moment.

Similarly, on Apr. 16, 1940,<sup>(6)</sup> Speaker Pro Tempore Sam Rayburn, of Texas, called to order Mr. Bernard J. Gehrman, of Wisconsin, for calling attention to "a couple of children that were rescued in Finland" who were in the gallery, over Mr. Gehrman's protestations that the children were rescued from a war zone through the efforts of the State Department.<sup>(7)</sup>

**§ 45.2 It is a violation of the rules for a Member to call attention to any person or group in the gallery, including his constituents.**

On Mar. 16, 1945,<sup>(8)</sup> the following exchange took place:

6. 86 CONG. REC. 4589, 76th Cong. 3d Sess.
7. See also 103 CONG. REC. 10585, 85th Cong. 1st Sess., June 28, 1957.
8. 91 CONG. REC. 2371, 79th Cong. 1st Sess.

MR. [ROBERT F.] RICH [of Pennsylvania]: Mr. Chairman, I move to strike out the last word.

Mr. Chairman and members of the Committee, it so happens that I have some of my constituents come to the House once in awhile and visit me, and they happen to be in the gallery now. I was in the gallery when I heard the statement made by the chairman of the subcommittee, and immediately started down.

MR. [FRANK E.] HOOK [of Michigan]: Mr. Chairman, a point of order.

THE CHAIRMAN:<sup>(9)</sup> The gentleman will state it.

MR. HOOK: If I understand the rules correctly, no reference is to be made to any parties in the gallery. I make the point of order against the statement of the gentleman from Pennsylvania.

THE CHAIRMAN: The gentleman from Michigan properly understands the rules of the House. The gentleman from Pennsylvania will proceed in order.

***Guests Interested in Pending Bill***

**§ 45.3 Reference to federal officials present in the gallery and interested in pending legislation is a breach of order.**

On Feb. 6, 1964,<sup>(10)</sup> the following exchange and ruling took place:

MR. [PAUL C.] JONES of Missouri: . . . I think this is just another exam-

9. Wilbur D. Mills (Ark.).
10. 110 CONG. REC. 2264, 88th Cong. 2d Sess.

ple of how misinformed we have been on some of the features of this bill. . . . [W]hat are you looking at the gallery for? I know the Justice Department is there. Maybe the guy who prepared the figures is up there in the gallery. If he is, he ought to step down here and keep the man posted.

THE CHAIRMAN: <sup>(11)</sup> The gentleman from Missouri, I am sure, knows the rules.

MR. JONES of Missouri: I am not addressing the gallery.

THE CHAIRMAN: You are not to refer to anybody in the gallery. The gentleman will proceed in order.

**§ 45.4 It is not in order in debate to refer to or to direct questions regarding pending legislation to persons in the gallery; and the Chair must on his own initiative enforce this rule.**

On Oct. 19, 1977,<sup>(12)</sup> Chairman Morris K. Udall, of Arizona, exercised his duty to enforce the rule<sup>(13)</sup> prohibiting reference to occupants of the gallery during debate. The following proceedings occurred during consideration of the Energy Transportation Security Act of 1977 (H.R. 1037) in the Committee of the Whole:

MR. [PAUL N.] MCCLOSKEY [Jr., of California]: Mr. Chairman, I notice the

11. Eugene J. Keogh (N.Y.).
12. 123 CONG. REC. 34220, 95th Cong. 1st Sess.
13. Rule XIV clause 8, *House Rules and Manual* § 764 (1995).

sole administration spokesman, the Maritime Administrator, is in the gallery. Can we get the administration's position, so that the House can be advised?

It was never discussed in committee. Can we ask the Administrator what the administration's position is?

THE CHAIRMAN: The gentleman will proceed in order. The Chair will inform the gentleman from California (Mr. McCloskey) that the precedents of the House do not permit questions of persons in the House gallery and the rules do not permit reference in debate to persons in the gallery.

**§ 45.5 It is a breach of order in debate to refer to the observations of an occupant of the gallery on a bill pending before the House.**

On June 4, 1963, the House was considering civil rights legislation which engendered numerous quorum calls and motions to adjourn. During the debate, Mr. Clark MacGregor, of Minnesota, yielded to Mr. William T. Cahill, of New Jersey, who stated that he "thought the House might like to have the observation of a disinterested, objective observer who was sitting up in the gallery and who happens to be a visitor of mine". Speaker John W. McCormack, of Massachusetts, interrupted Mr. Cahill and ordered him to suspend, since reference to anyone in the gallery or reference to his observations or opinions

was not consistent with the rules of the House.<sup>(14)</sup>

### ***References to the Press Gallery***

#### **§ 45.6 It is not in order for a Member to refer to or address remarks to the press gallery.**

On Apr. 24, 1963,<sup>(15)</sup> Chairman Eugene J. Keogh, of New York, ruled as follows on a point of order:

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.

14. 109 CONG. REC. 10151-66, 88th Cong. 1st Sess.

15. 109 CONG. REC. 6892, 88th Cong. 1st Sess.

### ***Duty of Speaker***

#### **§ 45.7 When a Member indicates in debate that he intends to make reference to an occupant of the gallery, the Chair on his own initiative invokes the rule prohibiting such references.**

On July 27, 1954,<sup>(16)</sup> a Member to whom time was yielded stated his purpose to call attention to a person in the gallery who had demonstrated great heroism in foreign combat. Chairman Benjamin F. James, of Pennsylvania, interrupted the remarks of Mr. Walter H. Judd, of Minnesota, to ask him to suspend due to those provisions of House rules which prohibit reference to any occupant of the gallery in House debate.<sup>(17)</sup>

### ***Announcements by the Chair***

#### **§ 45.8 The Speaker stated his intention in the 72d Congress**

16. 100 CONG. REC. 12253, 83d Cong. 2d Sess.

17. For other instances where the Chair has on his own initiative prevented infraction of the rules prohibiting reference to gallery occupants, see 110 CONG. REC. 2264, 88th Cong. 2d Sess., Feb. 6, 1964; and 109 CONG. REC. 10151-66, 88th Cong. 1st Sess., June 4, 1963.

For an occasion where the Speaker did not hear a reference to gallery occupants and therefore did not call the Member speaking to order, see 111 CONG. REC. 6022, 6023, 89th Cong. 1st Sess., Mar. 25, 1965.

**(when the rule was not yet adopted) not to recognize any Member for the purpose of calling attention to gallery occupants.**

On June 27, 1932,<sup>(18)</sup> Speaker John N. Garner, of Texas, made an announcement after permission had been requested to address the House:

MR. [JAMES V.] McCLINTIC of Oklahoma: Mr. Speaker, I ask unanimous consent to address the House for one minute to make an announcement.

THE SPEAKER: Is it concerning anyone in the gallery?

MR. McCLINTIC of Oklahoma: No, sir.

THE SPEAKER: The Chair desires to state that after consultation with a great many Members, he believes it is the better policy not to recognize Members to call attention to guests in the gallery. The Chair does not intend to recognize anyone in the future for that purpose.

### ***Acknowledging a Visitor Without Reference to His Presence***

**§ 45.9 On one occasion, a Member obtained unanimous consent to speak out of order on time yielded him during debate on a motion to suspend the rules, and delivered encomiums to a guest in the gallery, but did not mention**

<sup>18</sup>. 75 CONG. REC. 14051, 72d Cong. 1st Sess.

**the guest's presence or directly address remarks to him.**

On Sept. 25, 1978,<sup>(19)</sup> the following proceedings occurred in the House:

MR. [THOMAS S.] FOLEY [of Washington]: I yield to the gentleman from Ohio for the purpose of a unanimous-consent request.

(By unanimous consent, Mr. Luken was allowed to speak out of order.)

MR. [THOMAS A.] LUKEN [of Ohio]: Mr. Speaker, I appreciate the fact that the House has given its unanimous consent to take just 1 minute or at the most 2 minutes of the time of the House.

I rise today to salute a man whose accomplishments on the baseball diamond amount to more than most records in National League baseball history. I am talking about my friend and fellow Cincinnati and constituent, Pete Rose.

### **§ 46. References in Senate to House**

No standing rule of the Senate prohibits reference in debate to proceedings of the House, to individual Representatives, or to their remarks in debate.<sup>(20)</sup>

<sup>19</sup>. 124 CONG. REC. 31197, 95th Cong. 2d Sess.

<sup>20</sup>. The Senate rule governing order in debate is Rule XIX, Standing Rules of the Senate § 19. For an unsuccessful