(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,[18] 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 the guest's presence or directly address remarks to him.

On Sept. 25, 1978,[19] 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 Cincinnatian 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.[20]

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18. 75 CONG. REC. 14051, 72d Cong. 1st Sess.

19. 124 CONG. REC. 31197, 95th Cong. 2d Sess.

20. The Senate rule governing order in debate is Rule XIX, Standing Rules of the Senate § 19. For an unsuccess-

The Senate has not adopted as part of its rules Jefferson's Manual,[1] which prohibits reference in either the House or in the Senate to Members or proceedings of the other body.[2] And it has been said that since the Senate is a self-governing body it is for the Senate to determine how far Senators might go in commenting upon language used or proceedings in the other body.[3] Nevertheless, the Senate generally follows the parliamentary principle that it is a breach of order, as interfering with the independence of the two Houses, to allude to what has been done in the other House as a means of influencing the judgment of the one in which a question is pending.[4] References to the House or its Members have on occasion been ruled out when a point of order was raised, but it is not the custom in the Senate for the Chair to initiate action with respect to such remarks.[5]

Reference to House proceedings on a bill being considered in the Senate has been permitted by unanimous consent,[6] or where the propriety of House action or procedure on a Senate measure is in issue.[7]

The Presiding Officer of the Senate has ruled that, when refer-

ful attempt in the 88th Congress to amend Rule XIX by prohibiting reference in debate to the House, see § 46.1, infra.

For a summary of the Senate precedents on references in debate to Representatives or to the House, see Riddick/Frumin, Senate Procedure, pp. 745–48, S. Doc. No. 101–28 (1992).

For a discussion of procedure in the House for challenging unparliamentary remarks made in the Senate relating to the House or the Members, see § 44 (introductory discussion), supra.

1. See § 46.2, infra.

2. Jefferson's Manual, *House Rules and Manual* § 371 (1995).

3. Riddick/Frumin, Senate Procedure, pp. 745–48, S. Doc. No. 101–28 (1992).

For similar statements made by the Presiding Officer on more recent occasions, see §§ 46.2, 46.3, infra.

4. See § 46.7, infra, and Jefferson's Manual, *House Rules and Manual* § 371 (1995) for the parliamentary principle that "the opinion of each House should be left to its own independency."

5. See § 46.3, infra.

6. See § 46.6, infra.

7. On one occasion, the Senate was considering a resolution of inquiry into allegedly improper action by the Speaker of the House on a Senate joint resolution. The Presiding Officer ruled that Senators could use their own discretion in mentioning the Members or the proceedings of the House. See § 46.2, infra. Under normal practice, Senators may not refer to the actions of the Speaker of the House (see § 46.7, infra).

ring to a Member of the House, a Senator may not refer to the Member by name[8] or impute to him unworthy motives or falsehood.[9]

The House has on a very few occasions messaged resolutions to the Senate, characterizing language by a Senator in debate as unparliamentary and as a reflection on the House or on its Members. Pursuant to one such message the Senate ordered the objectionable language expunged from the Record,[10] but more recently the Senate took no action on a similar House resolution.[11]

The Senate has messaged a resolution to the House concerning objectionable language by a Representative in debate impugning a Senator; although the House returned the resolution to the Senate on the ground that it was a breach of privilege (because declaring a Representative's statement untrue), the House later expunged the objectionable remarks from the Record on the grounds they violated the rules of the House.[12]

Cross References

Communications from the Senate, see Ch. 32, infra.

House references to Senate, its proceedings, or Members, see § 44, supra.

House-Senate relations generally, see Ch. 32, infra.

Collateral References

Riddick/Frumin, Senate Procedure, pp. 745–48, S. Doc. No. 101–28 (1992).

Senate Rules Provisions

§ 46.1 In the Senate a resolution providing for amendment to Senate Rule XIX on debate to prohibit references in debate to certain conduct or motives of Representatives was referred to committee but was not acted on.

On Feb. 6, 1963,[13] after discussing the need for comity between the two Houses, Senator Wayne L. Morse, of Oregon, introduced in the Senate Senate Resolution 84, to prohibit by standing

8. See § 46.9, infra.

9. See §§ 46.10–46.12, infra. As those precedents indicate, Senators are allowed wider latitude, in referring to and criticizing Representatives, than Members of the House are allowed in mentioning Senators. See § 44, supra, for House precedents on the rule of comity.

10. 8 Cannon's Precedents § 2516 (cited as support for similar resolution in § 46.13, infra).

11. See § 46.13, infra.

12. See 8 Cannon's Precedents § 2514.

13. 109 CONG. REC. 1929, 88th Cong. 1st Sess.

rule certain references in debate to Members of the House.

> *Resolved*, That rule XIX be amended to add a new paragraph at the end thereof, as follows:
>
> "8. No Senator in debate shall by any form of words impute to any Member of the House of Representatives any conduct or motive unworthy or unbecoming a Representative."

The resolution was referred to the Committee on Rules and Administration, but no action was taken in the 88th Congress.

§ 46.2 In contrast to earlier decisions, the President of the Senate ruled in the 71st Congress that since the Senate had not adopted Jefferson's Manual as a part of its standing rules, references to the proceedings of the House were left to the discretion of Senators.

On Apr. 21, 1930, Senator George W. Norris, of Nebraska, discussed at length in the Senate the alleged action of the House in retaining a Senate joint resolution for more than 10 months rather than referring it to committee (S.J. Res. 3, the so-called "lame-duck" constitutional amendment).[14] Senator Norris referred extensively to House proceedings and described the action taken on the resolution as "arbitrary."

Senator Simeon D. Fess, of Ohio, then arose to make the point of order that "the rule of the Senate does not permit a Senator on the floor of the Senate to criticize what is said by a Congressman on the floor of the House nor the action of the House."

Senator Norris challenged Senator Fess to point out any such standing rule, and after intervening debate, Senator Fess cited page 248 of Jefferson's Manual, prohibiting Members of one House from referring to the proceedings of the other House. Senator Norris responded that the provisions of Jefferson's Manual stated general parliamentary law but were not binding or adopted by the Senate as part of the rules.

Vice President Charles Curtis, of Kansas, ruled on the question:

> The Senate has not adopted Jefferson's Manual as a part of the rules of the Senate. It is left to the discretion of Senators as to what they may or may not say about the proceedings of the House in connection with the resolution under consideration.
>
> MR. FESS: This is not a rule.
>
> THE VICE PRESIDENT: The Chair makes that ruling now.

Parliamentarian's Note: In so ruling, the Vice President overruled decisions to the contrary by President Pro Tempore Jacob H.

14. For Senator Norris' remarks, see 72 CONG. REC. 7311–13, 71st Cong. 2d Sess.

Gallinger, of New Hampshire, on Aug. 26, 1912,[15] and by Presiding Officer William H. King, of Utah, on July 31, 1917.[16]

Discretion of Presiding Officer

§ 46.3 The Presiding Officer of the Senate stated in response to a parliamentary inquiry that the propriety of references to Representatives is a matter of discretion with the Presiding Officer.

On Feb. 20, 1963,[17] Senator Michael J. Mansfield, of Montana, inquired of Presiding Officer Birch E. Bayh, of Indiana, whether reference by name to a Member of the House was proper in Senate debate. The Presiding Officer responded:

> The Chair respectfully submits that, according to rule XIX of the Senate, the point which the majority leader raises is not mentioned; that the subject covered in his question to the Chair has been a matter of discretion with the Presiding Officer at the specific time in question. Unless a point of order is made by the majority leader or any other Member of the Senate, the Chair will not call to order the Senator who is speaking in the Senate.

Parliamentarian's Note: Senator John J. Williams, of Delaware, who had the floor and was referring critically to a Member of the House, was permitted to proceed without objection to his remarks.

Announcements

§ 46.4 The Senate Majority Leader announced his intention in the 84th Congress to seek enforcement of the rule of comity as to disparaging remarks between the two Houses.

On Jan. 18, 1955,[18] Lyndon B. Johnson, of Texas, the Majority Leader of the Senate, made the following announcement on the floor:

> Mr. President, I have a brief announcement I should like to make. Yesterday in the House of Representatives the beloved and respected Speaker, Mr. Rayburn, made an announcement of interest, and I think of tremendous importance, to this body. The Speaker advised that it would be his practice during this Congress to enforce strictly the rule of comity between the Houses when Members of that body arose to make derogatory remarks about either the Senate or any Member of the Senate.[19]

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15. See 8 Cannon's Precedents § 2501.

16. See 8 Cannon's Precedents § 2513. Senate practice prior to the 20th century was not uniform and in some cases not ruled upon; see 5 Hinds' Precedents §§ 5096, 5098, 5100, 5110, 5122, 5126.

17. 109 CONG. REC. 2648, 88th Cong. 1st Sess.

18. 101 CONG. REC. 441, 442, 84th Cong. 1st Sess.

19. The announcement of Jan. 17, 1955, by Speaker Sam Rayburn (Tex.) stat-

Mr. President, I should like at this time to announce that, as majority leader, I, too, will follow the longstanding precedents of this body during the coming Congress in the enforcement of this rule of comity. Good relations between the House and the Senate and its Members are of the utmost importance in these critical times. I think it is equally important that the standards of Senate rule XIX which apply in the Senate should, under the precedents of comity between the Houses, be vigorously applied if the occasion arises.

It will be my intention to see that that rule is followed in the Senate while I am sitting in this chair as majority leader.

MR. [WILLIAM F.] KNOWLAND [of California]: Mr. President, will the Senator yield?

MR. JOHNSON of Texas: I yield to the distinguished minority leader.

MR. KNOWLAND: I should like to associate myself with the distinguished majority leader in his remarks. I think the orderly processes of the two Houses will be better served if the precedents of comity as between the two Houses are followed, and I am sure the public business will be expedited if the Senate observes those precedents and adheres to the rule.

MR. JOHNSON of Texas: I am delighted to have the minority leader associate himself with the statement I have made. It is quite in keeping with the course of conduct he has always followed.

References to House Legislative Proceedings

§ 46.5 A Senator was permitted to refer in debate to proceedings in the House, but not to its character or integrity.

On July 24, 1954,[20] Senator Paul H. Douglas, of Illinois, asked the Presiding Officer in the Senate a parliamentary inquiry:

The Senator from Illinois inquires whether the rules of the Senate permit reference to the proceedings of the House of Representatives. I am aware that the rules of the House of Representatives prohibit such references, and I rise to inquire whether the rules of the Senate prohibit such references, or whether they are permitted under our rules.

THE PRESIDING OFFICER: The Chair will state there is no rule to prevent a Senator from referring to the proceedings of the House of Representatives, but a Senator is not permitted to refer to its character, integrity, and so forth.

Senator Douglas then referred to legislative action of the House on the preceding evening.[1]

Effect of Unanimous Consent

§ 46.6 By unanimous consent, a member of the Senate may allude to or quote from the proceedings of the House.

ing his intention to enforce the rule of comity, appears *id.* at p. 386.

20. 100 CONG. REC. 11893, 83d Cong. 2d Sess.

1. See also 72 CONG. REC. 11677, 71st Cong. 2d Sess., June 25, 1930.

By contrast, Members of the House may not in debate mention the Senate even through complimentary remarks (see § 44.1, supra).

On Feb. 28, 1966,[2] during consideration of S. 2791, supplemental military and procurement authorization for fiscal 1966, a Senator raised a parliamentary inquiry:

> MR. [J. WILLIAM] FULBRIGHT [of Arkansas]: Mr. President, is it in order to read from a report of a committee of the House of Representatives?
>
> THE PRESIDING OFFICER:[3] The Chair reads from page 314 of "Senate Procedure":[4]
>
> > Under the precedents it has been held not in order in debate for a Senator to make reference to action by the House of Representatives, to read an extract from the proceedings of the House relating to a matter under discussion, to read from a speech made by a Member of the House during that particular Congress on the pending subject, to refer to or make any illusion to or comment upon the proceedings of the House of Representatives, or to make reference to the proceedings in the House on the matter under consideration for the purpose of influencing the action of the Senate.
> >
> > It is out of order, as interfering with the independence of the two Houses, to allude to what has been done in the other House as a means of influencing the judgment of the one in which a question is pending.
>
> However, if no objection is interposed, the Senator may proceed.
>
> MR. [RICHARD B.] RUSSELL of Georgia: Mr. President, I ask unanimous consent that the Senator from Arkansas be permitted to read the report of any House committees.
>
> THE PRESIDING OFFICER: Is there objection? The Chair hears none, and it is so ordered.

Portions of House Report No. 1293 on the pending bill were then read in debate and inserted in the Record.[5]

Reference to Speaker of the House

§ 46.7 It has been held out of order in Senate debate to refer to the actions of the Speaker of the House.

On Aug. 12, 1935,[6] Senator Huey P. Long, of Louisiana, stated in Senate debate "The Speaker of the House went to the White House, and he gave out a statement on the steps of the White House." Senator Joseph T. Robinson, of Arkansas, rose to the point of order that a Senator had no right to refer to the action of the Speaker of the House in debate. Vice President John N. Garner, of Texas, sustained the point of order. Senator Long then continued:

> I may not mention that he is a Representative? Very well; then I will for-

2. 112 CONG. REC. 4300, 89th Cong. 2d Sess.

3. Ernest Gruening (Alaska).

4. Watkins and Riddick, Senate Procedure, S. Doc. No. 44, 88th Cong. (1964).

5. See also § 46.9, infra (permission granted to Senator by Presiding Officer to read from House proceedings on certain bill).

6. 79 CONG. REC. 12892, 74th Cong. 1st Sess.

get that; but once upon a time there was a man of influence in the United States who announced on the White House steps that there would not be anything done about the Black bill, and there was not anything done about it.

§ 46.8 The President of the Senate ruled that a Senator could refer critically to the Speaker of the House when the Senate was considering a resolution to inquire into House inaction on a Senate joint resolution.

On Apr. 21, 1930,[7] the Senate was considering a resolution to inquire into the failure of the Speaker of the House to take prompt action on Senate Joint Resolution 3, a constitutional amendment passed by the Senate. Senator George W. Norris, of Nebraska, referred extensively in debate to the action of Speaker Nicholas Longworth, of Ohio, which he described as "arbitrary."

In response to a point of order, Vice President Charles Curtis, of Kansas, ruled that "it is left to the discretion of the Senators as to what they may or may not say about the proceedings of the House in connection with the resolution under consideration."

7. 72 CONG. REC. 7313, 71st Cong. 2d Sess.

Naming House Member

§ 46.9 The Senate rules do not specifically prohibit a Senator's reference to a Member of the House by name, but such a reference, if objected to, has been held out of order.

On Feb. 20, 1963,[8] Senator John J. Williams, of Delaware, had the floor in the Senate and was referring critically and by name to a Member of the House, Adam C. Powell, of New York. Senator Michael J. Mansfield, of Montana, asked Senator Williams to yield for the propounding of a parliamentary inquiry and stated as follows:

Mr. President, at page 265 of the manual entitled "Senate Procedure," the following statement appears in the fifth full paragraph:

> It has been held out of order for a Senator to make references to Members of the House——

MR. WILLIAMS of Delaware: Mr. President——

MR. MANSFIELD: The next phrase reads—I am sure the Senator would wish me to keep the continuity—"to refer to a Member of the House by name."

My question is—and I ask this question in my present capacity for clarification: Is the reference to "to refer to

8. 109 CONG. REC. 2648, 88th Cong. 1st Sess.

a Member of the House by name" out of order?

Presiding Officer Birch E. Bayh, of Indiana, responded as follows:

> The Chair respectfully submits that, according to rule XIX of the Senate, the point which the majority leader raises is not mentioned; that the subject covered in his question to the Chair has been a matter of discretion with the Presiding Officer at the specific time in question. Unless a point of order is made by the majority leader or any other Member of the Senate, the Chair will not call to order the Senator who is speaking in the Senate.

No point of order was made against Senator Williams' remarks.

On Aug. 26, 1935, the Senate was considering H.R. 9215, a supplemental deficiency appropriation bill. Senator Huey P. Long, of Louisiana, asked whether he would be permitted to read from the *Congressional Record* portions of House proceedings on the bill, and Vice President John N. Garner, of Texas, ruled that he did have a right to so read from the Record. Senator Long read a lengthy excerpt and then, in commenting upon it, mentioned the name of a Member of the House. The Vice President ruled:

> The Chair calls the Senator from Louisiana to order. . . . The Senator has no right to refer to the House of Representatives. The Chair has called his attention to that rule before, and does so now for the second time. The next time the Chair calls the Senator's attention to it the Senator will have to take his seat.

Senator Long protested that he had been granted permission to read from the Record and the Vice President responded:

> The Senator is familiar with the rule of the Senate—it has been called to his attention a number of times—with reference to referring to an individual Member of the House of Representatives, or to the House of Representatives itself in its procedure. The Senator did ask the Chair if he could read the Record of the House of Representatives. The Chair thinks he could; but the Chair does not think the Senator ought to speak with reference to the Membership of the House, or of the House itself, in a derogatory manner. That is in violation of the rule of the Senate.[9]

Reference to Member's Integrity or Motives

§ 46.10 A Senator introduced a resolution to expunge from the Record certain remarks made in the Senate impugning the integrity of a Member of the House.

On Feb. 6, 1963,[10] Senator Wayne L. Morse, of Oregon, addressed the Senate on the subject

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9. 79 CONG. REC. 14735, 14736, 74th Cong. 1st Sess.

10. 109 CONG. REC. 1927–29, 88th Cong. 1st Sess.

of comity between the two Houses. He took exception to a speech made on the Senate floor the previous day by Senator John J. Williams, of Delaware, entitled "The Administration Has Been Shoveling Out the Taxpayers' Money to Congressman Adam Powell."(11) Senator Morse discussed the precedents of the Senate on the subject:

> . . . I rise to take exception to a speech made on the floor of the Senate yesterday by the Senator from Delaware. It contained, in my opinion, such a serious imputation against the character and reputation of a colleague on the House side that in my judgment the speech should not stand, at least without a protest. It should not, in my judgment, stand as a precedent.
>
> Therefore, before finishing my remarks, I shall offer . . . a resolution to expunge the speech of the Senator from Delaware on yesterday from the permanent record of the Congressional Record. . . .
>
> The Senator from Delaware has made clear to me that he does not intend to expunge his speech from the Record, and I respect his attitude. . . .
>
> I am not going to speak at any great length, but I am going to start my discussion by calling attention to rule XIX of the Senate, to be found on page 20 of the Senate Manual. I will read section 2 of it, which is relevant and pertinent to my remarks:
>
> > No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.
>
> Section 3 reads:
>
> > No Senator in debate shall refer offensively to any State of the Union.

Senator Morse then introduced the following resolution (S. Res. 85):

> *Resolved*, That the matter appearing in the daily issue of the Congressional Record of February 5 (legislative day, January 15), 1963, beginning on page 1673, at the top of the second column, under the caption "The Administration Has Been Shoveling Out the Taxpayers' Money to Congressman Adam Powell," and extending down to and including so much of the second column on page 1675 as precedes the matter entitled "The New York City Newspaper Strike," be, and it is hereby, ordered to be expunged from the Record.

No action was taken on the resolution during the 88th Congress.

§ 46.11 It is not in order in Senate debate to impute unworthy motives to Members of the House.

On Feb. 28, 1966,(12) Senator Stephen M. Young, of Ohio, arose in the Senate to state a question

11. Senator Williams' speech, which claimed misuse of government funds for the benefit of Mr. Powell, appears at 109 CONG. REC. 1769–71, 88th Cong. 1st Sess., Feb. 5, 1963.

12. 112 CONG. REC. 4245, 89th Cong. 2d Sess.

of personal privilege, and concluded by stating a parliamentary inquiry to the Chair:

> Mr. President, I rise to a question of personal privilege. A short time ago my attention was called to some remarks made in the other body on Thursday by Representative Wayne Hays, of the 18th Ohio District, and Robert Sweeney, Ohio Representative at large, as reported on page 4019 of the Congressional Record adverting to the Vietnam conflict.
>
> According to the Congressional Record, the Representative from the 18th Ohio District stated:
>
> > Mr. Chairman, there is one matter that I would like to mention. I would like to sort of apologize to the House of Representatives. There have been a lot of remarks made on the other side of this building which I believe have aided our enemies out there, because I believe they are hoping for us to get tired of this war and quit. I further believe that is the reason they think they are winning.
> >
> > Yesterday the junior Senator from my State made a personal attack upon the Secretary of State and said that he ought to resign. On behalf of the people of my district, I want to apologize because I supported the junior Senator a year ago last fall. . . .
>
> Mr. President, I propound a parliamentary inquiry: Would it be a violation of the rules of the Senate were I to assert in this Chamber at this time that Representative Hays, of Ohio, and one-term Representative Sweeney, of Ohio, are guilty of falsely, viciously, and maliciously making stupid, lying statements assailing the loyalty and patriotism of Senators, including the junior Senator from Ohio, and that they are liars in alleging that we "have aided our enemies"?

Presiding Officer Ernest Gruening, of Alaska, ruled as follows:

> In response to the inquiry of the Senator from Ohio, the Chair states that under the precedents it has been held not in order in debate for a Senator to make reference to action by the House of Representatives. Also, it has been held out of order for Senators to make reference to Members of the House or to refer to a Member of the House by name, to criticize the action of the Speaker, to refer in debate to a Member of the House in opprobrious terms, or to impute to him unworthy motives.
>
> MR. YOUNG of Ohio: I, of course, abide by the ruling of the Chair, and I respect it. If, however, on some future occasion a similar contemptible attack is made on me with the insect-like buzzing of lying allegations by either or both of these publicity seekers, I shall surely embalm and embed them in the liquid amber of my remarks.

§ 46.12 It is a breach of order in debate in the Senate to refer to a Representative as a "liar."

On Feb. 28, 1966,[13] after a Senator had raised a parliamentary inquiry on the subject of references in debate to Representatives and had received a ruling from Presiding Officer Ernest

13. 112 CONG. REC. 4246, 89th Cong. 2d Sess.

Gruening, of Alaska, Senator Everett McKinley Dirksen, of Illinois, raised another parliamentary inquiry on the subject:

> Mr. President, for the sake of clarification and a meticulous interpretation of the rules, I should like to inquire whether calling a Member of another body a liar is an imputation of improper motive.
>
> THE PRESIDING OFFICER: Under the precedents, that would not be in order.

House Action on Senate References

§ 46.13 A Senator having assailed a House Member in debate, the House messaged to the Senate a resolution declaring the language a breach of privilege and requesting the Senate to take appropriate action concerning the subject.

On Sept. 27, 1951,[14] Mr. Clare E. Hoffman, of Michigan, arose in the House to state a question of privilege based on critical references in the Senate to a Member of the House and to introduce a resolution to be agreed to and then messaged to the Senate:

> It appears from page 12098 of the Congressional Record of yesterday, September 26, 1951, that in the other body, a Member of that body from Michigan, among other things, from the floor of that body made the following statement:
>
> Now, Mr. President, I should like to address myself briefly to the allegations and insinuations of the Representative from the Second District of Michigan, Mr. Meader.
>
> According to the newspaper clippings reaching me from the Republican National Committee, Mr. Meader and others have charged that the Democratic Party in Michigan is selling jobs in the Post Office Department. That, Mr. President, is what I meant by a political smear. Mr. Meader is a lawyer. I am surprised that he is reaching conclusions before the evidence is in. He has reached his conclusion on the basis of the fund-solicitation letter plus one letter from a constituent who complains that, as a veteran, he was passed over unlawfully for a postmaster's appointment. I immediately asked Mr. Meader for the identity of this man.
>
> Mr. Meader refused to let me know the identity of the man.
>
> Mr. Meader must be acquainted with the civil-service and post-office laws and regulations governing these matters. He must know that without cause a veteran cannot possibly be passed over by a nonveteran. The rest of his anonymous correspondent's complaint deals with hearsay.

The foregoing language which assails a Member of the House constitutes a breach of privilege. Inasmuch as the House is without authority to itself act to correct the foregoing, I send to the Clerk's desk the following resolution:

HOUSE RESOLUTION 441

Resolved, That the language published in the daily Congressional Record on Wednesday, September 26, 1951, on page 12377, in the report of an address to the Senate by

14. 97 CONG. REC. 12269, 12270, 82d Cong. 1st Sess.

the Senator from Michigan, Mr. Moody, is improper, unparliamentary, and a reflection on the character of a Member of the House, the gentleman from Michigan, Mr. Meader, and constitutes a breach of privilege and is calculated to create unfriendly relations and conditions between the House of Representatives and the Senate: Therefore be it

Resolved, That a copy of this resolution be transmitted to the Senate and that the Senate be requested to take appropriate action concerning the subject.

Mr. Speaker, the precedent for this action is found in Eighth Cannon's Precedents, page 231, section 2516. From that precedent it appears that on August 18, 1921, a Member of the other body made certain remarks referring, though not by name, to a Member of the House, which reflected upon the House Member's integrity in his representative capacity.

On August 22, following, a question of privilege was raised and a resolution, similar to the one which has been sent to the Clerk's desk, was adopted by the House and a copy was sent to the other body. Subsequently, on a unanimous-consent request in the other body, the matter referred to in the resolution was expunged from the Record. The purpose of this resolution, if that be the sense of the Senate, is to call for similar action with reference to the language used yesterday and which, by name, challenged the integrity of the Member of the House from Michigan, Mr. Meader, in his representative capacity.

Mr. Speaker, it will be noted that I have referred to a Member of the other body by name, but I followed word for word, except as to identity, a previous resolution and ruling by a former Speaker of the House to which reference has been made. I send a resolution to the Clerk's desk.

The House adopted the resolution without further debate, but no action was taken by the Senate in the 82d Congress.[15]

Reference to Presence of Member of House on Senate Floor

§ 46.14 During debate in the Senate, a member of the Senate introduced and acknowledged the presence on the floor of a Member of the House, discussed actions of and communications between Members of the House, and caused to be inserted in the Record letters from the said Member of the House to the Speaker and to the Majority Leader of the Senate.

On Feb. 10, 1978,[16] during debate in the Senate on the ratification of the Panama Canal Treaty,

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15. For a similar occurrence, where a Member of the House rose to a question of privilege based on a Senator's having assailed the House in debate, see 102 CONG. REC. 12522, 12523, 84th Cong. 2d Sess., July 12, 1956. The Senator in question, Hubert H. Humphrey (Minn.) withdrew the objectionable remarks from the permanent *Congressional Record*.

16. 124 CONG. REC. 3204, 3205, 95th Cong. 2d Sess.

Mr. Orrin G. Hatch, of Utah, made the following statements:

MR. HATCH: Mr. President . . . I would . . . like to call the attention of the Senate to the fact that one of our distinguished colleagues from the House has just brought some, I think, important papers to me.

I would like to just say that this colleague's name is Congressman George Hansen from the Second District of Idaho. Congressman Hansen has been very active of late doing everything he possibly can to justify and to bring about a means whereby the House of Representatives will not be ignored with regard to the Panama Canal treaties, and that the article IV, section 3, clause 2 sections of the Constitution likewise will not be ignored.

Congressman Hansen has put a great deal of time and effort into talking with his colleagues in the House, and he has brought over a list of 219 Members of the House who are basically subscribers or cosponsors of his resolution which states:

> That it is the sense of the Congress of the United States that any right to, title to, or interest in the property of the United States Government agencies in the Panama Canal Zone or any real property and improvements thereon located in the Zone should not be . . . disposed of to any foreign government without specific authorization . . . by an Act of Congress.

Two hundred and nineteen of his House Members have cosponsored this resolution . . . .

[Congressman Hansen] has also brought to me two letters, one written to our own distinguished colleague and friend Senator Robert C. Byrd, the majority leader, and a letter to the Honorable Thomas P. O'Neill, Jr., Speaker of the House of Representatives.

I would just quote from one aspect of the letter to Speaker O'Neill.

Congressman Hansen states in his letter to Speaker O'Neill.

> You will note that the concept of the Resolution is to protect the integrity of the legislative process against default or Executive usurpation. . . .

MR. ROBERT C. BYRD [of West Virginia]: For the Record, my answer was that under the Constitution the Senate has the sole prerogative and responsibility to give its approval to the ratification of a treaty No. 1; and, No. 2, property transfers can be self-executing by treaties that are approved by the Senate. . . .

THE PRESIDING OFFICER:[17] There is a request before this body for a unanimous consent to have printed in the Record certain documents [together with the remarks pertinent thereto]. . . .

Is there objection?

There being no objection, the material was ordered to be printed in the Record. . . .

§ 47. Criticism of Executive and Governmental Officials; References to Presidential or Vice-Presidential Candidates

Members are permitted wide latitude to criticize the President,

17. Robert Morgan (N.C.).