

pass upon the words that are being taken down.

The Clerk will report the words.

The Clerk read as follows:⁽¹⁾ . . .

THE CHAIRMAN: The Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Natcher, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2760) to amend the Intelligence Authorization Act for fiscal year 1983 . . . certain words used in debate were objected to and on request were taken down and read at the Clerk's desk, and he herewith reported the same to the House.

THE SPEAKER:⁽²⁾ . . . The Clerk will report the words objected to in the Committee of the Whole House on the State of the Union.

The Clerk read as follows: . . .

THE SPEAKER: The words having been read, and the gentleman from Wisconsin having very definitely included in his statement a disclaimer that he does not impugn the motives or intentions of any Member of the House, in the opinion of the Chair, in his legislative argument the words of the gentleman from Wisconsin are not unparliamentary and the gentleman may proceed.

The Committee will resume its sitting.

1. It is still required, under the customs and traditions of the House, for the Clerk to read the transcript, which, whether it has been taken electronically or taken in shorthand, must be reduced to writing.
2. Thomas P. O'Neill, Jr. (Mass.).

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2760, with Mr. Natcher in the chair.

§ 50. —Ruling by the Speaker

The Speaker or Speaker Pro Tempore has the sole power to rule whether words objected to violate the rules and precedents of the House.⁽³⁾ The question is not open to debate.⁽⁴⁾ Appeals may be taken from the Speaker's ruling on objectionable words but such appeals are rare.⁽⁵⁾

In ruling on words, the Speaker considers not only past precedents

3. See § 50.9, *infra*; 2 Hinds' Precedents § 1249; 5 Hinds' Precedents §§ 5163, 5169, 5187.

The Chairman of the Committee of the Whole does not rule on objectionable words (see Rule XIV clause 4, *House Rules and Manual* § 760 (1995)).

4. See § 50.7, *infra*.
5. See § 50.8, *infra*. Under clause 4 of Rule XIV, appeals are in order from the Speaker's ruling. The rule provides that: "the House shall, if appealed to, decide the case without debate." On a past occasion where an appeal was not allowed (see 5 Hinds' Precedents § 6944), the appeal was demanded on a ruling on words taken down in debate on a pending appeal. In that situation, appeals could be multiplied indefinitely.

on exact or similar words,⁽⁶⁾ but also weighs the importance of preserving free debate and expression of opinion in the House.⁽⁷⁾ The Speaker has consulted a dictionary where he was in doubt as to the meaning of colloquial expressions.⁽⁸⁾ The Speaker may seek further information than the exact words reported in order to deliver an informed ruling. For example, the Speaker has inquired of the Member called to order whether he was in fact referring to certain persons or proceedings,⁽⁹⁾ and has directed the Clerk to report words uttered in the House in addition to those objected to in order to judge the words in context.⁽¹⁰⁾

Cross References

Courses of action if words ruled out of order, see §§ 51, 52, *infra*.

Necessity of ruling if words withdrawn, see § 51, *infra*.

Speaker's rulings generally on points of order, see Ch. 31, *infra*.

Factors Considered by the Speaker

§ 50.1 In ruling on words objected to in debate, the

6. See § 50.1, *infra*.
7. See § 50.2, *infra*.
8. See § 50.4, *infra*.
9. See § 50.3, *infra*.
10. See § 50.5, *infra*.

Speaker gives weight to past precedent.

On Feb. 5, 1940,⁽¹¹⁾ a Member referred to another Member in debate as "President of the Demagogue Club." The words were demanded to be taken down and Speaker Pro Tempore Sam Rayburn, of Texas, ruled the language out of order.

On May 4, 1943,⁽¹²⁾ when one Member called another Member in debate a demagogue, Speaker Rayburn ruled that he had passed upon identical language in the past and would conform to his prior ruling, holding that words accusing a Member of demagoguery was a breach of order.

On Dec. 13, 1973,⁽¹³⁾ a Member termed an amendment offered by another as "demagogic or racist because it is only demagoguery or racism which impels an amendment like this."

Speaker Carl Albert, of Oklahoma, cited Speaker Rayburn's ruling of May 4, 1943, ruling the use of the word "demagogue" or "demagoguery" in reference to another Member out of order. In reliance on that ruling, Speaker Al-

11. 86 CONG. REC. 1529, 76th Cong. 3d Sess.

12. 89 CONG. REC. 3915, 3916, 78th Cong. 1st Sess.

13. 119 CONG. REC. 11289, 11290, 93d Cong. 1st Sess.

bert ruled that the language used was a breach of order in debate.

§ 50.2 In ruling on words objected to in debate, the Speaker gives weight to the preservation of free debate in the House.

On Mar. 7, 1942,⁽¹⁴⁾ Mr. Vito Marcantonio, of New York, stated “since the gentleman from Texas raised the question here of dereliction of duty, I say that dereliction in this matter rests at the doorstep of his committee.”

A point of order was made and the words were taken down. Speaker Sam Rayburn, of Texas, ruled as follows:

The Chair thinks that if he were to hold upon as fine a point as that, at some time free debate in the House of Representatives might cease. The Chair holds that the language does not violate the rules of the House.

On July 26, 1951,⁽¹⁵⁾ Mr. Joseph W. Martin, Jr., of Massachusetts, demanded that words used in debate by Mr. John J. Rooney, of New York, in reference to the Republican Conference be taken down. Speaker Rayburn ruled as follows:

The Chair in every instance of this kind has been most liberal with the

14. 88 CONG. REC. 2056, 77th Cong. 2d Sess.

15. 97 CONG. REC. 8969, 82d Cong. 1st Sess.

Member who uttered the words objected to, because he has always thought that great liberality must be indulged in so that we may have free and full debate. On very few occasions has the present occupant of the chair held that remarks were a violation of the rules of the House.

The Chair can hardly agree, however, that the words, applied to the meeting of the Republicans in caucus yesterday were quite proper. . . .⁽¹⁶⁾

Explanation of Member Called to Order

§ 50.3 The Speaker has relied on the assurance of a Member called to order that in using a word which was also the name of a Member he was not referring to the other Member.

On Oct. 9, 1940,⁽¹⁷⁾ Mr. Sol Bloom, of New York, objected to the alleged use by Mr. John C. Schafer, of Wisconsin, of Mr. Bloom's name in debate rather than referring to him as the gentleman from New York. Speaker Sam Rayburn, of Texas, ruled, on the assurance of Mr. Schafer that he was not referring to his colleague Mr. Bloom, that he was not speaking out of order.⁽¹⁸⁾

16. For the exact words demanded to be taken down, see § 53.3, *infra*.

17. 86 CONG. REC. 13477, 76th Cong. 3d Sess.

18. See also 113 CONG. REC. 8411, 8412, 90th Cong. 1st Sess., Apr. 5, 1967

Dictionary Definitions**§ 50.4 The Speaker has consulted a dictionary in ruling on colloquial expressions which have been objected to in debate.**

On July 16, 1935,⁽¹⁹⁾ Mr. Hamilton Fish, Jr., of New York, referred to Mr. Wright Patman, of Texas, in debate as a “snooper.” The words were taken down, and Speaker Joseph W. Byrns, of Tennessee, held that the use of the term violated the rules of the House, after consulting Webster’s Dictionary and reading the following definition to the House: “to look or pry about or into others’ affairs in a sneaking way. One who snoops; a prying sneak.”

On June 16, 1934,⁽²⁰⁾ Speaker Henry T. Rainey, of Illinois, ruled that the word “yapping”, used by Mr. George E. Foulkes, of Michi-

(Speaker inquired of Member called to order whether he was in fact quoting executive proceedings of a House committee).

Under normal practice, a Member whose words have been objected to must take his seat and may not debate the demand that his words be taken down or explain his words except on motion pursuant to clause 4 of Rule XIV (see § 52, *infra*).

19. 79 CONG. REC. 11256, 74th Cong. 1st Sess.
20. 78 CONG. REC. 12114, 73d Cong. 2d Sess.

gan, in debate to refer to addresses on the floor by Mr. John Taber, of New York, was not unparliamentary. The Speaker had consulted the dictionary and stated that the term meant “to talk loudly; chatter; scold” and was not objectionable.⁽¹⁾

Speaker Rules on Propriety of Words Objected to**§ 50.5 When there is a demand that certain words used in debate be taken down, the words objected to may be withdrawn by unanimous consent by the Member using them, but where the words are not withdrawn, the Speaker will rule on the propriety of the words.**

The following proceedings occurred in the House on Mar. 19, 1985:⁽²⁾

MR. [HARRY] REID [of Nevada]: Mr. Speaker, on February 26 of this year one of my constituents traveled nearly 3,000 miles to Washington specifically to see me about a critical issue, but he

1. See also 79 CONG. REC. 11256, 74th Cong. 1st Sess., July 16, 1935 (when ruling out of order in debate the term “stool pigeon,” the Speaker stated it was not necessary to consult a dictionary to ascertain the meaning of the expression).
2. 131 CONG. REC. 5532, 5533, 99th Cong. 1st Sess.

did not. . . . I was called away from something very important to become captive, once again, to an abusive practice, an abuse inflicted upon the entire House of Representatives and the legislative process itself, voting on the Journal.

Mr. Reid made further comments, indicated below, which were the subject of a demand that the words be taken down:

MR. [VIN] WEBER [of Minnesota]: Mr. Speaker, I demand that the gentleman's words be taken down. . . .

Mr. Speaker, would it be in order, in view of the gentleman's statement a minute ago, for me to ask unanimous consent that he be permitted to withdraw his words?

THE SPEAKER PRO TEMPORE:⁽³⁾ Yes. The Chair would entertain such a motion. . . .

MR. REID: Mr. Speaker, I respectfully submit that I appreciate the request of the gentleman from Minnesota, but I do not think I said anything offensive, and I would ask for a ruling on that.

THE SPEAKER PRO TEMPORE: The Chair will rule.

The Clerk will report the words.

The Clerk read as follows:

One of the most important things to remember is that those Members who call for these wasteful votes are led by my distinguished colleague from Pennsylvania, Mr. Walker, who speaks constantly of the need to do away with government waste, and he is literally speaking out of both sides of his mouth.

THE SPEAKER PRO TEMPORE: The Chair would announce that it is not

proper to impugn the motive of another Member. We have precedents here in the House. Mr. Knutson, of Minnesota: "I cannot believe that the gentleman from Mississippi is sincere in what he has just said." And that was held not in order on November 2, 1942.

The Chair must state that the words of the gentleman from Nevada have, in his opinion, an unparliamentary connotation and shall be stricken.

Without objection, the gentleman from Nevada may proceed. Do I hear an objection?

MR. WEBER: Yes, Mr. Speaker. . . .

Would the Chair clarify the parliamentary situation in which the gentleman from Nevada finds himself?

THE SPEAKER PRO TEMPORE: . . . The Chair has ruled that the gentleman from Nevada misspoke on the words "speaking out of both sides of his mouth," and therefore those words shall be stricken.

The Member only can proceed by permission of the House.

Context of Words Used

§ 50.6 The Speaker ordered the Clerk to report words uttered previously to words to which objection was taken in order to deliver an informed ruling.

On July 23, 1935,⁽⁴⁾ Mr. Hamilton Fish, Jr., of New York, demanded that certain words used in debate by Mr. John W. McCor-

4. 79 CONG. REC. 11699, 74th Cong. 1st Sess.

3. Kenneth J. Gray (Ill.).

mack, of Massachusetts, be taken down. On the direction of Speaker Pro Tempore John J. O'Connor, of New York, the Clerk read the following words:

The gentleman from New York [Mr. Fish], whether he intended it or not, is guilty of that crime; not only a few days ago, but is again guilty of the same crime on this occasion.

Mr. Edward E. Cox, of Georgia, then made a point of order to insist "in connection with those words, that the previous statement that he had made an unfair argument also be included."

The Speaker Pro Tempore responded:

The Chair was about to make that suggestion. To properly inform the Chair, the words previously uttered should be read in connection with the words just reported.

The Clerk will report the words uttered previously to the words to which objection was taken.

The Clerk read as follows:

I respect men who fight hard. I respect men, members of the Republican Party and the Democratic Party, who fight hard for their party, but who fight clean. I respect men who make constructive criticisms; but my general respect for men is somewhat lost when they depart from what should be and what ordinarily is their general conduct and enter into the field of unnecessary, unfair, and unwarranted attacks and arguments.

The Speaker Pro Tempore ruled that the word "crime" used by

Mr. McCormack, when taken in context, was not unparliamentary language.⁽⁵⁾

Debate

§ 50.7 The question of whether words taken down violate the rules is for the Speaker to decide and is not debatable.

On Jan. 15, 1948,⁽⁶⁾ Mr. Emanuel Celler, of New York, referred in debate to a statement by Mr. John E. Rankin, of Mississippi, as "damnable." Mr. Rankin demanded that the words be taken down. After the words were read to the House, Speaker Joseph W. Martin, Jr., of Massachusetts, inquired of Mr. Rankin whether the word "damnable" was the word objected to. Mr. Rankin responded in the affirmative and Mr. Celler interjected the inquiry "Mr. Speaker, may I be heard?"

The Speaker ruled "This is not debatable. The Chair will pass on the question."

On Mar. 9, 1948,⁽⁷⁾ after Mr. Rankin had demanded that cer-

5. Under normal practice, the Chair rules only on the language specifically objected to and reported to the House (see §§ 49.2, 49.3, *supra*).
6. 94 CONG. REC. 205, 80th Cong. 2d Sess.
7. 94 CONG. REC. 2408, 80th Cong. 2d Sess.

tain words used in debate be taken down and Speaker Martin had ruled them not a breach of order, the following exchange occurred:

MR. RANKIN: Mr. Speaker, I would like to be heard.

THE SPEAKER: It is a matter for the Chair to determine.

MR. RANKIN: I understand; but I would like to be heard on the matter. We have a right to be heard.

THE SPEAKER: The Chair has held that the words are not unparliamentary. The gentleman from New York [Mr. Celler] is merely expressing his own opinion. The gentleman from New York will proceed.

Parliamentarian's Note: Clause 4 of Rule XIV specifies that this question of order is not debatable on appeal. On infrequent occasions, the Chair has declined to rule directly on the propriety of words but has implicitly ruled them out of order by entertaining a debatable motion to expunge the words from the Record. See 8 Cannon's Precedents §2539. See also 6 Cannon's Precedents §617.

Appealing the Chair's Ruling

§ 50.8 Appeals have been permitted from rulings of the Chair that certain words spoken in debate were out of order or in order.

On Dec. 20, 1943,⁽⁸⁾ Speaker Pro Tempore John W. McCormack, of

8. 89 CONG. REC. 10922, 78th Cong. 1st Sess.

Massachusetts, ruled that a statement in debate that remarks of another Member were "false and slanderous" was a breach of the rules of the House.

Following the ruling, Mr. John E. Rankin, of Mississippi, who had uttered the objectionable words, entered an appeal from the ruling of the Chair on the ground the ruling was "so one-sided I do not think the House will sustain it." The House voted to sustain the ruling of the Speaker Pro Tempore.

On July 23, 1935,⁽⁹⁾ Mr. John W. McCormack, of Massachusetts, was proceeding in House debate, and certain words were deemed offensive by Mr. Hamilton Fish, of New York. The challenge was to an allegation that a Member "was guilty of that crime." The words which were taken down were as follows:

I respect men who fight hard. I respect men, members of the Republican Party and the Democratic Party, who fight hard for their party, but who fight clean. I respect men who make constructive criticisms; but my general respect for men is somewhat lost when they depart from what should be and what ordinarily is their general conduct and

9. 79 CONG. REC. 11699, 74th Cong. 1st Sess. See also 75 CONG. REC. 10019, 72d Cong. 1st Sess., May 11, 1932, where the Chair sustained a point of order and an appeal thereto was subsequently withdrawn.

enter into the field of unnecessary, unfair, and unwarranted attacks and arguments.

THE SPEAKER PRO TEMPORE: The Clerk will again report the words to which objection was taken.

The Clerk read as follows:

The gentleman from New York [Mr. Fish], whether he intended it or not, is guilty of that crime; not only a few days ago, but is again guilty of the same crime on this occasion.

The Speaker Pro Tempore, Mr. John J. O'Connor, of New York, ruled as follows:

The Chair may state, even though it may be gratuitous, that from his personal standpoint there has grown up in this House a ridiculous habit of causing the words of a Member to be taken down, which course often consumes a great deal of time; and, as the Chair said on the floor the other day, it appears to have come to pass recently that a Member cannot even say "boo" to another Member without some Member demanding that the words be taken down. This practice has become *reductio ad absurdum*.

The gentleman from Massachusetts [Mr. McCormack] has just uttered the words reported. The gentleman from New York [Mr. Fish] thereupon demanded that the words be taken down.

For the gentleman from Massachusetts to state that what the gentleman from New York did or said was a "crime", in the opinion of the present occupant of the chair, is but a loose expression—a word commonly used as a mere figure of speech. The word "wrong" in the dictionary is a synonym for "crime", and the Chair holds that

the use of the word "crime", under the particular circumstances, is not unparliamentary language; and the gentleman from Massachusetts may proceed.

Mr. John Taber, of New York, appealed the ruling and, on a division vote of 165–35, the Chair's ruling was upheld.

Speaker's Ruling, Challenges to

§ 50.9 The Speaker, and not the Chairman of the Committee of the Whole, rules on whether words spoken and objected to in the Committee of the Whole are in order; and the House may by proper motion dictate the consequences of the Chair's ruling the words out of order, such as whether the words should be expunged from the Record and whether the Member called to order may proceed in debate.

The following proceedings occurred in the Committee of the Whole on May 26, 1983,⁽¹⁰⁾ during consideration of H.R. 2969 (Department of Defense authorization for fiscal year 1984):

MR. [THOMAS F.] HARTNETT [of South Carolina]: . . . The gentleman

10. 129 CONG. REC. 14048, 14049, 98th Cong. 1st Sess.

from California, for whom I have a great deal of respect, is, through his proposals, through his amendment, advocating unilateral disarmament on behalf of the United States. . . .

I would say to my colleague from Indiana that when we are told by the gentleman from California that we go beyond a deterrence to a war-fighting capability, that when your deterrence is no longer a deterrence it is probably time that you build that deterrence at least to a war-fighting capability.

I do not want my colleague from Indiana to be ashamed whatsoever or to let this element over here who advocates unilateral disarmament to brow-beat you into thinking they know more than you do.

MR. [RONALD V.] DELLUMS [of California]: . . . Mr. Chairman, I object and I move that the gentleman's words be taken down. . . .

MR. [KENNETH B.] KRAMER [of Colorado]: The parliamentary inquiry is: Can the Chair tell us the procedure that relates to taking down words and what will follow?

THE CHAIRMAN PRO TEMPORE:⁽¹¹⁾ The procedure is as follows: After the Clerk reports the words, the Speaker will review the words of the gentleman from South Carolina, making a ruling thereon; unless, of course, the gentleman from South Carolina wishes, by unanimous consent, to withdraw his words. . . .

MR. KRAMER: Mr. Chairman, is the ruling of the Speaker the final word on that or is there an appeal process or how does that work exactly?

THE CHAIRMAN PRO TEMPORE: The Chair would inform the gentleman

that the Speaker would rule on that but that after the Speaker has ruled it would be in order to dictate the consequences of the ruling of the Chair by proper motions in the House. . . .

MR. HARTNETT: Mr. Chairman, I am not certain as to which of my remarks struck such a sensitive chord among my colleagues here this afternoon. My words that have been now requested to have been taken down were to the point that there is an element here in the House that would advocate unilateral disarmament. Now it is my understanding, Mr. Chairman, and I would like a ruling on this, that the element means a section, a portion, a fraction or a part or less than the whole and my statement was that there was an element or a less than the whole membership of this House who would advocate a unilateral disarmament and I would like the Chair to rule.

THE CHAIRMAN PRO TEMPORE: It is neither the intention nor the privilege of the current presiding officer of the Committee of the Whole to make such a ruling. That is the prerogative of the Speaker and when the gentleman's words are read to the House, the Speaker will so rule.

Rulings on Words Reported From Committee of the Whole

§ 50.10 Where words uttered in the Committee of the Whole are taken down and reported to the House, the Speaker will not rule on other words that may have been used in the Committee.

On July 27, 1965,⁽¹²⁾ Mr. Howard W. Smith, of Virginia, de-

11. 111 CONG. REC. 18441, 89th Cong. 1st Sess.

11. Thomas J. Downey (N.Y.).

manded that certain words used in debate in the Committee of the Whole by Mr. Charles E. Goodell, of New York, be taken down. Speaker John W. McCormack, of Massachusetts, directed the Clerk to read the words that had been objected to, and the Clerk read two sentences that were reported from the Committee of the Whole.

Mr. Smith rose and objected that the Clerk had failed to read all of the language used. Speaker McCormack ruled that the Chair could pass only on the words that had been reported. After the Speaker delivered a ruling on the words, Mr. Smith arose to demand that the sentence following the words ruled out be taken down. Speaker McCormack responded "The Chair will state that the Chair can only pass upon the words presented to the Chair and which were taken down in the Committee of the Whole."

Senate Practice

§ 50.11 Where a Senator is called to order for words spoken in debate, the Presiding Officer makes a determination as to whether the words transgress the rules; an appeal from his decision is in order and is debatable within any time limitations adopted by the Senate.

On May 14, 1964,⁽¹³⁾ Senator Spessard L. Holland, of Florida, asked unanimous consent to interrupt pending business for the consideration of Senate Resolution 330, such consideration not to exceed 40 minutes (the resolution extended the time and scope of a committee investigation). Senator Michael J. Mansfield, of Montana, made some remarks on the resolution and was called to order by Senator Clifford P. Case, of New Jersey, for stating: "The intemperate inference, the thinly veiled implication in which some have indulged."

Presiding Officer Edward M. Kennedy, of Massachusetts, ruled that the words indicated did not violate the rules of debate, and Senator Case appealed that ruling and suggested the appeal was debatable. The Presiding Officer responded:

Under paragraph 4 of rule XIX, the appeal from the ruling of the Chair is debatable. The rule provides that if any Senator, in speaking or otherwise, in the opinion of the Presiding Officer transgress the rule, such Senator may appeal from the ruling of the Chair, which appeal shall be open to debate.

The Presiding Officer then stated that the time limitation had expired, and that the question

¹³ 110 CONG. REC. 10926-31, 88th Cong. 2d Sess.

was on the consideration of the resolution. Senator Case asked for recognition on his appeal, but the Presiding Officer ruled that the expiration of the time limitation, and the intervening motion of Senator Mansfield to lay the resolution on the table, precluded further debate.⁽¹⁴⁾

§ 51. — Withdrawal or Expungement of Words; Disciplinary Measures

Rule XIV clause 4 provides for action by the House where a Member is called to order:

If any Member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any Member may, call him to order . . . if the decision is in favor of the Member called to order, he shall be at liberty to proceed, but not otherwise; and, if the case requires it, he shall be liable to censure or such punishment as the House may deem proper.⁽¹⁵⁾

14. For a memorandum, prepared by the Senate Parliamentarian and inserted in the Record by the Senate Majority Leader, explaining the parliamentary situation on S. Res. 330, see 110 CONG. REC. 11087, 88th Cong. 2d Sess., May 16, 1964.

15. *House Rules and Manual* § 760 (1995).

See also Jefferson's Manual, *House Rules and Manual* § 303 (1995): "[W]hatever is spoken in the House

Under the rule, a Member whose words are taken down must take his seat and may not be recognized until the House permits him to proceed in order⁽¹⁶⁾ or unless the House by motion permits him to explain the words before a ruling. But he may be recognized in the discretion of the Speaker, either before or after the words have been reported, for the limited purpose of requesting unanimous consent to withdraw the words in question.⁽¹⁷⁾ Where such request is granted, the objectionable words are no longer before the House and the Member called to order may proceed without the consent of the House.⁽¹⁸⁾

Where the words are not withdrawn and are ruled unparliamentary by the Speaker, the fol-

is subject to the censure of the House; and offenses of this kind have been severely punished by calling the person to the bar to make submission, committing him to the tower, expelling the House, etc."

For obsolete parliamentary procedure in relation to disorderly words, see Jefferson's Manual, *House Rules and Manual* §§ 366, 368 (1995).

For the remedy of one House against a Member of the other House for disorderly words in debate reflecting upon the former, see §§ 44.9, 46.13, *supra*.

16. See §§ 52.4, 52.5, *infra*.

17. See §§ 51.1–51.3, *infra*.

18. See § 52.3, *infra*.